

Data Retention Policy

Introduction

The Brain Tumour Charity (TBTC) is committed to retaining information securely as required by law and best practice and shall dispose of records which are no longer required in a secure way and on a regular basis. The purpose of this Data Retention Policy, hereby referred to as 'this policy', is to ensure consistent management of records throughout the charity. Records will only be kept as long as necessary for operational and business needs, and to fulfil legal, regulatory, and audit obligations. This policy applies to all records, regardless of format (paper or electronic).

Scope

Every team at TBTC is responsible for holding onto the items listed in the Retention Schedule. Within each department, Heads need to assign specific individuals for each category.

This policy addresses our internal guidelines, methods, and protocols for securely storing and disposing of personal data, confidential information, and commercially sensitive records. Adherence to this policy is compulsory, and any breaches may result in disciplinary measures.

What is a Retention Schedule?

A retention schedule is a structured plan detailing the duration for which different records or information should be retained before disposal, review, or archival. Its purpose is to assist in managing our records effectively by retaining what is essential for our operations, legal requirements, and regulations, while also mitigating risks and minimising costs associated with retaining unnecessary or outdated data.

The retention plan needs to encompass:

- Description of the record content.
- Method and security measures for storing the primary records, whether electronically or on paper.
- Identification of the storage system.
- Duration of record retention and the triggering event (e.g., expiration of an employment contract or case closure).
- Justification for retaining records for the specified duration (e.g., in accordance with the Limitation Act 1980).
- Procedures for record disposal.

Records lacking specific retention periods (due to the inability to ascertain their ongoing value) must undergo regular reviews. During the review period, these records must be evaluated, and a determination made regarding their disposal or whether they should undergo another review within a specified timeframe.

Why are Retention Schedules required?

Retention schedules are pivotal in enhancing our organisational efficiency, while also ensuring adherence to legal and regulatory requirements.

Retention schedules:

- Offer a consistent, regulated process for material disposal.
- Guard against premature discarding of records.
- Prevent unnecessary retention of information.

- Contribute to saving space, time, and finances.

The Information Commissioner's Office (ICO) is an independent regulatory authority that oversees data protection and privacy matters in the United Kingdom. They explain that record disposal should only occur in alignment with well-defined policies, such as this policy, which have been officially approved and implemented by staff.

The General Data Protection Regulation (GDPR) mandates that personal data should only be retained for as long as necessary to identify data subjects. Therefore, setting retention periods for records is essential for preventing data breaches.

When determining the appropriate duration for retaining information, the ICO recommends taking into account the following factors:

- The requirements of the charity.
- The present and future significance of the information.
- The expenses, risks, and liabilities linked to retaining the information.
- The simplicity or complexity of maintaining the accuracy and currency of the information.

For further information on other specific considerations, please refer to the retention resources available to staff or contact a data protection expert on DPO@thebraintumourcharity.org.

Procedure

The task of implementing the retention schedule should be delegated to suitable staff members within each team at TBTC, and a system (manual or automated) should be established to notify them when specific records are scheduled for disposal or destruction. Those tasked with this responsibility, or those to whom it is delegated, should be allotted sufficient time to perform their duties efficiently and promptly.

Ideally, there should be a single master record, though it is recognised that in reality, there may be additional copies of the record maintained in alternative formats and/or by other teams for valid reasons. In such instances, copies produced solely for convenience (e.g., printing notes for a meeting) should be preserved for the shortest possible duration, while those generated for other business purposes should not surpass the lifespan of the master record. Diligent efforts should be made to eradicate all copies (both paper and electronic) when disposing of the master record. Failing to do so may result in the information still being considered under the possession of the charity and therefore subject to accessibility under GDPR regulations concerning personal data.

Storage of documents

TBTC takes a Digital First approach to the storage of documents. All documents not required to be kept as hard copies should be scanned and stored electronically and the hard copies disposed of by placing in the secure confidential waste consoles to ensure records are subsequently destroyed by our confidential waste contractors. Non-confidential documents can be placed into paper recycling bins.

