



Data retention policy

1. Introduction

- 1.1. The Alcohol & Drug Service (ADS) is compliant with the General Data Protection Regulations (GDPR) which states that there should be a clear limit for which data is stored. This policy sets out the retention period for data records and stipulates the method of destruction.
- 1.2. ADS will keep personal data in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed.

2. Determining the retention period

- 2.1. Some data records will need to be retained for longer than others (see ADS GDPR Policy).
- 2.2. Some personal data may be stored for longer periods insofar as the data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes, subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of the data subject.
- 2.3. The ADS carefully considers the retention period of each type of data and identifies the retention period based on legislation, best practice guidance and legal advice. A full list of record types their retention periods and the reasons for the retention period length is at Annex 1 attached to this policy.

3. Action at the end of retention period

- 3.1. When stored data reaches the end of the data retention period described in Annex 1, a review of the data will take place. The review and its results will be notified to the ADS Data Protection Officer prior to any data being destroyed. Where records are to be destroyed the process at paragraph X must be followed.

4. Archive

- 4.1. At end of retention period OR, for logistical reasons earlier, records may be archived to the ADS safe storage facility. It is the responsibility of the local service manager to ensure records are archived in compliance with ADS policy and procedure.



4.2. The storage facility is GDPR compliant and includes an auditable chain of custody and safe storage/retrieval.

5. **Destruction of records**

5.1. Where records are to be destroyed, the following must apply.

5.2. **Paper:** paper records must be destroyed using a shredder under confidential conditions. The European standard for paper shredder security is Deutsche Industrial Norm (DIN) 66399. There are 7 levels ranging from DIN 1 to DIN 7 in order of increasing security. For the destruction of personal data, a shredder at DIN 6 must be used. DIN 6 is defined as; Espionage-safe, for extremely high demands of security such as military or government departments.

5.3. **Digital** records will be deleted under confidential conditions and under the guidance of the ADS specialist IT support.



Record Retention Period

The table below lays out the ADS retention period for record retention. It details the type of record, starting point for the period of retention, the action to be taken at the conclusion of the retention period and a notes section with information and guidance.

Where a specific record does not appear in the table below please contact the ADS Data Protection Officer for advice.

For many record types there are statutorily prescribed timescale for their retention. Where this is the case the table below references these as the 'statutory authority' under which the retention period is decided. In cases where there is no statutory authority the decision has been made using three points of reference;

1. The UK Limitation Act 1980 contains a 6-year time limit for starting many legal proceedings. So where documents may be relevant to a contractual claim these are kept for at least a corresponding 6-year period.
2. Good practice advice from professional governing bodies and or legal advisors
3. The operational running of the ADS

| Service-user records | | | | |
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| Record Type | Retention start | Retention period | Action at end of retention period | Notes |
| Adult social care records (in line with Mental Health records) | End of care or service user last seen | 20 years or 8 years after the service user has died | Review and if no longer needed destroy | Check for any other involvements that could extend the retention e.g. usefulness in delivering effective care of the records if a service user relapses 8+ years after discharge, was the adult defined as 'vulnerable' |
| Children and Young Adult records | Discharge | 26th birthday | Review and if no longer needed destroy | Check for any other involvements that could extend the retention. All must be reviewed prior to destruction taking into account any serious incident retentions. |



Statutory authority: Limitation Act 1980

| Corporate Governance | | | | |
|---|--------------------------|-------------------------|--|--|
| Record Type | Retention start | Retention period | Action at end of retention period | Notes |
| Board Meetings minutes and papers | Creation | Permanent | N/A | Historical purposes |
| SUI's | From date of incident | 20 years | Review and if no longer needed destroy | Check for any other involvements that could extend the retention |
| Staff records | | | | |
| Record Type | Retention start | Retention period | Action at end of retention period | Notes |
| Personnel files and training records | After employment ceases | 6 years | Review and if no longer needed destroy | Check for any other involvements that could extend the retention |
| Disciplinary, grievance records including employment tribunal | After employment ceases | 6 years | Review and if no longer needed destroy | Check for any other involvements that could extend the retention |
| Redundancy details, calculations of payments, refunds, notification to the Secretary of State | From date of redundancy | 6 years | Review and if no longer needed destroy | Check for any other involvements that could extend the retention |
| Senior executives' records (that is, those on a senior management team or their equivalents) | Creation | Permanent | | For historical purposes (CIPD recommendation) |
| Statutory Sick Pay records, calculations, certificates, self-certificates | After employment ceases. | 6 years | Review and if no longer needed destroy | Due to time limit on contractual claims for breach of an employment contract |
| Application forms and interview notes (for | Creation | 1 year | Review and if no | Due to time limits in the various |



