



Working with our Tenants

## **DOCUMENT RETENTION POLICY**

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## Introduction

In the course of its activities DGHP will ingather, store and process personal information about its tenants and other individuals. The Data Protection Act 1998 requires DGHP to meet certain obligations when processing personal information to prevent that information being improperly used or distributed. In particular, regard must be had to the fifth principle within the Data Protection Act which states that *“Personal Information is not to be kept for longer than is necessary for the purpose for which it is processed”*. Regard should also be had to the Prescription and Limitation Scotland Act 1973 as amended, when determining how long a file or record should be kept for.

When determining whether or not a document requires to be kept, regard should be had to the eight principles contained within the Data Protection Act 1998:

1. Personal information is to be obtained and processed fairly and lawfully.
2. It is to be processed for specified purposes.
3. Personal information shall be adequate, relevant and not excessive in relation to the purpose for which it is processed.
4. Personal information shall be accurate and kept up to date where necessary.
5. Personal information is not to be kept for longer than is necessary for the purpose for which it is processed.
6. It is to be processed in accordance with the rights of the individuals under the DPA.
7. Appropriate technical and organisational measures shall be taken to ensure the personal information is secured from damage or destruction.
8. Not to transfer personal information to a country that does not offer an adequate level of protection for the privacy of the individual.

The individual whose personal details are being held also has a right to know exactly what information is being held about him and why it is held. The Scottish Federation of Housing Associations has prepared a guidance note on the recommended periods that Housing Associations should retain documents and this policy is based upon the recommendations contained within it. The types of document below relate to both paper and electronic files, although regard must be had to ease of access when keeping materials electronically should the data subject wish to access their information.

All records to be stored will be stored securely in locked filing cabinets with only relevant staff having access to those files when necessary. The date the file was closed and the date of destruction should be clearly marked on the

file. Information contained within these files will not be disclosed to third parties unless the conditions contained within the Data Protection Act 1998 are satisfied.

For ease of reference this policy is divided into the three directorates within DGHP, namely Housing Services; Investment and Regeneration and Finance; and HR and Health and Safety. There is also a separate section on Governance Documents.

## **Governance Documents**

For the avoidance of doubt documents relating to the **formation of the company** must be kept indefinitely. These documents include Certificate of Incorporation; Memorandum and Articles of Association; Governance Documentation; the Constitution and the Company Registration documents.

Documents relating to **Board Members** such as their appointment letters should be kept for 6 years after their board membership ceases.

**Notices of Meetings** should be kept for 6 years.

**All Board and Company Minutes**; Company resolutions must be kept permanently.

**Annual Returns** to the Housing Regulator should be kept for 5 years.

**Insurance Documents** and policies should be kept indefinitely in case of future claims arising.

**Contracts** should be kept for 12 years after completion including any defect liability period.

**Procurement Documentation** relating to any function within DGHP must be kept for a period of 10 years.

## **HOUSING SERVICES**

**Tenants House Files** including housing benefit notifications and rent statements will be kept for 5 years after the termination of the tenancy.

**Documentation, correspondence and information provided by other agencies** relating to the special needs of the current tenant will be kept whilst the tenancy continues and information should be held on a 'need to know' basis. Medical and Social Services records which are confidential should be returned to the relevant agency at the end of the tenancy or destroyed.

**Information relating to offenders, ex-offenders and persons subject to cautions** should be held on a 'need to know' basis for the duration of the tenancy. Police sourced records will be confidential and should be returned to the police or destroyed as soon as they are no longer needed. Regard should also be had as to whether or not an offence has expired.

**Former Tenants'** tenancy agreements and details of their leaving will be retained for 5 years after their leaving the tenancy.

**All Court papers and associated legal files** involving the association and its tenants will be kept for 10 years after conclusion of the Court case as per the Law Society of Scotland's recommendation.

**Antisocial Behaviour Investigation files** will be retained for five years after the close of an investigation unless it has resulted in Court action, in which case it will be retained for 10 years.

**Supporting People's information** will be retained for 5 years after the end date of the provision of the service.

**Unsuccessful and Cancelled Application forms** will be retained for 5 years. Prior to storing a file it is recommended that the file be reviewed to ensure only the relevant information is retained. If there is any uncertainty regarding what information should be retained within a file please consult the Company Solicitor prior to disposing of papers.

## **INVESTMENT AND REGENERATION**

Documents relating to the update and management of the Keystone Asset and Asbestos Management System:

### **1. Stock Condition Surveys**

Stock condition surveys (re-survey of existing property data) or new stock surveys will be undertaken via hand held PDAs/IT equipment. The survey information will be cross checked and validated by Asset Management before upload to Keystone. A copy of the previous property asset information will be held within the Keystone archive until such time as a further re-survey is carried out. The most recent stock condition survey should be kept for a period of 10 years.

### **2. Energy Performance Certificates**

EPC reports will be held on Keystone against the relevant individual property record. EPC assessments have a maximum lifespan of 10 years and will be updated and replaced at the conclusion of this period or when works to the property which would amend the EPC have been completed. For new build properties an electronic copy of the initial EPC will be held within the development project file for a period of 10 years.

### **3. Asbestos Surveys**

Inspection reports on asbestos containing materials together with supporting photographs will be held against the relevant property record. Updated inspections will be carried out in line with the stipulated timescales derived from the assessed risk of materials present and Keystone updated. The most current survey information will be held until such time as a further inspection is undertaken. Properties classified as Category C are subject to 3 monthly inspection and Category B annual inspection. Immediate remedial action is undertaken on Category A. The most recent survey should be kept for 10 years.

