

Document Management Policy



Reference:	Version 2	Author:	Sue Needham
Scope:	Loddon Homes Berry Brook Homes	Approved by:	Holly Messenger
Legislation:	Data Protection Act 2018 Limitation Act 1980	Date of approval:	November 2019
Regulatory/ Governance	ICO Guide to the General Data Protection Regulation	Date of next review:	November 2022
Related Policies:	Data Protection policy		

Policy Statement

This policy aims to ensure that the Loddon Homes and Berry Brook Homes (collectively known as the Local Housing Companies (LHC)) comply with the Data Protection Act in respect of the data held about individuals. It serves to protect customers, stakeholders and staff and to protect the housing companies from the consequences of a breach of its responsibilities.

This policy aims to ensure consistent good practice in the keeping of any files and data containing personal information within the LHC. This will include files and data relating to residents and their records, HR files, Finance data and Governance information irrespective of how this is stored.

This policy¹ also sets out the length of time that records and documentation should be retained. It is important that records are retained for the period set out but not retained for more than 12 months beyond this timescale. For example, copy invoices should be kept for 6 years but it may be impracticable to destroy each invoice on its 6th anniversary. These records should however be disposed of within 12 months i.e. by the 7th anniversary. This gives adequate time to make arrangements for the proper disposal of the records.

Scope

2.1 This policy applies to Loddon Homes and Berry Brook Homes.

2.2 This policy also applies to Wokingham Borough Council Tenancy Services who have been delegated to deliver all relevant tenancy management services to the LHC's residents.

2.3 This policy applies to all types of data held in a structured filing system, that the LHC hold or have control over, including physical data such as hard copy documents, contracts,

¹ This Document Management policy is based on the National Housing Federation briefing note dated October 2018

notebooks, letters and invoices. It also includes electronic data such as emails, electronic documents, audio and video recordings and CCTV recordings. It applies to both personal data and non-personal data.

2.5 It also applies to data held by third parties that the LHC use on their behalf, such as cloud storage providers or offsite records storage.

2.4 The Data Protection Act 2018 (DPA) requires organisations not to keep personal data longer than necessary (the Fifth Principle of Chapter 2 of the DPA).

2.5 The LHC need to retain certain documents for the purposes of possible future legal claims by and against the LHC. Periods of retention therefore need to take account the periods set down in the Limitation Act 1980 after which legal proceedings are time-barred (generally between 3 and 12 years depending on the type of claim).

Roles & responsibilities

3.1 All employees of the LHC and Wokingham Borough Council Tenancy Services are required to adhere to this policy.

Legislation

4.1 The LHC must have due regard to the following legislation in relation to this policy:

Data Protection Act 2018

Limitation Act 1980

Principal guidance

5.1 Everyone responsible for using personal data has to follow strict rules known as “data protection principles”. They must make sure the information is:
used fairly, lawfully and transparently
used for specified, explicit purposes
used in a way that is adequate, relevant and limited to only what is necessary
accurate and, where necessary, kept up to date
kept for no longer than is necessary
handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage.

5.2 Residents’ Files: Individual files will be stored and maintained for each client or resident. The information held is treated as confidential and will only be disclosed in the circumstances outlined at 5.3 and 5.4. Information held in residents’ files will be used only to enable the provision of a good quality and consistent service to residents by recording relevant information relating to their use of the service.

All information recorded following contact with a resident will be objective at all times and no personal opinions of the employee or subjective comments will be recorded at any time.

5.3 Resident access to files: In compliance with the Data Protection Act residents have the right to view their file on request. See Subject Access Requests in the Data Protection Policy.

5.4 Third Party information: Any information provided by a third party that is obtained during a resident's use of a service for the duration of their tenancy, should be kept in a separate folder within the file. Third Party information will be removed if a resident wishes to view their file unless the third party has provided consent for resident to view the information or the identity of the third party can be disguised.

Certain third party information e.g. provided by Social Services or the Police may be confidential. In these circumstances such information should be destroyed or returned upon instruction from that third party.

5.5 All hard copy data when no longer required, must be disposed of in a secure manner using confidential waste facilities provided by Wokingham Borough Council. Confidential waste is collected in dedicated lockable containers and is shredded on site. Shredding of archived material is undertaken at the off-site archiving store.

