

## Retention and Disposal Policy

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|--------------------------------|-------------------------------------|
| <b>Document name</b>           | Retention and Disposal Policy       |
| <b>Version number</b>          | 10.0                                |
| <b>Status</b>                  | Published                           |
| <b>Department/Team</b>         | Information Management & Compliance |
| <b>Relevant policies</b>       | N/A                                 |
| <b>Distribution</b>            | Internal and External               |
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| <b>Date of sign off</b>        | 21/07/2022                          |
| <b>Review by</b>               | 01/02/2025                          |
| <b>Security classification</b> | Official                            |

### Key messages

This policy outlines the ICO's approach to retention and disposal of information. This policy covers:

- Retention periods
- ROT and weeding
- Reviewing information
- Destruction of information
- Permanent preservation
- Legal holds

### Does this policy relate to me?

This policy relates to all ICO staff.

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## 1. Introduction

- 1.1. A general overview of our approach to records management is outlined in our [Information Management Policy](#). The aim of the Retention and Disposal Policy is to outline the ICO's approach to managing the retention and secure disposal of our information in line with our business requirements and legal obligations.
- 1.2. There are various pieces of legislation which outline retention requirements. These include, but are not limited to:
  - Freedom of Information Act 2000 – including the Code of Practice Section 46 (FOIA)
  - The UK General Data Protection Regulations (the UK GDPR)
  - Data Protection Act 2018 (DPA 18)
  - Public Records Act 1958
  - Limitation Act 1980
  - Inquiries Act 2005
- 1.3. The requirements outlined in this policy have been developed to provide a consistent approach to the retention and disposal of corporate information. This policy applies to all physical and digital information, regardless of storage location.

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## 2. Roles and Responsibilities

- 2.1. All ICO staff are responsible for managing the information they create and receive as part of their normal daily business activities and should familiarise themselves with the [Retention and Disposal Schedule](#).
- 2.2. Specific records management responsibilities are also allocated to individual staff members and various committees and boards across our corporate structure, as detailed in our [Information Risk Management Network](#). The following roles have additional responsibilities around retention and disposal:
  - 2.2.1 **Information Asset Owners (IAO)**: IAOs ensure that all assets under their control are following retention schedule rules. They have ownership of the assets and are therefore

responsible for ensuring adherence to the Retention and Disposal Schedule. IAOs are responsible for authorising the destruction of information when required.

- 2.2.2 **Information Asset Managers (IAM):** IAMs assist the IAOs in their role and are operationally responsible for the upkeep of information assets, including adherence to the Retention and Disposal Schedule.
- 2.2.3. **Local Information Management Officer (LIMO):** LIMO monitor compliance with the retention schedule, whilst encouraging and working with staff to ensure ongoing conformity. Alongside this, the LIMO reports to the IAM and IAO on compliance with the schedule within their team. They also need to implement any changes required to the schedule in accordance with ICO procedure and work to improve compliance with the schedule where needed.
- 2.2.4. **Local Asset Administrator (LAA):** LAA work with staff directly to ensure the retention schedule is adhered to, undertaking some work disposing of information and recording disposal where needed. The LIMO is likely to delegate instructions to the LAA to assist in improving compliance with the schedule.
- 2.3. More information about the responsibilities of individuals in the Information Risk Management Network can be found in our [Roles and Responsibilities guidance](#).

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### 3. Retention Periods

- 3.1. Our retention periods are driven by legislation and/or business need. If there is no legally defined retention period for corporate information it is the responsibility of the relevant IAO(s) to determine an appropriate retention period. The Information Management team must agree the proposed retention period to ensure:
- Retention triggers are clear and consistent
  - Retention periods are not excessively long and are consistent with the rest of the schedule

- The correct retention source has been identified
  - IAO approval has been obtained for any new entries with an action of 'destroy'.
- 3.2. We assign clearly defined retention periods to our information to ensure it is kept for the appropriate length of time. Each retention period has three elements:
- Trigger – the action which begins the retention period (e.g., 'End of Financial Year' or 'End of Employment')
  - Retention period – the length of time the information will be kept
  - Action – either 'review' or 'destroy'.
    - If the action is 'review' the information must be reviewed to ensure it is no longer required before destruction. Outcomes of a review may be – dispose, mark for permanent preservation, or temporary extension to review again at a future date.
    - If the action is 'destroy', this means the information can be destroyed without being reviewed in line with ICO procedure. IAO approval is not needed prior to destruction if the action is 'destroy.'

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## 4. Retention and Disposal Schedule

- 4.1. Our Retention and Disposal Schedule sets out our retention periods. Information **must** be kept for the length of time defined in the Schedule unless there is a legal requirement to destroy it sooner.
- 4.2. The Schedule is arranged by function, rather than by directorate. By following a functional approach we can ensure that the Schedule will not need to change in the event of organisational restructures and that information held by multiple directorates is only captured on the Schedule once.
- 4.3. Any proposed additions or changes to retention periods must be captured on [this form](#) and sent through to the Information Management & Compliance team. Significant changes may need to be signed off by the relevant IAO(s).
- 4.4. The Schedule is reviewed on an annual basis by the Information Management & Compliance team with input from the Information

Risk Management Network. Any queries about the Schedule should be raised with the Information Management & Compliance team.

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## 5. Weeding

- 5.1. Not all information we create has long-term value. Our Retention and Disposal Schedule does not include redundant, obsolete or trivial (ROT) information. This should be destroyed periodically by each directorate as part of routine housekeeping. Approval or sign-off to delete ROT information is not required.
- 5.2. 'Weeding' does not apply to corporate records included in the Schedule, which should only be destroyed when they have reached the end of their retention period.
- 5.3. Information should be weeded for two reasons:
  - To ensure that we are not wasting money or space (either digital or physical) by storing ROT information.
  - To make the process of reviewing and appraising records easier. Sifting through low-value records makes this process more time-consuming.
- 5.4. Below are common examples of information which are usually of limited value once they are no longer in use and can be weeded through housekeeping. This should not be seen as an exhaustive list.

**Drafts** - Draft documents lose value and can become obsolete once a final version has been published. However, on some occasions where significant changes or deviation have taken place, a draft may be retained to show how the final decision was made.

**Emails** - Outlook has an automated retention policy that retains emails for 12 months. It is important that information assets are saved to shared spaces, to provide evidence of decisions made or action taken. Once a conversation has reached a significant point, any earlier emails from this chain can be deleted.

**Duplicates** – We should not retain any duplications. Duplications can lead to multiple versions of information which can cause confusion.

**Research Material** – Whether developing policy or preparing to give advice, research material may be created or collected such as notes or

copies of guidance from external organisations. The value of this information decreases once the final version has been created.

**Limited Long Term Operational Value** – Some information may be of importance for only a short period of time and then become redundant. This information should be weeded as soon as it is no longer required.

- 5.5. Weeding should be done on a regular basis to ensure that clutter does not build up over time. It is up to each team to decide a reasonable schedule for housekeeping, based on their resources and the amount of information they generate. IAOs should encourage weeding on a regular basis.
- 5.6. Weeding should cover all information the directorate stores, paper or digital, regardless of the system it is held on. This includes personal drives and desktops.

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## 6. Reviewing Information

- 6.1. When information has reached the end of its retention period it may need to be reviewed to ensure that it is no longer required. Information that has an action of 'destroy' on the Schedule can be disposed of securely without a review and without IAO approval. Where possible, automated retention rules should be built into corporate systems.
- 6.2. Where a review is required the IAO assisted by the IAM and LIMOs should consider the relevant information and decide whether it can be destroyed. If a high volume of information is being reviewed at once then this should be conducted at a macro level, i.e., not document by document. If information is marked for permanent preservation or subject to a legal hold it may be necessary to review every document.
- 6.3. Information should only be retained beyond its retention period in limited circumstances. When conducting a review, the following factors should be taken into account:
  - Is the information required to fulfil statutory or regulatory requirements?

