

Retention and Erasure Guidelines

1.3

Document Type:	Policy & Procedure
Current Status:	Final
Version:	1.3
Reviewed by:	Lee Busher
Latest review date:	July 2022
Document Owner:	Sue Williams
This version approved:	01 2021
Next review due:	July 2024
Approved by	Kirstine Haslehurst
Original publication date	20 06 2019
Applies to:	e.g. All Southern Hampshire Primary Care Alliance Staff/Clinical Staff/etc...

Version Control

Version	Date	Author	Change Summary
1.3	22/07/22	L Busher	Formatting changes and review

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1. ABOUT THESE GUIDELINES

The guidelines are intended to ensure that Southern Hampshire Primary Care Alliance (SHPCA) processes personal data in the form of employment records in accordance with the personal data protection principles, in particular that:

- Personal data must be collected only for specified, explicit and legitimate purposes. It must not be further processed in any manner incompatible with those purposes.
- Personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed. When personal data is no longer needed for specified purposes, it is deleted or anonymised as provided by these guidelines.
- Personal data must be accurate and, where necessary, kept up to date. It must be corrected or deleted without delay when inaccurate.
- Personal Data must not be kept in an identifiable form for longer than is necessary for the purposes for which the data is processed.
- Personal Data must be secured by appropriate technical and organisational measures against unauthorised or unlawful processing, and against accidental loss, destruction or damage.

The Data Protection Officer (DPO) is responsible for overseeing these guidelines. Any questions about the operation of the guidelines should be submitted to the DPO.

2. LOCATION OF EMPLOYMENT RECORDS

Your line manager holds employment records and can be contacted with any enquiries relating to your personal data.

3. KEEPING INFORMATION UP TO DATE

SHPCA needs to ensure that your personal details are up to date and accurate.

When you first start working for SHPCA we record your name, address, next of kin and contact telephone details. In the event that any of these change you should inform your line manager. You will be invited to review and update personal information on a regular basis.

4. GENERAL PRINCIPLES ON RETENTION AND ERASURE

SHPCA's approach to retaining employment records is to ensure that it complies with the data protection principles referred to in these guidelines and in particular to ensure that:

- Employment records are regularly reviewed to ensure that they remain adequate, relevant and limited to what is necessary to facilitate you working for SHPCA.
- Employment records are kept secure and are protected against unauthorised or unlawful processing and against accidental loss, destruction or damage. Where appropriate SHPCA uses anonymization to prevent identification of individuals.
- When records are destroyed, whether held as paper records or in electronic format, SHPCA will ensure that they are safely and permanently erased.

5. RETENTION AND ERASURE OF RECRUITMENT DOCUMENTS

SHPCA retains personal information following recruitment exercises to demonstrate, if required, that candidates have not been discriminated against on prohibited grounds and that recruitment exercises are conducted in a fair and transparent way.

SHPCA's candidate privacy notice advises candidates how long SHPCA expects to keep their personal information for, once a recruitment decision has been communicated to them. This is likely to be for six months from the communication of the outcome of the recruitment exercise which takes account of both the time limit to bring claims and for claims to be received by SHPCA.

Information relating to successful candidates will be transferred to their employment record with SHPCA. This will be limited to that information necessary for the working relationship and, where applicable, that required by law.

Following a recruitment exercise information, in both paper and electronic form, will be held by the recruitment manager. Destruction of that information will take place in accordance with these guidelines.

6. RETENTION AND ERASURE OF EMPLOYMENT RECORDS

SHPCA has regard to recommended retention periods for particular employment records set out in legislation, referred to in the table below. However, it also has regard to legal risk and may keep records for up to seven years (and in some instances longer) after your employment or work with us has ended.