5.6 It is always advisable to obtain legal advice on the admissibility of electronically formatted documents for presentation in a court of law before destroying a hard copy original document even if an electronic version is retained (for example signed contracts and similar documents the original of which may be central to legal proceedings).

5.7 Any data stored electronically must allow the information to be presented in a readable format and be readily converted to a paper format if required.

5.8 The table at Appendix 1² lists the principal documentation which the LHC should keep, together with details of statutory retention periods and recommended retention periods. Where the statutory and recommended retention periods differ, the longer period should be followed (which in all cases should be the recommended period).

8. Equality & Diversity

The LHC recognises the needs of a diverse population and always acts within the scope of its own Equality and Diversity Policy, the Human Rights Act 1998, and Equalities Act 2010. The LHC works closely with its partners to ensure it has a clear understanding of its resident community with clear regularly updated service user profiles. The LHC will record, analyse and monitor information on ethnicity, vulnerability and disability.

9. Confidentiality

9.1 Under the Data Protection Act 2018 and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential. This includes:

anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or board member
sensitive organisational information.

² This guide replicates the template guide published by the National Housing Federation in October 2018 and is best practice for housing associations

9.2 The LHC's employees will ensure that they only involve other agencies and share information where there is a legal basis for processing the information.

Review

This policy will be reviewed on a three yearly basis or more frequently in response to changes in legislation, regulatory guidance, good practice or changes in other relevant LHC policies.

Performance

Performance in relation to the delivery of the services and activities set out in this policy will be monitored on an ongoing basis through our established reporting mechanisms to associated boards.

Appendices

Appendix 1: Document management policy Retention guide

APPENDIX 1: DOCUMENT MANAGEMENT POLICY RETENTION GUIDE

In the table below, where the Statutory and Recommended Retention Periods differ, the Recommended Period is the one that should be followed.

DOCUMENT	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS
RESPONSIBLE OFFICER: FINANCIAL BUSINESS PARTNER/COMPANY SECRETARY				
1. COMPANY DOCUMENTS				
Certificate of incorporation	N/A	N/A	Permanently	Implied by S13 of the Companies Act
Memorandum and articles of Association (original)	N/A	N/A	Permanently	Best Practice
Memorandum and articles of Association (current)	Permanently	CA	Permanently	Best Practice
Governance Documentation	N/A	N/A	Permanently	Implied by S13 of the Companies Act
Constitution, Aims and Objectives	N/A	N/A	Permanently	Implied by S13 of the Companies Act
2. MEETINGS				
Notices of meetings	N/A	N/A	6 Years	In case of challenge to validity of meeting or resolutions
Board & Committee Minutes	Permanently	CA2006	Permanently	Originals must be kept

Board Resolutions	Permanently	CA2006	Permanently	Originals must be kept
3. REGISTRATIONS AND STATUTORY RETURNS				
Audited returns & financial statements	N/A	N/A	Permanently	Best practice
Declaration of Interest	N/A	N/A	6 years	Best practice- limitation for legal proceedings
Register of Directors & Secretaries	N/A	N/A	Permanently	Best Practice
Annual returns to Regulator	N/A	N/A	Permanently	Best Practice
Register of Board members	N/A	N/A	Permanently	Best Practice
Register of Seals and use of seals	N/A	N/A	Permanently	Best Practice
DOCUMENT	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS
4. INSURANCES				
Current and former policies	N/A	N/A	Permanently	Limitation can commence from knowledge of potential claim, not cause of it.
Annual Insurance schedule	N/A	N/A	6 years	Best practice
Claims and related correspondence	N/A	N/A	2 years after settlement	Zurich Municipal recommendation
Indemnities and guarantees	N/A	N/A	6 years after expiry	Limitation for legal proceedings. 12 years if related to land.
Employer's Liability Insurance Certificate	N/A	N/A	Permanent – it is arguable that it is in the	