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| unsuccessful candidates) | | | longer needed destroy | discrimination Acts, for claims to be made. (CIPD recommendation) |
| Occupational Health Reports (General) | Employment ends | 6 years | Review and if no longer needed destroy | See specific COSHH timescale below |
| Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH) | From date of the last entry | 40 years | Review and if no longer needed destroy | Statutory authority: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677) |
| Retirement Benefits Schemes (of notifiable events, e.g. relating to incapacity) | From end of the scheme year in which the event took place | 6 years | Review and if no longer needed destroy | Statutory authority: The Retirement Benefits Schemes (Information Powers) Regulations 1995 (SI 1995/3103) |
| Statutory Maternity Pay records, calculations, certificates (Mat B1s) or other medical evidence | After end of the tax year in which the maternity period ends. | 3 years | Review and if no longer needed destroy | Statutory authority: The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) as amended |
| Wage/salary records (inc. overtime, bonuses, expenses) | End of financial year payments relate to | 6 years | Review and if no longer needed destroy | Statutory authority: Taxes Management Act 1970 |
| Working time records inc time sheets/cards | After audit. | 2 years | Review and if no longer needed destroy | Statutory authority: The Working Time Regulations 1998 (SI 1998/1833) |
| National minimum wage records | After end of pay reference period following the one that the records cover. | 3 years | Review and if no longer needed destroy | Statutory authority: National Minimum Wage Act 1998 |
| Parental leave | From birth of | 18 years | Review and if no | CIPD recommendation |



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| | the child | | longer needed destroy | |
| Pension scheme investment policies | From ending of any benefit payable under the policy. | 12 years | Review and if no longer needed destroy | CIPD recommendation |
| Pensioners' records | after benefit ceases | 12 years | Review and if no longer needed destroy | CIPD recommendation |
| Trade union agreements | After ceasing to be effective | 10 years | Review and if no longer needed destroy | CIPD recommendation |
| Health & Safety | | | | |
| Record Type | Retention start | Retention period | Action at end of retention period | Notes |
| Records of tests and examinations of control systems and protective equipment under the Control of Substances Hazardous to Health Regulations (COSHH) | from the date on which the tests were carried out | 5 years | Review and if no longer needed destroy | Statutory authority: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677). |
| Accident books, accident records/reports | From date of the last entry | 3 years If the accident involves a child/young adult, then until they are age of 21 | Review and if no longer needed destroy | Statutory authority: The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163) as amended, and Limitation Act 1980 |
| Records of consultations with safety representatives and committees | Creation | Permanent | | CIPD recommendation |
| Assessments under health and safety regulations and | Creation | Permanent | | CIPD recommendation |
| Procurement | | | | |
| Record Type | Retention | Retention | Action at end of | Notes |



| | start | period | retention period | |
|---|---------------------------------|-------------------------|--|----------------------|
| Contracts | End of contract | 6 years | Review and if no longer needed destroy | |
| Tenders (successful) | End of contract | 6 years | Review and if no longer needed destroy | |
| Tenders (unsuccessful) | Award of tender | 6 years | Review and if no longer needed destroy | |
| Estates | | | | |
| Record Type | Retention start | Retention period | Action at end of retention period | Notes |
| Leases | Termination of lease | 12 months | Review and if no longer needed destroy | |
| Legal, Complaints & Information Rights | | | | |
| Record Type | Retention start | Retention period | Action at end of retention period | Notes |
| Complaints case file | Closure of incident (see Notes) | 10 years | Review and if no longer needed destroy | Legal recommendation |
| Subject Access Request (SAR) and disclosure correspondence | Closure of SAR | 3 years | Review and if no longer needed destroy | CIPD recommendation |
| Subject Access Request where there has been a subsequent appeal | Closure of appeal | 6 years | Review and if no longer needed destroy | CIPD recommendation |
| Finance | | | | |
| Record Type | Retention start | Retention period | Action at end of retention period | Notes |



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| Accounting records | Creation | 6 years. | | Statutory authority: Section 221 of the Companies Act 1985 as modified by the Companies Acts 1989 and 2006 |
| Income tax and NI returns, income tax records and correspondence with HMRC | After end of financial year to which they relate | 3 years | | Statutory authority: The Income Tax (Employments) Regulations 1993 (SI 1993/744) as amended, for example by The Income Tax (Employments) (Amendment No. 6) Regulations 1996 (SI 1996/2631 |
| Actuarial valuation reports | Creation | Permanent | | CIPD recommendation |
| Inland Revenue/HMRC approvals | Creation | Permanent | | |
| Money purchase details | After transfer or value taken. | 6 years | | |