

# RETENTION POLICY

April 2020

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<b>Document title</b>		
Retention Policy		
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<b>Date of approval</b>		
15 <sup>th</sup> April 2020		
<b>Review date</b>		
April 2023		
<b>Edition no.</b>		
5		
<b>ID Code</b>		
078		
<b>Date of effect</b>		
20 <sup>th</sup> April 2020		
<b>EITHER</b> For public access online (internet)? <i>Tick as appropriate</i>		YES
<b>OR</b> For staff access only (intranet)? <i>Tick as appropriate</i>		
For public access on request copy to be mailed <i>Tick as appropriate</i>		YES
Password protected <i>Tick as appropriate</i>		NO
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# Summary

## What is this document about?

This policy covers the retention of **all** records, both paper and electronic, created and/or maintained by the University of Portsmouth.

## Who is this for?

This policy is aimed at all staff.

## How does the University check this is followed?

It is not currently possible to enforce this policy pro-actively, although it is anticipated that use of the eRecords system and the introduction of new corporate systems will enable greater control of important electronic records over time.

The University Records Manager provides support and advice to staff with regard to managing their records. Evidence from recent information governance health checks across the University would suggest that many departments are actively endeavouring to manage the retention of their records.

## Who can you contact if you have any queries about this document?

Any questions about this policy should be directed to the [University Records Manager](#).

# Policy

## 1. Overview

The aim of this policy is to ensure that records are managed consistently across all faculties, professional services and support services, and that they are retained for as long as necessary to meet operational and business needs, and to demonstrate compliance with legal, regulatory and audit requirements. It applies to all records in whatever format they are held (i.e. paper or electronic). The retention schedules to which this policy refers also take into account relevant requirements of the University's regulations and policies, as well as recommendations of the JISC Records Retention Management: guidance and retention schedules for information held in higher and further education institutions.

Unless otherwise stated, it is the responsibility of departments to retain the items listed in the schedules and within the departments themselves specific individuals should be assigned responsibility for each category.

This policy should be read in conjunction with the Records Management Policy (available on the [University website](#)), the guidance in the [Weeding Starter Pack](#) and the [Records Management Factsheets](#).

## 2. What is a retention schedule?

The [University Retention Schedules](#) are the practical implementation of this policy and their aim is to help staff to control their records effectively, preventing information from being either destroyed prematurely or retained unnecessarily.

A retention schedule lists the length of time for which categories or series of records should be retained in order to meet business and operational needs, as well as to comply with legal, audit and regulatory requirements. It records:

- Categories of records held by the University
- The format in which the master record should ideally be retained
- The event which triggers the retention period to begin (e.g. the expiry of the contract, the end of the current academic year)
- A subsequent retention period for each category (e.g. 6 years, 3 years);
- What to do with the record when the retention period expires

Where a schedule shows the retention period as "N/A", this indicates that the record should be disposed as soon as the trigger event occurs.

Alongside this, the rationale column provides the reason for the retention schedule (often this is based on legislation) and the notes column provides additional context and examples. Subsequent columns deal with where the record should be stored; where it was previously stored (if different from the current location), and whether/how it is published. Finally, the RAG status column gives an indicator where records may require particular attention with regard to:

- Data Protection
- Commercial Confidentiality
- Intellectual Property
- Long-term Preservation

Any records that cannot be assigned definite retention periods (because it is not possible to determine the length of their continuing value) should be reviewed at regular intervals. When the time for the review comes, the records must be appraised and a decision made whether to keep them permanently, discard them or review them for a second time. If a second review is to take place, a date for this must be agreed and recorded.

## 2.1. Local retention schedules

The University Retention Schedules replaced any existing retention schedules in place as of the 31st March 2014. If departments wish to retain a local schedule which covers only their records, then the content of that schedule must be drawn from the University Retention Schedules. Departments creating local schedules must undertake to keep them updated in line with any amendments to the University Retention Schedules.

## 3. Why are retention schedules required?

Retention schedules are central to achieving organisational efficiency, as well as legal and regulatory compliance. Retention schedules:

- Provide a consistent, controlled system for the disposal of material
- Prevent records from being discarded prematurely
- Ensure information is not kept unnecessarily
- Help to save space, time and money
- Promote sustainability by reducing the carbon footprint of our electronic storage

Data Protection legislation<sup>1</sup> requires personal data to be protected from unauthorised destruction and retained for no longer than is necessary. Assigning retention periods to records is therefore a critical part of ensuring that Data Protection legislation is not breached.

