

## DATA RETENTION & DISPOSAL POLICY

### Introduction

In the course of carrying out various functions, FOURTEEN and the service company, 14 GIS Ltd (“Chambers”), through which administrative services are provided to Chambers, create and hold a wide range of recorded information. Records will be properly retained to enable Chambers to meet its business needs, legal requirements, to evidence events or agreements in the event of allegations or disputes and to ensure that any records of historic value are preserved.

The untimely destruction of records could affect:

- the conduct of Chambers’ business
- the ability of Chambers to defend or instigate legal actions
- Chambers’ ability to comply with statutory obligations
- Chambers’ reputation

Conversely, the permanent retention of records is undesirable and disposal is necessary to free up storage space, reduce administrative burden and to ensure that Chambers does not unlawfully retain records for longer than necessary (particularly those containing personal data).

This policy supports Chambers in demonstrating accountability through the proper retention of records and by demonstrating that disposal decisions are taken with proper authority and in accordance with due process.

### Purpose

The purpose of this policy is to provide guidance as to set out the length of time that Chambers’ records should be retained and the processes to review the records as to any further retention or for disposing of records at the end of the retention period. The policy helps to ensure that Chambers operates in compliance with the UK General Data Protection Regulation, the Data Protection Act 2018 and any other legislative or regulatory retention obligations.

## Scope

The policy covers the records listed in the Information Asset Register irrespective of the media on which they are created or held including:

- paper
- electronic files (including database, Word documents, power point presentations, spreadsheets, webpages and e-mails)
- photographs, scanned images, CD-ROMs and video tapes

And includes all types of records which Fourteen Chambers creates or holds on behalf of the members. The records may include, but are not limited to, the following:

- client files
- contracts and invoices
- registers
- legal advice
- financial accounts
- employee information
- member information

## Application

The policy applies equally to full time and part time employees on a substantive or fixed term contract and to associated persons who work for Chambers.

## Minimum Retention Period

Unless a record has been marked for 'permanent preservation' it will only be retained for a limited period of time. The minimum retention period of six years applies to all records within the client (licensed work) details category and seven years for all records within the client (public work) details category. Records of members and staff of Chambers will be retained throughout employment/tenancy and for a minimum of six years after either end.

The recommended minimum retention period derives from either:

- business need i.e. running of Chambers
- legislation

- responding to complaints
- taking or defending legal action

## Disposal

### What is Disposal

The Data Protection Manager is responsible for ensuring that the Information Asset Register is periodically reviewed (annually) to determine whether any retention periods have expired. This will be assisted with the Diary Management System software and Sprout IT. Once the retention period has expired, the record must be reviewed and a 'disposal action' agreed upon.

A 'disposal action' is:

- the destruction of the record; or
- the retention of the record for a further period under the instruction from the Data Controller of the data; or,
- alternative disposal of the record e.g. returned to the instructing solicitor/public access client.

### Making and Recording the Disposal Decision

A review of the record will take place as soon as possible after the expiry of the retention period or, if that is not feasible, the record will be retained and a later review date set.

The disposal decision will be reached having regard to:

- on-going business and accountability needs (including audit)
- current applicable legislation
- whether the record has any long-term historical or research value
- best practice in the legal industry
- the legal, political and reputational risks associated with keeping, destroying or losing control over the record

Decisions will not be made with the intent of denying access or destroying evidence.

## **Destruction**

No destruction of a record will take place without assurance that:

- the record is no longer required by any member of Chambers
- no litigation or investigation is current or pending which affects the record
- there are no current or pending FOIA or GDPR subject access requests which affect the record

### **Destruction of Paper Records**

Destruction will be carried out in a way that preserves the confidentiality of the record. Non-confidential records will be placed in ordinary rubbish bins or recycling bins. Confidential records will be placed in confidential waste bins and collected by the Chambers approved disposal firm for secure destruction. A certificate of destruction will be provided upon each completed process. All copies including security copies, preservation copies and backup copies will also be destroyed at the same time in the same manner.

### **Destruction of Electronic Records**

All electronic records will be either physically destroyed or wiped. Confirmation of the date of this will be recorded by the Clerks on the internal diary system once notified by the barrister.

A record of all other types of data deletion (barrister and staff records) will be held by the Chambers Manager.

### **Further Retention**

The record may be retained for a further period if it has on-going business value or if there is specific legislation which requires it to be held for a further period.

### **Further Information**

This policy should be read in conjunction with the Chambers' Data Protection Policy and Privacy Notice.