

Police, Fire and Crime
Commissioner
for Essex

**RECORDS RETENTION AND
DISPOSAL POLICY**

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Records Retention and Disposal Policy

Policy Statement

1. The records of the PFCC are its corporate memory and are necessary to ensure good corporate governance, accountability and legislative compliance, as well as to provide evidence of decisions and actions and inform future decision-making. This policy sets out what records the PFCC holds and how long they will be retained before they are disposed of.
2. All records created during the course of the PFCC's work are the property of the PFCC and will be regulated in accordance with the Data Protection Act and subject to requests under the Freedom of Information Act.
3. The Commissioner undertakes to:
 - Manage records according to this policy.
 - Comply with legal obligations and best practice that apply to the management of their records.
 - Keep records electronically where appropriate.
 - Ensure that information is not kept for longer than is necessary. Often, information-rich cumulative or summary records will be retained in the longer terms while more detailed, bulky but ephemeral records can and should be destroyed earlier.
 - Retain the minimum amount of information that they require to carry out their statutory functions.
 - Store records safely and efficiently, utilising appropriate storage methods at all points in their lifecycle and disposing of them appropriately when they are no longer required.
 - Safeguard records necessary for business continuity in the event of an emergency or disastrous occurrence.
 - Encourage effective access to and use of records as a source of corporate information.
 - Identify and make provision for the preservation of records of historical value.
4. This policy supports the Commissioner's Access to Information Policy, Publication Scheme, plans and strategies and is designed to provide clarity and consistency in records management.

Introduction

5. Retention periods are given in whole years and are from the end of the financial year to which the records relate. Records should be disposed of by arranging for collection of confidential waste for destruction or shredding, including all copies in whatever format.
6. Aside from the standard procedure, set out below, whenever there is a possibility of litigation or a request under the Freedom of Information Act the records that are likely to be affected should not be amended or disposed of until the threat of litigation has ended or the appeal processes under the Freedom of Information Act have been

exhausted. In these circumstances the Monitoring Officer (the Chief Executive) should be consulted.

7. A record of disposals in accordance with this policy should be completed and maintained by the Commissioner on an electronic database.

8. Records held by Essex Police and Essex County Fire and Rescue Service will be covered by their own policies and procedures.

Freedom of Information Act 2000

9. The Act introduced rights of access to information whereby the public has a general right of access to all types of recorded information held by public authorities, subject to certain exceptions (providing the public interest in disclosure does not outweigh the public interest in maintaining exemption).

10. Information is exempt from the provisions of the Act if it is accessible by other means. If the information is already covered in the PFCC's Publication Scheme and is available via the website there will not be a requirement to provide that information in response to an individual request.

General Data Protection Regulation (GDPR) 2016 and Data Protection Act (DPA) 2018

11. The EU GDPR was approved by the EU Parliament on 14 April 2016 and enforced from the 25 May 2018. This has been replaced by the UK GDPR from 1st January 2021 following the UK's exit from the EU. The GDPR applies to 'controllers' and 'processors' of personal data. The GDPR applies to processing carried out by organisations operating within the EU. It also applies to organisations outside the EU that offer goods or services to individuals in the EU. The GDPR does not apply to certain activities including processing covered by the Law Enforcement Directive, processing for national security purposes and processing carried out by individuals purely for personal/household activities.

12. The UK data protection regime is set out in the Data Protection Act 2018, along with the GDPR (which also forms part of UK law).

13. The Data Protection Act 2018 complements the UK GDPR and controls how personal information is used and managed by organisations, with the requirement to make sure information is used fairly, lawfully and transparently. Particular requirements include the need not to retain personal data longer than it is required, and to be clear about the purpose for holding the data. This will be supported by the delivery of this Records Retention and Disposal Policy.

Aims and Objectives

14. It is recognised that information is a vital asset of the Commissioner's office, which depends on reliable, up-to-date information systems to support the work that it does and the services provided to the communities of Essex.

15. The purpose of this Records Retention and Disposal Policy is to establish a framework for the creation, maintenance, storage, use and disposal of the PFCC's records, so as to support strong corporate governance processes and facilitate the PFCC's compliance with relevant legislation.

