

Data Retention Policy and Retention Schedule

1. INTRODUCTION

- 1.1 The General Data Protection Regulation (GDPR) provides that organisations which process personal data must not retain that data for any longer than is *necessary* for the purposes for which the personal data are processed.

2. PURPOSE

- 2.1 This policy details Lister's approach to the retention, deletion and destruction of personal data.

3. STORAGE OF PERSONAL DATA

- 3.1 Lister stores personal data in a variety of ways. This includes hard copy documents, emails, digital documents stored on desktop computers, laptops, phones and other devices, data stored on our servers and in our cloud-based storage, along with data stored by third parties on our behalf.
- 3.2 When updating, rectifying, erasing and deleting any personal data, due care must be taken to ensure that all personal data held in all locations (including back-up storage) and in all forms is dealt with securely and to ensure that a consistent and accurate record of personal data is maintained.

4. RETENTION OF PERSONAL DATA

- 4.1 Different types of personal data may need to be retained for different periods of time depending on the purposes for which the data is processed and the legal and regulatory retention requirements in relation to certain categories of data.
- 4.2 In determining the appropriate retention period consideration should be given to the following factors:
- a) the purposes for which the personal data is processed;
 - b) the legal basis for processing that personal data;
 - c) legal requirements for retention (particularly employment and health and safety law); and
 - d) regulatory requirements.
- 4.3 An appropriate retention period should be identified for each category of personal data. Data subjects must be informed of the retention period which applies to their personal data or, if there is no fixed retention period, the criteria used to determine that period; and where the purposes for which the data is processed have changed, any new retention period.
- 4.4 All personal data processed by Lister shall be retained in accordance with the periods set out in the retention schedule below.
- 4.5 Personal data will be retained in accordance with the appropriate retention period and permanently deleted and/or securely destroyed in accordance with this policy. No personal data shall be destroyed or deleted other than in accordance with this policy.

5. REVIEW AND DELETION OF PERSONAL DATA

- 5.1 A review of the personal data processed by Lister will be carried out on an annual basis. During the course of this review we will:
- a) Review the retention periods for each category of personal data processed and whether any alteration to these periods is required
 - b) Identify personal data which is due for destruction and deletion
 - c) Arrange for the secure deletion and destruction of personal data which will no longer be retained

6. DATA SUBJECT RIGHTS

- 6.1 Under the GDPR data subjects are entitled, in certain circumstances to require the erasure of their personal data. Any request from a data subject must be passed to the Lister as soon as possible.

- 6.2 A data subject may insist on erasure of their personal data where:

- a) it is no longer necessary for the purposes for which it was processed;
- b) where consent has been withdrawn by the data subject;
- c) where there is no legal basis for the processing of the data; or
- d) where there is a legal obligation to delete the data.

- 6.3 The data subject's rights to erasure are not absolute and do not apply to personal data where processing is necessary for:

- a) exercising the rights of freedom of expression;
- b) to comply with a legal obligation in the public interest or in the exercise of an official authority;
- c) for public health reasons;
- d) for archiving purposes; and
- e) for the establishment, exercise or defence of legal claims.

- 6.4 Where personal data is erased following receipt of a request by a data subject Cernach will confirm in writing to the data subject that their personal data has been destroyed. Such a response shall be issued to the data subject unless it is impossible or requires disproportionate effort to do so.

- 6.5 Where any request for erasure is refused, Cernach will advise the data subject in writing that their request has been refused and detail the reasons for refusal.

7. MONITORING AND REVIEW

- 7.1 This policy was last updated on 4 November 2019 and shall be regularly monitored and reviewed, at least every three years

End of Policy - Retention Schedule follows

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DATA RETENTION SCHEDULE - DEFINITION OF ACRONYMS

CA	-	Companies Act
CIH	-	Chartered Institute of Housing
CIPD	-	Chartered Institute of Personnel & Development
DPA	-	Data Protection Act
DWP	-	Department of Work and Pensions
FCA	-	Financial Conduct Authority
HMRC	-	Her Majesty's Revenue & Customs
NCVO	-	National Council for Voluntary Organisations
NFHA	-	National Federation of Housing Associations
RIDDOR	-	Reporting of Injuries Diseases & Dangerous Occurrences Regulations
RRA	-	Race Relations Act
SDA	-	Sex Discrimination Act
VATA	-	Value Added Tax Act

Lister Housing Co-operative Ltd - Data retention policy - Retention Schedule - November 2019

CORPORATE AND GOVERNANCE					
Information collected or held	Location	Purpose collected or held	Period retained for	Statutory retention source	Exchanged with/ passed on to
Registration documents, Rules		Statutory requirement	Permanently	None	
Certificates of Employers' Liability Insurance		The Employers Liability (Compulsory Insurance) Act.	40 years	Employers Liability (Compul'y Insurance)Reg '98	
Minutes of Committee meetings		Record of Committee meetings	Permanently	CA Signed originals must be kept	Housing Regulator, Auditors. Publicly available from 11.11.19
Annual Returns to Housing Regulator		Record of information submitted to Regulator	5 years	NFHA recommend – best practice	Housing Regulator, SHN Benchmarking
Annual Returns to Housing Regulator – working papers		Record of workings for annual returns	3 years	No specific statutory retention period.	Housing Regulator
Audited returns and financial statements (inc Returns to FCA)		Record of Association's financial management position	Permanently	No specific statutory retention period.	Lenders, Members, OSCR, Housing Regulator, Auditors
Declarations of Interest		Record of staff & Committee declarations of interest	6 years	NFHA rec. Limitation for legal proceedings	Management Committee, Auditors
Seal register		Record of use of seal	Permanently	NFHA rec. – best practice	Auditors

