



Records disposal schedule

Client Protection Directorate

Indemnity Insurance and Client Protection Policy

Last updated: 27 March 2009

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Purpose

The records disposal schedule which follows will form part of a set of procedures setting out minimum standards for records management in the Solicitors Regulation Authority (SRA). They will provide evidence of compliance with legislation such as the [Data Protection Act 1998](#), our Freedom of Information [Code of Practice](#) and eventually the [Freedom of Information Act 2000](#), as well as adherence to best practice standards.

The schedule will assist the SRA to:

- Reduce multiple sets of identical records and data.
- Remove obsolete or inaccurate information.
- Improve business processes.
- Meet legislative compliance standards in record keeping.
- Create corporate rules for records disposal as part of new system implementation.

Scope

This version of the schedule covers the operational records (paper and electronic) generated, received and managed by Indemnity Insurance and Client Protection Policy.

The schedule does not apply to data entered into or referred to in RegIS by the unit; this data will be covered by a separate schedule.

To dispose of routine administrative records generated or stored by the unit (electronic and paper), staff should refer to the general records disposal schedule: records documenting functions and activities common to most business units. This schedule recommends retention periods for the administrative records which business units create or use in the course of their business.

To implement disposal rules for records managed by the unit (paper or electronic) which are not covered by the above schedules, the directorate's records officer should be contacted. S/he will liaise with the SRA records manager for the production of an updated version of the schedule to include those records.

Disposal of records

There are only two ways to dispose of records:

1. Destroy them *or*
2. Keep them permanently

Records of permanent value should be as a rule transferred to the Corporate Archive. This is currently located in the Law Society's Library at Chancery Lane.

Hard copy (paper) records which have to be kept for a period of time before destruction (e.g. longer than 1-3 months after closure) should be transferred to the Midlands archive store.

The provisions of this schedule have been formally approved by Andrew Darby, Head of Indemnity Insurance and Client Protection Policy.

Approved via e-mail on 27 March 2009

Destruction of records should be suspended if it becomes apparent that there is any possibility of anticipated litigation or regulatory investigation. Deliberate destruction of relevant records in such cases could involve the criminal offence of obstructing or perverting the course of justice. A court is also likely to draw adverse inferences from such an exercise and it is unlikely that a court would be satisfied with any explanation for deliberate record destruction after the commencement of proceedings

The schedule

Client Protection Directorate - Indemnity Insurance and Client Protection Policy (last updated 27 March 2009) version 1.0 records covering standards setting for recognition of individual firms and practitioners							
Contents list:							
1. Developing policy relating to professional indemnity insurance							
2. Providing advice and guidance on interpretation of the Solicitors' Indemnity Insurance Rules							
Disposal class number	Function	Activity	Record type/ sub-type	Medium/format/ storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
1.	Developing policy relating to professional indemnity insurance						
1.1		Servicing committees which set the policy for Rule changes					
1.1.1			Indemnity Insurance Committee agenda, minutes and papers	Hard copy; e-documents in group folder	Transfer hard copy to Corporate Archive in TLS Library for permanent retention Destroy e-versions after 5 years*	Corporate Archive Policy v 2.0 Mar 2008	*To allow for internal reference use

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1.1.2			Financial Protection Committee agenda, minutes and papers	Hard copy; e-documents in group folder	Transfer hard copy to Corporate Archive in TLS Library for permanent retention Destroy e-versions after 5 years*	Corporate Archive Policy v 2.0 Mar 2008	*To allow for internal reference use
1.1.3			Indemnity Insurance Liaison Committee agenda, minutes and papers	Hard copy; e-documents in group folder	Retain hard copy permanently in unit Destroy e-versions after 5 years		

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1.1.4			Solicitors' Indemnity Fund Board agenda, minutes and papers	Hard copy; e-documents in group folder	Transfer hard copy to Midlands archive store 1 year after last action Review at regular 5 year intervals for as long as head of unit is the secretary, then pass to new secretary		Not an SRA or TLS committee
1.2		Managing a firm's or individual's professional indemnity status under the Rules					

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1.2.1			ARP reports and special measures decided upon	Stored alphabetically in hard copy; e-documents in group folder	Transfer hard copy to Midlands archive store 1-3 months after last action Review 6 years after last action to determine on-going business need; if not destroyed review at further intervals of 2 years	In line with FI disposal policy for ARP reports	Report produced and also stored by FI in ARP matter file
1.2.2			Record of successor practices	Hard copy Data entered on RegIS*	Transfer hard copy to Midlands archive store 1-3 months after last action Review 6 years after last action to determine on-going business need; if not destroyed review at further intervals of 2 years		*Separate schedule in preparation for RegIS data

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1.2.3			Qualifying insurance disclosure	Hard copy; e-documents in group folder; e-mail	Transfer hard copy to Midlands archive store 1-3 months after last action Relevant e-mails should be moved to group folder Destroy 2 years after last action		Details passed to Claims Management if further action required
1.2.4			List of qualifying insurers	Hard copy; e-documents in group folder; e-mail Relevant e-mails should be moved to group folder or printed and added to hard copy file, then deleted from mailbox	Transfer hard copy to Midlands archive store 1-3 months after last action Review 10 years after last action to determine on-going business need; if not destroyed review at further intervals of 2 years		

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1.3		Granting waivers or dispensations under the Rules					
1.3.1			Exemption from registration as a European lawyer	Hard copy; e-documents in group folder Data entered on RegIS by Information Directorate*	Transfer hard copy to Midlands archive store 1-3 months after last action Review 6 years after last action to determine on-going business need; if not destroyed review at further intervals of 2 years		*Separate schedule in preparation for RegIS data

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1.3.2			Professional Indemnity exemptions	Hard copy; e-documents in group folder	Transfer hard copy to Midlands archive store 1-3 months after last action Destroy hard copy 72 years after action completed Destroy e-versions as convenient e.g. after 5 years		
1.3.3			Appeals	Hard copy; e-documents in group folder	Transfer hard copy to Midlands archive store 1-3 months after last action Destroy hard copy 72 years after action completed Destroy e-versions as convenient e.g. after 5 years		

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2.	Providing advice and guidance on interpretation of the Solicitors' Indemnity Insurance Rules						
2.1		Handling enquiries and complaints					
2.1.1			Complaints	Hard copy; e-documents in group folder; e-mail; incoming correspondence logged on RESPOND Relevant e-mails should be moved to group folder or printed and added to hard copy file, then deleted from mailbox	Transfer hard copy to Midlands archive store 1-3 months after last action Review 6 years after last action to determine on-going business need; if not destroyed review at further intervals of 2 years		Separate schedule in preparation for RESPOND data

Destruction of records should be suspended if it becomes apparent that there is any possibility of anticipated litigation or regulatory investigation. Deliberate destruction of relevant records in such cases could involve the criminal offence of obstructing or perverting the course of justice. A court is also likely to draw adverse inferences from such an exercise and it is unlikely that a court would be satisfied with any explanation for deliberate record destruction after the commencement of proceedings

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2.1.2			Enquiries	Hard copy; e-documents in group folder; e-mail; incoming correspondence logged on RESPOND Relevant e-mails should be moved to group folder or printed and added to hard copy file, then deleted from mailbox	Transfer hard copy to Midlands archive store 1-3 months after last action Review 6 years after last action to determine on-going business need; if not destroyed review at further intervals of 2 years		Separate schedule in preparation for RESPOND data
2.1.3			Telephone enquiries and complaints: statistical returns	Hard copy; e-documents in group folder	Destroy 3 years after last action		

I have read the above and agree with schedule.

Andrew Darby
27 March 2009