The Freedom of Information Act 2000 requires transparent, auditable systems for the management of records. The Lord Chancellor's Code of Practice on the Management of Records (issued under section 46) states: 'It is particularly important under FOI that the disposal of records is undertaken in accordance with clearly established policies which have been formally adopted by authorities and which are enforced by properly authorised staff'.

In addition, under section 77 of the Act it is an offence to destroy any document held by a public body to prevent disclosure of information. It is therefore essential that departments use coherent, clearly defined procedures for discarding records, so that they can demonstrate that their information has been destroyed legitimately and also that they have not destroyed information after receipt of a request, even if disposal was overdue.

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<sup>1</sup> At time of writing the current Data Protection legislation comprises the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. However, for the purposes of this policy, the term "Data Protection legislation" should also be interpreted as including any subsequent UK Data Protection legislation brought in as a result of Brexit.

## 4. Updates to and deviations from the University Retention Schedules

### 4.1. Review of the University Retention Schedules

The University generates a vast array and volume of records. Therefore maintaining one set of University Retention Schedules is an on-going task. They will be updated annually to reflect:

- Changes in legislation, regulation or audit requirements
- Changes to University business practices
- Changes in format (reflecting the move towards holding records electronically) and systems
- New record types created

### 4.2. Deviation from the University Retention Schedules

Deviation is where a department decides to retain some or all of their records for a longer/shorter period of time than that specified by the University Retention Schedules. Deviations should only be by exception and must be justifiable.

Departments that believe a schedule is incorrect should raise their concerns to the Records Manager, rather than deviating from the University Retention Schedule. The Records Manager will investigate any concerns; provide a response and, where appropriate, update the University Retention Schedule.

It is good practice for departments to notify the Records Manager of any deviations they intend to implement. This notification will include:

- Department
- Record type and University Retention Schedule reference number
- Details of the proposed deviation
- Justification for the deviation
- Authorisation for the deviation (usually Head of Department)

The Records Manager will review and record all proposed deviations, and liaise with the authoriser if any concerns arise from the proposed deviation. Where applicable, the Records Manager will update the University Retention Schedules to incorporate the deviation.

#### 4.2.1. Example of a justifiable deviation

Under the Limitation Act 1980, people aged 18 years or over have 6 years in which to raise a civil claim against the University. Therefore, retention schedules affected by this act often state that records should be retained for the current year, plus a further 6 years (i.e. up to 7 years in total), in order that they are available in the event of a civil claim. However, where a person is under 18, the 6 year period in which they can raise a claim does not begin until their 18th birthday. Therefore, where the Limitation Act 1980 applies to records about children in the care of the University Nursery, the Nursery's retention period deviates by retaining this information until the child's 25th birthday (i.e. up to 7 years after their 18th birthday).

## 5. Implementation

Responsibility for implementing the schedule will need to be assigned to appropriate members of staff (e.g. Unit Coordinators – unit files, Student and Academic Administration Managers – student files, Personal Tutors – personal and development planning records), and a system (either manual or automatic) should be devised to alert them when particular records are due for destruction. Staff assigned this responsibility should be permitted adequate time to carry out their duties in an efficient and timely manner. For example, staff responsible for the disposal of records which expire at the end of an academic year, should be permitted time to carry out this disposal in August or September each year.

### 5.1. Masters and copies

The University Retention Schedules set out the format in which the master record should ideally be retained and by whom. Whilst in theory the master record should be the only copy of the record, it is acknowledged that in practice there may also be copies of the record held in other formats and/or by other departments for business reasons. Some of the schedules (e.g. Finance) distinguish explicitly between retention of masters and copies. However, where no such distinction is made, the following rules apply:

- Copies made for convenience purposes (e.g. printed for meetings, put onto a data stick for use off-campus etc) should be held for as short a time as is practicable.
- Copies made for other business reasons should be held for no longer than the master record.

Upon the disposal of the master, efforts should be made to ensure that all copies (paper and electronic versions, including those held on portable media, on laptops or in email) have also been eliminated, otherwise the information will be considered still held by the University and therefore accessible under the terms of Data Protection and Freedom of Information legislation. Where feasible, all portable media and devices should be encrypted.

#### 5.1.1. Scanned copies

Some departments have undertaken a process of scanning paper masters into a corporate system (e.g. the eRecords system) with a view to reducing the amount of paper stored. In such cases the original master may be disposed early and the scanned copy becomes the new master.