Register of Share Certificates		Record of certificates issued and cancelled	Permanently	NFHA rec. – best practice	Auditors
Registers of members		Record of members and ex members	Permanently		Auditors
Committee Members names, addresses, dates of birth and code of conduct		Regulatory requirement	1 year after committee membership ceases	No specific statutory retention period	Business planning, auditors, Scottish Housing Regulator
Benefits to Staff and Committee Members under Housing (Scotland) Act 2010		Regulatory requirement	Permanently	Scottish Housing Regulator	Publicly available record, auditors, Scottish Housing Regulator
Complaints to the Ombudsman		To monitor and record complaints	Permanently	No statutory retention period	Ombudsman, Scottish Housing Regulator, Auditors
Telephone recordings		To monitor external calls (no card details are stored for payments over phone)	12 months	No statutory retention period	N/a
CCTV footage – Reception, front door		Surveillance for security and safety purposes	30 days	No statutory retention period	Police

HR DOCUMENTS

Information collected or held	Location	Purpose collected or held	Period retained for	Statutory retention source	Exchanged with/Passed on to
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Employees' personnel records		Details of employment and next of kin etc. for efficiency of organisation	6 years after employment ends	No specific statutory retention period. CIPD best practice	Details supplied for references, HMRC, Police, Pension Scheme, DWP, Auditors, Housing Regulator, Lawyers, Counselling Service
Employees' Staff appraisals, training & dev't records		To record employee development	6 years after employment ends	No statutory retention period. CIPD best practice	Details supplied for references, Auditors and Housing Regulator
Employee's health and sickness records		To calculate entitlement to sickness allowance, to provide referrals to occupational health specialists / GP	6 years from end of sickness	No statutory retention period. Limitation for legal proceedings. NCVO	Details supplied for references, HMRC, DWP, Dept of Employment, Auditors and Management Committee
Recruitment shortlists, ethnic monitoring details, interview notes and related application forms		To provide monitoring details for Equal opportunities. To assist in case of dispute of an application.	6 months for non-shortlisted candidates, 12 months for shortlisted. Successful - put to file	SDA, RRA. Recommendation Equality and Human Rights Commission	For monitoring by Auditors and Industrial Tribunal.
Disclosure Scotland records		To comply with legislation where staff or committee are working with vulnerable groups	Paper copy retained for 6 months then destroyed	Employment legislation and Disclosure Scotland guidelines	For monitoring by Auditors
EMPLOYEES (Health & Safety)					

Information collected or held	Location	Purpose collected or held	Period retained for	Statutory retention source	Exchanged with/ Passed on to
Accident records, reports		To record health and safety incidents and any action required	NFHA best practice - 6 years	RIDDOR. Limitation for legal proceedings.	Health & Safety Advisors or representatives
Accident books		To record incidents	6 years after date of last entry	RIDDOR. Limitation for legal proceedings	Health & Safety Advisors or representatives

FINANCE - EMPLOYEES

Information collected or held	Location	Purpose collected or held	Period retained for	Statutory retention source	Exchanged with/ Passed on to
Record of taxable payments		HMRC requirement	6 years	HMRC	HMRC, auditors
Record of earnings on which NI payable		HMRC requirement	6 years	HMRC	HMRC, auditors
Copies of notices to Employees (P45, P60)		HMRC requirement	6 years	HMRC	HMRC, auditors and employees. All P45s P60s now processed online.
HMRC notices of code changes, pay and tax details		HMRC requirement	6 years	HMRC	Sent by HMRC to Lister Employees receive copy direct from HMRC
Expense claims		HMRC requirement / budgetary control	6 years	HMRC	HMRC re Subscription Expenses, Auditors
Record of sickness payments		HMRC requirement	6 years	NFHA. (HMRC require retention of payments for 3 yrs)	Employee, Auditors

Record of maternity payments		HMRC requirement	6 years	NFHA. (HMRC require retention of payments for 3 yrs)	HMRC, Employee, Auditors
Redundancy details & record of payments and refunds		Legal and HMRC requirement	12 years from date of redundancy	CIPD rec. HMRC require retention for 6 yrs	Auditors, BERR, Solicitors, HMRC, Employee

