

Norfolk Clubhouse



Retention of Data Records Policy

July 2020

Title	Retention of Data Records Policy	
Author/Owner	June Webb	
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Version	Date	Author/Editor
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Review date	Annually and as required with changes to policies, procedures and legislation	
Linked procedural documents	Privacy policy, Data Protection Policy	
Document applicable to	Norfolk Clubhouse charity: All members, staff, volunteers and trustees.	

1 Introduction

1.1 This Retention of Data Records Policy has been approved by the Board of Trustees (the Trustees) of Norfolk Clubhouses.

1.2 The Retention of Data Records Policy will enable the Charity to comply with the requirements of data protection legislation. Furthermore, this policy will enable the Charity to manage and track documents and assist in providing openness and transparency to the public.

1.3 The Retention of Data Records Policy is required to support the organised creation, retrieval, appropriate storage and preservation of the Charity's essential records. In addition, it is essential to support the appropriate disposal of documents with no continuing business, legal or historical significance.

1.4 As a Charity, the actual period for records to be kept will depend on a number of factors, including:

- legal requirements
- storage costs
- the Charity's need to access the document
- historical value
- industry standards or best practice.
- archival needs (permanent preservation)
- decision by senior management (in the absence of guidance on the above).

2 Scope of the Policy

2.1 This policy encompasses:

- records created by or on behalf of the Charity and staff in their duties for the Charity
- records received by any member of staff in the Charity
- hard copy and electronic records including Internet and Intranet sites, databases, emails, films and videos.

3 Data Protection

3.1 This policy will ensure that the Charity is complying with applicable data protection legislation, which requires that we do not retain personal data for longer than is necessary.

3.2 To comply with the principles of data protection legislation, the Charity must:

- only keep information for as long as there is a business need
- keep records secure, whether electronic or paper
- ensure records are retrievable and easily traced
- allow a person access to information held about them, should they request it.

3.3 It implies that the Charity must:

- destroy papers and electronic data for which there is no continuing business need and send papers that cannot be destroyed to archive for as short a time as possible
- keep data secure while it remains in any office
- keep track of where information is stored
- continue to apply these good practices to avoid stockpiling papers in the future.

4 Policy

4.1 All records created by, or on behalf of, the Charity belong to the Charity. This includes any rights or copyright in the context, except where specifically provided under copyright legislation.

4.2 All records received on behalf of the Charity as part of its business will be its property, which may be disposed of or released as the Charity sees fit or as required by law. Originators' and owners' rights will be fully respected in accordance with legislation.

4.3 Responsibility for depositing and disposing of archive records lies with the Heads of each operation as the information asset owner. It is their responsibility to ensure that complete and accurate records are retained in line with legislative requirements and agreed best practice.

Responsibility for managing and tracking records lies with the relevant Head who:

- will determine if a file is no longer required for current business usage, which can then be added to the archive
- may choose to retain records for longer than the indicative periods given in the retention schedule, for example, if they consider records to be of significant historical value or if the issue they are concerned remains 'live'.

5 Record Keeping

Data Records will be reviewed against the record retention schedule on an annual basis. Records that have passed their retention period and have no current ad-hoc requirement to retain the information (e.g. current or pending legal action or complaint) will be presented to their information asset owner for confirmation that disposal should be undertaken. A record will be maintained documenting, as a minimum, the record type, name of the record, any further metadata that will enable subsequent identification of the record being disposed (e.g. date range); date of disposal, authorising officer name and role. The decision of the information asset owner will be countersigned by the Data Protection Officer.

6 Secure Disposal

All deleted records will be disposed of in a secure manner. In the case of paper records, these will be shredded and all information passed through confidential waste, which is then disposed of in a confidential manner. No shredded paper records will be passed through the general paper disposal process. In relation to electronic records these will be deleted and the recycle bin emptied or by deleting and reformatting the drive of the computer the file is held on.

