

POOBI Document retention (2020)

1. INTRODUCTION

- 1.1. The main aim of this policy is to enable POOBI to manage our records effectively and in compliance with data protection and other regulation. As an organisation we collect, hold, store and create significant amounts of data and information and this policy provides a framework of retention and disposal of categories of information and documents.
- 1.2. POOBI is committed to the principles of data protection including the principle that information is only to be retained for as long as necessary for the purpose concerned.
- 1.3. The table below sets out the main categories of information that we hold, the length of time that we intend to hold them, and the reason for this.
- 1.4. For information, the Appendix sets out the legal requirements for certain categories of document. Where we have decided to keep information longer than the statutory requirement, this has been explained in the table at Section 2.
- 1.5. Section 3 of this policy sets out the destruction procedure for documents at the end of their retention period. The Secretary to the Trustees shall be responsible for ensuring that this is carried out appropriately, and any questions regarding this policy should be referred to them.
- 1.6. If a document or information is reaching the end of its stated retention period, but you are of the view that it should be kept longer, please refer to The Secretary to the Trustees who will make a decision as to whether it should be kept, for how long, and note the new time limit and reasons for extension.

2. DOCUMENT RETENTION PERIOD

DOCUMENT CATEGORY	RETENTION PERIOD	REASON
Activity/Sector		
Rising Stars, University Bursary and Regular Hardship Grant applications and tax forms	6 years plus current from last payment	Should any reference, complaint or enquiry arise and for financial accounting and taxation purposes
Unsuccessful applications	6 years plus current	Should any reference, complaint or enquiry arise

3. DELETION OF DOCUMENTS

3.1. When a document is at the end of its retention period, it should be dealt with in accordance with this policy.

Confidential waste

3.2. This should be made available for collection in the confidential waste bins or sacks.

3.3. Anything that contains personal information should be treated as confidential.

3.4. Where deleting electronically, please refer to The Secretary to the Trustees to ensure that this is carried out effectively.

Other documentation

3.5. Other documentation can be deleted or placed in recycling bins where appropriate.

Automatic deletion

3.6. Certain information will be automatically archived by the computer systems, details of which are set out below. Should you want to retrieve any information, or prevent this happening in a particular circumstance, please contact The Secretary to the Trustees

Individual responsibility

3.7. Much of the retention and deletion of documents will be automatic, but when faced with a decision about an individual document, you should ask yourself the following:

3.7.1. Has the information come to the end of its useful life?

3.7.2. Is there a legal requirement to keep this information or document for a set period? (Refer to the Appendix for more information)

3.7.3. Would the information be likely to be needed in the case of any legal proceedings? (Is the information contentious, does it relate to an incident that could potentially give rise to proceedings?)

3.7.4. Would the document be useful for the organisation as a precedent, learning document, or for performance management processes?

3.7.5. Is the document of historic or statistical significance?

3.8. If the decision is made to keep the document, this should be referred to The Secretary to the Trustees and reasons given.

APPENDIX

This is for reference when compiling your retention period framework in Section 2. It covers the main categories of documents with a legal or commercial requirement to keep them for a set period, relevant to charities generally. There may be other requirements in relation to the sectors or areas of activity you operate in.

DOCUMENT TYPE	LEGISLATION/REASONS FOR RETENTION	REQUIREMENT
CORPORATE/CONSTITUTIONAL RECORDS		
Company Articles of Association, Rules/bylaws	Companies Act 2006 Charities Act 2011	Permanent
CIO constitution/rules	Charities Act 2011	Permanent
Royal Charter/Bylaws/Trust Deed/unincorporated association constitution	Charities Act 2011	Permanent
Trustee/director minutes of meetings and written resolutions	Companies Act 2006 Charities Act 2011 CIO (General) Regulations 2012	Recommended at least 10 years
Members' meetings etc Minutes/resolutions	Companies Act 2006 Charities Act 2011 CIO (General) Regulations 2012	Recommended at least 10 years
Documents of clear historical/archival significance	Data Protection regulation	Permanent if relevant data protection regulation provisions are met
Contracts e.g. with funders or grantees, confidentiality and non-disclosure agreements	Limitation Act 1980	Length of contract term plus 6 years