			best interests of an employer to retain insurance certificates	
6. FINANCE, ACCOUNTING & TAX RECORDS				
Accounting records for limited company	3 years	Tax Management Act 1970	10 years	S20 Tax Management Act 1970 may require any documents relating to tax over 6 (plus) years
Balance sheets and supporting documents	N/A	N/A	6 to 10 years	Best practice. To relate to accounting records
Signed copy of report and accounts	N/A	N/A	Permanently	Best practice
Budgets and internal financial reports	N/A	N/A	2 years	Best practice
Tax returns and records	N/A	N/A	10 years	S20 Tax Management Act 1970 may require any documents relating to tax over 6 (plus) years
VAT records	6 years	Value Added Tax Act 1994	6 years	6 years Customs & Excise requirements for VAT registered bodies
Order and delivery notes	6 years	Value Added Tax Act 1994	6 years	6 years Customs & Excise requirements for VAT registered bodies
Copy invoices	6 years	Value Added Tax Act 1994	6 years	6 years Customs & Excise requirements for VAT registered bodies
DOCUMENT	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS

Credit and debit notes	6 years	Value Added Tax Act 1994	6 years	6 years Customs & Excise requirements for VAT registered bodies
Journal transfer documents	6 years	Value Added Tax Act 1994	6 years	6 years Customs & Excise requirements for VAT registered bodies
Creditors, debtors income control accounts	6 years	Value Added Tax Act 1994	6 years	6 years Customs & Excise requirements for VAT registered bodies
VAT related correspondence	6 years	Value Added Tax Act 1994	6 years	6 years Customs & Excise requirements for VAT registered bodies
7. OTHER BANKING RECORDS				
Bank statements and reconciliations	3 years	CA2006	6 years	Limitation for legal proceedings
RESPONSIBLE OFFICER: BUSINESS SUPPORT MANAGER				
8. STRATEGIC MANAGEMENT				
Business plans & supporting documentation (e.g. organisation structures, aims, objectives, funding issues, Internal Management Plan)	N/A	N/A	5 years after plan completion	Best practice
9. CONTRACTS & AGREEMENTS				
Contracts under seal and/or executed as deeds	N/A	N/A	12 years after completion (including any defects liability period)	Limitation for legal proceedings
Contracts for the supply of goods or services, including professional services	N/A	N/A	12 years after completion (including any defects liability period)	Limitation for legal proceedings (12 years if related to land)

Documentation relating to small one-off purchases of goods and services, where there is no continuing maintenance or similar requirement	N/A	N/A	6 years	Best practice Suggested limit: goods or services costing up to £10k
Loan agreements	N/A	N/A	12 years after last payment	Best practice
Rental & lease agreements	N/A	N/A	6 years after expiry	Limitation for legal proceedings
DOCUMENT	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS
Indemnities and guarantees	N/A	N/A	6 years after expiry	Limitation for legal proceedings
Documents relating to successful tender	N/A	N/A	6 years after end of contract	Best practice
Documents relating to unsuccessful tenders	N/A	N/A	3 years after notification	3 years after written acceptance by the successful tenderer or the life of the contract, whichever is the greater.
Forms of tender	N/A	N/A	6 years	Best practice
RESPONSIBLE OFFICER: DELEGATED TO WBC TENANCY SERVICES				

10. APPLICATION AND TENANCY RECORDS

Applications for accommodation	N/A	N/A	6 years after offer accepted	Best practice
CORE data record form	N/A	CORE Guidance	At least until final dataset for the year	Best practice
Rent Reviews	N/A	N/A	Permanently	Best practice

Housing Benefit Payment Schedules where applicable	N/A	N/A	6 years	Best practice
Housing Benefit notifications where applicable	N/A	N/A	2 years	CIH Recommendation
Rent statements	N/A	N/A	2 years	Best practice
Current tenants' Tenancy Files, including rent payment records and details of any case management relating to complaints, anti- social behaviour and harassment, tenancy changes.	N/A	N/A	Indefinitely	For rent payment details, best practice suggests live system holds 2 years records plus current year.
Former tenants' Tenancy Files (other than Tenancy Agreements – see below), including rent payment records, and details of any complaints and harassment cases	N/A	N/A	3 – 5 years (as judged appropriate by the LHC)	5 years is on an exception basis where the file contents are judged sufficiently important
Former tenants' Tenancy Agreements, and details of their leaving	N/A	N/A	Permanently	Indefinitely from the date of termination. Subject to Data Protection Act 2018 Principle 5.
Documentation, correspondence and information provided by other agencies relating to any special needs of current tenants	N/A	N/A	While tenancy continues	Information held securely on a 'need to know' basis. Medical and Social Services records liable to be confidential. To be returned or passed to subsequent agency at end of the tenancy, or destroyed.
Records relating to offenders, ex-offenders and persons subject to cautions	N/A	N/A	While tenancy continues	Information held on 'need to know' basis. Assume that

