



**DOCUMENT RETENTION & DISPOSALS POLICY**  
**INCLUDING DATA RETENTION SCHEDULE**  
**POLICY NO. 52**

<b>Date Reviewed:</b>	February 2024
<b>Date of Next Review:</b>	February 2027
<b>Regulatory Standards of Governance and Financial Management</b>	<b>Regulatory Standard 4</b> The governing body bases its decision on good quality information and advice and identifies and mitigates risk to the organisation's purpose.

## **1. INTRODUCTION**

1.1 There are legal and regulatory requirements for Housing Associations to adhere to when retaining, or disposing of, data about their tenants, applicants for housing, suppliers, employees, agents, volunteers and board members. Disposal is as important an issue as retention: premature disposal can mean the loss of information that is critically required; while retaining data can expose organisations to risk as well as be a cost to their business. Keeping hard copy records takes up both valuable time and resources.

1.2 This Policy explains the requirements to retain and dispose of data for Housing Associations and provides guidance on appropriate data handling and disposal. It complements the Association's separate guidance on the General Data Protection Regulations and allied data protection issues.

1.3 The list of documents contained within the Data Retention Schedule (Appendix A) is not exhaustive, and where documents are not listed, they should only be retained as required by law, or as long as is required for its purpose.

1.4 The Schedule covers all types of data held in a structured filing system, that we hold or have control over, including physical data such as hard copy documents, contracts, notebooks, letters and invoices.

It also includes electronic data such as emails, electronic documents, audio and video recordings and CCTV recordings. It applies to both personal data and non-personal data. It also applies to data held by third parties that organisations use on our behalf, such as cloud storage providers or offsite records storage.

1.5 The Schedule lists the principal documentation which we should keep, together with details of statutory retention periods and recommended retention periods. There are a number of cases where the Recommended Retention Period exceeds the Statutory Period. This reflects guidance by the National Housing Federation that, in the specific circumstances of Housing Associations, it may be appropriate or prudent to retain documents for longer than the minimum period laid down by law.

However, it is not recommended that a blanket approach of retaining information for an indefinite time is adopted: on the contrary, appropriate disposal is as important as appropriate retention, and we should particularly bear in mind that Article 5(1)(e) of the General Data Protection Regulations states that personal data should not be kept for longer than is necessary for the purposes for which those data are processed.

## **2. STORAGE MEDIUM**

In general, it is for the organisation to choose whether to store documentation in hard copy or electronically. Data stored electronically must allow the information to be presented in a readable format and be readily convertible to a paper format if required. HM Customs & Excise has particular requirements relating to electronically stored data and has the power to withdraw approval in any individual case. It is advisable to obtain legal advice on the admissibility of electronically formatted documents for presentation in a court of law.

## **2. STORAGE MEDIUM (Continued)**

- 2.1 Care must always be taken when deciding to store documents, whether that is physical storage or it is scanning of documents into the Housing Management system;

When considering the need for storage, staff must consider:

If we need to access the documents easily/quickly?

If we need to keep the documents and if so, for how long?

If we need the original or would a copy suffice?

Whether it's best to physically store the documents or scan them

- 2.2 Archived material will be reviewed annually by the Corporate Manager, who will take responsibility for ensuring the timely destruction of stored material which is no longer required.

## **3. DATA PROTECTION**

The Data Protection Act (DPA) 2018 came in to force in May 2018 to replace the previous Data Protection Act 1998. The DPA 2018 is the UK's implementation of the General Data Protection Regulation (UK GDPR). The 2018 Act modernises data protection laws in the UK to make them fit for purpose for our increasingly digital economy and society.

Everyone responsible for using personal data has to follow strict rules called 'data protection principles'. They must make sure the information is:

- used fairly, lawfully and transparently;
- used for specified, explicit purposes;
- used in a way that is adequate, relevant and limited to only what is necessary;
- accurate and, where necessary, kept up to date;
- kept for no longer than is necessary;
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage.

Please see the Association's Privacy Policy for more detailed information on data protection

## **4. KEY TO STATUTORY RETENTION SOURCES**

CA – Companies Act 2006

CAWR – Control of Asbestos at Work Regulations 1987

Ch A – Childrens Act 1989

CIPD – Chartered Institute of Personnel and Development

DPA – Data Protection Act 2018

FCA – Financial Conduct Authority

ICSA – The Governance Institute

ICO – Information Commissioner's Office

IPSA – Industrial And Provident Societies Act 1965

IT(E)R – Income Tax (Employment) Regulations 1993 Page 3  
LA /Limitations for legal proceedings – Limitations Act 1980  
RIDDOR – Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 1985  
RBS(IP)R – Retirement Benefits Schemes (Information Powers) Regulations 1995  
RRA – Race Relations Act 1976  
SACRO – Safeguarding Communities, Reducing Offending  
SCVO – Scottish Council for Voluntary Organisations  
SDA – Sex Discrimination Acts 1965 & 1975  
SMPR – Statutory Maternity Pay Regulations 1982  
SSPR – Statutory Sick Pay Regulations 1982  
TMA – Taxes Management Act 1970  
VATA – Value Added Tax Act 1994

## **5. OTHER INFORMATION SOURCES**

There is a wealth of printed and online sources for further information and advice on this subject.

See the Federation's guidance on GDPR:

<https://www.housing.org.uk/resource-library/browse/general-data-protection-regulation-gdpr-briefing/>

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

<https://scvo.org.uk/running-your-organisation/legislation/data-protection>

The ICSA Guide to document retention, 2nd edition, Andrew C Hamer, ICSA publishing

## **6. EQUALITY & DIVERSITY**

Glen Housing Association is committed to promoting fair and equal treatment for all and is opposed to any form of unlawful discrimination. We operate an Equality & Diversity Policy which informs all aspects of our business and ensures we adhere to the Equality Act 2010.

In line with our commitment and upon request, the Association can make this Policy available, free of charge, in a variety of alternative formats including large print, audio, Braille and community languages.

There are no equality impacts relating to this policy.

## **7. POLICY REVIEW**

This policy will be reviewed on a 3 yearly basis to ensure its aims are being achieved, or earlier if a material change or regulatory standard requires this.