Contracts executed as deeds	Limitation Act 1980	Length of contract term plus 12 years
IP records and legal files re provision of service	Limitation Act 1980	Recommended: Life of service provision or IP plus 6 years
TAX AND FINANCE		
Annual accounts and review (including transferred records on amalgamation)	Companies Act 2006 Charities Act 2011 CIO (General) Regulations 2012	Minimum 6 years Recommended: permanent record
Tax and accounting records	Finance Act 1998 Taxes Management Act 1970	6 years from end of relevant tax year
Information relevant for VAT purposes	Finance Act 1998 and HMRC Notice 700/21	Minimum 6 years from end of relevant period
Banking records/receipts book/sales ledger	Companies Act 2006 Charities Act 2011	6 years from transaction
Deed of covenant/Gift Aid declarations and correspondence re donations	As part of tax records	6 years after last payment or 12 years if payments are outstanding or dispute over deed
Legacies – correspondence and financial records		6 years after completion of estate administration
EMPLOYEE/ADMINISTRATION		
Payroll/Employee/Income Tax and NI records: P45; P6; P11D; P60 etc	Taxes Management Act 1970 /IT (PAYE) Regulations	6 years from end of current year

Maternity pay	Statutory Maternity Pay Regulations	3 years after the end of the tax year
Sick pay	Statutory Sick Pay (General) Regulations	3 years after the end of the tax year
National Minimum wage records	National Minimum Wage Act	3 years after the end of the tax year
Foreign national ID documents	Immigration (Restrictions on Employment) Order 2007	Minimum 2 years from end of employment
HR files and training records	Limitation Act 1970 and Data Protection regulation	Maximum 6 years from end of employment
Records re working time	Working Time Regulations 1998 as amended	2 years
Job applications (CVs and related materials re unsuccessful applicants)	ICO Employment Practices Code (Recruitment & Selection) Disability Discrimination Act 1995 & Race Relations Act 1976	Recommended: 6-12 months from your notification of outcome of application
Pre-employment/volunteer vetting	ICO Employment Practice Code	6 months
Disclosure & Barring Service checks	ICO Employment Practice Code	Record only satisfactory/unsatisfactory result and delete other information
Volunteer records		Undertake assessment to decide on retention period taking account of risk (e.g. safeguarding re work with children or vulnerable adults)
INSURANCE		
Employer's Liability Insurance	Employers' Liability (Compulsory Insurance Regulation) 1998	40 years
Policies	Commercial	3 years after lapse

Claims correspondence	Commercial	3 years after settlement
HEALTH & SAFETY/MEDICAL		
General records	Limitation Act 1970	Minimum 3 years
Records re work with hazardous substances	Control of Hazardous Substances to Health Regulations 2002	Up to 40 years. Recommend: Permanent
Accident books/records and reports	Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995	3 years after last entry or end of investigation
Medical Scheme documentation	Commercial	Permanent unless personal data is included
CHARITY PREMISES/PROPERTY		
Original title deeds		Permanent/to disposal of property
Leases	Limitation Act 1980	12 years after lease has expired
Building records, plans, consents and certification and warranties etc	Limitation Act 1980	6 years after disposal or permanent if of historical/archival interest. Carry out review re longer retention e.g. if possible actions against contractors
PENSION RECORDS	For all categories see:	
Records about employees and workers	Detailed Guidance for Employers: (April 2017) http://www.thepensionsregulator.gov.uk	
Records re the Scheme		
Records re active members and opt in/opt out		
Trust Deed/Rules and HMRC approvals		
Trustees' Minutes and annual accounts		

Policies including investment policies		
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