				Police sourced records are confidential. To be dealt with as required by police or destroyed at end of the tenancy.
Records relating to Multi-agency Public Protection Arrangements (MAPPA) & witness protection	N/A	N/A	While tenancy continues	While tenancy continues information held on a “need to know” basis. To be processed in accordance with the Data Protection Act 2018 Chapter 2.
RESPONSIBLE OFFICER: BUSINESS SUPPORT MANAGER				
11. PROPERTY RECORDS				
Leases and deeds of ownership	N/A		While owned. Deeds of title – permanently or until property disposed of. Leases – fifteen years after expiry	Best practice
Copy of former leases	N/A	N/A	12 years after settlement of all issues	Limitation for legal action relating to land or contracts under seal
Wayleaves, licences and easements	N/A	N/A	12 years after rights given or received cease	Limitation for legal action relating to land or contacts under seal
Abstracts of title	N/A	N/A	12 years after interest ceases	Limitation for legal action relating to land or contracts under seal

Planning and building control permissions	N/A	N/A	12 years after interest ceases	Limitation for legal action relating to land or contacts
Searches	N/A	N/A	12 years after interest ceases	Limitation for legal action relating to land or contacts under seal
DOCUMENT	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS
Development documentation	N/A	N/A	12 years	Limitation for legal action relating to land or contracts under seal.
RESPONSIBLE OFFICER: DELEGATED TO WBC TENANCY SERVICES				
12. PROPERTY RECORDS				
Decoration Allowance	N/A	N/A	6 years	Best Practice
Property maintenance records	N/A	N/A	6 years	Limitation for legal action
Reports and professional opinions	N/A	N/A	6 years	Limitation for legal action
Development documentation	N/A	N/A	12 years after settlement of all issues	Limitation for legal action relating to land or contacts under seal
Invoices	6 years		12 years	Limitation for legal action relating to land or contracts under seal
Stair Inspections	N/A	N/A	1 Full Year & Current Year (Calendar Year)	Best Practice
Compliance certificates relating to gas, electrical, asbestos, legionella and fire risk assessments	6 years	Health & Safety Executive Gas Safety (Installation and	6 years	Limitation for legal action

		Use) Regulations 1998 The Regulatory Reform (Fire Safety) Order 2005		
13. PLANT & EQUIPMENT MAINTENANCE & INSPECTION				
Records relating to annual maintenance of services provided in blocks owned by the LHC e.g. lifts, door entry systems, CCTV	N/A	N/A	6 years	Limitation for legal action
CCTV footage (potential evidence of ASB or criminal offence)	N/A	RIPA ³ & DPA ⁴	Compliance with provisions to collect and retain for 7 days	Unless data is required for a specific purpose.
DOCUMENT	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS
RESPONSIBLE OFFICER: BUSINESS SUPPORT MANAGER/WBC HR				
13. EMPLOYEES: TAX AND SOCIAL SECURITY				
Record of taxable payments	6 years	TMA70 ⁵	6 years	HMRC require retention of each payment for 3 years
Record of tax deducted or refunded	6 years	TMA70	6 years	HMRC require retention of each payment for 3 years