7. RECORDS RETENTION POLICY – ENGLAND

Record	Retention period (years)	Comments
Accident reports	10	Where litigation has been commenced, keep as advised by legal representatives.
Accounts - Annual (Final - one set only)	Permanent	CQC required period is 30 years
Accounts Minor records (pass books; paying-in slips; cheques counterfoils; cancelled/discharged cheques; accounts of petty cash expenditure; travelling and subsistence accounts; minor vouchers; duplicate receipt books and income records.	6	
Bank details (employee)		Bank details will be deleted as soon after the end of employment as possible, once final payments have been made
Bills, receipts and cleared cheques	6	
Board Meetings	Before 20 years but as soon as practically possible.	Transfer to place of deposit
Buildings and engineering works, Inclusive of major projects abandoned or deferred - town and country planning matters and all formal contract documents (e.g. Executed		The general principle to be followed with regards to these records is that they should be preserved for the life of the buildings and installations to which they refer.

agreements, conditions of contract, specifications, "as built" record drawings and documents on the appointment and conditions of engagement of private buildings and engineering consultants.		
Building records (mortgage, transfers, disposal etc)	Permanent	
Buildings and Premises – general maintenance records	3 years	
Cash Books	6	The Limitation Act, 1980
CCTV Images	31 days	Unless retention otherwise justified
Clinical Audit records	5	
Clinical System patient records	Permanent	Retain indefinitely for the foreseeable future
Collective Agreements (collective workforce agreements and past agreements that could affect present employees	7	Whilst employment continues and for 7 years after the contract ends
Committees listed in the scheme of delegation/major projects	Before 20 years but as soon as practically possible.	Transfer to place of deposit
Committees not listed in the scheme of delegation	6	Transfer to place of deposit
Complaints	10	Where litigation has been commenced, keep as advised by legal representatives

Computerised Records	The recommended minimum retention periods apply to both paper and computerised records, though extra care needs to be taken to prevent corruption or deterioration of the data. Re-recording / migration of data will also need to be considered as equipment and software become obsolete. For guidance, see the Public Record Office guidance, Management and Appraisal of Electronic Records (1998) – see link below	
Contracts (includes written particulars of employment, contracts of employment or other contracts, documented changes to terms and conditions)	7	The Limitation Act, 1980 While employment continues and 7 years after the contract ends
Death Certificates and death Records	2	
Destruction Certificates	20	Review and consider transfer to a place of deposit
Diaries (office)	1	
Employment Records – see Personnel files and Payroll records below		
Equipment maintenance records/inspection of equipment	11	
Electrical Testing records	3	
Fire safety Records	5	
Freedom of Information Act Requests	3	
Fridge Temperature Records	1	
Funding data	6	
Insurance certificates	40	
Job advertisements	1	
Job applications and descriptions (following termination of employment)	3	

Maternity records (including maternity payments, dates of maternity leave, period without maternity pay, certificates showing expected week of confinement)	4	4 years after the end of the tax year in which the maternity pay period ends
Medical gas storage, transport and safety	3	
Minutes of Meetings	1	
Notifiable Disease Record	6	Review and if no longer needed destroy
Out of Hours Records	3	Where these are held as part of the clinical system the longer period of retention relating to clinical system records applies.
Paper Patient Records	20	20 years after last recording. 10 years after death. For patients treated under the Mental Health Act retain for 30 years after last recording.
Payroll / PAYE records	10	For superannuation purposes authorities may wish to retain such records until the subject reaches benefit age. Retain for 10 years after termination of employment
Personnel files (e.g. Personal files, letters of appointment, annual leave records, annual assessment reports, disciplinary and grievance procedures, death benefit nomination and revocation forms, resignation, termination and revocation forms) contracts references & related correspondence)	6	For current staff see Annex A For former staff, keep for 7 years after subject of file leaves service, or until subject's 70 th birthday, whichever is the later. Only the summary needs to be kept to age 70; remainder of file can be destroyed 7 years after subject leaves service.

<i>Policies and Procedures (general operating policies)</i>	3 years	Current version and all previous versions to be retained for a minimum 3 year period. 5 years recommended
<i>Purchasing orders excluding medical devices and medical equipment</i>	18 months	
<i>Purchasing orders - medical devices and medical equipment</i>	11 years	
<i>Recruitment records (these may include online applications/CVs, equal opportunities monitoring forms, assessment exercises/tests, interview and shortlisting notes, pre-employment checks and references, criminal records checks)</i>	6 months after notifying candidates of outcome	Some details may be transferred to a successful candidate's employment file if relevant
<i>Immigration Checks (3 years after termination of employment)</i>	3	
<i>Risk assessments</i>	3	Retain three years and ensure that subsequent risk assessments are available
<i>Rotas and staff duty rosters</i>	4	4 complete years following the year to which they relate
<i>Screening including cervical screening, information where no cancer/illness detected</i>	10	Review and if no longer needed destroy
<i>Serious Incident</i>	20 (Non-serious 10 years)	Review and consider transfer to a place of deposit.
<i>Significant Event records</i>	3	Including those to be notified to the CQC
<i>Superannuation Forms (SD55)</i>	10	
<i>VAT Records</i>	6	Complete years following the end of a VAT period

