

Polisiâu a Gweithdrefnau / Policies and Procedures

Policy and Procedure Summary

This aim of this policy and procedure is to ensure that information required to carry out the Office of the Police and Crime Commissioner's (OPCC) statutory functions is stored proportionally and lawfully. This policy supports the Publication Scheme and Records Management Policy and is designed to provide clarity and consistency in records management.

This procedure has been adopted by the OPCC for North Wales and applies to all undertakings carried out on behalf of the Commissioner.

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1. Introduction

- 1.1 This is the OPCC North Wales's Retention and Disposal Policy and Schedule.
- 1.2 The OPCC North Wales is committed to operating in an open and transparent manner and insists on the highest possible standards in the conduct of its business.
- 1.3 In the course of carrying out its various functions, the OPCC creates and holds a wide range of recorded information. Records need to be properly retained to enable the OPCC to meet its business needs, legal requirements, to evidence events or agreements in the event of disputes and to ensure that any records of historic value are preserved.
- 1.4 In order to comply with legislation the OPCC must ensure that its records are in a sufficient state of readiness to meet the standards necessary to deal effectively with individuals requests under data protection legislation and freedom of information requests.
- 1.5 This Retention and Disposal Policy and Schedule is designed to support the OPCC's corporate governance framework and complies with the standards required by the Information Commissioner.

2. Legislation

- 2.1 There are a number of pieces of legislation which relate to the effective management of the OPCCs records, including:-
 - 2.1.1 The Freedom of Information Act 2000 (FOIA) provides a statutory right of access to information held by public authorities (subject to exemptions). In order to comply with the FOIA the OPCC must ensure that its records are in a sufficient state of readiness to meet the standards necessary to deal effectively with FOIA requests.

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2.1.2 There is an associated Code of Practice on Records Management, provided by the Information Commissioner's Office with which authorities are obliged to comply.

2.1.3 The UK General Data Protection Regulations (GDPR UK) provides individuals with:-

- the rights to access their personal information
- the right to rectification
- the right to erasure
- the right to restrict processing
- the right to data portability
- the right to object
- rights in relation to automated decision making and profiling.

2.1.4 In addition the Data Protection Act 2018 (DPA) provides individuals with:-

- the right to access to their personal information
- the right to object to processing that is likely to cause or is causing damage or distress
- the right to prevent processing for direct marketing
- the right to object to decisions being taken by automated means
- the right in certain circumstances to have inaccurate personal data rectified, blocked, erased or destroyed
- the right to claim compensation for damages caused by a breach of the Act.

3. Purpose

3.1 The OPCC depends on reliable and up to date information to support the work that it does and the services it provides for the public of North Wales.

3.2 This policy and standards will help the OPCC to:

3.2.1 Ensure that retention and availability of the minimum amount of relevant information that is necessary for the OPCC to operate,

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- 3.2.2 Save on time and effort of staff when retrieving information by reducing the amount of information that may be held unnecessarily,
- 3.2.3 Minimise the administrative overheads to the OPCC and save money in terms of storage costs of office space and network servers,
- 3.2.4 Ensure archival records that are of historical value are appropriately retained for the future benefit,
- 3.2.5 Provide consistency of preservation and destruction,
- 3.2.6 Avoid premature destruction.

4. Process

- 4.1 All records held by the OPCC should be retained for the periods shown in the attached schedule. The Data Controller and Data Processors will be responsible for ensuring that all records held by the OPCC are kept for the appropriate length of time and are destroyed according to the time specified in the attached retention schedule.
- 4.2 All retention periods are given in whole years and are from the end of the financial year to which the records relate. Records should be disposed of by shredding / arranging for collection as confidential waste for destruction by the appropriate body and this should also include all back-up copies on alternative media.
- 4.3 *Note: Whenever there is a possibility of litigation or a request under the Freedom of Information Act, the records that are likely to be affected should not be amended or disposed of until the threat of litigation has ended or the appeal processes under the Freedom of Information Act have been exhausted.*
- 4.4 The retention period specified in the attached Schedule does not mean that the document /or information should without exception be destroyed after the set date. The retention period specifies the latest date to re-evaluate the information. At the end of a retention period the Data Controller, in conjunction with the Data Processors:

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- evaluate the business 'value' of the document/information; and
- either destroy the document/information or if applicable, set a further retention period.

4.5 The Data Controller will ensure that an annual review of all records whereby they will determine which records are due for destruction.

4.6 A review of the record should take place as soon as possible after the expiry of the retention period or, if that is not feasible, the record should be retained and a later review date set. It need not be a detailed or time consuming exercise but there must be a considered appraisal of the contents of the record. The review should be conducted by the Data Controller.

4.7 The destruction decision must be reached having regard to:

- On-going business and accountability needs (including audit),
- Current applicable legislation
- Individual's rights provided in GDPR (UK) and DPA
- Whether the record has any long-term historical or research value,
- Costs associated with continued storage versus costs of destruction.

Decisions must not be made with the intent of denying access or destroying evidence. The agreed destruction decision must be recorded on a Record Destruction Form.