### **4. Adaptations**

Details of adaptations carried out to properties will be held on the relevant Keystone property record. Requests and assessments from Occupational Therapy for adaptations are received by email to Asset Management and works relating to planned investment programmes are passed to the relevant Project Manager to action. The requirements are recorded within the contract programme worksheets which will be retained for a period of 10 years following contract completion. Tender and contract documentation for major adaptation works out with planned programmes will be retained for 10 years following completion. Minor adaptations are passed through the Customer Service Centre to

the Repairs Team to implement and recorded against the Orchard record.

5. **Planned Investment Works**

Contract documentation relating to tendering and letting of contracts will be held by Project Managers for a period of 10 years from completion. Monitoring of project phases and progress across individual addresses is carried out using programme worksheets which are maintained by Project Managers and will also be retained for a 10 year period. Details of completed works and dates are updated on Keystone within a one month period at the completion of each contract phase. A copy of the previous property asset information will be held within the Keystone archive.

6. **New Build Programme**

Contract documentation relating to tendering and letting of new build contracts will be retained by Project Managers in the project file for a period of 10 years from completion. Information relating to a specified range of components for new build properties e.g., roof, wall, and window materials will be provided to Asset Management by a pro forma work sheet which will also be retained in the project file. New build property details are notified to IT for input to Orchard and subsequently Keystone by a Property Attributes work sheet compiled by Development Managers who will retain a copy of the work sheet for a period of 10 years following completion of the contract.

7. **Repairs and Maintenance**

General day-to-day repair activity passed through Customer Services Centre to Orchard is not required for Keystone. Details relating to major elements including renewal of kitchens, bathrooms, window or external door replacement are required to maintain the asset register. Notification by Repairs of these major elements will be by email or hard copy. Details will be cross checked and validated by Asset Management and Keystone updated. A copy of the previous property asset information will be held within the Keystone archive.

## **International Organisation for Standardisation 9001 Mandatory Procedures**

As DGHP's Investment and Regeneration Team is a party to the ISO 9001 standards, regard must also be had to their document retention requirements. Their procedures define documents as including but not limited to: Client Instructions and Records; Contractor/Consultant Evaluations; Licences and Certification; Statutory Approvals; Purchase Orders; Supplier Evaluation; Client feedback and Satisfaction; Risk Assessments; Drawings; Tendering and Procurement Records; Complaints Log; Health and Safety Procedures; staff employment and training; internal auditing and non-conformance.

Said ISO Standard requires that all of these documents be retained for a period of 10 years and then disposed of in a secure manner.

## **FINANCE, HR AND HEALTH AND SAFETY**

HMRC currently requires that all business records be retained for 6 years. For the avoidance of doubt the 6 year period does not start running until the end of the current financial year. **Business records** include: annual accounts; bank statements and pay in slips; cash books and other accounts books; credit or debit notices issued and received; documentation relating to dispatches and acquisitions of goods; documents or certificates supporting special VAT treatment; import and export documents; orders and delivery notes; purchase and sales books; purchase invoices and sales invoices; records of daily takings; business correspondence; PAYE; and VAT accounts.

**Accident Books, Accident Report** etc., require to be kept for 3 years from the date of the last entry.

**Medical Records** as specified by the COSHH regulations and the Control of Asbestos at Work Regulations must be kept for 40 years from the date of the last entry.

**Retirement Schemes** should be kept for 6 years from the end of the scheme year in which the event took place.

**Statutory Maternity Pay** records, calculations certificates or other medical evidence should be kept for 3 years after the end of the tax year.

**Wages and Salary** records should be kept for 6 years.

**Application Forms** interview notes of unsuccessful candidates should be kept for 1 year in case a claim is brought against the company.

**Records of Parental Leave** should be kept for 5 years from the birth or adoption of the child.

**Personnel Files** should be kept for 6 years after the termination of the employment.

**Redundancy Information** should be kept for 6 years from date of redundancy.

**Senior Executive Records** should be kept permanently.

**Trade Union Agreements** must be kept for 10 years after they cease to be effective.

**Contracts of employment** should be kept for 6 years after the employment cease.

## **Electronic Backup of Emails**

DGHP currently has a contract with Cryoserve for the electronic backup of emails for certain key posts within the organisation. The purpose of this is to ensure that no vital communications are lost as a result of an IT malfunction or a deliberate attempt at sabotage by a member of staff. Currently those posts within DGHP whose emails are stored in this way are:

- Chief Executive
- Director of Housing Services
- Director of Investment and Regeneration
- Director of Finance
- PA to the Chief Executive
- Executive Support Manager
- Head of IT
- Head of Development
- Company Solicitor
- Complaints and service improvement Manager
- Customer Service Centre Manager
- Company Secretary

This list of posts may be added to by the Chief Executive or the Director of Finance as they consider necessary in the future. Any change to this list will be updated when a new post is added.

Cryoserve keep an electronic copy of all emails for these posts for a period of five years from the date of creation of the email and thereafter the email is destroyed securely.

These positions have been identified as the emails which are to be stored relate principally to the governance of DGHP. In terms of this policy none of the emails stored would be kept for any less than 5 years therefore the automatic archiving of these emails does not infringe the terms of this policy.

Cryoserve are registered with the Information Commissioners Office as being able to securely hold data.

In terms of DGHP's Document Retention Policy this backup email system is not a substitute for an individual's personal responsibility to ensure that the email is kept for the correct period of time depending upon the nature of the email as identified by this policy.

Emails held in Cryoserve are as a backup only and do not form part of DGHP's document retention strategy.