FINANCE - ACCOUNTING

Information collected or held	Location	Purpose collected or held	Period retained for	Statutory retention source	Exchanged with/ Passed on to
Accounting records		Statutory Obligation	Permanently	FCA	Auditors, Housing Regulator, borrowing facilities
Offers of grant (Scottish Govt Housing Investment / Wider Role / others		To monitor conditions attached to grants	6 years or for duration of scheme. (electronic - permanently)	Best practice	Private Lenders, Auditors, any other relevant party
Contractor invoices		For auditing purposes and budget control	6 years	VATA	Auditors, Scottish Housing Regulator
Debtors invoices		For auditing purposes and budget control	6 years	VATA	Auditors, Scottish Housing Regulator
Bank statements and pay-in books		Auditing purposes and budget control	6 years	Best practice	Auditors, Scottish Housing Regulator
VAT returns		Legal and HMRC	6 years	HMRC	HMRC, Auditors

Books of prime entry e.g. cash book, ledgers, petty cash		Legal and HMRC requirement	6 years	HMRC	HMRC, Auditors
Cash received records		Legal and HMRC requirement	6 years	HMRC	HMRC, Auditors

HOUSING MANAGEMENT					
Information collected or held	Location	Purpose collected or held	Period retained for	Statutory retention source	Exchanged with/ Passed on to
Current Tenant files		Details relating to tenancy including details of formal complaints	Duration of tenancy	No statutory retention period. NFHA recommendation	Details supplied for references, auditors, Scottish Housing Regulator and Solicitors
Former Tenant files (excluding tenancy agreements)		Details relating to tenancy including details of formal complaints	3-5 years 5 years important bits	No statutory retention period. NFHA recommendation	Details supplied for references, auditors, Scottish Housing Regulator and Solicitors
Former Tenants' Tenancy Agreements, and leaving details		Details relating to former tenancy agreement	Permanently	No statutory retention period. NFHA recommendation	Details supplied for references, auditors, Scottish Housing Regulator and Solicitors
Rejected / cancelled housing appn forms		Details of applicants applying to be rehoused.	Paper files destroyed on annual review or on request	Best practice	Auditors. Scottish Housing Regulator

Housing Benefit notifications		Details of housing benefit awards for reference and entitlement checks	2 years	Recommendation of CIH	Auditors. Scottish Housing Regulator
Welfare Rights files		Details of welfare rights cases to enable clients entitlements to be assessed and pursued	13 months after case closed	DWP requirement	Auditors. Scottish Housing Regulator
Tenancy Support records		Referral details, contact details, housing support assessment, support plans and contact records & related correspondence	5 years	Best practice	Social Services / Care Commission
Tenant rent details		To record rent payments, arrears and housing benefit arrangements.	While resident	Best practice	Details used for Scottish Housing Regulator, Solicitors
Tenants' financial details		Direct debit mandates or any other financial arrangements for rent and debt management	Duration of tenancy, and if terminated, retain for debt recovery or tenancy refs	Best practice	Other housing providers request reference by signed mandate. Auditors. Scottish Housing Regulator. Courts & Solicitors if action taken.
Rents paid by debit card machine - stubs		To assist monthly rent reconciliation / queries	3 months	DPO advice	Auditors
Anti-social complaints records		To record reports of alleged anti-social behaviour and record action taken by Lister	While resident	Best practice	Information used for Scottish Housing Regulator, Solicitors

Right to Buy applications & info		Details relating to Right to Buy applications	Permanently	Best practice	Scottish Housing Regulator, Auditors, Sols
Tenants Survey results		For performance and analysis	3 years	Best practice	Scottish Housing Regulator
Records of estate management inspections		To monitor service performance and analyse service improvements	5 years	Best practice	Scottish Housing Regulator
Details of Former Tenant Arrears		To monitor service performances	Indefinitely		Scottish Housing Regulator
Record of lets		To monitor service Performance.	5 years	Best practice	Scottish Housing Regulator

PROPERTY SERVICES

Information collected or held	Location	Purpose collected or held	Period retained for	Statutory retention source	Exchanged with/ Passed on to
Maintenance repair orders and property maintenance records		Details of individual repairs carried out in properties.	6 years Limitation for legal action	NFHA guidelines	Scottish Housing Regulator, Auditors
Development documentation		Details of developments within the Association's programme	12 years after settlement of all issues	NFHA Best practice	Scottish Housing Regulator, Auditors, Bank
Maintenance records, MOT tests		Company vehicle record	2 years after disposal	Best practice	Insurers / relevant parties
Insurance & reg for company vans		Company vehicle record	2 years after disposal	Best practice	Insurers / relevant parties
Statutory consents		Legal requirement	Permanently	Best practice	Relevant parties

Energy Performance Certificates		Legal requirement	Duration of tenancy	Best practice	Copy given to tenant
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CONTRACTS AND AGREEMENTS					
Information collected or held	Location	Purpose collected or held	Period retained for	Statutory retention source	Exchanged with/ Passed on to
Contracts for goods or services, including professional services		Record of agreement and services purchased	6 years after completion	NFHA rec. Limitation for legal proceedings	Relevant parties to contract, Auditors
Loan agreements		Record of borrowing, and conditions attached	12 years after last payment	NFHA recommendation	Scottish Housing Regulator, relevant parties
Documents relating to successful tenders		To support management of contracts	6 years after end contract	NFHA rec. – best practice	Relevant parties
Documents relating to unsuccessful tenders		n/a	Until expiry of standstill period	Legal advice	n/a

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