- Is the information relevant to ongoing litigation / subject to a legal hold?
  - Is the information the subject of an information request or relate to information recently disclosed in a response?
  - Is retention required to evidence events in the case of a dispute?
  - Does the information fall under the selection criteria for permanent preservation and transfer to The National Archives (TNA)? See [section 8](#) of this policy for more detail on permanent preservation.
  - Is the information required for a Public Inquiry?
  - Is there another demonstrable business need for retaining the information?
- 6.4. If the information is deemed to still be required, an extension of two years is given, the information needs to be reviewed again at the end of the extension. The only exception to this is where the information has been marked for permanent preservation (see [section 8](#)).
- 6.5. The retention period must not be extended indefinitely. You should contact the Information Management & Compliance team if you still intend to keep the information after applying the two-year extension period.

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## 7. Destruction

- 7.1. When records are no longer required by the organisation and do not have archival value they should be securely destroyed.
- 7.2. If the action on the retention schedule is 'review', destruction of records should not proceed without approval from the relevant IAO. A record containing what has been destroyed, when it was destroyed and the individual who authorised the destruction should be created. A template Record of Destruction can be found [here](#) (please note that this link is only accessible to ICO staff).
- 7.3. If the action on the retention schedule is 'destroy', a Record of Destruction does not need to be created.
- 7.4. Records should be destroyed with the level of security required by the confidentiality of their contents. For example, if records containing special category data or protectively marked papers have



been shredded, the shredded paper should be handled securely and not dumped. Records awaiting destruction must be stored securely.

- 7.5. Paper records should be placed into the confidential waste bins and documents stored on electronic systems should be deleted, including back-ups. Deletions should be carried out by someone with appropriate access to the system from which they are being deleted. Digital documents should be deleted and not overwritten.
- 7.6. When information is destroyed, all copies of the information should be destroyed at the same time (both digital and physical). Information cannot be considered to have been completely destroyed unless all copies have been destroyed as well.

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## 8. Permanent Preservation

- 8.1. Documents should be selected for permanent preservation if they meet the criteria specified in [section 14 of the Retention Schedule in Annex B](#).
- 8.2. Documents which have been marked for permanent preservation must not be destroyed. Any information which is selected for preservation should be clearly marked to ensure it is not destroyed accidentally.

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## 9. Legal Holds

- 9.1. As a public authority the ICO is responsible for ensuring that any information under a legal hold is identified. A legal hold is the process of preserving all forms of information relevant to legal proceedings. If a legal hold is in place there is a freeze on the destruction of any relevant material held by the organisation.
- 9.2. A legal hold might be required if information relates to a Public Inquiry or if it pertains to any litigation that the ICO is involved with, such as an FOI Complaint which is subject to appeal. If you are unsure whether information in your possession falls under a legal hold, contact the Information Management Service for advice.

- 9.3. When information falls under a legal hold it should be clearly marked as such so it is not accidentally included in any scheduled destruction.
- 9.4. Under the Inquiry Rules 2006 those responsible for public records have a duty to make arrangements for the selection of any and all information they hold which contains or may contain content as identified in relation to an investigation. [Appendix A](#) shows the Public Inquiries that are currently open in the UK, or due to be opened soon.
- 9.5. Following the closure of the inquiry, the information should be reviewed to determine how long it needs to be retained.

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## Feedback on this document

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## Version history

| Version | Changes made  | Date       | Made by             |
|---------|---|------------|---------------------|
| 3.1     | First Draft   | 20/01/18   | Stuart Ashton       |
| 4.0     | Final Version   | 24/05/18   | Stuart Ashton       |
| 4.1     | Final Version, updated with minor amendments  | 14/08/18   | Lesley Owen-Edwards |
| 4.2     | Update to Retention Schedule – Assurance and Customer Contact (Breach Reports)  | 05/11/2019 | Steven Johnston     |
| 4.3     | Added general annual leave information to HR section  | 19/11/2019 | Ben Cudbertson      |
| 4.4     | Split 'Live Chat Transcriptions' into 'GCI/Touchpoint' and 'Goss' transcriptions. Changes retention of GCI/Touchpoint transcriptions from 2 years to 90 days. | 27/11/2019 | Ben Cudbertson      |

|      |   |            |                   |
|------|---|------------|-------------------|
| 4.5  | Update to live chat transcript retention period. Amended from 90 to 100 days.   | 06/01/2020 | Steven Johnston   |
| 4.6  | Removal of 'text messages' entry in schedule  | 03/02/2020 | Steven Johnston   |
| 5.0  | Annual review and schedule updates.   | 07/04/2020 | Steven Johnston   |
| 5.1  | Addition to HR (Security Clearance Correspondence, Declaration of outside interests)  | 21/05/2020 | Jennifer Matthews |
| 5.2  | Addition of Data Protection Fee Information – Paper records. Changed the trigger for Data Protection Fee Information – Electronic Records from 'lapsed payment' to 'lapsed registration.' | 16/06/2020 | Ben Cudbertson    |
| 5.3  | Addition of Webinar / live event recordings   | 24/06/2020 | Steven Johnston   |
| 5.4  | Added Case Study to Comms section   | 13/10/2020 | Ben Cudbertson    |
| 5.5  | Changed Maternity, Paternity, Adoption and Sick Leave retention period from 3 years to 4 years and changed trigger from 'end of financial year after return' to 'end of financial year'.  | 20/10/2020 | Ben Cudbertson    |
| 5.6  | Added digital direct debit scans  | 13/01/2021 | Ben Cudbertson    |
| 5.7  | Added car sharing information   | 19/02/2021 | Ben Cudbertson    |
| 5.8  | Changed Internal Guidance and LTT to date withdrawn from Creation.  | 02/03/2021 | Tiffany Higgins   |
| 5.9  | Added - Digital Mailroom instruction DP Fees scans  | 04/03/2021 | Jen Matthews      |
| 5.10 | Schedule under review - Updated: Legal Basis, Roles & Responsibility, IMS contact, Weeding  | 11/03/2021 | Jen Matthews      |
| 6.0  | Changes (including 2-year extension) confirmed  | 06/04/2021 | Jen Matthews      |
| 6.1  | Directorate name change throughout to Digital, IT and Business Services. Amendments to include this   | 04/06/2021 | Steven Johnston   |

|      |   |            |                 |
|------|---|------------|-----------------|
|      | directorates IAO at 2.1, 2.2, 2.3, 2.4, 2.5, 2.9, 8.1, 8.16, 10.2, 10.3, 10.4. Name change from GCI to Nasstar at 1.8. Addition of 10.12. Retention period for 3.9 changed. |            |                 |
| 6.2  | Addition to HR section (MHFA Application Details and details of MHFA attendance to training)  | 09/08/2021 | Tiffany Higgins |
| 6.3  | Addition of 2.10 and 2.11.  | 23/08/2021 | Steven Johnston |
| 6.4  | Addition of 3.15, 3.16 and 6.21.  | 25/08/2021 | Steven Johnston |
| 6.5  | Addition of 2.12 and 2.13.  | 08/09/2021 | Tiffany Higgins |
| 6.6  | Removal of 1.9  | 22/09/2021 | Tiffany Higgins |
| 7.0  | Major update of Retention and Disposal Policy following review. Amended retention periods for HPI inquiries (8.5-8.7)   | 28/09/2021 | Ben Cudbertson  |
| 7.1  | Change to retention period for communications with journalists (2.7) – increased from 12 months to 3 years  | 04/10/2021 | Ben Cudbertson  |
| 7.2  | Updated job titles for IAOs   | 11/10/2021 | Ben Cudbertson  |
| 7.3  | Addition of 6.22.   | 01/12/2021 | Steven Johnston |
| 7.4  | Addition of 2.14.   | 02/12/2021 | Ben Cudbertson  |
| 7.5  | Change of IAO at 3.7.   | 03/12/2021 | Steven Johnston |
| 7.6  | Addition of 11.13 – Staff photographs   | 10/01/2022 | Simon Lochery   |
| 7.7  | Addition of 1.9 Chatbot transcripts   | 13/01/2022 | Steven Johnston |
| 7.8  | Addition of 6.23 – audio recordings   | 14/02/2022 | Simon Lochery   |
| 7.9  | Addition of 2.15 – Staff pulse surveys  | 26/04/2022 | Steven Johnston |
| 7.10 | Updated section 4.2 – clarified that template is only accessible to ICO staff   | 15/05/2022 | Ben Cudbertson  |
| 7.11 | Added section 8.25  | 10/06/2022 | Ben Cudbertson  |

