

## Document Retention

- Which documents should we retain?
- How long should we retain them for?

In order to run Farringford Legal efficiently and comply with statutory requirements, we must keep a range of data in the form of personnel and financial records. As we handle several different categories of data and each type of record should be kept for a different amount of time, we have created this document retention policy. The policy outlines how we will manage different types of data and records, from creation to disposal, in accordance with the GDPR and the Data Protection Act 2018.



Key points to remember:

1. All records must be kept in accordance with data protection laws. Extra care should be taken with 'special categories of personal data', i.e. data relating to a data subject's racial or ethnic origin, political opinions, health, sex life and sexual orientation, or criminal records.
2. Businesses collecting personal data must register with the Information Commissioner's Office.
3. You are not required to keep the original of all documents – copies can be stored but they must be stored in writing, including in electronic format.
4. If erasing or destroying records, then destruction must be done securely.

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DOCUMENT TYPE	HOW LONG TO KEEP FOR (AND SOURCE OF REQUIREMENT)
<b>HR RECORDS (DPA 2018)</b>	
<b>Recruitment records</b> These may include: <ul style="list-style-type: none"> <li>• Completed online application forms or CVs</li> <li>• Equal opportunities monitoring forms</li> <li>• Assessment exercises or tests</li> <li>• Notes from interviews and short-listing exercises</li> <li>• Pre-employment verification of details provided by the successful candidate. For example, checking qualifications and taking up references (these may be transferred to a successful candidate's employment file)</li> <li>• Criminal records checks (these may be transferred to a successful candidate's employment file if they are relevant to the ongoing relationship)</li> </ul>	Six months after notifying candidates of the outcome of the recruitment exercise.  There is no longer a 6-month time limit on how long DBS certificates can be kept for. When it comes to handling and storing certificates the DBS Code requires registered bodies to 'handle all information provided to them by DBS, as a consequence of applying for a DBS product, in line with the obligations under Data Protection Act 2018.
<b>Immigration checks</b>	Three years after the termination of employment.
Records held relating to right to work in the UK	2 years after employment or engagement has ended – these must not be alterable.
<b>Contracts</b> These may include: <ul style="list-style-type: none"> <li>• Written particulars of employment.</li> <li>• Contracts of employment or other contracts.</li> <li>• Documented changes to terms and conditions.</li> </ul>	While employment continues and for seven years after the contract ends.
<b>Collective agreements</b> Collective workforce agreements and past agreements that could affect present employees.	Any copy of a relevant collective agreement retained on an employee's record will remain while employment continues and for seven years after employment ends.
<b>Payroll and wage records</b> Details on overtime Bonuses Expenses Benefits in kind	These must be kept for at least three years after the end of the tax year to which they relate. However, given their potential relevance to pay disputes they will be retained for seven years after employment ends.
Current bank details	Bank details will be deleted as soon after the end of employment as possible once final payments have been made.
PAYE records	These must be kept for at least three years after the end of the tax year to which they relate. However, given their potential relevance to pay disputes they will be retained for seven years after employment ends.
Sickness records – statutory sick pay (SSP)	Records can be kept in a flexible manner which best suits your business but should be kept for payroll purposes (see below)
Payroll and wage records for unincorporated businesses	These must be kept for five years after 31 January following the year of assessment. However, given their potential relevance to pay disputes they will be retained for seven years after employment ends.

# FARRINGFORD LEGAL

Records in relation to hours worked and payments made to workers	These must be kept for three years beginning with the day on which the pay reference period immediately following that to which they relate ends. However, given their potential relevance to pay disputes they will be retained for seven years after the working relationship ends.
Travel and subsistence.	While employment continues and for seven years after employment ends.
Record of advances for season tickets and loans to employees	While employment continues and for seven years after employment ends.
<b>Personnel records</b> These include: <ul style="list-style-type: none"> <li>• Qualifications/references.</li> <li>• Consents for the processing of special categories of personal data.</li> <li>• Annual leave records.</li> <li>• Annual assessment reports.</li> <li>• Disciplinary procedures.</li> <li>• Grievance procedures.</li> <li>• Death benefit nomination and revocation forms.</li> <li>• Resignation, termination, and retirement.</li> </ul>	While employment continues and for seven years after employment ends.
Working time opt-out	Three years from the date on which they were entered into.
Records to show compliance with working time opt-out, including: <ul style="list-style-type: none"> <li>• Time sheets for opted-out workers.</li> <li>• Health assessment records for night workers.</li> </ul>	Three years after the relevant period.
<b>Maternity records</b> These include: <ul style="list-style-type: none"> <li>• Maternity payments.</li> <li>• Dates of maternity leave.</li> <li>• Period without maternity payment.</li> <li>• Maternity certificates showing the expected week of confinement.</li> </ul>	Four years after the end of the tax year in which the maternity pay period ends.
<b>Accident records</b> These are created regarding any reportable accident, death, or injury in connection with work.	For at least four years from the date the report was made.
References	Under data protection laws, only keep records for as long as is necessary.

