

# UK data retention requirements

## Information data retention and disposal

Each type of data within an organisation should be identified and classified. Once this has been completed and during periodic reviews, it is necessary to define the retention and disposal policy.

### Business data

records should be assessed for the statutory and legal requirements, business and accountability requirements and the risks associated with keeping or disposing of the data records.

A records management system or schedule of data retention criteria can be used to document the data records, the requirements and the security controls needed for their identification, storage, protection, retrieval, retention and disposal.

There are a large number of statutes, case law and regulations defining the period some data must be kept for before it is destroyed – some of which are outlined on the following pages. A few requirements such as records of wages apply to almost all sectors, but we have listed some specific requirements for the communications, financial and governmental sectors. Other sectors have equally important requirements.

The exact minimum retention period varies with the specific data type, and the starting date is often context related e.g. period from an event like an accident, retirement or the advertisement of a product.

The chart on the next page summarises this data in the subsequent sections.

## UK Data Retention Requirements by Business Sector

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### Sector

#### Cross-Sector

- Limits to claims/actions
- Latent damage
- Income tax and NI records
- Value added tax records
- Wages and salary
- Personnel records
- Data Protection Act 1998
- Company formation
- Sarbanes-Oxley Act
- Insurance certificates
- Corporation tax

#### Communications

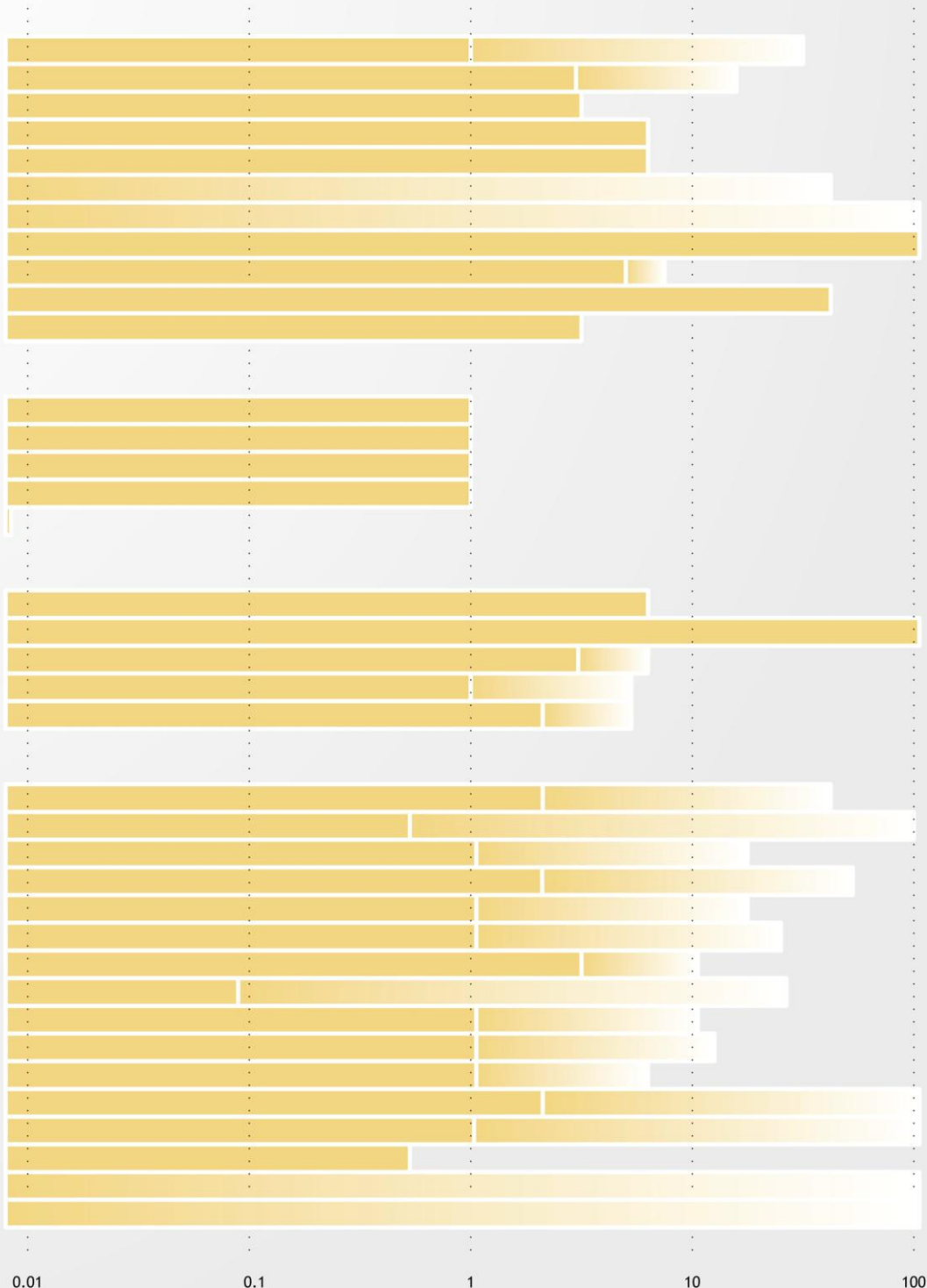
- Subscriber information
- Telephony, email, etc
- Identity of services
- ISP data
- Web activity

