Data Retention Policy

If you have difficulty with reading this policy, including any difficulties with sight or hearing, or if you require this document translated into another language, please contact us and we will be happy to provide this information in a format that suits your needs.

Our Vision, Our Values, Our Strategic Objectives

Our Vision

A vibrant neighbourhood where everyone can prosper.

Our Values

Caring, Reliable, Fair, Open and Adaptable

Our Strategic Objectives



Equality and Diversity Statement

Elderpark Housing are committed to ensuring people or communities do not face discrimination or social exclusion due to any of the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex or sexual orientation.

This document complies with our Equality and Diversity Policy.

We will regularly review this Policy and consider any equalities implications taking the necessary action to address any inequalities (either directly or indirectly) that result from the implementation of this Policy.

Executive Summary

Policy Author

This policy has been developed by the DPO and responsibility for timely review sits with the DPO.

Purpose of the Policy

The purpose of this policy is to set out how Elderpark handles, stores, retains and disposes of corporate data in line with legal and regulatory requirements; while also ensuring we adhere to our obligations under data protection requirements to support operations of the business through the effective creation, retention and disposal of data. It is recognised that due to the volume of data the associations hold not everything will be covered within the recommendations, therefore the policy sets out the steps to be taken if the situation arises and a query around retention periods on data not specifically listed.

Aims and Objectives of the Policy

The overall aims of this policy are to set out guidance for all employees on the recommended retention periods for data held across the organisation, clearly defining roles and responsibilities of all employees in complying with the policy to achieve the objective of legal compliance for the association in the area.

Legislative and Regulatory Compliance

Data retention is governed by UK GDPR and the Data Protection Act 2018. While the Act does not specify time limits, it does require organisations to justify the length of time data is being keep. Organisations must ensure personal data is kept for no longer than necessary for the purpose which it was processed. Where non-personal data is being kept for longer periods of time to support research, statistical information or safeguarding this must be justifiable and proportionate to the operations of the business.
Due to the processing and retention or personal data which at times will include personal data the Equality Act 2010 is also relevant to this policy together with the Scottish Housing Regulators (SHR) regulatory guidance of data collection for protected characteristics.

Equalities

As this policy covers the processing and retention of personal data which includes protected characteristics listed under the Equality Act 2010 an Equalities Impact Assessment has been carried out and is attached as Appendix 2

Privacy

All data processed and handled by Elderpark Housing is done so in line with our Data Protection Policy and Transparency Statements. A GDPR Impact Assessment has been carried out as part of developing this policy.

Related Policies

Policy Title	Location
Data Protection policy	Data Protection Policy
Transparency Statement	Tenant Transparency Statement
Disciplinary policy	

Contents Page

1	Introduction	Page 6
2	Legal and Legislative requirements	Page 6 – 7
3	Guiding principals	Page 7
4	Role and responsibilities	Page 7
5	Recommended retention periods	Page 7 - 8
6	Disposal and destruction of data	Page 8
7	Consequences of failure to comply	Page 8
8	Review	Page 8

Appendices

Appendix 1 – Recommended Retention Periods	Page 9 - 19
Appendix 2 – Equality Impact Assessment	Page 20
Appendix 3 – GDPR Impact Assessment	Page 21

1. Introduction

1.1 Our corporate information, records and data are important to how we conduct business and manage employees.

1.2 There are legal and regulatory requirements for us to retain certain data, usually for a specified amount of time. We also retain data to help our business operate and to have information available when we need it. However, we do not need to retain all data indefinitely, and retaining data can expose us to risk as well as be a cost to our business.

1.3 This Policy explains our requirements to retain data and to dispose of data and provides guidance on appropriate data handling and disposal.

1.4 Failure to comply with this Policy can expose us to fines and penalties, adverse publicity, difficulties in providing evidence when we need it and in running our business.

1.5 This Policy covers all data that we hold or have control over. This includes physical data, such as hard copy documents, contracts, notebooks, letters and invoices. It also includes electronic data, such as e-mails and electronic documents. It applies to both personal data and non-personal data. In this Policy, we refer to this information and these records collectively as “data”.

1.6 This Policy also covers data that is held by third parties on our behalf, for example, cloud storage providers or offsite data storage.

2. Legal and Legislative requirements

2.1 Data retention is governed by UK GDPR and the Data Protection Act 2018. While the Act does not specify time limits, it does require organisations to justify the length of time data is being keep. Organisations must ensure personal data is kept for no longer than necessary for the purpose which it was processed. Where non-personal data is being kept for longer periods of time to support research, statistical information or safeguarding this must be justifiable and proportionate to the operations of the business.