16. This policy and the standards set out within will help the Commissioner's office to:

- Ensure the retention and availability of the minimum amount of relevant information that is necessary for it to operate.
- Comply with legal and regulatory requirements, including the Freedom of Information Act 2000, the UK General Data Protection Regulation (GDPR), the Data Protection Act 2018 and the Environmental Information Regulations.
- Save employees time and effort when retrieving information by reducing the amount of information that may be held unnecessarily.
- Minimise the administrative overhead to the Commissioner's office and save money in terms of storage costs where hard copy information is taking up office space and electronic documents are using excessive storage capacity on computer equipment such as network servers.
- Ensure that records that are of historical value are appropriately retained for the benefit of future generations.
- Assure the public that, when we are dealing with any of their data, the PFCC holds it in an appropriate way.

Scope

17. This policy applies to the PFCC and all their staff. It also applies to consultants and volunteers engaged in the work of the PFCC.

18. This policy covers all records created in the course of PFCC business and activities. A "record" is defined as recorded information in any form created or received by the PFCC or individual members of staff to support and evidence the PFCC's activities. It may be held in an electronic and / or a paper (hard copy) form. A "vital record" is a record without which the PFCC could not function or be reconstructed in the event of a disaster.

Exemptions to the Policy

19. Records containing personal data – any record containing personal data "should not be kept for longer than necessary" in order to comply with the Data Protection Act 2018.

Retaining records or information beyond the retention period

20. In the majority of cases records will be disposed of when they reach their retention period. However, when assessing whether records or information is required to be retained for a longer period than that identified within the Records Retention and Disposal Schedule, consideration should be given to the holding of information for longer than necessary which incurs extra storage costs and leaves the organisation vulnerable to risks of theft, misuse, disclosure, legal discovery and non-compliance fines.

Examples of when information may be required to be held for longer periods are where:

- The information is subject to a request for information under access to information legislation, such as a Subject Access Request under the Data Protection Act 2018.
- The PFCC is subject to on-going legal action.
- The information is subject to an investigation e.g. an Independent Inquiry.
- There is greater public interest in an issue requiring long term preservation e.g. records pertaining to the contracts for senior officers.
- Changes are made to the regulatory or legislative framework affecting the retention of the records.

Potential litigation or regulatory investigation

21. The destruction of records *should always be suspended* if they relate to existing litigation or regulatory investigation or any possibility of anticipated litigation or regulatory investigation. Deliberate destruction of relevant records in such circumstances could involve the criminal offence of obstructing or perverting the course of justice.

Personal Records

22. Records held by the PFCC purely for their own personal purposes are their own responsibility; they are not records that relate to the functions of the PFCC. These records will not be managed according to this policy, as they will be considered the PFCC's own records.

23. The serving PFCC will not accept responsibility for records retained or processed by a former PCC or PFCC, or for records left in their buildings without authority.

Roles and Responsibilities

24. The Data Protection Officer (DPO) is responsible for developing corporate records management policies, procedures and guidance and communicating them to all staff.

25. All staff are responsible for documenting their work and maintaining records in line with the PFCC's policies and procedures. This includes disposing of records not required for a specific legal, business, operational or historical purpose in a timely and efficient manner, and in accordance with the retention schedule attached in Appendix 1.

Standard Procedure

26. The PFCC will be registered with the Information Commissioner as a data controller.

27. This policy should be used by all staff as a day-to-day reference point relating to the management of records. The most effective point in the lifecycle of any record at which to decide how long it should be retained, and for what reason, is when the record is created. When opening a new file or creating any new record, this policy should act as a guide as to the conditions under which that record should be managed, stored and ultimately disposed of.

28. Office space is at a premium and it may not be possible to retain files on-site for the entire length of time for which they have to be retained. Suitably secure off-site storage may be used for records that are no longer required on a constant basis, but which are not yet ready for disposal, however the retention schedule attached at Appendix 1 should always be consulted when transferring files off-site.

