

Data Retention Policy

July 2018

Our Commitment

ACHA and AHFA are committed to provide equal opportunities across all services and to avoid discrimination. This policy is intended to assist ACHA and AHFA in putting this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

This policy can be made available in other formats, for example in large print, audio-format or Braille: the document may also be available in other languages, in full or summary form, as appropriate.

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1. Introduction

Argyll Community Housing Association Limited (ACHA) is a registered social landlord (RSL) registered with the Scottish Housing Regulator (SHR), an industrial and provident society registered with the Financial Conduct Authority (FCA) and a charity registered with the Office of the Scottish Charity Regulator (OSCR).

Argyll Homes for All Limited (AHFA) is a company registered with the Companies Registrar.

Together ACHA and AHFA form the ACHA Group and this policy applies to the whole ACHA Group.

The key legislation, referred to throughout this policy is:

- The General Data Protection Regulation

2. The Law and Good Practice

The General Data Protection Regulation (GDPR) came into force on 25th May 2018 and replaced the Data Protection Act 1998 (DPA). It is designed to protect personal information which is collected in various formats. GDPR reinforces the principle that personal information remains the property of the individual who are giving their permissions for an organisation is use that personal data.

In the course of business, Argyll Community Housing Association retains information related to corporate matters, financial matters, prospective, current and former employees, board members, area committee members and standard members as well as tenants, suppliers, consultants, contractors and factoring customers. As a matter of good practice, the association must retain certain documentation for different lengths of time. When this period expires ACHA undertakes to destroy the information in accordance with the guidelines set out in this policy.

The association also complies fully with the General Data Protection Regulation (EU) 2016/679 and other relevant legislation pertaining to the secure handling, use, storage and retention of data. The Association's Data Protection Policy and procedures should be referred to in this regard.

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3. Principles

The Association recognises that not all Personal Data can be processed and retained for the same duration, and retention will depend on the individual circumstances relative to the Data Subject whose personal data is stored.

4. Our Policy Objectives

The Group is committed to ensure that the association and stakeholders with whom it interacts are aware of how long particular documents/information will be held, in what form it will be held and when it will be destroyed.

5. Implementing our Policy Objectives

ACHA recognizes that it has a legal responsibility with regard to access and retention of data. We securely retain and utilise information only for the purpose for which it has been provided. Any information provided to ACHA is not used in a manner incompatible with the purpose with which it was provided.

Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

The tables provided in the Appendix to this policy provide a guide to retention periods pertaining to different documents/information held by ACHA. Where the tables stipulate Paper or Electronic (under the third column) this refers to the format in which the information is held. Where the retention of a document in paper format is not absolutely necessary, ACHA endeavours to store it electronically.

All individuals have the right to see the personal information about them that is held by the association in electronic or other form as per the association's Data Protection Policy. Any request will be processed by the Director of Finance & IT. The association will also have due regard to the Scottish Information Commissioner's guidance.

Once the retention period has elapsed, the association will ensure that any documentation/information is destroyed in a secure manner i.e. by electronic deletion, shredding or in exceptional cases by an approved contractor who will supply a certificate of destruction of the items. We will not retain any copy of the documentation or information.

Anonymous information may be kept for statistical use i.e. for equal opportunity purposes.

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6. Responsibility

The protection of personal data is the responsibility of each employee and board member.

7. Data Protection Officer

Bruce West
Director of Finance and IT
Argyll Community Housing Association
Dalriada House
Lochgilphead

Email: bruce.west@acha.co.uk

8. Demonstrating Compliance

To demonstrate compliance with the accountable principle, the Group will:

- Implement appropriate technical and organizational measures that ensure and demonstrate compliance e.g. staff training, internal audits of processing activities, reviews of policies

9. Policy Review

We ensure that this Data Protection policy is reviewed on a 3 yearly basis.

Policy Owner	Director of Finance & IT
Policy Creation Date	April 2018
Version Number	1.0
Date Last Amended	New
Review Period	3 Years
Previous Review Dates	New

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Review Committee

Policy Committee

Next Review Date

31 March 2021

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Appendix 1

FCA = Financial Conduct Authority

SHR = Scottish Housing Regulator

ORGANISATION

Document	Retention Period	Paper/Electronic	Comments
Constitutional Documents			
FCA Registration Documentation	Permanent	Paper	Best Practice
Rules (including any Rule changes)	Permanent	Paper and Electronic	
Standing Orders	Permanent	Paper and Electronic	

Meetings			
Notices of meetings	5 years	Electronic	In case of challenge to validity of meeting
Minutes	5 years	Electronic	
Board resolutions	Permanently	Electronic	Signed originals must be kept

Registrations and Statutory returns			
Annual returns to SHR	5 years	Electronic	Best practice
Annual returns to SHR–working papers	3 years	Electronic	Best practice
Annual Returns to FCA	Permanent	Electronic	Best Practice
Register of Board members	Permanent	Electronic	
List of Members	Permanent	Electronic	Required by FCA
Nursing homes and residential care homes registration certificates	Permanent	N/A	Best Practice
Nursing Home and residential care homes inspection reports	5 years following end of management	N/A	Limitation for legal action / public documents