|      |   |            |                 |
|------|---|------------|-----------------|
| 7.12 | Amendment to trigger and additional IAO in section 8.8.   | 19/07/2022 | Simon Lochery   |
| 7.13 | FOI and Transparency directorate added to 10.4.   | 02/09/2022 | Steven Johnston |
| 8.0  | Appendix B updated following annual review of retention schedule by LIMOs. Divided regulatory section into 3. Updated TNA section following changes to selection criteria. No changes made to policy content. Updated Covid Inquiry entry for Appendix A. | 08/09/2022 | Ben Cudbertson  |
| 8.1  | Added contracts and offer letters to 6.12. Added 6.24-6.26.   | 23/09/2022 | Ben Cudbertson  |
| 8.2  | Minor changes to sections 6 and 8 of the policy and section 14 of the retention schedule, to clarify reference to permanent preservation and the criteria.  | 30/09/2022 | Simon Lochery   |
| 8.3  | Added sections 8.16-8.18  | 24/10/2022 | Ben Cudbertson  |
| 8.4  | Added entry for 'breach report – no further action' to section 8.8 of Retention Schedule  | 31/10/2022 | Simon Lochery   |
| 8.5  | Retention schedule:<br>Cases relating to Section 159 moved from 14.3 to 8.4.<br>External consultation responses at 12.6 – action changed to review.<br>External consultation responses at 14.6 – added word 'significant' for clarity.                    | 11/11/2022 | Simon Lochery   |
| 8.6  | Updated Regulatory – Assurance entries following review   | 08/12/2022 | Ben Cudbertson  |
| 8.7  | Retention schedule:<br>Entry for 'Training materials moved from HR section to Organisation wide section.<br>Added sections 10.5 and 10.6  | 21/12/2022 | Simon Lochery   |
| 8.8  | Added in section 8.21 – NIS Register  | 05/01/2023 | Ben Cudbertson  |
| 8.9  | Retention schedule:   | 25/01/2023 | Simon Lochery   |

|      |  |            |                 |
|------|--|------------|-----------------|
|      | Entries 8.2 and 8.3 amended to include EIR, INSPIRE and RPSI complaints.   |            |                 |
| 8.10 | Retention schedule:<br>Entry added for 'Team administration' at section 13.4   | 07/02/2023 | Simon Lochery   |
| 9.0  | Annual review. Removed mention of DCMS as our sponsor department following recent government restructure. Section 3.1. updated in Retention Policy to clarify Information Management team's involvement in determining retention periods. Updates to sections 3.2, 6.1, and 7.1 in the Retention Policy clarifying when IAO approval is needed before destruction of information. Removed IICSA from Annex A following closure of Inquiry. | 17/02/2023 | Ben Cudbertson  |
| 9.1  | Updated retention period for 12.9 'Consultations: SME feedback.'   | 22/02/2023 | Ben Cudbertson  |
| 9.2  | Retention schedule:<br>Added new entry at 9.10 and updated the entry now at 9.9. Updated IAO column for 11.1. Added new entry at 8.22 and updated entry 8.17.  | 06/03/2023 | Simon Lochery   |
| 9.3  | Added entry for 3.20 'Website Analytics Data'.   | 20/03/2023 | Ben Cudbertson  |
| 9.4  | Retention period for 6.9 successful recruitment candidate information changed from 6 months to 2 years from date employment ceases.  | 14/04/2023 | Steven Johnston |
| 9.5  | Added 12.10 'Consultations: FOI/EIR Upstream Feedback Group'   | 20/04/2023 | Ben Cudbertson  |
| 9.6  | Added 6.26 'Reasonable Adjustments Information'  | 25/04/2023 | Ben Cudbertson  |
| 9.7  | Retention schedule amended:<br>Addition of Director of International to IAO sections and removal of specific entries   | 23/06/2023 | Simon Lochery   |

|      |   |            |                 |
|------|---|------------|-----------------|
|      | for adequacy assessments in section 10.   |            |                 |
| 9.8  | Added 2.15, Slido event data  | 13/07/2023 | Ben Cudbertson  |
| 9.9  | Added 8.23 to Annexe B – retention schedule.  | 07/08/2023 | Steven Johnston |
| 9.10 | Descriptions for 12.2 and 12.3 of Annexe B changed as a result of requests for clarification.   | 09/08/2023 | Steven Johnston |
| 9.11 | Section 7 of policy updated to clarify when a record of destruction needs creating.   | 17/08/2023 | Simon Lochery   |
| 9.12 | Retention period in 9.3 changed from 2 years to 3 years   | 16/09/2023 | Ben Cudbertson  |
| 9.13 | Change to 12.5, privacy changed to protection. Annex B part 14 actions changed from prepare for transfer to consider for transfer. CLI retention period at 1.9 of Annex B changed from 100 days to 90 days.         | 20/10/2023 | Steven Johnston |
| 9.14 | Added 9.12 to Annexe B – retention schedule   | 02/11/2023 | Simon Lochery   |
| 9.15 | Annexe B – retention schedule:<br>Amended retention period for 1.6 Instant messages.<br>Added 3.21.<br>Added 8.24.<br>Amended retention period and retention source for 13.6 Procedures and 13.8 Corporate Polices. | 20/12/2023 | Simon Lochery   |
| 10.0 | Annual review. Updated link to form for changes to retention periods in 4.1   | 01/02/2024 | Rosie Simpson   |

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## Annexes

### Annex A – Ongoing Inquiries

| <b>Public Inquiry</b>        | <b>Information to be retained</b>  |
|------------------------------|--|
| Scottish Child Abuse Inquiry | Any material including reports, reviews, briefings, minutes, notes and correspondence relating to the care of children in public or private care.  |
| Undercover Policing Inquiry  | Any material relating to undercover police operations conducted by English and Welsh police forces in England and Wales since 1968 in particular the collusion of the police in the blacklisting of trade union members. |
| Upcoming Covid-19 Inquiry    | All information relating to Covid to be preserved until further guidance issued  |



## Annex B – Retention Schedule

**Note:** For a complete list of our permanent preservation criteria see [section 14](#) of this schedule.

### 1. Communications Activities

|      |   | Retention Trigger | Retain For  | Action  | Retention Source | IAO   |
|------|---|-------------------|---|---------|------------------|---|
| 1.1  | Staff Mailboxes and Outlook                 | Creation          | 12 months   | Destroy | Business Need    | Communications which may not directly fall under a function |
| 1.2  | Physical Correspondence                     | Once Scanned      | <b>See Digital Mailroom R&amp;D Schedule</b>                  | Destroy | Business Need    |   |
| 1.3  | Internal Email Mailboxes                    | Creation          | 12 months   | Destroy | Business Need    |   |
| 1.4  | Customer Email Boxes                        | Creation          | 12 months   | Destroy | Business Need    |   |
| 1.5  | External Email Mailboxes                    | Creation          | 12 months   | Destroy | Business Need    |   |
| 1.6  | Instant Messages                            | Creation          | Between 7 and 15 days   | Destroy | Business Need    |   |
| 1.7  | Nasstar/Touchpoint Live Chat Transcriptions | Creation          | 100 days  | Destroy | Business Need    |   |
| 1.8  | Chatbot transcripts                         | Creation          | 12 Months   | Destroy | Business Need    |   |
| 1.9  | Calling Line Identification                 | Creation          | 90 Days   | Destroy | Business Need    |   |
| 1.10 | Your Data Matters Pledge                    | Creation          | Email Address: 1 month<br>Name and Organisation:<br>12 months | Destroy | Business Need    |   |