2.2 The legislation sets out it is for organisations to develop a policy which sets out the recommended retention periods for the various personal and non-personal data it may hold.

2.3 Due to the processing and retention or personal data which at times will include personal data the Equality Act 2010 is also relevant to this policy. The recommended retention periods for this data are listed at Appendix 1, it should be noted these are

the maximum retention period and where the processing purpose has been fulfilled and the data is no longer required, it may be disposed of upon completion of the processing purpose.

2.4 The Scottish Housing Regulator produced guidance on equality data collection and any data of this nature held by the association will be handled and processed in line with this as well as the above legislation.

3. Guiding principles

3.1 Through our data retention practices, we aim to meet the following commitments:

- We comply with legal and regulatory requirements to retain data.
- We comply with our data protection obligations, in particular, to keep personal data no longer than is necessary for the purposes for which it is processed.
- We handle, store and dispose of data responsibly and securely.
- We create and retain data where we need this to operate our business effectively, but we do not create or retain data without good business reason.
- We allocate appropriate resources, roles and responsibilities to data retention.
- We regularly remind employees of their data retention responsibilities.
- We regularly monitor and audit compliance with this Policy and update this Policy when required.

4. Role and responsibilities

4.1 We aim to comply with the laws, rules, and regulations that govern our organisation and with recognised good practices. All employees must comply with this Policy. Failure to do so may subject us to serious civil and / or criminal liability.

4.2 Our Data Protection Officer (DPO) is responsible for identifying the proper period of retention for our data and for providing guidance and training to employees in relation to this Policy. Employees are, however, responsible for handling the destruction of data whose retention period has expired.

5. Recommended retention periods

5.1 Certain data is more important to us and is therefore listed in the recommended retention periods set out in the Schedule to this Policy as being required to be retained permanently. This may be because we have a legal requirement to retain it

permanently (so that we can produce it in the future), or because we may need it as evidence of our transactions, or because it is important to the running of our business. The period specified for any personal data is the maximum and the period specified for any non-personal data is the minimum retention period.

5.2 Some data may be discarded or deleted once it has served its useful purpose or the period for bringing any claims against us has expired. The recommended retention periods set out in the Schedule to this Policy specify time periods for the retention of such data. Such data should not be retained beyond this period, unless a valid and strong business reason justifies its continued retention. If employees are unsure whether to retain certain data beyond the recommended retention period, they should consult the DPO.

5.3 If data is not listed in the recommended retention periods set out in the Schedule to this Policy, employees should consult the DPO for guidance.

6. Disposal and destruction of data

6.1 Hard copy data must be destroyed by shredding via the external contractor and electronic data must be deleted securely in a manner that it cannot be reconstituted after it has been deleted. Hard disk drives must be securely destroyed. No hard copy data should be destroyed by recycling.

6.2 Data must not be destroyed if the DPO confirms that its continued retention is relevant and necessary for the purposes of legal proceedings in which we are involved.

7. Consequences of failure to comply

7.1 We take compliance with this Policy very seriously. Failure to comply with the Policy may lead to disciplinary action for an employee under our Policies, and this action may result in dismissal for gross misconduct.

7.2 Any questions or concerns about this Policy should be directed to the DPO.

8. Review

We will review and update this Policy in accordance with our data protection obligations and we may amend, update or supplement it from time to time and at least every 5 years or earlier, if required by changes in legislation.

Appendix 1 – Recommended data retention periods

Type of data	Recommended retention period
Governance and Management	
• Certificate of registration as a registered social landlord from SHR • Confirmation of registration as a Scottish charity from OSCR • Confirmation of charitable status from HMRC • Certificate of registration as a registered society with the FCA • Certificate of registration as a care provider with the Care Inspectorate • Rules and Standing Orders	Permanent
• Applications for membership	5 years from date of end of membership
• Full membership register • Abbreviated membership register • Register of share certificates • Register of tenant organisations	Permanent
• Board member declarations of interest • Board member documents, including appointment letters and bank details	6 years from end of membership
• Board (and AGM and SGM) minutes and resolutions (including special resolutions)	Permanent
• Board (and AGM and SGM) papers (including notice of Board meetings, AGMs and SGMs)	6 years from date of issue
• Register of Board members	Permanent
• Register of payments and benefits • Register of gifts and hospitality	10 years from date of register entry
• Annual return on the Scottish Social Housing Charter, including supporting information	5 years from date of submission