Strategic Management

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Business plans and supporting documentation	5 years after completion	Electronic	Best practice
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Insurances			
Current and former policies	Permanent	Paper/Electronic	
Claims and related correspondence	2 years after settlement	Paper/Electronic	
Indemnities and guarantees	5 years after expiry date unless related to land	Paper/Electronic	
Employer's liability insurance certificate	Minimum 40 years	Paper/Electronic	

Finance, Accounting and Tax records			
Accounting records	6 years	Paper/Electronic	Required by FCA
Balance sheets and supporting documents	6 to 10 years	Paper/Electronic	Best practice
Grant funding (HAG etc) documentation	Permanent	Paper/Electronic	Best Practice
Tax returns and records	10 years	Paper/Electronic	
THCIS records	6 years post cancellation	Paper/Electronic	
VAT records	6 years	Paper/Electronic	
Other Banking Records	5 years	Paper/Electronic	Limitation for legal action

Contracts and Agreements			
Transfer Agreement	Minimum 30 years	Paper/Electronic	Retain after 30 years if any matters outstanding then
Factoring contracts	5 years after completion	Paper/Electronic	Limitation for legal action
RTB sale documents	Permanently	Paper/Electronic	Limitation for legal action
Contracts for the supply of goods or services, including professional services	5 years after completion	Paper/Electronic	Limitation for legal action

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Documentation relating to small one-off purchases of goods and services where there is no continuing maintenance or similar requirement	5 years	Paper/Electronic	Best practice. Suggested limit: goods or services costing up to £10,000
Loan agreements	12 years after last payment	Paper/Electronic	Best Practice

Property Records			
Titles	While owned – permanently or until disposal	Paper/Electronic	Best Practice
Leases	While owned plus 15 years after expiry	Paper/Electronic	Best Practice
Copy of former leases	12 years after settlement of all issues	Paper/Electronic	
Property maintenance records	While owned – permanently or until disposal	While owned – permanently or until disposal	Limitation for legal action

Health and Safety			
Accident records	5 years	Paper/Electronic	Limitation for legal action
Accident record relating to child	Up to age 21	Paper/Electronic	Limitation for legal action

TENANTS			
Document	Retention Period	Paper/Electronic	Comments

Application and Tenancy records			
Applications for accommodation	6 years	Paper	Best Practice
Unsuccessful/Cancelled Application form	5 years	Paper	
Housing Benefit notifications	2 years	Paper	Recommendation of Institute of Rent Officers

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Rent Statements	2 years	Paper	Best Practice
Current tenants' Tenancy Files, including rent payment records, and details of any complaints and harassment cases	Indefinitely	Tenancy Agreement should be on paper	
Former tenants' Tenancy Files, including rent payment records, and details of any complaints and harassment cases	5 years after tenancy end	Paper	Debt recovery – limitation for legal action = 5 years
Former tenants' Tenancy Agreements, and details of their leaving	Permanent	Paper	Ombudsman recommendation (subject to DPA)
Documentation, correspondence and information provided by other agencies relating to special needs of current tenants	While tenancy continues	Paper/Electronic	Hold on “need to know” basis
Records relating to offenders, ex-offenders and persons subject to cautions	While tenancy continues	Electronic	Hold on “need to know” basis – see also Staff Protection Policy

Tenant and Customer feedback			
Questionnaires, surveys, consultations	3 years	Paper/Electronic	Best Practice

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EMPLOYEES

Document	Retention Period	Paper/Electronic	Comments
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Recruitment			
Recruitment Information	6 months (transfer relevant information into personnel file)	Paper/electronic	

Records			
Working time records	2 years	Paper/electronic	
Minimum wage records	3 years	Paper/electronic	
Personnel Files	5 years from termination	Paper/electronic	
Former employees' Personnel Files	6 years	Paper/electronic	Institute of Personnel and Development (IPD) recommendation
Redundancy details and record of payments and refunds	12 years	Paper/electronic	IPD recommendation

Personnel Procedures			
Terms and conditions of service, both in general terms and conditions applicable to all staff, and specific terms and conditions applying to individuals	6 years after last date of currency	Paper	

Remuneration			
Pay Details	5 years	Electronic	
Statutory sick pay records	3 years	Electronic	

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Pension Schemes			
Detailed returns of pension fund contributions	Permanent	Electronic	Best practice
Investment policies	12 years from end of benefits payable under policy	Paper/electronic	
Pensioner records	12 years after benefits cease	Paper/electronic	
Records relating to retirement benefits	6 years after retirement	Paper/electronic	Statutory requirement
Leave			
Annual leave	6 months	Electronic	
Disciplinary action			
Disciplinary and grievance investigations	6 months from conclusion	Paper/electronic	
Health and Safety			
Health records	During employment	Paper/electronic	
Health Records connected to ill health termination	5 years post termination	Paper/electronic	Limitation for legal action
Staff feedback			
Staff Surveys, Questionnaires	9 years	Paper/Electronic	Best Practice