# FARRINGFORD LEGAL

<p>National Minimum Wage documentation:</p> <ul style="list-style-type: none"> <li>• Total pay by the worker and the hours worked by the worker</li> <li>• Overtime/shift premia.</li> <li>• Any deduction or payment of accommodation.</li> <li>• Any absences e.g., rest breaks, sick leave, holiday.</li> <li>• Any travel or training during working hours and its length.</li> <li>• Total number of hours in a pay reference period</li> </ul>	<p>For HMRC purposes: 3 years after the end of the pay reference period following the one that the records cover (National Minimum Wage Act 1998)</p> <p>Or 6 years (5 in Scotland) in order to show that you have paid at least national minimum wage rates if a breach of contract claim is brought against you.</p>
<p>Pensions auto-enrolment (including auto-enrolment date, joining date, opt in and opt out notices, contributions paid)</p>	<p>6 years except for opt out notices which should be kept for 4 years (Employers' Duties (Registration and Compliance) Regs 2010). For further information please see the Pensions Regulator's detailed guidance for employers.</p>
<p>COMPANY FINANCIAL AND CORPORATE RECORDS</p>	
<p>VAT</p>	<p>6 years –please see an overview of VAT record keeping on the Gov.uk website.</p>
<p>Accounting records.</p>	<p>The Companies Act states:</p> <p>(a) in the case of a private company, for three years from the date on which they are made; or</p> <p>(b) in the case of a public company, for six years from the date on which they are made.</p> <p>However, the <a href="https://www.gov.uk">gov.uk website</a> states 6 years so best to err on the side of caution.</p>
<p>Register of members</p>	<p>Entries for former members can be removed 10 years after the date they ceased to be members (s.121, CA 2006).</p>
<p>Register of directors</p>	<p>Indefinite (s.162, CA 2006).</p>
<p>Register of directors' residential addresses</p>	<p>Remove addresses of former directors after 3 years (s.165 CA 2006).</p>
<p>Minutes of internal directors' meetings</p>	<p>10 years from the date of the meeting (s. 246 CA)</p>
<p>Members' resolutions passed other than at general meetings; minutes of general meetings, details of decisions provided by a sole director.</p>	<p>10 years from date of resolution, decision, or meeting (ss. 365 &amp; 358, CA)</p>
<p>Health and safety inspections, property management and asset records.</p>	<p>6 years (HSWA 1974)</p>

Historical records and archives about the company e.g., former directors, chairpersons, employees of note etc.	Indefinite
<b>SALES, MARKETING AND CUSTOMER RECORDS</b>	
Bought in mailing lists and associated contracts	<p>1 year for mailing lists. (Best practice for mailing lists)</p> <p>Consult <a href="#">ICO guidance on bought-in lists</a>; ICO Direct Marketing Code recommends that organisations should not rely on indirect consent given more than 6 months ago.</p> <p>6 years from expiry or termination for contracts (12 years for contracts executed as a deed) - Limitation period for contracts (Limitation Act 1980).</p>
Marketing database records (e.g., lead generation, meeting feedback, contact data etc.)	2 years from last contact
Customer relations database records (e.g., call centre records, queries, meeting feedback, account history etc.)	6 years from last contact
Order fulfilment records	6 years from completion
Opt-out/suppression lists	Indefinite
Evidence of consent to marketing (including electronic marketing)	<p>While consent valid</p> <p>6 years from date consent withdrawn or ceases to be valid</p> <p>Consent can be withdrawn at any time and may not necessarily remain valid indefinitely although how long it remains valid will depend on the context.</p>
Market research, marketing campaigns	Direct Marketing Association suggests two years from completion of last campaign.
Press releases	5 years from publication
Customer complaints handling	6 years from settlement or closure
Website analytics reports from cookies and other similar technology	<p>2 years</p> <p>This refers to the output from information obtained via cookies. No firm period recommended by the ICO, although the French regulator recommends 25 months from collection and, for Google Analytics the Direct Marketing Association recommends 2 years.</p>

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	Cookies themselves may be set for different periods depending on the function of the cookie.
LEGAL RECORDS	
Legal advice and opinions (non-litigation)	6 years after life of the service or matter the advice relates to
Legal advice and other records relating to specific litigation or claim	6 years from settlement or withdrawal of claim
Data subject rights requests	6 years from closure of request
Previous versions of policies, including IT policy, privacy policy, retention policy etc.	6 years from being superseded
Monitoring and investigation requests	6 years from closure of investigation
Insurance claims	3 years after settlement

Farringford Legal Limited  
November 2024