7 Data Retention

The following sections lean heavily on the publication *Management Framework for Retention and Transfer (June 2019)*, which systematically fleshes out a set of Model Retention Rules (otherwise known as a Retention Schedule) developed in the context of the charities sector, with emphasis on business functions common to charities. The Model Retention Rules take into consideration the following factors to assign retention periods for records groups:

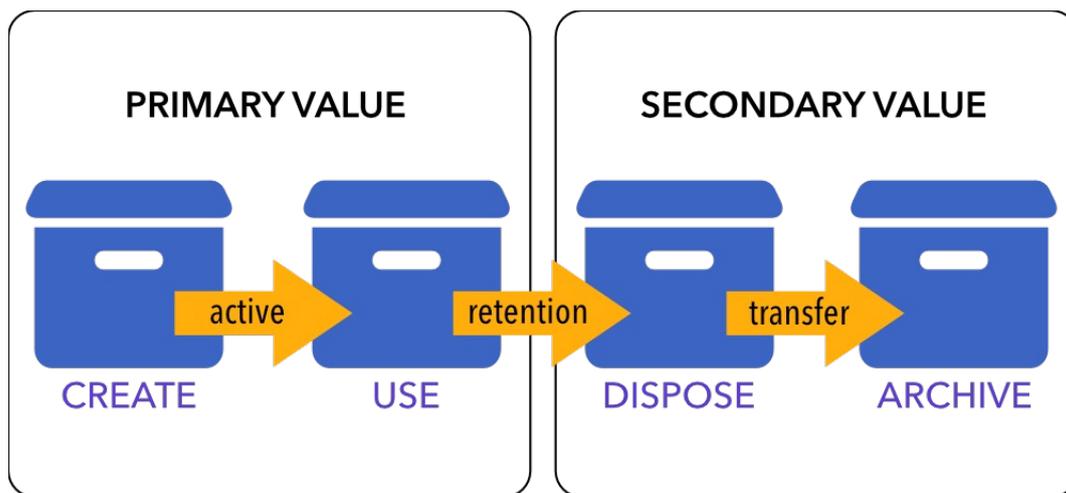
- Legislation governing charities and voluntary organisations,
- Reporting requirements from Charities Commission and other regulators,
- Best business practice identified within sector, and
- Responsible management of personal data.

The Framework also examines the area of Data Archiving in which particular data records are earmarked for transferring to more permanent storage.

Note: Charities and Voluntary Organisations that are likely to hold records pertaining to children must take into account the current embargo on destruction of these records. Please see the [Special Notice](#) for more detail.

Data Records are created and retained to provide evidence of actions. Values inform why we keep records and for how long. This Framework is based on core values which inform how long records should be retained: governance and business value, accountability and transparency, rights and entitlements, and impact and significance. These values apply across the entire lifecycle of the records and inform the management and collection of records and archives.

7.1 Life-Cycle of a Data Record



7.2 Data Retention Schedule

Functions	Record types	Record description	Retention	Reason
Governance and Business Values				
Governance	Governing/ Constitutional Documents	Certificates of Incorporation Constitution, Trust Deed, Memorandum and Articles of Association, Royal Charter, Charity Commission schemes/orders	Permanent	Charities Act 2011, Companies Act 2006
	Board meetings	Board meetings, AGMs, Special Committee meetings	Permanent	Companies Act 2006
	Trustee appointments	Appointment notices, election results, signed contracts, trustee declarations	Permanent	Charities Act 2011, Companies Act 2006

Functions	Record types	Record description	Retention	Reason
	Statutory Registers	Registers of directors and voting members, directors' residential addresses, charges, secretaries, debentures. For members of charity with non-voting rights or no material influence on governance - see Membership	Permanent	Charities Act 2011, Companies Act 2006
	Merged charities	Merger registration documentation, registers of mergers, vesting declarations	Permanent	Charities Act 2011
	Joint working agreements	Partnership agreements, memoranda of understanding, Service Level Agreements, contracts, joint venture agreements, legal partnership documents e.g. limited liability partnerships	6 years from conclusion of relationship	Limitation Act 1980
	Policy and Strategy documents	Business Plans, organisation charts, strategies, policies, procedures, standards	7 years from superseded	Recommended practice
Finance	Annual Reports	Annual reports and audit reports of the organisation	Permanent	Charities Act 2011
	Annual Accounts	Receipts and payments, accruals	7 years from end of financial year	Charities Act 2011
	Tax exemptions /tax relief	Tax relief offered to charities for income generated for charitable purposes - see also Gift aid	7 years from end of financial year	Taxes Management Act 1970
	Tax	Corporation, VAT, Computations and returns.	7 years from end of financial year	Taxes Management Act 1970, Value Added Tax Act 1994, Value Added Tax Regulations 1995 and Finance Act 1998.
Campaigns and advocacy	Advocacy Campaigns	Campaign plans, outputs, reports	7 years from completion of campaign	Recommended practice