### 2. Corporate Communications and Marketing

|     |  | Retention Trigger | Retain For | Action | Retention Source | IAO   |
|-----|--|-------------------|------------|--------|------------------|---|
| 2.1 | Market Research Reports, Press Releases, Campaigns and | Last Action       | 6 years    | Review | Business Need    | Director of Corporate Planning, Risk and Governance, Director |

|     |  |   |                        |         |               |  |
|-----|--|---|------------------------|---------|---------------|--|
|     | Projects, Informer, and Image Banks                                    |   |                        |         |               | of Digital, IT and Business Services   |
| 2.2 | Staff Events and Briefings, Public Engagement and Political Monitoring | Last Action   | 3 years                | Review  | Business Need | Director of Corporate Planning, Risk and Governance, Director of Digital, IT and Business Services |
| 2.3 | Conference Delegate Lists  | Last Action   | 400 days               | Destroy | Business Need | Director of Corporate Planning, Risk and Governance, Director of Digital, IT and Business Services |
| 2.4 | Webinar / Live Event Registration                                      | Webinar Completed                                     | 12 months              | Destroy | Business Need | Director of Corporate Planning, Risk and Governance, Director of Digital, IT and Business Services |
| 2.5 | Webinar / Live event recordings  | Event completed                                       | 12 months              | Destroy | Business Need | Director of Corporate Planning, Risk and Governance, Director of Digital, IT and Business Services |
| 2.6 | Journalist Information   | Request of the Journalist to remove their information | Instant once requested | Destroy | Business Need | Director of Corporate Planning, Risk and Governance  |
| 2.7 | Communications with Journalists  | Creation  | 3 years                | Destroy | Business Need | Director of Communications   |
| 2.8 | Case Study   | Publication date                                      | 3 years                | Review  | Business Need | Director of Communications, Director of Digital, IT and Business Services                          |

|      |  |  |           |         |               |  |
|------|--|--|-----------|---------|---------------|--|
| 2.9  | E-newsletter contact profile                           | Last Action (ICO stops sending its e-newsletter)         | 6 months  | Destroy | Business Need | Director of Communications.                                |
| 2.10 | E-newsletter analytics                                 | Last Action  | 2 years   | Destroy | Business Need | Director of Communications.                                |
| 2.11 | Records of emails to main contacts of DP Fees Register | Creation   | 18 months | Destroy | Business Need | Director of Digital, IT and Customer Services              |
| 2.12 | Email the Register – suppression list                  | Completion of emailing main contacts of DP Fees Register | 12 months | Destroy | Business Need | Director of Digital, IT and Customer Services              |
| 2.13 | Customer Experience Survey contact information         | Survey Closure   | 30 days   | Destroy | Business Need | Director of Public Advice and Data Protection Complaints   |
| 2.14 | Staff Pulse Surveys                                    | Survey Closure   | 12 months | Destroy | Business Need | Executive Director of Strategic Change and Transformation. |
| 2.15 | Slido Event Data                                       | End of Event   | 3 months  | Review  | Business Need | Director of Communications.                                |

### 3. Corporate Functions

|     |  | <b>Retention Trigger</b> | <b>Retain For</b> | <b>Action</b> | <b>Retention Source</b>   | <b>IAO</b>                                    |
|-----|--|--------------------------|-------------------|---------------|---|---|
| 3.1 | Health and Safety Inspections, Property Management and Asset Records         | Last Action              | 6 years           | Review        | The National Archives Retention Scheduling: Departmental Accounts, Health and Safety at Work Act 1974 and supporting Regulations, Limitation Act 1980 | Director of Finance                           |
| 3.2 | Documents relating to IT systems integral to their running and long-term use | End of System Life       | 12 months         | Review        | Business Need   | Director of Digital, IT and Business Services |

|      |   |             |                 |         |   |  |
|------|---|-------------|-----------------|---------|---|--|
| 3.3  | Information Management & Compliance Records   | Last Action | 3 years         | Review  | Business Need   | Director of Digital, IT and Business Services  |
| 3.4  | Information detailing what has been sent to the National Archives (not transferred)               | Last Action | 6 years         | Review  | The National Archives Information Management Guidance | Director of Digital, IT and Business Services  |
| 3.5  | IT Infrastructure   | Last Action | 3 years         | Review  | Business Need   | Director of Digital, IT and Business Services  |
| 3.6  | Information Security  | Last Action | 6 years         | Review  | Business Need   | Director of Corporate Planning, Risk and Governance, Director of Digital, IT and Business Services |
| 3.7  | Information Requests<br><i>(Including MP request not dealt with directly by the Commissioner)</i> | Case Closed | 2 years         | Destroy | Business Need   | Director of Corporate Planning, Risk and Governance  |
| 3.8  | Projects and Corporate Programmes   | Last Action | 3 years         | Review  | Business Need   | Exec Director Strategic Change and Transformation  |
| 3.9  | Building Reports, Risk Assets, Helpdesk and Security Reports                                      | Last Action | 3 years         | Review  | Limitation Act 1980                                   | Director of Finance  |
| 3.10 | IT Back ups   | Last Action | Up to 12 months | Destroy | Business Need   | Director of Digital, IT and Business Services  |
| 3.11 | System Audit Logs   | Last Action | 12 months       | Destroy | Business Need   | Director of Digital, IT and Business Services  |
| 3.12 | Casework Performance Management Information   | Last Action | 2 years         | Destroy | Business Need   | Director of Digital, IT and Business Services  |
| 3.13 | CCTV  | Last Action | 1 month         | Destroy | ICO CCTV Policy                                       | Director of Finance  |
| 3.14 | Reception Sign in Book  | End of Year | 2 years         | Destroy | Business Need   | Director of Finance  |
| 3.15 | Google Analytics Reports  | Last Action | 38 months       | Destroy | Business Need   | Director of Digital, IT and Business Services, Director  |

|      |   |                 |         |         |               |   |
|------|---|-----------------|---------|---------|---------------|---|
|      |   |                 |         |         |               | of Corporate Planning, Risk and Governance    |
| 3.16 | IT incident management reports from 3 <sup>rd</sup> parties       | Last Action     | 3 years | Review  | Business Need | Director of Digital, IT and Business Services |
| 3.17 | IT helpdesk incident reports, service requests and knowledge base | Last Action     | 3 years | Review  | Business Need | Director of Digital, IT and Business Services |
| 3.18 | Mobile device information for visitor Wi-Fi use                   | Creation        | 90 days | Destroy | Business Need | Director of Digital, IT and Business Services |
| 3.19 | Service Adjustments   | Last Contact    | 2 years | Destroy | Business Need | Director of Public Advice & DP Complaints     |
| 3.20 | Website Analytics Data  | End of Contract | 30 days | Destroy | Business Need | Director of Digital, IT and Business Services |
| 3.21 | Website user testing volunteer database                           | Creation        | 2 years | Review  | Business Need | Director of Digital, IT and Business Services |

#### 4. Corporate Governance

|     |  | <b>Retention Trigger</b>   | <b>Retain For</b> | <b>Action</b> | <b>Retention Source</b> | <b>IAO</b>   |
|-----|--|----------------------------|-------------------|---------------|-------------------------|--|
| 4.1 | Memorandum of Understanding  | End of Understanding       | 6 years           | Destroy       | Business Need           | Director of Corporate Planning, Risk and Governance, Director of International |
| 4.2 | Internal Committees and Groups minutes   | Minutes Agreed             | 6 years           | Review        | Business Need           | Director of Corporate Planning, Risk and Governance                            |
| 4.3 | Commissioner's Delegated Authority, Briefings, Decision Notes and Legal Advice | End of Commissioner's Term | 6 years           | Review        | Business Need           | Director of Corporate Planning, Risk and Governance                            |
| 4.4 | Corporate Governance Support   | Last Action                | 3 years           | Review        | Business Need           | Director of Corporate Planning, Risk and Governance                            |

|      |   |                            |         |         |               |   |
|------|---|----------------------------|---------|---------|---------------|---|
| 4.5  | Organisation wide Corporate Plans, Business Continuity, Risk Management and Strategies      | Superseded                 | 3 years | Review  | Business Need | Director of Corporate Planning, Risk and Governance |
| 4.6  | Elected Members Correspondences to the Commissioner   | End of Commissioner's Term | 3 years | Review  | Business Need | Director of Governance Transition                   |
| 4.7  | Corporate Roles and Responsibilities  | Superseded                 | 6 years | Review  | Business Need | Director of Corporate Planning, Risk and Governance |
| 4.8  | ICO Annual Report Drafting Documents  | Report Published           | 6 years | Review  | Business Need | Director of Corporate Planning, Risk and Governance |
| 4.9  | Non-Financial External Audit Documents  | End of audit               | 6 years | Review  | Business Need | Director of Corporate Planning, Risk and Governance |
| 4.10 | Incidents and Investigations into the ICO – no legal matter arising                         | Investigation Closed       | 6 years | Review  | Business Need | Director of Corporate Planning, Risk and Governance |
| 4.11 | Directorate Business Plans, Corporate and Other Scorecards and Related Performance Measures | End financial year         | 7 years | Destroy | Business Need | Director Corporate Planning, Risk and Governance    |

