



Records disposal schedule

Legal Directorate

Legal Department

Last updated: 23 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 the Legal Department within the Legal Directorate.

The schedule does not apply to data entered into the ROAD database by the unit; this data is covered by a separate schedule.

To dispose of administrative records generated by the unit (such as records, in all formats, relating to staff issues, expenses, team management, office management etc), members of the unit 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 to support their business functions.

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 archives. 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 Jennifer Johnson, Head of Legal.

Date.....8/4/09

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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

Legal Directorate – Legal Department (last updated 23 March 2009) version 1.0 records covering professional misconduct outcomes enforcement							
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<ol style="list-style-type: none"> 1. Responding to applications by Solicitors and Clerks in relation to Tribunal matters – ASC matters 2. Intervening into an individual client matter of a firm – P3I matters 3. Prosecuting solicitors, RELs, RFLs, Recognised Bodies and unadmitted persons before the SDT – TRI matters 4. Litigation/court cases/advice – currently LCR matters – soon to be LL 							
Disposal class number	Function	Activity	Record type/ sub-type (Examples)	Medium/format/ storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
1.	Responding to applications by Solicitors and Clerks in relation to Tribunal matters						
1.1		Dealing with applications					
1.1.1			Case file (ASC matter): <ul style="list-style-type: none"> • Findings • Skeleton arguments • Documentary evidence • Correspondence • E Mails in and out 	Hardcopy file; partial electronic file on ROAD	Destroy hard copy file in line with disposal of Hard Copy TRI matter file Separate schedule agreed for ROAD data		

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Disposal class number	Function	Activity	Record type/sub-type (Examples)	Medium/format/storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
2.	Intervening into an individual client matter of a firm						
2.1		Paragraph 3/S44B intervention					
2.1.1			Case file (P3I matter): <ul style="list-style-type: none"> • Referral memo from another unit; • Decision; • Correspondence • Proceedings; • Court order 	Hardcopy file; partial electronic file on ROAD	Transfer hard copy to Midlands archive within 3 months after action completed Destroy hard copy 6 years after action completed Separate schedule agreed for ROAD data		

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3.	Prosecuting solicitors, RELs, RFLs, Recognised Bodies and unadmitted persons before the SDT and appeals						
3.1		Dealing with cases: referral by SRA to SDT					

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Disposal class number	Function	Activity	Record type/ sub-type (Examples)	Medium/format/ storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
3.1.1			Case file (TRI matter): <ul style="list-style-type: none"> • Referral from other Units • Application; • Statement of Allegations • Supplementary Statement of Allegations; • Response; • Evidence; • Notice to solicitor or clerk; • Notifications to external agencies; • Publication Docs • General correspondence • Finding & Orders • Appeal Documents 	Hardcopy file; partial electronic file on ROAD	Transfer hard copy to Midlands archive within 3 months after case completed Destroy hard copy 10 years after last action unless file is designated on review to be of particular regulatory/ research interest; review at further intervals of 2 years Separate schedule agreed for ROAD data		Need to define review criteria and process

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Disposal class number	Function	Activity	Record type/ sub-type (Examples)	Medium/format/ storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
3.1.2			Matter outcomes: <ul style="list-style-type: none"> • SDT Findings; • SDT Orders 	Hard copy; scanned into HRH database; pdf version of Findings received from SDT and stored in Tribunal group folder; Orders & Findings also stored in lever arch files Findings also available on SRA website (from 2005) and in the Law Gazette	Retain hard copy until decision made to rely exclusively on e-version retain e-version pending corporate scanning programme of all F&O into a group storage area for permanent retention*		Currently held indefinitely in hard copy by several units *Information Unit investigating the creation of a central e-document library for F&O
3.1.3			Tribunal master list	Excel spreadsheet in group folder	Retain permanently		Currently holds information from 1999 onwards

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Disposal class number	Function	Activity	Record type/sub-type (Examples)	Medium/format/storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
3.1.4			Experian report	Excel spreadsheet in group folder	Destroy electronic record once invoices paid. Dispose of hard copy in line with disposal of related TRI matter file		
4.	Litigation/court cases/advice						
4.1		Dealing with litigation cases giving advice internally, making complex referral decisions					

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Disposal class number	Function	Activity	Record type/sub-type (Examples)	Medium/format/storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
4.1.1			Case file (LCR matter) <ul style="list-style-type: none"> • Referral from other unit • Correspondence • Evidence • Statements of case • Court documents • Judgement • Appeal 	Hardcopy file; partial electronic file on ROAD	Transfer hard copy to Midlands archive within 3 months after case completed Destroy hard copy in line with Policy relating to TRI matters Separate schedule agreed for ROAD data		

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