Functions	Record types	Record description	Retention	Reason
	Brand, Identity, Reputation	Branding details, histories, anniversaries, reputation management	7 years from superseded	Recommended practice
	Press and monitoring	Press releases, clippings etc	7 years from publication	Recommended practice
	Publications	Newsletters, magazines, newsletters	7 years from publication	Recommended practice
Accountability & Transparency				
Safeguarding	Safeguarding management	Safeguarding policy and procedure, training and monitoring, codes of conduct	7 years from superseded	Recommended practice
	Safeguarding children and adults at risk	Disclosure and barring certificates	6 months from issue of certificate	Recommended practice – see Handling of DBS Information
	Incidents and allegations	Incidents and allegations relating to children, or adults at risk	6 years from incident report or allegation then review	Files should be reviewed to ascertain risk associated with incident and decide whether longer retention period is required
	Overseas risk management	Risk assessments, overseas incident reports, country profiles, emergency relief plans	7 years from file closure	Recommended practice
	Third party due diligence	Due diligence documentation, due diligence of donations and benefits, Know Your Donor checks etc	7 years from end of relationship or date of last transaction	See Money Laundering Regulations

Functions	Record types	Record description	Retention	Reason
Serious incidents	Serious incident reporting	Serious incident reports, serious incident policy and training, escalation protocols, periodic reporting	6 years from date of incident report then review	Files should be reviewed to ascertain risk associated with incident and consider whether a longer retention period is required
Fundraising and donations	Fundraising income	Fundraising from shop sales, sales of merchandise, raffles and lotteries, fees for fundraising events, subscriptions with significant benefits	7 years from end of financial year	Charities Act 2002, Taxes Management Act 1970 See the Fundraising Code of Conduct for more detail – see Fundraising Regulations
	Membership records	Register of supporters, subscribers, friends or members. For members of charity with voting rights – see Statutory Registers	7 years from conclusion of relationship	Taxes Management Act 1970
	Grants (received)	Funding grants received from third parties	7 years from end of grant period	Taxes Management Act 1970
	Donation Records	Donor files, in kind donations (including correspondence, offers, registers etc)	7 years from end of financial year	Taxes Management Act 1970
	Gift aid	Declaration records	7 years from end of financial year	Taxes Management Act 1970, The Donations to Charity (Gift Aid Declarations) Regulations – see Detailed Guidance Notes on Gift Aid
	Gifts	Gift register	7 years from end of financial year	Taxes Management Act 1970

Functions	Record types	Record description	Retention	Reason
	Deeds of Covenant	Deeds of covenant	6 years from date of last payment	Limitations Act 1980 See also Gift Aid
	Legacies, Wills, Bequests	Legacies, wills, bequests	6 years from closure of estate	Limitations Act 1980
Volunteers and collections	Volunteer management	Volunteer registers, volunteer files including contact details, insurance coverage, risk assessments, occupational health, complaints and problem behaviour, allegations	6 years from termination of voluntary relationship	Limitation Act 1980. These files may be held in a similar manner to, or in conjunction HR personnel file.
	Unsuccessful volunteer recruits	Registration papers, vetting, forms	6 months from decision	Recommended practice. See also recommended retention of DBS certification.
	Volunteer collections and payments	Receipts of collections, timesheets, receipts, disbursements, expenses	7 years from collection	Taxes Management Act 1970
	Volunteer collection management	Volunteer collection policies, procedures, training materials	7 years from superseded	Taxes Management Act 1970
Financial accountability	Annual returns	Statement of annual income	7 years from end of financial year	Recommended practice
	Trustee payments	Charity Commission authorised payments to trustees	7 years from end of financial year	Limitation Act 1980
	Conflict of Interest management	Conflict of Interest Register	7 years from resolution of identified conflict	Limitation Act 1980
Rights & Responsibilities				