Working time (including opt-out records, compliance records, time-sheets for opted out staff, health assessment records for night workers)	3	(For opt out – 3 years from date on which they were entered into) 3 years after the relevant period
Water Safety records	5	
Website	6	Review and consider transfer to place of deposit

NHS Digital on records retention and handling patient information: <https://digital.nhs.uk/codes-of-practice-handling-information>

The Medical Protection Society recommend that any records not specifically mentioned elsewhere should be retained for 10 years after conclusion of treatment, the patient’s death or after the patient has permanently left the country.

Government guidance on employee data: <https://www.gov.uk/data-protection-your-business>

8. Appendix A

Employment Records Retention Periods

National minimum wage

Record: Records sufficient information to establish that every worker is being, or has been, remunerated at a rate at least equal to the national minimum wage.

Retention period: Three years from the day the pay reference period immediately following that to which the records relate ends.

Form of record: Records must be in a form that enables the information kept about a worker in respect of a pay reference period to be produced in a single document.

Legislation: National Minimum Wage Regulations 2015 (SI 2015/621), reg.59.

Working time restrictions

Record: Records that are adequate to show that the limits on weekly working time, daily and weekly working time for young workers, and night work (including night work involving special hazards or heavy physical or mental strain); the restriction on employing young workers during the "restricted period"; and the requirement to give every worker an opportunity of a free health assessment before he or she is transferred from day work to night work and at regular intervals thereafter are being met.

Retention period: Two years from the date on which the records were made.

Form of record: None prescribed.

Legislation: Working Time Regulations 1998 (SI 1998/1833), reg.9.

Incapacity for work and statutory sick pay

Record:

- all sickness periods lasting at least four days;
- statutory sick pay (SSP) payments; and
- weeks SSP not paid and why.

Retention period: Three years after the end of the tax year in which the sickness periods occurred and SSP payments were made.

Form of record: None prescribed. An approved form is available from HM Revenue and Customs (SSP2 SSP record sheet) (on the HMRC website).

Legislation: Not a statutory requirement, but HM Revenue and Customs may check that employers are paying SSP correctly and has the power to impose penalties for a failure to keep records.

Absence during pregnancy and statutory maternity pay

Record:

- the date of an employee's first day of absence from work wholly or partly because of pregnancy or confinement as notified by her and, if different, the date of the first day when such absence commenced.
- the weeks in that tax year in which statutory maternity pay (SMP) was paid to that employee and the amount paid in each week;
- any week in that tax year within the employee's maternity pay period for which no payment of SMP was made (and why); and
- any medical certificate or other evidence relating to the employee's expected week of confinement or, as appropriate, her confinement.

Retention period: Three years after the end of the tax year in which the employee's maternity pay period ended.

Form of record: None prescribed. An approved form is available from HM Revenue and Customs (SMP2 SMP record sheet) (on the HMRC website).

Legislation: Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960), reg.26.

Note: Where an employer returns a medical certificate to an employee for the purpose of enabling her to make a claim for benefit, it will be sufficient for a copy of that certificate to be retained.

An employer shall not retain any certificate of birth provided as evidence of confinement by a woman who is or was an employee, but shall retain a record of the date of birth.

Statutory paternity pay, statutory shared parental pay and statutory adoption pay

Record:

the date the paternity pay period, shared parental pay period or adoption pay period began;

the evidence provided by the employee in support of his or her entitlement to statutory paternity pay (SPP), statutory shared parental pay (ShPP) or statutory adoption pay (SAP) (in compliance with the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 (SI 2002/2822), regs.9, 15 and 24, or statutory shared parental pay (ShPP) (in compliance with the Statutory Shared Parental Pay (General) Regulations 2014 (SI 2014/3051) regs.6, 7, 19 and 20);

the weeks in that tax year in which payments of SPP, ShPP or SAP were made and the amount paid in each week; and

any week in that tax year which was within the employee's paternity pay period, shared parental pay period or adoption pay period but for which no payment was made (and why).

