



Rural Stirling

Housing Association

Data Retention Policy

Rural Stirling Housing Association, Stirling Road, Doune, FK16 6AA Registered as a Scottish Charity No. SC037849	
Policy Name	Data Retention Policy
Policy Category	Corporate
Date to Board	August 2018
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Review Date	2021

RURAL STIRLING HOUSING ASSOCIATION

DATA RETENTION POLICY

The following table lists the principal data which Rural Stirling Housing Association should keep, together with details of statutory retention periods, retention source(s) and recommended retention periods. The retention periods detailed in this Policy should be considered as guidelines rather than fixed periods.

This Policy was developed and has been reviewed using the National Housing Federation's guidance on Document Retention for Housing Associations which also takes cognisance of the requirements of the Data Protection Act 1998 and General Data Protection Regulations 2018.

This Policy will be reviewed at least every 3 years.

N.B. In the table below, where the Statutory and Recommended Retention Periods differ, the Recommended Period is the one that should be followed.

DATA	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS
1. INCORPORATION DOCUMENTS				
Certificate of Change of Company Name	N/A	N/A	Permanently	Implied by CA2006
Memorandum and articles of Association (original)	N/A	N/A	Permanently	Best Practice
Memorandum and articles of Association (current)	Permanently	CA	Permanently	Best Practice
Governance Documentation	N/A	N/A	Permanently	Required for charitable status
Constitution, Aims and Objectives	N/A	N/A	Permanently	Required for charitable status
Letter of charitable registration	N/A	N/A	Permanently	Best Practice
Registration documentation (I & P Societies)	Permanently	IPSA65	Permanently	
Certificate of Registration with The Scottish Housing Regulator (Scottish Homes)	N/A	N/A	Permanently	Best Practice
2. MEETINGS				
Notices of meetings	N/A	N/A	6 Years	In case of challenge to validity of meeting or resolutions
Board & Committee Minutes	Permanently	CA2006	Permanently	Originals must be kept
Board Resolutions	Permanently	CA2006	Permanently	Originals must be kept

DATA	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS
3. REGISTRATIONS AND STATUTORY RETURNS				
Annual returns to The Scottish Housing Regulator	N/A	N/A	5 years	Best practice
Annual returns to The Scottish Housing Regulator – working papers	N/A	N/A	3 years	Best practice
Audited company returns and financial statements (including I & P Societies' Annual Returns to Registrar of Friendly Societies)	N/A	N/A	Permanently	Best Practice
Declarations of interest	N/A	CA	6 years	Limitation for legal proceedings
Register of Directors and Secretaries	Permanently	CA	Permanently	
Register of Board members	Permanently	CA	Permanently	Records may be removed From register 20 years after membership ceases
Register of Use of Seal	N/A	N/A	Permanently	Best Practice
Register of share certificates	N/A	N/A	Permanently	Best Practice
List of members (I & P Societies)	N/A	N/A	Permanently	Required by Registrar of Friendly Societies
4. STRATEGIC MANAGEMENT				
Business plans & supporting documentation (e.g. organisation structures, aims, objectives, funding issues, Delivery Plan)	N/A	N/A	5 years after plan completion	Best practice

DATA	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS
5. INSURANCES				
Current and former policies	N/A	N/A	Permanently	Limitation can commence from knowledge of potential claim, not cause of it. N.B. RSL Boards must annually re-affirm formally their continuation of the Voluntary Board Members Liability Policy (automatically provided via SFHA membership)
Annual Insurance schedule	N/A	N/A	6 years	Best practice
Claims and related correspondence	N/A	N/A	2 years after settlement	Zurich Municipal recommendation
Indemnities and guarantees	N/A	N/A	6 years after expiry	Limitation for legal proceedings. 12 years if related to land.
Employer's Liability Insurance Certificate	N/A	N/A	Permanent – it is arguable that it is in the best interests of an employer to retain insurance certificates	EL(CI)(A)R2008 - The 2008 Regs removed the requirement for employers to retain their certificates for a 40-year period