Functions	Record types	Record description	Retention	Reason
Beneficiary management	Case management	Content and type of case file will depend on purpose and functions of the charitable organisation. To review case files appropriately the organisation will need to provide a clear description of case files particular to the organisation and take into consideration beneficiary rights, entitlements, as well as the potential to provide information about personal history to individuals	6 years from date of discharge then review	Recommended practice. Case records should be kept for at least 6 years before they are reviewed to understand whether they continue to support rights and entitlements of beneficiaries or are material to the assessment of risk relating to the beneficiary.
	Grants (awarded)	Grant applications, copies of award letters	7 years from end of financial year	Limitation Act 1980
	Beneficiary records	Records of payments/awards to charitable beneficiaries, may include registers, credit notes, receipts etc	7 years from end of financial year	Recommended practice. Where beneficiary records are kept within case files, case file retention rules should be applied.
	Managing residency	Residents files	6 years from date of discharge or death	Recommended practice. See also Case management
Property management	Deeds of title	Deeds, plans, titles	12 years after disposal of estate	Limitations Act 1980
	Leases	Rents, leases etc	6 years from expiry of lease	Limitations Act 1980

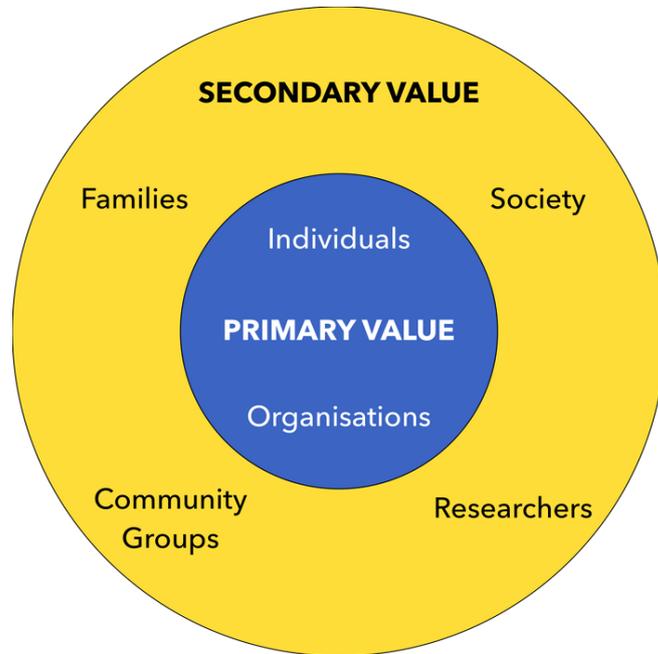
Functions	Record types	Record description	Retention	Reason
Artefact/object files	Bills of sale, valuations, letters of authentication, reports	Records identifying the history or provenance of objects and artefacts. This may include correspondence or reports pertaining to history of artefact or explanation of care, preservation and custody.	6 years after disposal of artefact	Limitations Act 1980
Data Protection rights	Data subject rights request records	Subject access requests, request management records, consent management records, legitimate interest tests and outcomes	7 years from date of request	Recommended practice
Impact & Significance				
Working Papers	Working papers	Records gathered to substantiate case studies, including interview notes, transcriptions, statistics	1 year after publication of impact study	Data Protection Act 2018. May be retained longer personal data gathered for the development of case or impact studies is anonymised.

8 Data Archiving

Archiving is the process by which data at the end of their retention periods are transferred to more permanent storage, usually on separate devices and in different locations. The Model Framework provides Model Selection Criteria for records to be retained as archives. Archivists take a broader perspective when assessing the value of records. Appraisal values can change and accumulate over time. This means that records may have a primary appraisal value at the point of creation and gain additional secondary value over time.

The primary value is closely associated with the original functional use of the record. Over time records may gain a secondary value beyond the original function. For example, records may be of research, evidential or genealogical value.

Archivists must consider both the primary and secondary value of records when developing selection criteria. Archivists must also consider a broader range of stakeholders who derive value from records selected for long-term preservation. These stakeholders may sit outside the original creating organisation.



The appraisal of primary and secondary values requires a combination of approaches:

8.1 Functional analysis

Records management provides analysis of functions of importance to organisations and individuals. Records management retention rules provide a foundation for archival appraisal decisions. The values and functions identified within records retention rules will inform archival selection criteria.

8.2 Significance assessment

Archival appraisal considers the significance of records to a broader group of people outside the organisation. In addition to functional analysis of records, appraisal requires an assessment of the significance of records. Assessing records in the context of their significance to the goals and purpose of the organisation ensures that people, places and events important to the organisation are taken into consideration during the appraisal process.

8.3 Model Selection Criteria for Archiving

Governance and Business Value
Value description
Records pertaining to the governance of the organisation, and records of commercial or informational value to the organisation.
Why keep these records?