## 5. Finance

|     |                       | <b>Retention Trigger</b> | <b>Retain For</b> | <b>Action</b> | <b>Retention Source</b>  | <b>IAO</b>          |
|-----|-----------------------|--------------------------|-------------------|---------------|--|---------------------|
| 5.1 | Financial Information | End of Financial Year    | 6 years           | Destroy       | HM Treasury guidelines, National Audit Office advice, Companies Act 2006 | Director of Finance |

|     |                        |                       |         |         |  |                     |
|-----|------------------------|-----------------------|---------|---------|--|---------------------|
| 5.2 | Payroll Capita Reports | End of Financial Year | 6 years | Destroy | HM Treasury guidelines, National Audit Office advice, Companies Act 2006 | Director of Finance |
|-----|------------------------|-----------------------|---------|---------|--|---------------------|

## 6. Human Resources

|     |   | <b>Retention Trigger</b>        | <b>Retain For</b> | <b>Action</b> | <b>Retention Source</b>   | <b>IAO</b>                                |
|-----|---|---------------------------------|-------------------|---------------|---|---|
| 6.1 | Employee Files and Personal Development Records                               | End of Employment               | 6 years           | Destroy       | The National Archives Retention Scheduling: Employee Personnel Records and CPID | Director of People and Workforce Planning |
| 6.2 | Disciplinary and Grievance, Examination and Testing, Accident, and Ill Health | Last Action                     | 6 years           | Destroy       | Limitation Act 1980   | Director of People and Workforce Planning |
| 6.3 | Job Descriptions and Terms & Conditions                                       | Last Action                     | 6 years           | Destroy       | Limitation Act 1980   | Director of People and Workforce Planning |
| 6.4 | Political Declarations  | Superseded or End of Employment | 6 years           | Destroy       | The National Archives Retention Scheduling: Employee Personnel Records and CPID | Director of People and Workforce Planning |
| 6.5 | Industrial Relations  | Last Action                     | 6 years           | Destroy       | Limitation Act 1980   | Director of People and Workforce Planning |
| 6.6 | Payroll Sheets  | End of Financial Year           | 6 years           | Destroy       | HM Treasury guidelines, National Audit Office advice, Companies Act 2006        | Director of People and Workforce Planning |
| 6.7 | General Annual Leave Information  | End of Financial Year           | 3 years           | Destroy       | The National Archives Retention Scheduling: Employee Personnel Records          | Director of People and Workforce Planning |
| 6.8 | Maternity, Paternity, Adoption and Sick Leave                                 | End of Financial Year           | 4 years           | Destroy       | Statutory Sick Pay (General)  | Director of People and Workforce Planning |

|      |   |                      |           |         |  |  |
|------|---|----------------------|-----------|---------|--|--|
|      |   |                      |           |         | Regulations 1982<br>Statutory Maternity Pay<br>(General) Regulations<br>1986<br>Statutory Paternity and<br>Statutory Adoption Pay<br>(Administration)<br>Regulations<br>2002 |  |
| 6.9  | Successful Recruitment<br>Candidate Information<br><i>(including third party referee<br/>details provided by the<br/>applicant)</i>   | End of<br>Employment | 2 Years   | Destroy | The National Archives<br>Retention Scheduling:<br>Employee Personnel<br>Records and CPID   | Director of People and<br>Workforce Planning |
| 6.10 | Unsuccessful Recruitment<br>Candidate Information<br><i>(including third party referee<br/>details provided by the<br/>applicant)</i> | Last Action          | 6 months  | Destroy | Limitation Act 1980  | Director of People and<br>Workforce Planning |
| 6.11 | Staff Pension, Pay History,<br>Contracts, Offer Letters, and<br>Termination Reasons   | From DOB             | 100 years | Destroy | The National Archives<br>Retention Scheduling:<br>Employee Personnel<br>Records  | Director of People and<br>Workforce Planning |
| 6.12 | Health Surveillance   | Last Action          | 40 years  | Destroy | Health and Safety at Work<br>Act 1974  | Director of People and<br>Workforce Planning |
| 6.13 | Third party emergency contact<br>details provided by the staff<br>member  | End of<br>Employment | Immediate | Destroy | Business Need  | Director of People and<br>Workforce Planning |
| 6.14 | Equality and Diversity Published<br>Information   | Last Action          | 6 years   | Review  | Public Sector Equality Duty  | Director of People and<br>Workforce Planning |
| 6.15 | Marriage Certificate and<br>Documents relating to Civil<br>Registration   | From DOB             | 100 years | Destroy | The National Archives<br>Retention Scheduling:   | Director of People and<br>Workforce Planning |



|      |  |                                 |           |         |  |   |
|------|--|---------------------------------|-----------|---------|--|---|
|      |  |                                 |           |         | Employee Personnel Records   |   |
| 6.16 | Medical/Self Certificates – unrelated to industrial injury                             | End of absence                  | 4 years   | Destroy | The National Archives Retention Scheduling: Employee Personnel Records | Director of People and Workforce Planning |
| 6.17 | Security Clearance Correspondence  | End of Security Clearance       | 6 years   | Destroy | Business Need  | Director of People and Workforce Planning |
| 6.18 | Secondary Employment and Outside Interests Declaration                                 | Superseded or End of Employment | 6 years   | Destroy | Business Need  | Director of People and Workforce Planning |
| 6.19 | Mental Health First Aiders Application Form and Details of Attendance to MHFA Training | Acceptance to MHFA Scheme       | 3 years   | Destroy | Business Need  | Director of People and Workforce Planning |
| 6.20 | TMP profiles   | Last Action                     | 1 year    | Destroy | Business Need  | Director of People and Workforce Planning |
| 6.21 | Responses to recruitment process feedback surveys                                      | Last Action                     | 6 months  | Destroy | Business Need  | Director of People and Workforce Planning |
| 6.22 | Audio recordings of staff interviews for National Apprenticeship Week                  | Created                         | 12 months | Review  | Business Need  | Director of People and Workforce Planning |
| 6.23 | Career Banding assessment documentation  | Career Banding Window closes    | 6 years   | Destroy | Business Need  | Director of People Services               |
| 6.24 | Recruitment folders  | Last action                     | 6 years   | Review  | Business Need  | Director of People Services               |
| 6.25 | Bupa log   | Last action                     | 5 years   | Destroy | Business Need  | Director of People Services               |
| 6.26 | Reasonable Adjustments Information   | End of Employment               | 6 years   | Destroy | Limitation Act 1980  | Director of People Services               |

## 7. Legal

|     |                               | <b>Retention Trigger</b> | <b>Retain For</b> | <b>Action</b> | <b>Retention Source</b>   | <b>IAO</b>  |
|-----|-------------------------------|--------------------------|-------------------|---------------|---|---|
| 7.1 | Legal Advice                  | Last Action              | 6 years           | Review        | Limitation Act 1980   | Director of Legal Services (Regulatory Enforcement), Director of Legal Services (Regulatory Advice and Commercial), Director of International |
| 7.2 | Enforcement Legal Cases       | Case Closed              | 6 years           | Review        | Business Need   | Director of Legal Services (Regulatory Enforcement)   |
| 7.3 | Contracts                     | End of Contract          | 6 years           | Review        | The National Archives Retention Scheduling: Contractual Records | Director of Legal Services (Regulatory Advice and Commercial)   |
| 7.4 | Unsuccessful Tenders          | Last Action              | 400 Days          | Review        | The National Archives Retention Scheduling: Contractual Records | Director of People and Workforce Planning   |
| 7.5 | Building Contracts and Leases | End of Contract          | 12 years          | Review        | Limitation Act 1980   | Director of Legal Services (Regulatory Advice and Commercial)   |
| 7.6 | Non-disclosure agreements     | Last Action              | 2 years           | Review        | Business Need   | Director of Legal Services (Regulatory Advice and Commercial)   |
| 7.7 | Trademark documents           | Last Action              | 6 years           | Review        | Business Need   | Director of Legal Services (Regulatory  |

|     |   |                |         |        |               |   |
|-----|---|----------------|---------|--------|---------------|---|
|     |   |                |         |        |               | Advice and Commercial)  |
| 7.8 | Case summaries and background documents | Last Action    | 6 years | Review | Business Need | Director of Legal Services (Regulatory Advice and Commercial)   |
| 7.9 | Non-Property Licenses                   | End of license | 3 years | Review | Business Need | Director of the Legal Services (Regulatory Advice & Commercial) |