³ Regulation of Investigatory Powers Act 2000

⁴ Data Protection Act 2018

⁵ The Taxes Management Act 1970

Record of earnings on which standard National Insurance Contributions payable	6 years	TMA70	6 years	HMRC require retention of each payment for 3 years
Record of employer's and employee's National Insurance Contributions	6 years	TMA70	6 years	HMRC require retention of each payment for 3 years
NIC contracted-out arrangements	6 years	TMA70	6 years	
Copies of notices to employee (e.g. P45, P60)	6 years	TMA70	6 years	
Revenue & Customs, notice of code changes, pay & tax details	6 years	TMA70	6 years	
Expense claims	N/A	N/A	6 years after audit	Best practice
Record of sickness payments	3 years following year to which they relate	SSP(G)R1982 ⁶	6 years	HMRC require retention of each payment for 3 years
Record of maternity payments	3 years following year to which they relate	SMP(G)R1982	6 years	HMRC require retention of each payment for 3 years
Income tax and NI returns	3 years following year to which they relate	IT(E)R1993 ⁷	6 years	Best practice
Redundancy details and record	N/A	N/A	12 years	Chartered Institute of Personnel and Development (CIPD) recommendation
Revenue & Customs approvals	N/A	N/A	Permanently	CIPD recommendation
Annual earnings summary	N/A	N/A	12 years	Best practice
DOCUMENT	STATUTORY RETENTION	STATUTORY RETENTION	RECOMMENDED RETENTION	COMMENTS

⁶ The Statutory Sick Pay (General) Regulations 1982

⁷ The Income Tax (employment) Regulations 1993

	PERIOD	SOURCE	PERIOD	
14. EMPLOYEES: PENSIONS SCHEMES				
Actuarial valuation reports	N/A	N/A	Permanently	CIPD recommendation
Detailed returns of pension fund contributions	N/A	N/A	Permanently	Best practice
Annual reconciliations of fund contributions	N/A	N/A	Permanently	Best practice
Money purchase details	N/A	N/A	6 years after transfer or value taken	CIPD recommendation
Qualifying service details	N/A	N/A	6 years after transfer or value taken	CPD recommendation
Investment policies	N/A	N/A	12 years from end of benefits payable under policy	CIPD recommendation
Pensioner records	N/A	N/A	12 years after benefits cease	CIPD recommendation
Records relating to retirement benefits	6 years after year of retirement	RBS(IP)R1995 ⁸	6 years after year of retirement	Statutory requirement
15. EMPLOYEES: PERSONNEL PROCEDURES				
Terms and conditions of service, both general terms and conditions applicable to all staff, and specific terms and conditions applying to individuals	N/A	N/A	6 years after last date of currency	Limitation for legal proceedings

⁸ Retirement Benefits Schemes (Information Powers) Regulations 1995

Remuneration package	N/A	N/A	6 years after last date of currency	Limitation for legal proceedings
Former employees' Personnel Files	N/A	N/A	6 years	CIPD recommendation
References to be provided for former employees	N/A	N/A	20 years or until former employee reaches age 65 (whichever comes first)	Best practice
Training programmes	N/A	N/A	6 years after completion	Best practice
Individual training records	N/A	N/A	6 years after employment ceases	CIPD recommendation
Short lists, interview notes and related application forms	N/A	N/A	1 year	CIPD recommendation
DOCUMENT	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS
Application forms of non-shortlisted candidates	3 months after notification	Equalities Act 2010	6 months	
Parental Leave	N/A	N/A	5 years from birth/adoption of the child or 18 years if child is disabled	DPA 2018 recommendation
Disclosure	N/A	N/A	For - Basic/Standard/Enhanced Disclosures – after recruitment decision has been made – destroy all documentation. For – Protection of Vulnerable Groups Scheme	DPA 2018 recommendation

			documentation – retain for comparison purposes whilst person concerned is still in your employment	
Trade Union agreements	N/A	N/A	10 years after ceasing to be effective	

16. EMPLOYEES: Health and Safety

Medical records relating to control of asbestos	40 years	Control of Asbestos Regulations 2006	40 years	Guidance suggests 40 years or until the employee reaches 80 years of age whichever is the longer
Health and Safety assessments	N/A	N/A	Permanently	CIPD recommendation
Health and Safety policy statements	N/A	N/A	Permanently	Good practice
Records of consultations with safety representatives	N/A	N/A	Permanently	CIPD recommendation
Accident records, reports	3 years after date of occurrence	RIDDOR 1995	6 years after date of occurrence	Limitation for legal proceedings
Accident books	N/A	N/A	6 years after date of last entry	Limitation for legal proceedings
Sickness records	N/A	N/A	6 years from end of sickness	Limitation for legal proceedings. For industrial injuries not detectable within that period e.g. asbestos, the time period may be extended. Also for

				employees exposed to hazardous substances.
Health and safety statutory notices	N/A	N/A	6 years after compliance	Limitation for legal proceedings

APPROVED