

# Document retention and disposal for housing associations

## 1. Introduction

There are legal and regulatory requirements for housing associations to adhere to when retaining, or disposing of, data about their tenants, applicants for housing, suppliers, employees, agents, volunteers and board members. Disposal is as important an issue as retention: premature disposal can mean the loss of information that is critically required; while retaining data can expose organisations to risk as well as be a cost to their business. Keeping hard copy records takes up both valuable time and resources.

This document explains the requirements to retain and dispose of data for housing associations and provides guidance on appropriate data handling and disposal. It complements the Federation's separate guidance on the General Data Protection Regulations and allied data protection issues.

The list of documents is not exhaustive, and where documents are not listed in the schedule, they should only be retained as required by law, or as long as is required for its purpose.

This document covers all types of data held in a structured filing system, that organisations hold or have control over, including physical data such as hard copy documents, contracts, notebooks, letters and invoices. It also includes electronic data such as emails, electronic documents, audio and video recordings and CCTV recordings. It applies to both personal data and non-personal data.

It also applies to data held by third parties that organisations use on their behalf, such as cloud storage providers or offsite records storage.

This guidance is designed to provide a basis for a housing association to develop its own policy on document retention. Such a policy must fit in with the organisation's housing management and other policies and procedures, and also with its confidentiality policy.

The schedule lists the principal documentation which housing associations should keep, together with details of statutory retention periods and recommended retention periods. There are a number of cases where the Recommended Retention Period exceeds the Statutory Period. This reflects guidance by the National Housing Federation that, in the specific circumstances of housing associations, it may be appropriate or prudent to retain documents for longer than the minimum period laid down by law.

However, we do not recommend a blanket approach of retaining information for an indefinite time: on the contrary, we stress that appropriate disposal is as important as appropriate retention, and associations should particularly bear in mind that Article 5(1)(e) of the GDPR states that personal data

should not be kept for longer than is necessary for the purposes for which those data are processed.

## **2. Storage medium**

In general it is for each organisation to choose whether to store documentation in hard copy or electronically. Data stored electronically must allow the information to be presented in a readable format and be readily convertible to a paper format if required. HM Customs and Excise has particular requirements relating to electronically stored data, and has the power to withdraw approval in any individual case. It is advisable to obtain legal advice on the admissibility of electronically formatted documents for presentation in a court of law.

## **3. Data Protection**

The Data Protection Act (DPA) 2018 came in to force in May 2018 to replace the previous Data Protection Act 1998. The DPA 2018 is the UK's implementation of the General Data Protection Regulation (GDPR). The 2018 Act modernises data protection laws in the UK to make them fit for purpose for our increasingly digital economy and society.

Everyone responsible for using personal data has to follow strict rules called 'data protection principles'. They must make sure the information is:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage.

Please see the Federation's separate guidance on data protection for more detailed discussion.

## **4. Key to statutory retention sources**

CA – Companies Act 2006

CAWR – Control of Asbestos at Work Regulations 1987

Ch A – Childrens Act 1989

DPA – Data Protection Act 2018

IPSA – Industrial And Provident Societies Act 1965

IT(E)R – Income Tax (Employment) Regulations 1993

LA /Limitations for legal proceedings – Limitations Act 1980

RIDDOR – Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 1985

RBS(IP)R – Retirement Benefits Schemes (Information Powers) Regulations 1995

RRA – Race Relations Act 1976

SDA – Sex Discrimination Acts 1965 & 1975

SMPR – Statutory Maternity Pay Regulations 1982

SSPR – Statutory Sick Pay Regulations 1982

TMA – Taxes Management Act 1970

VATA – Value Added Tax Act 1994

## **5. Other information sources**

There is a wealth of printed and online sources of information and advice on this subject.

[See the Federation's guidance on GDPR](#)

The official advice by the Information Commissioner's Office, with links to more detailed advice on various aspects:

- <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>
- <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>
- [National Council for Voluntary Organisations \(NCVO\) guidance](#)
- The ICSA Guide to document retention, 2nd edition, Andrew C Hamer, ICSA publishing.

## **6. Acknowledgment and note on status**

Although the starting point for this schedule was the Federation's existing Document Retention Schedule, dated 2013, the opportunity has been taken to substantially extend and improve the previous Schedule and in this exercise the Federation has received, and is pleased to acknowledge, the support and advice of several members from the South West and South East GDPR action groups who reviewed the various sections of the Schedule and proposed changes. It would not have been possible to produce this without their considerable support. Responsibility for any errors or oversights, of course, remains with the Federation. In particular, the Federation would like to thank:

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