## 8. Regulatory – Registration and Casework

|     |   | <b>Retention Trigger</b> | <b>Retain For</b> | <b>Action</b> | <b>Retention Source</b> | <b>IAO</b>  |
|-----|---|--------------------------|-------------------|---------------|-------------------------|---|
| 8.1 | Appeals Information Tribunal  | Case Closed              | 6 years           | Review        | Limitation Act 1980     | Director of Legal Services (Regulatory Enforcement)                         |
| 8.2 | Data Protection and FOI Complaints ( <i>including EIR, INSPIRE and RPSI complaints</i> )  | Case Closed              | 2 years           | Destroy       | Business Need           | Director of Public Advice & DP Complaints, Director of FOI and Transparency |
| 8.3 | Data Protection and FOI Complaints ( <i>including EIR, INSPIRE and RPSI complaints</i> )<br><br>Physical items ( <i>items which cannot be scanned or returned</i> ) | Case Closed              | 6 months          | Destroy       | Business Need           | Director of Public Advice & DP Complaints, Director of FOI and Transparency |
| 8.4 | Cases relating to Section 159 of the Consumer Credit Act  | Case Closed              | 6 years           | Destroy       | Limitation Act          | Director of Public Advice and DP Complaints                                 |
| 8.5 | Data Protection Fee Information – Electronic Records  | Lapsed registration      | 2 years           | Destroy       | Business Need           | Director of Digital, IT and Business Services                               |

|      |   |                                    |          |         |                     |   |
|------|---|------------------------------------|----------|---------|---------------------|---|
| 8.6  | Data Protection Fee Information – Paper Records                                 | Date of payment                    | 2 years  | Destroy | Business Need       | Director of Digital, IT and Business Services |
| 8.7  | Data Protection Fee Information – Digital Mailroom Scan (copy of paper records) | Date Processed in digital mailroom | 9 months | Destroy | Business Need       | Director of Digital, IT and Business Services |
| 8.8  | Digital Scans of Direct Debit Mandates  | Date of payment                    | 6 years  | Review  | Business Need       | Director of Finance                           |
| 8.9  | Breach Report – no further action   | Case Closed                        | 2 years  | Destroy | Business Need       | Director of Digital, IT and Business Services |
| 8.10 | Breach Report - informal action taken - advice provided                         | Case closed                        | 2 years  | Destroy | Business Need       | Director of Digital, IT and Business Services |
| 8.11 | Breach Report – where action was taken  | Case Closed                        | 6 Years  | Review  | Limitation Act 1980 | Director of Digital, IT and Business Services |
| 8.12 | Payments & Penalties Referrals  | Penalty Notice issued              | 6 years  | Destroy | Business Need       | Director of Digital, IT and Customer Services |
| 8.13 | Gone Aways  | Date processed                     | 2 months | Destroy | Business Need       | Director of Digital, IT and Customer Services |
| 8.14 | Welsh Language Complaints   | Last action                        | 2 years  | Review  | Business Need       | Director of Regulatory Strategy               |
| 8.15 | Welsh Language Compliance   | Last action                        | 6 years  | Review  | Business Need       | Director of Regulatory Strategy               |
| 8.16 | Registrations issued with Penalty Notice  | Date of issue                      | 2 years  | Destroy | Business Need       | Director of Digital, IT and Customer Services |
| 8.17 | NIS correspondence  | Last action                        | 2 years  | Destroy | Business Need       | Director of Digital, IT and Customer Services |

|      |  |              |                               |         |               |   |
|------|--|--------------|-------------------------------|---------|---------------|---|
| 8.18 | Non-Registration Correspondence          | Last action  | 2 years                       | Destroy | Business Need | Director of Digital, IT and Customer Services |
| 8.19 | Mailing Campaign Database and Trackers   | Last action  | 6 years                       | Destroy | Business Need | Director of Digital, IT and Customer Services |
| 8.20 | DP Fees – Auditor’s Checks               | End of audit | 2 years                       | Destroy | Business Need | Director of Digital, IT and Customer Services |
| 8.21 | NIS Register                             | Last action  | 6 years                       | Review  | Business Need | Director of Digital, IT and Customer Services |
| 8.22 | NIS and eIDAS casework                   | Case Closed  | 6 years                       | Review  | Business Need | Director of Digital, IT and Customer Services |
| 8.23 | Website Subject Access Request Service   | Last Action  | 14 days                       | Destroy | Business Need | Director of Public Advice & DP Complaints     |
| 8.24 | Website Privacy Notice Generator Service | Creation     | Until midnight on day created | Destroy | Business Need | Director of Digital, IT and Customer Services |

## 9. Regulatory – Investigations

|     |   | <b>Retention Trigger</b> | <b>Retain For</b> | <b>Action</b> | <b>Retention Source</b> | <b>IAO</b>  |
|-----|---|--------------------------|-------------------|---------------|-------------------------|---|
| 9.1 | All Criminal Enforcement Case                 | Case Closed              | 6 years           | Review        | Limitation Act 1980     | Director of Investigations, Director of High Priority Investigations & Intelligence |
| 9.2 | Civil Enforcement case where action was taken | Case Closed              | 6 years           | Review        | Limitation Act 1980     | Director of Investigations, Director of High Priority Investigations & Intelligence |

|      |   |                          |         |         |   |   |
|------|---|--------------------------|---------|---------|---|---|
| 9.3  | Civil Enforcement Case where no action taken  | Case Closed              | 3 years | Destroy | Business Need                                     | Director of Investigations, Director of High Priority Investigations & Intelligence   |
| 9.4  | HPI inquiry where regulatory action was taken   | Inquiry Closed           | 6 years | Review  | Limitation Act 1980                               | Director of High Priority Investigations & Intelligence                               |
| 9.5  | HPI inquiry where no regulatory action was taken  | Inquiry Closed           | 6 years | Review  | Business Need                                     | Director of High Priority Investigations & Intelligence                               |
| 9.6  | HPI scoping activity that is not progressed to an inquiry   | Scoping activity ceased  | 2 years | Destroy | Business Need                                     | Director of High Priority Investigations & Intelligence                               |
| 9.7  | Gathered Intelligence   | Date intelligence logged | 6 years | Review  | Business Need                                     | Director of Investigations<br>Director of High Priority Investigations & Intelligence |
| 9.8  | Communications Data   | Document created         | 5 Years | Review  | Home Office: Communications Data Code of Practice | Director of Investigations, Director of High Priority Investigations & Intelligence   |
| 9.9  | Financial Investigation and Recovery Cases (not including Scotland)   | Case Closed              | 6 years | Review  | Limitation Act 1980                               | Director of Investigations  |
| 9.10 | Financial Investigation and Recovery Cases (including Scotland)   | Case Closed              | 5 years | Review  | Prescription and Limitation (Scotland) Act 1973   | Director of Investigations  |
| 9.11 | NICC Management   | Creation                 | 5 years | Review  | Business Need                                     | Director of Investigations  |
| 9.12 | PECR concerns processed in the website reporting tools (including nuisance calls and messages, SPAM, and cookies) | Date concern received    | 6 years | Destroy | Business Need                                     | Director of Investigations, Director of Strategy and Planning                         |

