

Records disposal schedule

Forensic Investigations, Investigation and Enforcement,
Regulation Compliance Directorate

Forensic Investigations

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Purpose

The records disposal schedule which follows will form part of a set of procedures to meet the need for a readily available source of information about record-keeping practices within the Law Society. As such it will provide evidence of good practice in relation to Data Protection and compliance with the Freedom of Information Code of Practice and also support compliance with other legislation.

Scope

This schedule is a partial one. It has been prepared to meet the immediate demand for disposal guidance for data to be entered into an electronic document and records management system (EDRMS). This activity forms part of a pilot to examine the efficacy of such systems in meeting the Law Society's demands for the following:

- the reduction of multiple sets of identical records and data
- the removal of obsolete or inaccurate information
- the improvement of work flows within the Law Society
- the requirement to meet legislative compliance standards in record-keeping.

Data to be covered by the schedule is, at this time, from the Forensic Investigations inspection file only.

Notwithstanding the fact that electronic data is the focus of this schedule, the disposal provisions apply equally to records and documents in paper format.

It is envisaged that this will be the first version of the schedule. It will be expanded, as time allows, to include all records and data created and maintained by Forensic Investigations, irrespective of medium and format. It will necessarily be a dynamic document that will need to be updated with changes in legislation and with practices within the Law Society.

The schedule sets out disposal provisions for each category of record as follows: description of record, disposal instruction and the relevant legislative authority or best practice process.

The disposal provisions take into account legislative retention requirements, administrative need, possible reference requirements by staff and potential long-term research and/or legal or evidential value.

Disposal categories

Records listed in a disposal schedule will always fall into one of the following disposal groups:

- Records and documents (whether paper or electronic) which may be deleted/destroyed by staff once reference ceases or for which the statutory limitation period has passed.

- Records which have been, or will be, archived off-line or transferred to intermediate storage pending review or later deletion/destruction.
- Records which should be transferred for permanent retention within the Law Society's Corporate Archives.

Disposal procedures

Archiving off-line or transfer to intermediate records stores should as a rule be when reference ceases or one year after the last date on file, whichever is the sooner.

Electronic records and other records in non-paper format should be sentenced for disposal in exactly the same way as paper records, unless specific procedures to the contrary are outlined in the schedule.

Physical destruction of paper records within business units should be carried out as follows.

Non-confidential records may be destroyed in the most convenient way.

Confidential records must be shredded

Disposal schedule

Note: all hard copy inspection case files and all electronic data relating to the case file other than the report and appendices should be destroyed 6 years after the case is closed other than:

- Where the case has resulted in a police matter being opened.
- Where the case has resulted in a court matter.
- Where other regulatory action is required.

In these cases all documentation in all formats should be marked for a further six year retention.

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The Schedule

Disposal class number	Record type / sub-type	Sub-type / document type	Disposal	Statutory requirement or best practice	Other action
1. Inspection case file					
1.1	Intelligence documentation	Notification of Intelligence and supporting documentation	Delete/destroy 6 years after closure unless a decision is made on review to retain for a further period	Limitation Act 1980	
1.2	Investigation documentation	Evidence Other matters	Delete/destroy 6 years after closure unless a decision is made on review to retain for a further period	Limitation Act 1980	
1.3	Administration data	Accounts documentation Progress documentation	Delete/destroy 6 years after closure unless a decision is made on review to retain for a further period	Limitation Act 1980	
1.4	Inspection reports	Drafts of report	Delete/destroy 6 years after closure unless a decision is made on review to retain for a further period	Limitation Act 1980	

For alternative formats, email contactcentre@sra.org.uk or telephone 0870 606 2555.

		Final report and appendices	Retain permanently	Long-term reference / research value	Transfer hard copy to Corporate Archives when related file destroyed
1.5	Post investigation matters	Post investigation data	Delete/destroy 6 years after closure unless a decision is made on review to retain for a further period	Limitation Act 1980	