Type of data	Recommended retention period
• Annual return to the FCA	Permanent
• Business plans and supporting documentation • Business continuity plans	5 years from date of completion
• Risk registers	Permanent
Housing Management and Financial Inclusion / Income Maximisation	
• Housing application form (including equalities and medical information) • Tenancy offer letters • Tenant visit records • Tenancy agreement • Emergency contact information / next of kin • Correspondence to and from tenants • Tenants' contact details • Tenants' identity documentation • Pet permissions • Alterations permissions • Changes to tenancy, including assignations, changes to joint tenancy, mutual exchange requests, sublets and succession forms and letters • Powers of attorney / mandates of authority • Guardianship documentation • Tenancy reference requests (received and provided) • Housing Benefit related documentation, including applications, claims (including reinstatement claims), consent mandates and correspondence to and from local authority Housing Benefit department • Universal Credit related documentation • Referrals for money and benefits advice • Correspondence to and from DWP • Correspondence to and from local authority Social Work department	6 years from date of end of tenancy (including moves)

Type of data	Recommended retention period
• Correspondence to and from support agencies • Occupational therapists' reports • Anti-social behaviour incidents, including Police reports, complaints, witness statements and noise recordings • End of tenancy form • Eviction case files • Void process documentation • Communications with local authority regarding allocations • Diary notes on document management system • Court letters, documents and notices of proceedings, court reports, correspondence with solicitors and correspondence to and from Shelter	
• Abandonment files	6 years from the date of end of tenancy
• Unsuccessful housing applications	6 years after notification of outcome of application
• Tenant general (non-repair) satisfaction surveys and consultations	6 years from date of completion
• Advice regarding benefits, debts arrears reduction and income maximisation, including details of referrals to, and contact with, other agencies	6 years from the date of end of tenancy
Maintenance and Works	
• Gas records	6 years from date of inspection
• Decanting records • Inspection / complaint file notes	6 years from date of end of tenancy
• Affordable Housing Supply Programme Funding documentation for adaptations • Correspondence with tenant re: works and adaptations	6 years from date of completion of works

Type of data	Recommended retention period
•	
• Works orders	Permanent
• Stock condition surveys	2 years from date of survey
• Electrical records	6 years from date of inspection
• Insurance claims	Depends on the requirements of the insurer (but minimum of 6 years from date of claim)
• Tenant repair satisfaction surveys and consultations	6 years from date of completion
Factoring	
• Factoring agreement	6 years from date of termination of factoring agreement
• Communal work requests	6 years from the date of termination of factoring agreement
Finance, Pensions and Insurance	
• Signed versions of accounts • Grant funding (HAG, etc.)	Permanent
• Tax returns	10 years from the end of the relevant financial year
• Tenant financial information, including bank details	7 years from the date of final payment
• Rent payments, rent statements and rent refunds • Arrears correspondence • Debt recovery, earnings and bank arrestment • Bankruptcy information	6 years from date of end of tenancy
• Employee salary records, records of overtime, bonuses and benefits in kind	7 years from date of termination of employment

Type of data	Recommended retention period
• Pay As You Earn (PAYE) records, including wage sheets, deductions, working sheets, calculations of the PAYE income of employees and relevant payments to them, the deduction of tax from, or accounting for tax in respect of, such payments • Copies of notices to employees (e.g. P45, P60) • HMRC correspondence in relation to tax codes, pay and tax details • Travel and subsistence payments (including expense claims and payments), season ticket advances and loans to employees • Employee income tax records • Records of income on which National Insurance contributions are payable • Records of employer's and employee's National Insurance contributions • Correspondence with HMRC • National minimum wage requirements records, including hours worked • Statutory sick, maternity, paternity and shared parental pay records, calculations, certificates or other evidence • Leave records	
• Pension actuarial valuation reports • Returns of pension fund contributions • Annual reconciliations of pension fund contributions	Permanent
• Documentation relating to retirement benefits	Permanent
• Current and former insurance policies and certificates	Permanent
• Annual insurance schedules	6 years from the end of period of insurance

Type of data	Recommended retention period
Information Requests and Complaints	
• GDPR subject access request register • Third party disclosure register • Environmental information request register	6 years from date of register entry
• GDPR subject access request case files, personal data provided, including legal advice and internal communications regarding request • Environmental information request case file, including record of correspondence with applicant and information provided	3 years from date of response / last contact
• Complaints to the Information Commissioner (GDPR) and the Scottish Information Commissioner (environmental information) • Complaints (including stage 2 complaints, correspondence with the SPSO and complaints performance reports) • Data security incident and breach investigation documentation	6 years from date of last action / report production / end of investigation
• GDPR general compliance records	3 years
• Data security incident and breach register	Permanent
Health and Safety	
• Health and safety assessments • Health and safety policy statements • Records of consultations with safety representatives	Permanent
• Health and safety statutory notices	6 years after compliance
• Records of reportable injuries, diseases or dangerous occurrences, including	5 years from date of the entry