Retention period: Three years after the end of the tax year in which payments of SPP, ShPP or SAP were made.

Form of record: None prescribed. Approved forms are available from HM Revenue and Customs SAP2 SAP record sheet, SPP2 SPP record sheet (on the HMRC website).

Legislation: Statutory Paternity Pay and Statutory Adoption Pay (Administration) Regulations 2002 (SI 2002/2820), reg.9 and Statutory Shared Parental Pay (Administration) Regulations 2014 (SI 2014/2929), reg.9

Accidents at work and work-related illness

Record: Every employer with 10 or more employees must keep readily accessible a means by which an employee may record the particulars of any accident causing personal injury to him or her.

Retention period: Minimum of three years from the date on which the record was made.

Form of record: Form BI 510 (available from the HSE books website) or an equivalent record (written or electronic) which includes the prescribed particulars, as set out in sch.4 to the Regulations.

Legislation: Social Security (Claims and Payments) Regulations 1979 (SI 1979/628), reg.25.

Injuries, fatalities, diseases and dangerous occurrences

Record: Record of any: reportable incident under regs.4-7 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (SI 2013/1471); reportable diagnosis under regs.8-10 of the Regulations; injury to a person at work resulting from an accident arising out of or in connection with that work, incapacitating him or her for routine work for more than three consecutive days; and other particulars approved by the Health and Safety Executive or the Office of Rail Regulation for demonstrating compliance with the approved manner of reporting under part 1 of sch.1.

Retention period: Minimum of three years from the date on which the record was made.

Form of record: None prescribed. The particulars required to be kept are set out in part 2 of sch.1 to the Regulations. Alternatively, approved forms are available from the incident reporting page on the Health and Safety Executive website, including F2508IE - Report of an injury, F2508DOE - Report of a dangerous occurrence and F2508AE - Report of an occupational disease).

Legislation: Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (SI 2013/1471), reg.12.

Risk assessments

Record: Where an employer employs five or more employees, it shall record:

the significant findings of the risk assessment (as prescribed by the Management of Health and Safety at Work Regulations 1999, reg.3(1));

any group of employees identified by the risk assessment as being especially at risk; and

any arrangements for the effective planning, organisation, control, monitoring and review of preventive and protective measures, made in accordance with reg.5(1).

Retention period: No time limit specified.

Form of record: None prescribed. For guidance on carrying out a risk assessment see INDG163 (Five steps to risk assessment) (PDF format, 114K) (on the HSE website).

Legislation: Management of Health and Safety at Work Regulations 1999 (SI 1999/3242), regs.3 (6) and 5.

Note: The employer must review the risk assessment if there is reason to suspect that it is no longer valid or there has been a significant change in the matters to which it relates.

Exposure to specified hazardous substances

Record: Record of health surveillance, containing particulars approved by the Health and Safety Executive (HSE), of persons where appropriate (see the Control of Substances Hazardous to Health Regulations 2002, reg.11 (2)) who are, or are liable to be, exposed to substances hazardous to health.

Retention period: 40 years from the date of the last entry made in it.

Form of record: None prescribed, but must contain the information specified in Control of substances hazardous to health: Approved Code of Practice and guidance (fifth edition) (PDF format, 919K) (on the HSE website).

Legislation: Control of Substances Hazardous to Health Regulations 2002 (SI 2002/2677), reg.11.

Wages and deductions

Record: PAYE records that employers are not otherwise required to send to HM Revenue and Customs under the Income Tax (Pay As You Earn) Regulations 2003. Employers should keep full and accurate payroll records for each employee, including name; address; pays lips (or other record showing gross earnings, tax, national insurance contributions and student loan deductions, and net pay); and records used to complete P11Ds. HM Revenue and Customs can ask for evidence of calculations and supporting information.

Retention period: Three years after the end of the income tax year to which the records relate.

Form of record: None prescribed.

Legislation: Income Tax (Pay As You Earn) Regulations 2003 (SI 2003/2682), reg.97.