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1. Introduction

- 1.1 Information is one of the College's corporate assets; in the course of carrying out its' various functions, the College accumulates information from both individuals and external organisations. The College also generates a wide range of data, which is recorded in documents and records.
- 1.2 These documents and records are in several different formats, examples of which include, (but are not limited to) communications such as letters, emails and attendance; financial information including invoices, statements and reports; legal documents such as contracts and deeds; and information relating to various types of applications, including forms, plans and drawings.
- 1.3 For the purposes of this Policy, the terms 'document' and 'records' include information in both hard copy and electronic form.
- 1.4 In certain circumstances it will be necessary to retain specific documents in order to fulfil statutory or regulatory requirements and also to meet operational needs. Document retention may also be useful to evidence events or agreements in the case of disputes, and also to preserve information which has historic value.
- 1.5 Premature destruction of documents could result in inability to defend litigious claims, operational difficulties and failure to comply with the Freedom of Information Act 2000 and the UK Data Protection Legislation.
- 1.6 Equally, the retention of all documents and records is impractical and appropriate disposal is encouraged. Disposal will assist the College to maintain sufficient electronic and office and offsite storage space and will de-clutter office accommodation, resulting in a more desirable working environment. Lengthy or indefinite retention of personal information could result in the College breaching the UK Data Protection legislation.
- 1.7 It is important for the above reasons that the College has in place systems for the timely and secure disposal of documents and records that are no longer required for business purposes.

2. Aims and Objectives

- 2.1 The key objective of this Policy is to provide the College with a simple framework which will govern decisions on whether a particular document should be retained or disposed of. In the case of documents which are to be retained by the College, the Policy includes guidance on the format in which they should be retained and appropriate retention periods.
- 2.2 Implementation of the Policy should save College staff time when retrieving information, in particular by reducing the amount of information that may be held unnecessarily.

- 2.3 The Policy clarifies the different roles of college staff in relation to document retention and disposal in order that they understand their responsibilities, and who to refer to if they are unsure about any document and require clarification.
- 2.4 It is envisaged that this Policy will assist the College in securing compliance with legal and regulatory requirements, including the Freedom of Information Act 2000, the Environmental Information Regulations 2005 and the UK Data Protection legislation. In addition to assisting staff in their day-to-day business, this should also ensure that searches for information requested under the Freedom of Information legislation are as quick as possible.
- 2.5 Additionally, the Policy should help to ensure that the College archives records and documents that are of historical value appropriately for the benefit of future generations.

3. Scope

- 3.1 This Document Retention Policy applies to all information held by the College and its external service providers where they are processing information on the College's behalf.

4. Policy Statement

- 4.1 York College will ensure that information is not kept longer than is necessary and will retain the minimum amount of information that it requires to carry out its' statutory functions and the provision of services.

5. Retention and Disposal Policy

- 5.1 Decisions relating to the retention and disposal of documentation should be taken in accordance with this Policy, in particular:
- Disposal and Retention Considerations – a checklist to be followed where the disposal of any document is being considered.
 - Document Retention Schedules – Comprehensive guidance on the recommended and statutory minimum retention periods for specific types of documents and records. A copy of the current [JISC data storage guidelines](#) is available on the [College portal](#) for managers to refer to when updating their retention schedules or making decisions to dispose of records.
- 5.2 In circumstances where a retention period of a specific document has expired, a review should always be carried out prior to a decision being made to dispose of it. This review should not be particularly time consuming and should be straightforward. If the decision to dispose of a document is taken, then consideration should be given to the method of disposal to be used.

6. Roles and Responsibilities

- 6.1 Department managers will be responsible for determining (in accordance with this Policy) whether to retain or dispose of specific documents within the remit of their area.
- 6.2 Department managers may delegate the operational aspect of this function to one or more team members within their area.
- 6.3 Department managers should seek advice if they are uncertain as to whether minimum retention periods are prescribed by law, or whether the retention of a document is necessary to protect the College's position where a potential claim has been identified.
- 6.4 Department managers should ensure that the Schedule in Appendix 1 which is relevant to their service is kept up to date.

7. Disposal

- 7.1 Confidential waste documents should be made available for collection by use of the confidential waste bins and sacks which are located around the College's offices in order that they can be destroyed. It is essential that any documents which are to be thrown away and contain confidential or personal data must be disposed of in this way, in order to avoid breaches of confidence or of the General Data Protection Regulation.
- 7.2 Disposal of documents other than those containing confidential or personal data may be disposed of by binning, recycling, deletion (in the case of electronic documents).
- 7.3 Records of disposal should be maintained by each service area, and should detail the document disposed of, the date and the name of the person who authorised the document's disposal.

Disposal and Retention Considerations

Each of the following questions and guidance underneath them should be considered prior to the disposal of any document.

1. Has the document been appraised?

- Check that the nature and contents of the document is suitable for disposal.

2. Is retention required to fulfil statutory obligations or other regulatory obligations?

- Specific legislation setting out mandatory retention periods for documentation held by the College is very limited, but includes the following -
 - Tax legislation – minimum retention periods for certain financial information are stipulated by the VAT Act 1994 and the Taxes Management Act 1970.
 - The Audit Commission Act 1998 – Provides auditors with a right of access to every document relating to the College that appears necessary for the purposes of carrying out the auditor's function under the Act.

3. Is retention required for evidence?

- Keep any documents which may be required for legal proceedings until the threat of proceedings has passed.
- The limitation period for commencing litigation should also be a key consideration. This is governed by the Limitation Act 1980 and the main time limits that apply directly to local government are -
 - Contract or tort (such as negligence or nuisance) claims (other than personal injury) cannot be brought after six years from the date on which the cause of the action occurred.
 - Personal injury claims cannot be brought after three years from the date on which the cause of action occurred.
 - Claims based on provisions contained in documents that are 'under seal' cannot be brought after twelve years from the date on which the cause of action occurred.

4. Is retention required to meet the operational needs of the College?

- Consider whether the document in question may be useful for future reference, as a precedent or for performance management purpose

Document Retention Schedules

1. Introduction

1.1 The following schedules provide guidance on the retention periods applicable to a wide range of the College's documents.

2. Explanation of Retention Schedule Headings

2.1 There is a Document Retention Schedule for each department. The headings in each Schedule are as follows:

- **Reference Number** – This section provides ease of reference.
- **Function Description** – The Schedule provides notes that define each function i.e. finance, Student Data.
- **Retention Action** – This entry provides the guidance as to whether the document should be retained, and if so how long for. It also provides guidance regarding the method by which documents should eventually be disposed of.
- **Notes** – This indicates if the retention action is common practice or statutory.

3. Completion of Schedule

3.1 The schedule should be aligned to the JISC guidance on document retention referred to in 5.1 of this policy.

3.2 All schedules will be retained and stored in an accessible location.

Appendix 1

Document Retention Schedule

Division:

[illegible]