All documents should be kept in a secure location (e.g. locked filing cabinet, SharePoint etc.) and clearly marked in a prescribed order to facilitate easy retrieval and prompt response to inquiries.

- For paper records requiring hard copies, file covers should be clearly labeled with disposal dates to aid in identifying material due for destruction.
- Regarding electronic information, teams should use a hierarchical structure of folders, sub-folders, and metadata to streamline the identification process for documents reserved for deletion.

Each team is responsible for maintaining the accessibility of their electronically stored records and preventing them from becoming inaccessible due to outdated technology. It is advisable for teams to conduct regular reviews of their data, ideally every three years, and liaise with the DEV team should files need updating into new file formats.

Destruction of documents

Documents containing confidential or personal data placed into the confidential waste consoles or extra shredding bags (due to overflow of consoles) will be collected by our contractor (Environmental Solutions Waste Management at time of writing) on a routine basis and will be destroyed to the standard of BS EN 15713:2009. All material collected will be processed and shredded within 24 hours. Waste transfer notes shall be provided to the Office Manager to confirm secure disposal and for record keeping.

Teams should monitor retention periods diligently and take appropriate disposal action when they come to an end, ensuring that disposal decisions are implemented in a timely and effective manner.

Recording record disposal is important for maintaining transparency and accountability, confirming adherence to this policy and the retention schedule. Teams must notify the data protection expert of necessary disposal actions via DPO@thebraintumour.org to facilitate updates to the retention schedule with data protection oversight. This should include details such as what, when, and why materials are disposed of. This is not required for copies of records that have the shortest possible lifespan.

As part of regular business practices, the following documents can be routinely disposed of due to their short-term value:

- Duplicate copies for convenience
- Insignificant emails
- Preliminary drafts
- Outdated reference resources
- Printed materials

Staff should frequently clear their digital recycle bins and download directories in their remote desktop accounts to mitigate retention risks.

If staff are unsure about the disposal of records (due to ongoing litigation or investigation), it's advisable to retain them for future review, with a specified review date recorded. Similarly, if records are flagged as the subject of a GDPR rights request (like a subject access request), their disposal should be deferred until disclosure takes place or the complaint/appeal procedures are settled.

It's important to highlight that it's illegal to destroy any documents deliberately to hinder the disclosure of information, whether it's related to regulatory public duties or in response to a GDPR rights request. This is why it is necessary for teams to adopt clear and consistent procedures for record disposal as it supports the lawful destruction of the information.

The removal for staff leavers is triggered through the completion of the starter/leaver form and in accordance with our Access Policy.

Communication

By prioritizing effective communication and collaborative teamwork, we can enhance our ability to implement and maintain a robust data retention schedule, ensuring compliance, mitigating risks and achieving our reputational objectives collectively.

Each team can work together by applying the following strategies:

- Establish clear roles and responsibilities, in accordance with the RACI Matrix, to ensure accountability and a shared understanding of individual contributions to the retention process.

- Implement structured communication channels, such as team meetings, email threads, or project management tools, for discussing data retention-related matters. Regular communication sessions provide opportunities for team members to share updates, address concerns, and collaborate on decision-making processes.
- Encourage collaboration with other teams as there may be a cross over. The exchange of expertise promotes innovative solutions and ensures that retention practices align with the charity's broader objectives and values.
- Solicit feedback from team members regarding the effectiveness of the data retention processes within the team. Where areas for improvement have been identified, teams are asked to contact DPO@thebraintumourcharity.org as we are always looking to refine our data retention practices to align with evolving needs and challenges.

Sign Off

This policy will undergo regular reviews to ensure it stays current and in line with changing regulations and best practices. It will be shared with all relevant stakeholders and made available to the public upon request.

By signing this policy, you agree to the implementation of its procedures, guidance and escalation processes with immediate effect.

Policy Owner	Data Protection Manager
Last updated by	Gemma Taylor, Data Protection Manager
Last reviewed date	12/04/2022
Signed off by	Liam Heffernan, Director of Finance and Governance
Signed off date	15/04/2024
Next review due	15/04/2027

Please add to Salesforce for audit trail of approval and review reminders.