Governance

Demonstrating good governance is essential to organisations in the charity sector. Governance documents not only provide direction and purpose for charities, but they also provide evidence required to obtain or maintain charitable status. Governance documents capture the establishment of an organisation, the key purpose and goals, important decisions, and document the activities of trustees, board member and other member of influence.

Business value

Records of business value are essential for the operation of the business. These records capture operational decisions made and support continuity of organisation activities. Records associated with operational business value should be retained for as long as there is a business need for these. (It should not be assumed that records of business value are only needed in the short term. In some cases records may have enduring business value and need to be retained long term.)

Generic Records Selection Criteria for Governance and Business Value

- Records relating to the governance of the organisation (e.g. Board papers, agendas, minutes etc)
- Records relating to the creation, merger or dissolution of charitable organisations
- Records that document the purpose and goals of the charitable organisation.

Accountability and Transparency

Value description

Records pertaining to the accountability and transparency of charities to governing bodies, beneficiaries, donors and other stakeholders.

Why keep these records?

Organisations conferred with charitable status are accountable to regulators and stakeholders for several key activities. Safeguarding is an important element of accountability and transparency. Safeguarding addresses a number of potential risks including:

- ensuring steps are taken to manage risk for children and vulnerable adults;
- conducting due diligence checks for donors and beneficiaries;
- assessing and managing risk for individuals working or volunteering for the organisation (particularly in a global context); and
- ensuring that fundraising is carried out responsibly.

Records resulting from accountability and transparency related functions generally have a short-term retention value. However, with increased scrutiny from regulators, and higher public expectations, charities need to consider how they evidence accountability and transparency long term. Charities also need to consider how they might be accountable to individuals in the long term.

Charities and voluntary organisations that are likely to hold records pertaining to children must take into account the current embargo on destruction of these records. Please see the [Special Notice](#) for more detail.

Generic Records Selection Criteria for Accountability and Transparency

- High level records of financial accountability (for example annual reports, audits)
- High level records outlining safeguarding measures and results
- Records of investigations, serious incidents, and inquiries, particularly where there is a public interest.

Rights and Entitlements
Value description
Records identifying or upholding rights and entitlements of individuals or institutions.
Why keep these records?
<p><i>Individual Rights</i></p> <p>Charities and voluntary organisations hold records which uphold or protect the rights of individuals, groups or corporate bodies. This may include documentation providing evidence of existence of individuals or groups and may affect the ability to make claims based on rights or entitlements. These records need to be maintained for the time period for which the right or entitlement needs to be proven.</p> <p>A proportion of charities will retain records relating to individuals, potentially in the form of case files or beneficiary files. These files may contain personal and special category (sensitive) data. Consideration for the rights of the individual must be made when deciding how long to keep these types of records. Where the Rights and Entitlements appraisal criteria are applied organisations need to be very clear about:</p> <ul style="list-style-type: none"> • what rights are protected or upheld; • how the records protect or uphold rights; and • for what period the rights or entitlements apply to the individual. <p>Charities and Voluntary Organisations that are likely to hold records pertaining to children must take into account the current embargo on destruction of these records. Please see the <u>Special Notice</u> for more detail.</p> <p>For more guidance on appraising case files please refer to: http://www.nationalarchives.gov.uk/documents/information-management/osp48.pdf</p> <p><i>Property rights</i></p> <p>Management of property and estates is a common organisational function – although there are some additional considerations in a charitable context. Some charities may own at least one if not several properties and need to retain records such as leases, deeds, bequests and estate management documents.</p> <p>Charitable organisations may also manage objects or artefacts, for instance works of art, scientific specimens, tools, machines or models. Asset registers document the financial value of objects and artefacts. Records authenticating and contextualising artefacts and objects support the understanding of the intrinsic value.</p>
Generic Records Selection Criteria for Rights and Entitlements:
<ul style="list-style-type: none"> • Records which uphold the rights of individuals long term • Records which prove identity in connection with rights and entitlements • Records where proof of ancestry confers certain entitlements to descendants.
Impact and Significance
Value description
Records demonstrating the impact of the organisation, and of long-term significance to the organisation and its stakeholders.

Why keep these records?

Impact

The impact that charitable organisations have on their beneficiaries, donors, staff, volunteers and the broader community is a significant measure within the sector. There is a growing expectation that charities demonstrate impact, using key indicators and measures which connect back to the charitable purpose.