DATA	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS
6. FINANCE, ACCOUNTING & TAX RECORDS				
Accounting records for I & P Society or Charity	6 years	C&TI(S)A2005	6 years	Required by Registrar of Friendly Societies and OSCAR
Balance sheets and supporting documents	N/A	N/A	6 to 10 years	Best practice. To relate to accounting records
Loan account control reports	N/A	N/A	6 years	Best practice
HAG documentation	N/A	N/A	Permanently	Best practice
Signed copy of report and accounts	N/A	N/A	Permanently	Best practice
Budgets and internal financial reports	N/A	N/A	2 years	Best practice
Tax returns and records	N/A	N/A	10 years	TMA Section 20 may require any documents relating to tax over 6 (plus) years
VAT records	6 years	HMRC C&TI(S)A2005	6 years	Also to comply with OSCAR
Order and delivery notes	6 years	HMRC C&TI(S)A2005	6 years	Also to comply with OSCAR
Copy invoices	6 years	HMRC C&TI(S)A2005	6 years	Also to comply with OSCAR
Credit and debit notes	6 years	HMRC C&TI(S)A2005	6 years	Also to comply with OSCAR
Cash records & till rolls	6 years	HMRC C&TI(S)A2005	6 years	Also to comply with OSCAR
Journal transfer documents	6 years	HMRC C&TI(S)A2005	6 years	Also to comply with OSCAR
Creditors, debtors & cash income control accounts	6 years	HMRC C&TI(S)A2005	6 years	Also to comply with OSCAR
VAT related correspondence	6 years	HMRC C&TI(S)A2005	6 years	Also to comply with OSCAR

DATA	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS
7. OTHER BANKING RECORDS (including Giro)				
Cheques	N/A	N/A	6 years	Limitation for legal proceedings
Paying in counterfoils	N/A	N/A	6 years	Limitation for legal proceedings
Bank statements and reconciliations	3 years	CA2006	6 years	Limitation for legal proceedings
Instructions to bank	N/A	N/A	6 years	Limitation for legal proceedings
8. CONTRACTS & AGREEMENTS				
Contracts under seal and/or executed as deeds	N/A	N/A	12 years after completion (including any defects liability period)	Limitation for legal proceedings
Contracts for the supply of goods or services, including professional services	N/A	N/A	6 years after completion (including any defects liability period)	Limitation for legal proceedings (12 years if related to land)
Documentation relating to small one-off purchases of goods and services, where there is no continuing maintenance or similar requirement	N/A	N/A	3 years	Best practice Suggested limit: goods or services costing up to £10,000
Loan agreements	N/A	N/A	12 years after last payment	Best practice
Licensing agreements	N/A	N/A	6 years after expiry	Limitation for legal proceedings
Rental and hire purchase agreements	N/A	N/A	6 years after expiry	Limitation for legal proceedings
Indemnities and guarantees	N/A	N/A	6 years after expiry	Limitation for legal proceedings

DATA	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS
8. CONTRACTS & AGREEMENTS (continued)				
Documents relating to successful tender	N/A	N/A	6 years after end of contract	Best practice
Documents relating to unsuccessful tenders	N/A	N/A	2 years after notification	Best practice
Forms of tender	N/A	N/A	6 years	Best practice
9. CHARITABLE DONATIONS				
Deeds of Covenant	6 years after last payment	TMA	12 years after last payment	Limitation for legal proceedings if related to land
Index of donations granted	N/A	N/A	6 years	Best practice
Account documentation	3 years	CA	6 years	Best practice
10. APPLICATION AND TENANCY RECORDS				
Applications for accommodation	N/A	N/A	6 years after offer accepted	Best practice
Housing Benefit Payment Schedules	N/A	N/A	6 years	Best practice
Housing Benefit notifications	N/A	N/A	2 years	CIH Recommendation
Rent statements	N/A	N/A	2 years	Best practice
Current tenants' Tenancy Files, including rent payment records and details of any complaints and harassment cases	N/A	N/A	Indefinitely	For rent payment details, best practice suggests live system holds 2 years records plus current year.
Former tenants' Tenancy Files (other than Tenancy Agreements – see below), including rent payment records, and details of any complaints and harassment cases	N/A	N/A	3 – 5 years (as judged appropriate by RSL)	5 years is on an exception basis where the file contents are judged sufficiently important