Departments undertaking such work are responsible for ensuring that:

- The relevant professional, statutory and regulatory bodies are happy to accept a scanned copy of the master
- There is a robust process in place for checking and certifying the accuracy and authenticity of each scan against the paper master
- The integrity of the scanned copy as the master is maintained so that it cannot subsequently be altered
- The technology and formats used are appropriate to the sensitivity and retention requirements of the record

For more information on scanning, see [Records Management Factsheet 06 – Scanning](#).

### 5.2. Professional, statutory and regulatory bodies

Some records (usually relating to academic courses or research) are governed by a variety of professional, statutory and regulatory bodies, all with their own requirements affecting the maintenance and disposal of their records. Where applicable, this has been highlighted in the notes section of the University Retention Schedules and the retention periods shown are minimums (i.e. the length of time for which each category is to be retained may be lengthened, but must not be shortened).

### 5.3. Storage and preservation

Documents need to be arranged systematically and labelled helpfully and consistently, so that it will be possible to locate them with ease and respond promptly to enquiries. File covers for paper records should be labelled with disposal dates, so that it is easy to locate material due for destruction. In the case of electronic information, a logical hierarchical structure of folders, sub-folders and metadata should be used to ensure that documentation can be readily identified for deletion.

It is advisable to reserve the immediate office space for current paper records that are consulted frequently and therefore need to be close at hand; while records that will be required for several years, but which are rarely consulted, can be housed in separate, locked store rooms or sent to [off-site file storage](#). Local storage for paper records should be secure and protect the records from:

- Water damage (from flooding, leaks, or sprinklers)
- Fire damage
- Light damage
- Large fluctuations in temperature/humidity
- Pests

Vital records (without which the department could not function) should be prioritised for protection.

Departments will need to ensure that any records held electronically remain accessible and do not become trapped in obsolete technology. It is advisable that departments review their data periodically (ideally every five years) and, if necessary, arrange for it to be converted to new file formats. Wherever possible the file formats used should be open-source and lossless. This is particularly important for any record which from creation (not retention trigger) to disposal will need to be accessible for more than 10 years, or where the disposal action is to transfer the file to the University Archive.

There is always a risk of portable media (e.g. USB memory sticks, CDs, DVDs) degrading or becoming corrupted; it is therefore good practice for all critical, long-term data to be held on a central server, so that it will be adequately backed up and safeguarded from hardware failure.

For more information on storage, see [Records Management Factsheet 07 – Preservation](#).

## 6. Destruction

### 6.1. Routine Destruction

There are many documents that can be routinely destroyed as part of normal business practice, and these have therefore not been included in the retention schedule. They are documents with only short-term value or containing unimportant/duplicate information, such as:

- Convenience copies (see [section 5.1](#) above)
- Compliments slips
- Notices of meetings
- Notifications of acceptance or apologies
- Trivial emails

- Draft letters
- Out-of-date reference material
- Obsolete publications, manuals, directories
- Superseded address and distribution lists

These items should be regularly discarded to prevent ephemeral and transient material from taking up space required by important information.

## 6.2. Authorising destruction

Before any corporate value records are destroyed (either at off-site file storage or within the department/section) an appropriate person must authorise the destruction.

For a definition of corporate value records, see [Records Management Factsheet 10 – eRecords](#).

## 6.3. Recording destruction

It is essential to record what is destroyed, when and why (except in the case of transitory and ephemeral material). Recording the disposal of information will ensure that there are transparent, accountable procedures, provide evidence that the retention policies have been implemented, and prevent futile searching for material that no longer exists. Both Freedom of Information and Data Protection legislation require well-defined procedures, since explanations for the destruction of records may have to be given in response to requests for information.

A model destruction form can be found on the [Records Management intranet pages](#) which can be used or adapted for recording the disposal of material.

Departments/sections that use off-site file storage may not need to record the destruction of their records, since they should be automatically issued with a certificate of destruction when boxes are discarded on their authorisation.

## 6.4. Secure destruction

Records of a restricted or sensitive nature must be disposed securely and in accordance with the Data Protection Policy (available on the [University website](#)) and, for electronic equipment, the [Information Security advisories](#).

## 6.5. Delaying destruction (records subject to a legal hold)

If there is any doubt concerning the destruction of records (because of pending litigation or investigation), it is advisable that they be retained and reviewed at a later date; a specific date for the review should be agreed and recorded. Similarly, if records are known to be the subject of a request under Freedom of Information or Data Protection legislation, destruction must be delayed until either disclosure takes place or the complaint/appeal procedures are concluded.

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