Significance

To understand the value of groups of records, charities must evaluate their significance in relation to the values, goals and people of the organisation. To understand the significance of records particular to your organisation you need to identify the charitable purpose of your organisation. The charitable purpose will inform the goals and values of an organisation.

The **Significance Assessment** below helps you to identify and select records of significance to your organisation.

Significance Assessment

How are the records significant?

The records pertain to the establishment of the organisation or provide evidence of governance of the organisation over time.

The records provide an overview of core functions of the organisation.

The records capture the experiences and narratives of the people and their association with the organisation.

The records pertain to events and phenomena of importance to the organisation, or events of significance to the wider community. The records that reflect high level changes over time.

The records pertain to specific places, buildings or localities, including environmental aspects of place.

What characteristics do the records take?

Where did the records come from, who / what institution gave them? Are there any requirements of deposit? (e.g. retention or access).

Are the records a rare or unique example, or do they provide insight to a rare or unique aspect of the organisation?

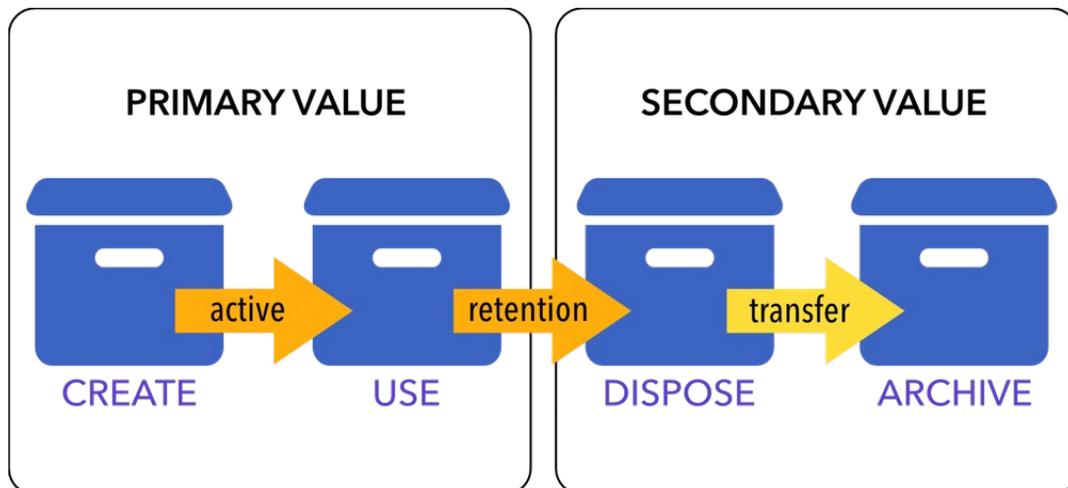
Are the records in good condition? Are they accessible or usable? Is there enough context for these to make sense?

Are the records in a format that you have facilities to manage? Are technological tools required to view or access the records? Is the format obsolete? Can the content be converted to another more accessible format?

Do the records hold unique, aesthetic, historic or noteworthy physical form? Is the physical form required for the interpretation or authentication of the content? Does the record set a precedent or provide an early example of a type?

9 Data Transfer

Transfer is the action of moving records from active use to the archive as a natural part of the records' life-cycle. Transfer may be internal or external. Internal transfer occurs within an organisation, being the point in the life-cycle when a record moves from records repositories or individual custody to the archive. External transfer occurs when an organisation transfers records to a third party.



9.1 Internal transfer

Traditional methods of transfer can be disrupted due to changes in the way records are now managed. Many records can sit outside of records and archives systems because of changes in technology and practice. Now records are often in the custody of individual users, rather than in official systems. In order to mitigate this, archivists need to be more aware of, and involved with, ensuring good records management practice is in place.

Convergence of records and archives management disciplines means a more integrated approach to transfer must be considered. For successful internal transfer, records and archives managers should consider the following approaches:

- integrated or linked retention schedules and collection policies
- partnerships between records managers and archivists in retention and appraisal decision-making
- use of records status in systems and processes to identify lifecycle stages
- capture of metadata and supporting information to preserves context of records
- use of common rules in business systems and processes
- integration of business, records and archival systems to ensure archival capture
- proactive engagement to gain buy-in, improve understanding of functions and significance and establish custody arrangements.