#### Financial

- Emails
- Record of election
- All other financial records
- MiFID
- Basel II risk legacy data

#### Governmental

- Building records
- Personnel records
- Accounting records
- Health and safety records
- Contractual records
- Project records
- Complaints records
- Press and public relations
- Information management
- Central expenditure
- Internal audit records
- Parliamentary papers
- Public records in regions
- Fol Act records
- Security services records
- Web estate



Retention Period (years) Logarithmic Scale

Key: Retain Range of disposal timescales

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## Cross-sector

General data types are:

Type	Period	Reference
Limits to actions/claims	1 – 30 years	C 1–4
Latent damage	3 – 15 years	C 5
Income tax and national insurance records	3 years	C 6, C 16–17
Value added tax records	6 years	C 7
Wages and salary	6 years	C 8
Personnel records (pay, accidents, health, retirement benefits)	up to 40 years	C 9–10
Data Protection Act 1998	No longer than necessary	C 11
Company formation	Indefinite	C 12
Sarbanes-Oxley Act (cross listed UK cos)	5 – 7 years	C 13
Insurance certificates	40 years	C 14
Corporation tax records	6 years	C 15

Some personnel records must be maintained up to an age of 75.

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## Communications

Some data types and retention periods for the Communications business sector are:

Type	Period	Reference
Subscriber information	1 year	COM 1
Telephony, SMS, EMS, MMS, email and web data	1 year	COM 1–2
Identity of services	1 year	COM 1
ISP data (log on, connection)	1 year	COM 1
Web activity (content and traffic)	4 days	COM 1

The Data Retention Regulations are currently in dispute following a case in the EU Court of Justice (COM 3).

## Financial

Some data types and retention periods for the Financial sector are:

Type	Period	Reference
Emails	6 years	FIN 1
Record of election to comply	Indefinite	FIN 1
All other financial records	3 – 6 years	FIN 1
MiFID	1 – 5 years	FIN 2
Basel II risk legacy data	2 – 5 years	FIN 3
Telephone & electronic communications	6 months	FIN 4

## Governmental

For government organisations, there are well defined policies:

Type	Period	Reference
Building records	2 – 40 years	GOV 1
Personnel records	6 months – 100 years	GOV 2
Accounting records	1 – 6 years	GOV 3
Health and safety records	>40 years	GOV 4
Contractual records	1 – 16 years	GOV 5
Project records	1 – 25 years	GOV 6
Complaints records	3 – 10 years	GOV 7
Press and public relations	1 month – 25 years	GOV 8
Information management records	1 – 10 years	GOV 9
Central expenditure records	1 – 12 years	GOV 10
Internal audit records	1 – 6 years	GOV 11
Parliamentary papers in depts & agencies	2 years up to indefinite	GOV 12
Public records in the regions	1 year up to indefinite	GOV 13
Freedom of Information Act records	6 months – 10 years	GOV 14
Security services records	Up to indefinite	GOV 15
Web estate	Nil to indefinite	GOV 16

Other Operational Selection Policy for specific information types. See National Archives for details.

Policies, procedures, standards, guides, manuals and handbooks generally to be retained until superseded.

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## Why Sandersons Archiving Solutions?

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