

**Data Retention and Disposal Policy**

In the course of carrying out various functions, Inclusive Recruiting/A Little Bit of HR creates and holds a wide range of recorded information. Records will be properly retained to enable Inclusive Recruiting/A Little Bit of HR 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 Inclusive Recruiting/A Little Bit of HR’ business;

• the ability of Inclusive Recruiting/A Little Bit of HR to defend or instigate legal actions;

• Inclusive Recruiting/A Little Bit of HR’ ability to comply with statutory obligations;

• Inclusive Recruiting/A Little Bit of HR’s 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 Inclusive Recruiting/A Little Bit of HR does not unlawfully retain records for longer than necessary (particularly those containing personal data).

This policy supports Inclusive Recruiting/A Little Bit of HR 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.

**2. Purpose**

The purpose of this policy is to provide guidance as to set out the length of time that Inclusive Recruiting/A Little Bit of HR’ 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 Inclusive Recruiting/A Little Bit of HR operates in compliance with the General Data Protection Regulation and any other legislative or regulatory retention obligations.

**3. 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, web pages and e-mails);

• photographs, scanned images and audio and video tapes.

And includes all types of records which Inclusive Recruiting/A Little Bit of HR creates or holds on behalf of its customers and candidates. The records may include, but are not limited to, the following:

• client files;

• contracts and invoices;

• registers;

• legal advice;

• financial accounts;

• employee information;

• candidate information;

**4. Application**

The policy applies equally to full time and part time employees on a substantive or fixed term contract, associates, contractors and to any associated persons who work for Inclusive Recruiting/A Little Bit of HR.

**5. Minimum Retention Period**

Unless a record has been marked for ‘permanent preservation’ it will only be retained for a limited period of time and no longer than is necessary. The retention period of six years applies to all records within the client (licensed work) details category and two years for all candidate data details category. Records of staff and contractors of Inclusive Recruiting/A Little Bit of HR will be retained throughout employment and contract terms and up to two years after either end.

The recommended minimum retention period derives from either:

• business need i.e. running of Inclusive Recruiting/A Little Bit of HR;

• legislation;

• responding to complaints;

• taking or defending legal action.

**6. Disposal**

**6.1 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 CRM system, 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.

**6.2 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.

**7. Destruction**

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

• the record is no longer required by any member of Inclusive Recruiting/A Little Bit of HR;

• 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.

**7.1 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 shredded on site and where necessary be placed in confidential waste bins and collected by the 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.

**7.2 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 Administrator on the internal diary system once notified by the data manager.

A record of all other types of data deletion (contractors and staff records) will be held by the Manager and entered onto the CRM system.

**8. 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.

**9. Further Information**

This policy should be read in conjunction with the Inclusive Recruiting/A Little Bit of HR’ Data Protection clause in the business terms.