29. Vital records will be identified, and steps taken to ensure their survival in the event of a disastrous occurrence.

30. Information which does not need to be retained because it is duplicated, unimportant or of short-term use can be destroyed under this standard procedure (this relates to both electronic and hard copy documents), including:

- compliment slips
- catalogues and trade journals
- telephone message slips
- non-acceptance of invitations (please also see Gifts and Hospitality Register)
- messages or notes not related to the Commissioner's business
- requests for standard information provided by the PFCC
- out of date distribution lists
- working papers which lead to a final report
- duplicated and superseded material such as stationery, manuals, drafts, address books and reference copies of annual reports
- e copies of documents (also held on email) where a hard copy has been printed and filed

31. In order to protect themselves and minimise risk, the PFCC should not maintain records longer than it needs to; nor should it destroy records sooner than is required. The attached Schedule sets out the retention periods for particular records. Where a record class is not listed below, records held by the PFCC should usually be retained for the duration of the term of office in which they were created, and for the duration of the subsequent term.

APPENDIX 1

Schedule

1. Office of the Police, Fire and Crime Commissioner for Essex

| Function | Records | Retention |
|---|--|--|
| PFCC owned Meeting | Agendas, minutes and reports (including appendices) Background papers Rough / draft / audio minutes | 6 years 4 years Destroy on completion of agreed document and no later than one month from meeting |
| PFCC Decision Log | Decision Reports | Permanent |
| Partnership, agency and external meetings | Minutes Agendas and reports | 6 years |
| Working Groups / Steering Groups | Minutes Agendas and reports | 6 years |
| Appointments of Chief Constable and PFCC officers and staff | Advertisements Application forms Interview reports Ethnic monitoring questionnaire / reports Personnel files (including contracts and particulars of employment, current address details and sickness records) Unsuccessful candidate information | 1 year In accordance with the Essex Police Records Retention Schedule Creation + 5 years Until termination of employment + 6 years Completion of employment process + 6 Months |
| Termination of Chief Constable and PFCC staff contracts | Resignation, redundancy dismissal, death, retirement | In accordance with the Essex Police Records Retention Schedule |
| Appointment of the Chief Fire Officer | Advertisements Application forms Interview reports Ethnic monitoring questionnaire / reports Personnel files (including contracts and particulars of employment, current address details and sickness records) Unsuccessful candidate information | Until termination of employment + 6 years Creation + 5 years Until termination of employment + 6 years Completion of appointment process + 6 months |

| Function | Records | Retention |
|--|--|---|
| Termination of Chief Fire Officer contracts | Resignation, redundancy dismissal, death, retirement | In accordance with Essex County Fire and Rescue Service's Records Retention Schedule |
| Complaints against the Chief Constable and PFCC officers | Correspondence | 5 years from last action |
| Complaints against the Chief Fire Officer | Correspondence | 5 years from last action |
| Disciplinary hearings against staff | Disciplinary hearings against staff | Settlement of case + 6 years (unless merged with staff personnel file) |
| Independent Custody Visiting Team | Minutes, agendas, reports and registers of visits Custody visitor details Handbook | 6 Years 1 year after end of appointment Until superseded |
| Corporate planning and reporting | Policing Plans Fire and Rescue Plans Annual Reports | Permanent |
| Statutory inspections, reviews and external audit | HMICFRS reports External Audit reports Internal Audit reports | Permanent |
| PFCC Staff Confidentiality Agreement | Signed Agreement | 1 year, then reviewed |
| Public correspondence | Correspondence | 5 years from last action |
| FOI requests | FOI requests | 2 years from last action |
| Restorative Justice Volunteers | RJ volunteer personal information, including supervision records, contact details, training records & expenses | Delete after 1 year of active volunteer leaving (from exit interview date), 3 months of 'did not start' volunteer's last contact and 1 month of application sent but no further action. |
| RJ participant information | RJ participant information | Delete 6 years post case closure. |

2. Police, Fire and Crime Commissioner and Deputy Police, Fire and Crime Commissioner

| Function | Records | Retention |
|--|--|-----------|
| Registers of Interests and Hospitality | Register of Interests Register of Hospitality | Permanent |
| Expenses claims | Claim forms and receipts | 3 years |