5. Standard Procedure

5.1 This procedure applies to records which do not need to be kept at all. Information which is duplicated, identified as being owned by another organisation as "data controller", unimportant or of short term use can be destroyed under the Standard Procedure, including:

- compliments slips
- catalogues , magazines, newsletters and trade journals
- telephone message slips
- non-acceptance of invitations

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- trivial e-messages or notes not related to the OPCC's business
- requests for stock information such as maps, plans or marketing material
- out of date distribution lists
- working papers which lead to a final report
- duplicated and superseded material such as stationery, manuals, drafts, address books and reference copies of annual reports

5.2 All these records can be destroyed, except where these may be used as evidence to prove that something happened.

6. Disposal methods

6.1 Disposal means deleting or destroying a record to the extent that it cannot be retrieved.

6.2 Paper records will be shredded on site and electronic records removed permanently from our computer systems.

7. On-going monitoring and review of Policy and Schedule:

7.1 This Policy and Schedule will be reviewed every 4 years. However, if areas of concern or changes to legislation arise during this period, the Policy will be reviewed.

8. Schedule Index

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7. Public Relations

Schedule

1. Statutory Duties of the Police and Crime Commissioner

Function	Records	Retention	Statutory Provision
Appointment of Chief Constable	Application Pack	1 year following appointment	Police Reform and Social Responsibility Act 2012 (PRSA)
	Assessment and Interview Scoring Sheets	1 year	
	Personnel Files	Permanent, destroy 6 years from date of last pension payment/leaving date	
Complaints about Chief Constable	Correspondence and investigation	6 years after finalisation	
Complaints about PCC and DPCC	Correspondence and supporting documents	6 years after finalisation	
Decisions made by the PCC	Business Cases and supporting documents	Permanent	
	Formal decisions	Permanent	
Dismissal of Chief Constable	Resignation, redundancy, dismissal, death, retirement	6 years after termination or, if pension paid, 6 years after last pension payment	

Function	Records	Retention	Statutory Provision
Independent Custody Visiting Scheme and Dog Welfare Visiting Scheme	Agendas, Minutes and Reports	2 years	
	Records of Visits	2 years	
	Personnel Files	1 year after termination of appointment	
	Expense claims	2 years (by OPCC) 6 years + 1 (held by Finance Department)	
	Custody Guide	Until superseded	
	Dog Welfare Visiting Scheme	Until superseded	
Independent Panel Members	Personnel Files	1 year after termination of appointment	
	Expense claims	2 years (by OPCC) 6 years + 1 (held by Finance Department)	
Joint Audit Committee Meetings and Members	Agenda, minutes, reports.	Permanent	
	Draft and audio minutes	Destroy once minutes are formally approved	
	Terms of Reference	Until superseded	

Function	Records	Retention	Statutory Provision
	Personnel Files	1 year after termination of appointment	
	Expense claims	2 years (by OPCC) 6 years + 1 (held by Finance Department)	
	Appointment documents relating to Audit Committee Members	1 year following appointment	
Legally Qualified Person	Personnel Files	1 year after termination of appointment	
	Expense claims	2 years (by OPCC) 6 years + 1 (held by Finance Department)	
Meetings (where the OPCC owns the record and formal decisions are made)	Agendas, minutes, reports	Permanent	Common Practice
	Terms of Reference	Until superseded	
Meetings (other, including consultation and engagement events)	Agendas, minutes, reports	3 years after last action	Common Practice
Meetings (where the Commissioner does not own the record)	Agendas, Minutes and Reports	3 years after last action	Common Practice
Police and Crime Plans	Police and Crime Plans	Permanent	For Historical Purposes

Function	Records	Retention	Statutory Provision
	Delivery Plans	Permanent	
	Annual Reports	Permanent	
Police Appeals Tribunals	Cases including audio recording	10 years after last action	
Reviews of Complaints	Paperwork and electronic records relating to Review of Complaints	Paper records will be scanned and destroyed when finalised. Independent Review Officer will destroy after 28 days. Electronic records will be kept for a period of 6 years after finalisation	
Statutory Inspection Reports	Wales Audit Office	Permanent	
	Internal Audits	Permanent	
	HMIC	Permanent	

2. Police and Crime Commissioner and Deputy Police and Crime Commissioner

Function	Records	Retention	Statutory Provision / Authority
	Application Pack	1 year following appointment	

Appointment of Deputy Police and Crime Commissioner			
	Assessment and Interview Scoring Sheets	1 year	
	Personnel Files	6 years from date of last pension payment or leaving date	
Complaints about the PCC and DPCC	Correspondence and supporting documents	6 years after finalisation	
Payments	Salary, allowances and expenses	2 years (by OPCC) 6 years +1 (held by Finance Department)	
Registers of declarations	Financial and Business Interests Gifts and Hospitality	6 years after end of term in office	

3. Financial Management and Governance

Function	Records	Retention	Statutory Provision / Authority
Annual reports	Annual Statement of Accounts	Permanent	
	Treasury Management and Investment Strategy	Permanent	