Type of data	Recommended retention period
reportable incidents, reportable diagnoses and injury arising out of accident at work (and associated investigations and the accident book)	
• Records of reportable injuries, diseases or dangerous occurrences, including reportable incidents, reportable diagnoses and injury arising out of accidents involving children (and associated investigations and the accident book)	Depends on the requirements of the insurer (but minimum of 25 years)
• Record of employees exposed to asbestos dust, including health records of each employee • Medical records and details of biological tests under the Control of Lead at Work Regulations • Medical records specified by the Control of Substances Hazardous to Health Regulations (COSHH)	40 years from the date of the last entry made in the record
• Records of monitoring of exposures to hazardous substances (where exposure monitoring is required under COSHH)	Where the record includes the personal exposures of identifiable employees, 40 years from the date of the last entry made in the record Otherwise, 5 years from the date of the last entry made in the record
• Records of tests and examinations of control systems and protective equipment under COSHH	5 years from the date on which the record was made
Recruitment and Human Resources	
• Rejected job applicant records, including application letters or forms (including equal opportunities monitoring forms), CVs (including copies of qualifications), references and other pre-employment checks, interview notes, assessment and	6 months from date of notification of rejection

Type of data	Recommended retention period
psychometric test results and correspondence concerning application	
• Application records of successful candidates, including application letters or forms (including equal opportunities monitoring forms), CVs (including copies of qualifications), references and other pre-employment checks, interview notes, assessment and psychometric test results and correspondence concerning employment	7 years from date of termination of employment
• Criminal records requirement assessments for a particular post, consisting of criminal records information forms and the recorded outcomes of Disclosure Scotland checks	12 months after the assessment was last used All other information, as soon as practicable after the check has been completed and the outcome recorded, unless the DPO assesses – in exceptional circumstances – that retention is relevant to the ongoing employment relationship, in which case, maximum retention period of 6 months after the check has been completed
• Copies of identification documents	2 years from date of termination of employment
• Identification documents of foreign nationals (including right to work)	2.5 years from date of termination of employment
• Employment contracts, including personnel and training records, written particulars of employment and changes to terms and conditions of employment • Employee performance and conduct records, probationary period reviews, review meeting and assessment interviews, appraisals and evaluations and promotions and demotions • Death benefit nomination and revocation forms	7 years from date of termination of employment

Type of data	Recommended retention period
• Resignation, termination and retirement records • Grievances • Collective workforce agreements • Records concerning temporary employees	
• Disciplinary investigations, including warnings	6 months after conclusion of investigation or expiry of warning
• Records relating to and / or showing compliance with Working Time Regulations, including registration of work and rest periods and working time opt-out forms	3 years from the date on which the record was made
• Trade union agreements	10 years after ceasing to be effective
• Occupational health records	40 years after completion of assessment
• Redundancy records	7 years from date of redundancy
Contracts and Procurement	
• Transfer Agreement	30 years after the date of stock transfer
• Contracts executed under seal	20 years after the end of the contract
• Contracts for the supply of goods or services, including professional services • Documentation relating to small one-off purchases of goods and services where there is no continuing maintenance or similar requirement • Licensing agreements • Rental and hire purchase agreements • Indemnities and guarantees	6 years after the end of the contract
• Loan agreements • Right to buy sale documents	Permanent
• Forms of tender	6 years after notification of award decision

Type of data	Recommended retention period
• Document relating to unsuccessful tenderers	3 years after contract award
• Documents relating to successful tenderers	6 years after the end of the contract
Property Records	
• Leases and titles to property	20 years after the end of the lease / ownership ceases
• Development documentation	Permanent
• Wayleaves, licences and servitudes	20 years after the rights that were granted or received cease to exist
• Planning and building control permissions • Title searches undertaken prior to purchase of property	20 years after ownership ceases
• Property maintenance records	Permanent
Vehicles	
• Ownership and registration documentation • Maintenance records, including MOT tests and servicing • Mileage records	2 years after the date of disposal of vehicle
PR, Communications and Website	
• Newsletter distribution lists (post)	Until the recipient opts out of receiving the newsletter
• Social media posts	Depends on internal business requirements
• Website contact forms / requests / enquiries / complaints	Delete as soon as the form / request / enquiry / complaint has been transferred to the document management system,

Type of data	Recommended retention period
	although the original may be retained for audit trail purposes
• Photographs (including consent forms, where available)	Until the subject of the photograph objects to their photograph being used
Office and Administration	
• Visitor book entries	6 months from date of visit