3. Management

| Function | Records | Retention |
|--|---|--|
| Policy development | Policies Strategies Constitutions Standing Orders / Financial Regulations Instructions / Procedures Organisation Charts | Permanent until superseded or revoked, with previous version held for 6 years |
| Information management | Records of transfer to archives | 6 years |
| | Summary of responses to enquiries | 6 years |
| | Responses to consultation | 6 years |
| | Disposal record | 6 years |
| Marketing and media relations | Media releases | 2 years |
| | Developing and promoting PFCC events | 2 years |
| Diaries and calendars | Electronic and manual diaries / calendars | Electronic detail archived in line with Essex Police Retention Schedule Manual diaries retained for 2 years |
| Legally Qualified Chairs and Independent Member details | Contact details | Until no longer required to deliver this function |
| Information Requests - Freedom of Information / Subject Access Requests / Environmental Information Regulations requests and responses and any associated correspondence | Request, data and responses | 3 years from date of disclosure of information |
| Information Requests - Freedom of Information / Subject Access Requests / Environmental Information Regulations requests and responses and any associated correspondence where there has been an appeal. | Request, data and responses | 6 years from date of disclosure of information |

4. Finance

| Function | Records | Retention |
|--------------------------------|---|--|
| Annual reports | Annual Statement of accounts Annual Report | Permanent |
| Approvals / purchases | Purchase sales order Delivery and goods received notes | In line with the Essex Police and ECFRS retention schedules |
| Asset acquisition and disposal | Management of the acquisition and disposal process for assets | In line with the Essex Police and ECFRS retention schedules |
| Budget setting | Final annual budget Draft budgets and estimates Quarterly budget reviews (P&R papers) | Permanent In line with the Essex Police and ECFRS retention schedules 6 years |
| Expenditure | Invoices / receipts Income and expenditure accounts Bank statements | In line with the Essex Police and ECFRS retention schedules |
| Internal Audit | Internal Audit reports and audits | Reports and audits to be retained for 6 years, associated background information retained for 4. |
| External Audit | External Audit reports and audits | Reports and audits to be retained for 6 years, associated background information retained for 4. |
| Grant Agreement | Grant Agreements | Period of the grant + 6 years |
| Collaboration / Partnerships | Section 22 Agreements | End of the collaboration + 6 years |
| Collaboration / partnerships | Local Business Case for Joint Governance | 10 years of the business case + 6 years |

5. Legal

| Function | Records | Retention |
|--|--|--|
| Claims and disputes | Settlement of claims and disputes (incl. insurance claims and claims of infringement of intellectual property rights) | Settlement of claim / dispute + 6 years (unless signed as a deed – see below) |
| Contracts | Contracts | Termination + 6 years (unless signed as a deed – see below) |
| Deeds | Deeds | Settlement or termination + 12 years |
| Private hire agreements | Private hire agreements | Termination of agreement + 6 years |
| Insurance policies | Insurance policies | Termination of policy + 6 years |
| Intellectual property | Control of disclosure of intellectual property Administration of intellectual property agreements Intellectual property agreements | Disclosure + 6 years Termination of agreement + 6 years Termination of agreement + 6 years |
| Employers' liability insurance certificate | Employers' liability insurance certificate | 40 years after the date on which the insurance to which the certificate relates commences or is renewed |
| Equality | Information relating to potential discrimination claims | 9 months from the alleged act |

6. Health and Safety

| Function | Records | Retention |
|---|--|--|
| Risk assessments | Risk assessments | Review date + 5 years |
| Accidents / dangerous occurrences | Accident Books Reporting and investigation of accidents / dangerous occurrences | Completion of book + 3 years Date of accident + 40 years |
| Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995 | Records of deaths, injuries at work or disease | Min. 3 years from the date on which the record was made |
| Negligence actions not involving personal injury | Negligence actions not involving personal injury | 15 years from act / omission |
| Testing, maintenance and inspections | Conduct of testing, maintenance and statutory inspections and any necessary action Maintenance schedules Inspection certificates Repair reports | Life of plant / equipment + 6 years Creation + 2 years Creation + 6 years Life of plant / equipment + 6 years |