	Medium Term Financial Plans (which includes the Draft Precept, Financial Planning and Reserve Strategy)	Permanent	
Asset Monitoring and Maintenance	Inventories of Equipment	6 years	Common Practice
Budget Setting	Final Annual Budget	Permanent	
	Draft Budget and estimates	2 years	
	Budget reviews	2 years	
Commissioning of Services	Pre-Tender Documentation i.e. adverts and notices, expressions of interest, references, shortlist	3 years from date of award of the contract	The Public Contracts Regulations 2015, Regulation 84(9) The Utilities Contract Regulations 2006, Regulation 37
	Pre-Tender Documentation i.e. evaluation reports (PQQ's)	7 Years from date of award of the contract	OJEU Regulations
	Contract Documents i.e. original tender, signed acceptance plus any variations to contract, performance notices, records of complaints, termination notices, extensions to contract	6 years from end of contract	
Expenditure	Invoices/receipts	2 years (by OPCC)	

		6 years + 1 (held by Finance Department)	
Manual of Governance	Which includes Standing Orders, Standing Orders relating to Contracts and Financial Regulations	Until superseded or revoked	

4. Information Management and Administration

Function	Records	Retention	Statutory Provision / Authority
Correspondence - General	Correspondence from members of the public or Organisations	2 Years from final communication on topic or sooner in accordance with individual's rights under GDPR (UK)	The UK General Data Protection Regulations
Correspondence - Internal	Correspondence between stations, departments, staff etc.	If connected to a criminal case, HR or project retain in line with other paperwork, all other retain for 12 Months	The Data Retention Regulations 2009 National Archives
Diaries and calendars	Electronic and manual diaries	3 years	General practice
Disclosures	Freedom of Information requests	2 Years from disclosure or from completion of any appeal, local or ICO.	APP Information Management – Data Protection
	Subject Access Requests	2 Years from disclosure or from completion of any appeal, local or ICO. Then review.	

Function	Records	Retention	Statutory Provision / Authority
Information Records	Filing indices	Permanent	
	Management of records of transfer to archives		
Policies and Procedures	Policies	Until superseded or revoked	Common Practice
	Internal procedures and policies	Until superseded or revoked	
Publications	The process of designing and setting information for publication	Destroy after 3 years from last action	Common Practice
	The published work of the Commissioner	Permanent (Historical)	
Public consultation	Consultation on development of significant policies	3 years from closure	Common practice
	Consultation on development of minor policies	1 years from closure	

Function	Records	Retention	Statutory Provision / Authority
	Consultation meeting notes, records, correspondence, minutes, supporting papers and correspondence	2 years	
Unstructured Records	Records that do not support a business process i.e. there is no existing place for them in the filing structure and none will be created. This applies to filing structures for paper and electronic formats including e-mails. Working papers which lead to a final report.	Destroy as soon as use has ceased	Local Government Act 1972 – Access to information for working papers as background to report to Committee

5. Legal and Contracts

Legal and Contracts	Records	Retention	Notes	
Advice (providing advice on point of law)	Counsel's Opinion	3 years	Common Practice	
Agreements	Data Processing Agreement	Until superseded or revoked		
	Information Sharing Agreements			

	Memorandum of Understanding			
	Shared Service Agreements			
	Service Level Agreements			
Contracts	Legal documents	6 years from end of contract unless it's a Deed where 12 years is necessary		
Employment Tribunals	Cases	6 years after last action	The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, Regulation 14	
Litigation	Correspondence Criminal and civil case files	7 years after last action		
Register of Seals	Register	Permanent		
Tenders	Procurement documents	1 year after start of contract		

6. Staff

Function	Records	Retention	Notes	
Accident at work	Accident reports are completed on line	6 Years	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995, Regulation 7	
Appointment of Staff including Statutory Officers	Application Pack	1 year following appointment		
	Assessment and Interview Scoring Sheets	1 year		
	Personnel Files	Permanent, destroy 6 years from date of last pension payment/leaving date		
	Unsuccessful applications	1 year following appointment or earlier in accordance with individual's rights under UK GDPR		

Employee relations	Agreements, negotiations, correspondence of routine minor matters	2 years from last action		
Financial Details	Bank details, national insurance numbers, salary, payroll and pensions information	Retain for as long as required to support payroll and pension payments.		
Medical Records	Adjustment to work examinations	To be held in confidence by the Force's Occupational Health Unit		
Vetting	Successful vetting: Personnel vetting, local intelligence checks, references, referees checks, counter terrorist checks etc.	6 years after leaving, 1 year after death	Force Policy	

7. Public Relations

	Records	Retention	Notes	
Marketing	Development and promotion of OPCC events	2 years		
	Information about OPCC	Until superseded		

Media Relations	Process of interaction with the media	3 years		
	Media Publications concerning the Commissioner	1 year at end of appointment or permanent if considered historical		
Publications	The process of designing and setting information for publication	Destroy after 3 years from last action	Common Practice	
	Published work of the Commissioner	Permanent (Historical)		
	Leaflets and Pamphlets	Until superseded or revoked		
Social Media	Correspondence received via Social Media	Will be treated in the same way as other correspondence		