## 10. Regulatory – Assurance

|       |   | Retention Trigger        | Retain For | Action  | Retention Source    | IAO   |
|-------|---|--------------------------|------------|---------|---------------------|---|
| 10.1  | Audit, Advisory, and Engagement Reports under DPA98                             | Completion of engagement | 6 years    | Review  | Limitation Act 1980 | Director of Regulatory Assurance  |
| 10.2  | Audits and supporting documents / evidence under DPA18                          | Completion of engagement | 6 years    | Review  | Limitation Act 1980 | Director of Regulatory Assurance  |
| 10.3  | HPI audit reports and supporting documents where regulatory action was taken    | Inquiry Closed           | 6 years    | Review  | Limitation Act 1980 | Director of Regulatory Assurance  |
| 10.4  | HPI audit reports and supporting documents where no regulatory action was taken | Inquiry Closed           | 6 years    | Review  | Business Need       | Director of Regulatory Assurance  |
| 10.5  | Audit research  | Last action              | 6 years    | Review  | Business Need       | Director of Regulatory Assurance  |
| 10.6  | Assurance departmental project documentation                                    | Last action              | 6 years    | Review  | Business Need       | Director of Regulatory Assurance  |
| 10.7  | Assurance owned documentation for interorganisational work                      | Last action              | 6 years    | Destroy | Limitation Act 1980 | Director of Regulatory Assurance  |
| 10.8  | IPA audits and supporting audit documents                                       | Case Closed              | 6 years    | Review  | Business Need       | Director of Regulatory Assurance  |
| 10.9  | IPA related documents and correspondence  | Document created         | 6 years    | Review  | Business Need       | Director of Regulatory Assurance  |
| 10.10 | NIS related documentation   | Document created         | 6 years    | Review  | Business Need       | Director of Regulatory Assurance, Director of Digital, IT and Business Services |
| 10.11 | Legacy ICO DRIPA audits and supporting documentation                            | Last action              | 6 years    | Destroy | Business Need       | Director of Regulatory Assurance  |

|       |   |   |         |         |                     |                                  |
|-------|---|---|---------|---------|---------------------|----------------------------------|
| 10.12 | Trust Service Providers - Applications for qualified status                                   | Failure or abandonment of the application                         | 6 years | Destroy | Business Need       | Director of Regulatory Assurance |
| 10.13 | Qualified Trust Service Providers   | Completion of Qualified Trust Service Provider status termination | 6 years | Destroy | Business Need       | Director of Regulatory Assurance |
| 10.14 | eIDAS security incidents  | Closure of the incident   | 6 years | Review  | Business Need       | Director of Regulatory Assurance |
| 10.15 | EU BCRs authorised under DPA98 - terminated   | Termination of the BCR  | 6 years | Destroy | Business Need       | Director of Regulatory Assurance |
| 10.16 | EU BCRs authorised under DPA98 and GDPR - transferred to a new EU Supervisory Authority       | Transfer of the BCR   | 6 years | Review  | Business Need       | Director of Regulatory Assurance |
| 10.17 | Applications for EU BCRs under GDPR that remain relevant for applications for UK BCR approval | Brexit grace period end   | 3 years | Destroy | Business Need       | Director of Regulatory Assurance |
| 10.18 | EU BCRs under GDPR being processed for UK BCRs approval under transitional regulations        | Last action   | 3 years | Review  | Business Need       | Director of Regulatory Assurance |
| 10.19 | Applications for UK BCRs  | Failure or abandonment of the application                         | 6 years | Destroy | Business Need       | Director of Regulatory Assurance |
| 10.20 | Approved UK BCRs  | Termination or superseding of the UK BCR                          | 6 years | Destroy | Limitation Act 1980 | Director of Regulatory Assurance |
| 10.21 | DPA 2018 notifications, under Section 75 and 77   | Date received   | 6 years | Review  | Business Need       | Director of Regulatory Assurance |



|       |  |  |           |         |               |                                  |
|-------|--|--|-----------|---------|---------------|----------------------------------|
| 10.22 | UK GDPR and EU GDPR Article 49 notifications                           | Date received  | 6 years   | Review  | Business Need | Director of Regulatory Assurance |
| 10.23 | Administrative Arrangements relating to Public Authority notifications | ICO approval granted   | 6 years   | Review  | Business Need | Director of Regulatory Assurance |
| 10.24 | Certification schemes – under development                              | Last action  | 12 months | Review  | Business Need | Director of Regulatory Assurance |
| 10.25 | Certification schemes – approved                                       | Certification scheme discontinued                                  | 6 years   | Destroy | Business Need | Director of Regulatory Assurance |
| 10.26 | Certification bodies – engagement                                      | Date the certification bodies stops using the certification scheme | 6 years   | Destroy | Business Need | Director of Regulatory Assurance |
| 10.27 | Codes of conduct – Undergoing assessment                               | Last action  | 12 months | Review  | Business Need | Director of Regulatory Assurance |
| 10.28 | Codes of conduct - Approved  | Code of conduct superseded or retired                              | 6 years   | Destroy | Business Need | Director of Regulatory Assurance |
| 10.29 | Monitoring bodies – Undergoing application                             | Last action  | 12 months | Review  | Business Need | Director of Regulatory Assurance |
| 10.30 | Monitoring bodies – Approved   | Date of the end of an organisation being a monitoring body         | 6 years   | Destroy | Business Need | Director of Regulatory Assurance |

## 11. Regulatory – Internal Activities

|  | Retention Trigger | Retain For | Action | Retention Source | IAO |
|--|-------------------|------------|--------|------------------|-----|
|--|-------------------|------------|--------|------------------|-----|

|      |   |             |         |        |               |  |
|------|---|-------------|---------|--------|---------------|--|
| 11.1 | Information created in relation to new policies, guidelines, and research. This information has been created internally to guide decision making. This relates to any final drafts and significant supporting information | Last Action | 6 years | Review | Business Need | Director of Regulatory Strategy, Director of Regulatory Futures, Director of Legislative Reform, Director of Technology and Innovation Service, Director of High Priority Investigations and Intelligence and Director of Regulatory Assurance, Director of Regulatory Design, Director of FOI and Transparency, Director of International |
|------|---|-------------|---------|--------|---------------|--|

## 12. Stakeholder Engagement

|      |  | Retention Trigger | Retain For | Action  | Retention Source | IAO   |
|------|--|-------------------|------------|---------|------------------|---|
| 12.1 | First Line Advice Services   | Case Closed       | 2 years    | Destroy | Business Need    | Director of Digital, IT and Business Services, Director of Regulatory Strategy, Director of Public Advice & DP Complaints   |
| 12.2 | Significant engagement with stakeholders: This will typically include our advice and engagement with larger organisations, government departments and our international work where its impact can be widespread. | Last Action       | 6 years    | Review  | Business Need    | Director of Regulatory Strategy, Director of Regulatory Futures, Director of Legislative Reform, Director of Technology and Innovation Service, Director of International Regulatory Co-operation, Director of Investigations, Director of High Priority Investigations and Intelligence, Director of |

|      |  |             |         |        |               |  |
|------|--|-------------|---------|--------|---------------|--|
|      |  |             |         |        |               | Regulatory Assurance, Director of Public Advice & DP Complaints, Director of FOI and Transparency, Director of Digital, IT and Business Services, Director of Governance Transition, Director of Regulatory Design   |
| 12.3 | Less significant engagement with stakeholders: This will typically include our advice and engagement with smaller organisations where its impact is unlikely to be widespread. | Last Action | 3 years | Review | Business Need | Director of Regulatory Strategy, Director of Regulatory Futures, Director of Legislative Reform, Director of Technology and Innovation Service, Director of Investigations, Director of High Priority Investigations and Intelligence, Director of Regulatory Assurance, Director of Public Advice & DP Complaints, Director of FOI and Transparency, Director of Digital, IT and Business Services, Director of Regulatory Design |
| 12.4 | Guidance for External Use  | Superseded  | 6 years | Review | Business Need | Director of Regulatory Strategy, Director of Regulatory Futures, Director of Legislative Reform, Director of Technology and Innovation Service, Director of Regulatory Assurance, Director of Digital, IT and Business Services, Director of   |

|       |   |                    |                             |         |               |   |
|-------|---|--------------------|-----------------------------|---------|---------------|---|
|       |   |                    |                             |         |               | FOI and Transparency, Director of Regulatory Design, Director of International  |
| 12.5  | Data Protection Impact Assessments  | Last Communication | 6 years                     | Review  | Business Need | Director of Technology and Innovation Service   |
| 12.6  | Consultations: <i>The ICO gathers information externally through an open consultation in relation to a policy they are developing</i> | Policy Published   | As soon as policy published | Review  | Business Need | Director of Regulatory Strategy, Director of Regulatory Futures, Director of Legislative Reform, Director of Technology and Innovation Service, Director of Regulatory Assurance, Director of Regulatory Design |
| 12.7  | Sandbox – key documents   | Last Action        | 7 years                     | Review  | Business Need | Director of Technology and Innovation   |
| 12.8  | Sandbox – supporting documents  | Last Action        | 1 year                      | Review  | Business Need | Director of Technology and Innovation   |
| 12.9  | Consultations: SME feedback   | Last response      | 2 years                     | Destroy | Business Need | Director of Digital, IT and Business Services   |
| 12.10 | Consultations: FOI/EIR Upstream Feedback Group  | Last response      | 2 years                     | Destroy | Business Need | Director of FOI and Transparency  |