9.2 External transfer

External transfer, transferring collections in whole or in part to a third party, may be considered by some organisations in the following circumstances:

- where an organisation has no suitable facilities or resources to store, manage or provide adequate access to records

- where the format of the collection requires specialist knowledge, equipment or expertise (such as film, audio visual etc.)
- where the records are more suited to another collecting body, such as library special collections for publications or museums for artefacts
- where the theme or content of the collection is better aligned to the collecting policy and criteria of another organisation
- to facilitate research and other forms of engagement and access.

Transfer arrangements with third parties should be considered as carefully as any charitable partnership. When considering transfers to a third-party charities should consider the following:

External transfer checklist	Y/N
What is the purpose of the receiving organisation and what are their values? How do these values inform their collection policies?	
What conditions of transfer are put in place by the receiving organisations? What listing standards or access arrangements are in place and are these compatible with current policy and needs?	
What forms of agreements are in place governing the transfer and how formal are these? What clauses are in place to protect the rights of the depositing organisation?	
What are the rights and entitlements for the depositing organisation in terms of custody, access, governance? Will the depositing organisation be able to monitor and control elements such as access to the collection?	
How permanent is the transfer? Is there a limited time period for transfer? Is repatriation of collections at the end of the arrangement a consideration?	
In data protection terms, how will the roles of data controller and data processor be assigned and to whom?	
Do stakeholders need to be consulted about the transfer?	
How frequently are transfers made? One off or on a regular basis?	
How are records physically prepared for transfer? Who is responsible for the physical transfer arrangements?	

10 Special Notice

From the outset, the minimum age limit applied by Norfolk Clubhouse to members, staff and volunteers is 18, so this section does not come within the Charity's scope. This situation may change in the future as the Clubhouse matures. The section is included here for completeness.

Documents relevant to the Independent Inquiry into Child Sexual Abuse (IICSA)

Under section 35 of the Inquiries Act 2005, it is an offence for any person knowingly to destroy or alter a document relevant to the Inquiry's terms of reference. The retention instruction is available on the Inquiry's website here: <https://www.iicsa.org.uk/> .

Any institution which is considering the Inquiry's retention instruction in line with DPA 2018/GDPR obligations is advised to adopt a risk-based approach to identifying categories of material which may no longer need to be retained. Records clearly outside the terms of reference can be considered for destruction. Any decisions to dispose of particular categories of document should be made at a senior level and in the knowledge that the provisions of s35 of the Inquiries Act 2005 continue to apply.

Any institution which is considering the Inquiry's retention instruction in line with DPA 2018/GDPR obligations is advised to adopt a risk-based approach to identifying categories of material which may no longer need to be retained. Records clearly outside the terms of reference can be considered for destruction. Any decisions to dispose of particular categories of documents should be made at a senior level and in the knowledge that the provisions of s35 of the Inquiries Act 2005 continue to apply.

Where there is data pertaining to children held by a charity, the following functions and record types must be considered as part of a review to identify records subject to the embargo:

Function	Examples of record types
Safeguarding children and adults at risk	Disclosure and barring certificates
Incidents and allegations	Incidents and allegations relating to children, or adults at risk
Serious incident reporting	Serious incident reports, serious incident policy and training, escalation protocols, periodic reporting
Volunteer management	Volunteer registers, volunteer files including contact details, insurance coverage, risk assessments, occupational health, complaints and problem behaviour, allegations
Unsuccessful volunteer recruits	Registration papers, vetting forms

Overseas risk management	Risk assessment, overseas incident reports, codes of conduct, country profile, emergency relief plans
Case management	Content and type of case file will depend on purpose and functions of the charitable organisation. To review case files appropriately the organisation will need to provide a clear description of case files particular to the organisation and take into consideration beneficiary rights, entitlements, as well as the potential to provide information about personal history to individuals
Beneficiary records	Records of payments/awards to charitable beneficiaries, may include registers, credit notes, receipts etc.
Managing residency	Residents files

This is not a comprehensive list of all functions and records which come under embargo. Charities will need to assess functions and record groups to identify records which may be affected. For more information on the embargo please refer to:

<https://www.iicsa.org.uk/news/chair-of-the-inquiry-issues-guidance-on-destruction-of-documents>

Once the embargo of records relating to children is lifted, charities will have to consider what retention rules should be applied. The Framework only provides guidance in lieu of further advice from the IICSA.