### 13. Organisation Wide

|      |   | Retention Trigger | Retain For | Action  | Retention Source | IAO  |
|------|---|-------------------|------------|---------|------------------|--|
| 13.1 | Significant Draft Versions: <i>The draft versions of policies, advice, and guidelines for significant areas of work</i> | Last Action       | 3 years    | Review  | Business Need    | These are generic documents which sit within all departments for filling similar roles. Therefore, there isn't a |
| 13.2 | Internal Audits   | Creation          | 3 years    | Destroy | Business Need    |  |

|       |                                     |                       |                 |         |                     |   |
|-------|-------------------------------------|-----------------------|-----------------|---------|---------------------|---|
| 13.3  | Internal Guidance and Lines to Take | Date Withdrawn        | 6 years         | Destroy | Business Need       | specific Information Asset Owner for this set of information, each owner's departments will have their own versions of these documents for which they will be the owner of. |
| 13.4  | Team administration                 | Creation              | 3 years         | Review  | Business Need       |   |
| 13.5  | Templates                           | Superseded            | 3 years         | Review  | Business Need       |   |
| 13.6  | Procedures                          | Superseded            | 6 years         | Review  | Limitation Act 1980 |   |
| 13.7  | Internal Team Meeting Minutes       | Last Action           | 3 years         | Review  | Business Need       |   |
| 13.8  | Corporate Policies                  | Superseded            | 6 years         | Review  | Limitation Act 1980 |   |
| 13.9  | Department Logs and Registers       | Last Action           | 12 months       | Review  | Business Need       |   |
| 13.10 | Training Material                   | Superseded            | 6 years         | Destroy | Limitation Act 1980 |   |
| 13.11 | Management Information              | End of Financial Year | 6 years         | Review  | Business Need       |   |
| 13.12 | Car Sharing Information             | Last Modified         | 12 months       | Destroy | Business Need       |   |
| 13.13 | Staff photographs                   | End of employment     | Up to 12 months | Review  | Business Need       |   |

#### 14. Transfer to The National Archives (For permanent preservation)

**Note:** You should consider your information against the following criteria to decide whether it needs to be permanently preserved. You should consider all of the criteria in this section as this isn't structured by team or directorate.

Where any of the criteria are met, the retention and disposal rules in parts 1 to 13 of this Retention Schedule are superseded and the information should be marked up accordingly and permanently preserved.

|  | Selection Criteria | Retention Trigger | Retain For | Action | Retention Source | IAO |
|--|--------------------|-------------------|------------|--------|------------------|-----|
|--|--------------------|-------------------|------------|--------|------------------|-----|

|      |  |  |             |          |                       |  |   |
|------|--|--|-------------|----------|-----------------------|--|---|
| 14.1 | Constitution and Governance              | <ul style="list-style-type: none"> <li>• Correspondence with our sponsor department regarding the governance of the ICO</li> <li>• Management agreement with our sponsor department</li> <li>• Records showing changes to the high level structure and governance of the ICO</li> <li>• Scheme of delegation and delegated authorities</li> </ul>  | Last action | 20 years | Consider for Transfer | The National Archives Collection Policy, Public Records Act 1958 | Director of Corporate Planning, Risk and Governance |
| 14.2 | Enquiries, advice and complaint handling | <ul style="list-style-type: none"> <li>• Cases attracting significant media attention</li> <li>• Cases relating to a public figure that generated significant contemporary interest or controversy</li> <li>• Cases that led to a change in the interpretation of the law</li> <li>• Cases with outcomes that set a precedent (pathfinder cases)</li> <li>• An issue that affected a large number of individuals and had a significant impact on them (damage or distress)</li> <li>• Upper Tribunal Appeals</li> <li>• Cases which proceeded to High Court, Court of Appeal, Supreme Court, European Court of Justice or International Court</li> <li>• Cases that resulted in the significant fine being issued</li> <li>• Cases which resulted in Judicial Reviews</li> </ul> | Case closed | 20 years | Consider for Transfer | The National Archives Collection Policy, Public Records Act 1958 | All IAOs responsible for casework                   |

|      |                                      |  |             |          |                       |  |   |
|------|--------------------------------------|--|-------------|----------|-----------------------|--|---|
|      |                                      | <ul style="list-style-type: none"> <li>• High profile complaints about the ICO handled externally</li> </ul>   |             |          |                       |  |   |
| 14.3 | Investigations and regulatory action | <ul style="list-style-type: none"> <li>• Investigations resulting in regulatory action relating to breaches of section 55 DPA 98, Section 170 of the DPA 18 and Section 77 of the FOIA.</li> <li>• High Profile Investigations</li> <li>• Documents relating to significant civil claims including correspondence and court documents</li> <li>• Legal advice relating to significant investigations and enforcement action taken by the ICO</li> <li>• High profile engagement and audits</li> </ul>  | Case closed | 20 years | Consider for Transfer | The National Archives Collection Policy, Public Records Act 1958 | All IAOs responsible for investigations and regulatory action |
| 14.4 | Management decisions                 | <ul style="list-style-type: none"> <li>• Management Board meeting agenda, minutes and accompanying papers</li> <li>• Executive Team meeting agenda, minutes and accompanying papers</li> <li>• Senior Leadership Team meeting agenda, minutes and accompanying papers</li> <li>• Meeting agenda, minutes and accompanying documents from other high-level committees and panels such as the Regulatory Panel, the Nomination Committee and the Audit &amp; Risk Committee</li> <li>• Records of decisions that affect the way the ICO conducts its core</li> </ul> | Last action | 20 years | Consider for Transfer | The National Archives Collection Policy, Public Records Act 1958 | Director of Corporate Planning, Risk and Governance           |

|      |  |   |                                     |          |                       |  |                                      |
|------|--|---|-------------------------------------|----------|-----------------------|--|--------------------------------------|
|      |  | <p>functions that have a discernible impact on policy or events, or where there is likely to be public interest (for example, decisions that set a precedent or had an impact on wider political developments)</p> <ul style="list-style-type: none"> <li>• Office Wide Strategic Plans</li> <li>• Commissioner correspondence, decisions, briefings, presentations, and engagements with significant stakeholders and on issues of national significance</li> <li>• Senior posts holders e.g., Deputy Commissioner or Deputy Chief Executive; correspondence, decisions, briefings, presentations, and engagements with significant stakeholders and on issues of national significance</li> <li>• Records of programmes or project boards facing significant issues of innovation, cost, method of financing, risk or impact</li> </ul> |                                     |          |                       |  |                                      |
| 14.5 | Public communications and published guidance and resources | <ul style="list-style-type: none"> <li>• ICO Twitter account</li> <li>• ICO YouTube account</li> <li>• ICO Website</li> </ul>   | N/A – automatically captured by TNA | N/A      | N/A                   | The National Archives Collection Policy, Public Records Act 1958 | Director of Communications           |
| 14.6 | Stakeholder Engagement, Policy research                    | <ul style="list-style-type: none"> <li>• Interactions with key stakeholders in relation to interpreting Data Protection and Freedom of Information Act, Code of Practice</li> </ul>   | Last action                         | 20 years | Consider for Transfer | The National Archives Collection Policy, Public Records Act 1958 | All IAOs responsible for stakeholder |



|  |                          |   |  |  |  |  |                                 |
|--|--------------------------|---|--|--|--|--|---------------------------------|
|  | and guidance development | <p>relating to acts, legislative development, and significant internal advice</p> <ul style="list-style-type: none"> <li>• Advice or guidance given to the government relating to the UK's adequacy status following the exit from the EU</li> <li>• Legal Advice to the Commissioner (where it is directly related to information rights policy)</li> <li>• Advice given to Central Government departments on the development of government policy and legislation</li> <li>• External responses to significant ICO consultations</li> </ul> |  |  |  |  | engagement, policy and guidance |
|--|--------------------------|---|--|--|--|--|---------------------------------|