DATA	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS
10. APPLICATION AND TENANCY RECORDS (continued)				
Former tenants' Tenancy Agreements, and details of their leaving	N/A	N/A	Permanently	
Documentation, correspondence and information provided by other agencies relating to special needs of current tenants	N/A	N/A	While tenancy continues	Information held on 'need to know' basis. Medical and Social Services records liable to be confidential. To be returned or passed to subsequent agency at end of tenancy, or destroyed.
Records relating to offenders, ex-offenders and persons subject to cautions	N/A	N/A	While tenancy continues	Information held on 'need to know' basis. Police sourced records may be confidential. To be dealt with as required by police.
11. PROPERTY RECORDS				
Rent Reviews	N/A	N/A	Permanently	
Fair rent documentation	N/A	N/A	6 years	
Leases and deeds of ownership	N/A		While owned. Deeds of title – permanently or until property disposed of. Leases – fifteen years after expiry	Best practice

DATA	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS
11. PROPERTY RECORDS (continued)				
Copy of former leases	N/A	N/A	12 years after settlement of all issues	Limitation for legal action relating to land or contracts under seal
Shared Ownership Occupancy Agreements	N/A	N/A	Indefinitely	Include details of termination
Wayleaves, licences and easements	N/A	N/A	12 years after rights given or received cease	Limitation for legal action relating to land or contracts under seal
Abstracts of title	N/A	N/A	12 years after interest ceases	Limitation for legal action relating to land or contracts under seal
Planning and building control permissions	N/A	N/A	12 years after interest ceases	Limitation for legal action relating to land or contracts
Searches	N/A	N/A	12 years after interest ceases	Limitation for legal action relating to land or contracts under seal
Decoration Allowance	N/A	N/A	6 years	Best Practice
Caretaker's Works Orders	N/A	N/A	2 full years and current year	Best Practice
Property maintenance records	N/A	N/A	6 years	Limitation for legal action
Reports and professional opinions	N/A	N/A	6 years	Limitation for legal action
Development documentation	N/A	N/A	12 years after settlement of all issues	Limitation for legal action relating to land or contracts under seal
Invoices	6 years		12 years	Limitation for legal action relating to land or contracts under seal
Stair Inspections	N/A	N/A	1 Full Year & Current Year (Calendar Year)	Best Practice

DATA	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS
11. PROPERTY RECORDS (continued)				
Landlord's Gas Safety Inspection (CP12)	2 years	Health & Safety Executive	2 years	Gas Safety Installation and Use Regulations
12. VEHICLES				
Mileage records	N/A	N/A	2 years after disposal	Best practice
Maintenance records, MOT tests	N/A	N/A	2 years after disposal	Best practice
Copy registrations	N/A	N/A	2 years after disposal	Best practice
13. EMPLOYEES: TAX AND SOCIAL SECURITY				
Record of taxable payments	6 years	TMA70	6 years	HMRC require retention of each payment for 3 years
Record of tax deducted or refunded	6 years	TMA70	6 years	HMRC require retention of each payment for 3 years
Record of earnings on which standard National Insurance Contributions payable	6 years	TMA70	6 years	HMRC require retention of each payment for 3 years
Record of employer's and employee's National Insurance Contributions	6 years	TMA70	6 years	HMRC require retention of each payment for 3 years
NIC contracted-out arrangements	6 years	TMA70	6 years	
Copies of notices to employee (e.g. P45, P60)	6 years	TMA70	6 years	
Revenue & Customs, notice of code changes, pay & tax details	6 years	TMA70	6 years	
Expense claims	N/A	N/A	6 years after audit	Best practice
Record of sickness payments	3 years following year to which they relate	SSP(G)R1982	6 years	HMRC require retention of each payment for 3 years

DATA	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS
13. EMPLOYEES: TAX AND SOCIAL SECURITY (continued)				
Record of maternity payments	3 years following year to which they relate	SMP(G)R1982	6 years	HMRC require retention of each payment for 3 years
Income tax and NI returns	3 years following year to which they relate	IT(E)R1993	6 years	Best practice
Redundancy details and record	N/A	N/A	12 years	Institute of Personnel and Development (IPD) recommendation
Revenue & Customs approvals	N/A	N/A	Permanently	IPD recommendation
Annual earnings summary	N/A	N/A	12 years	Best practice
14. EMPLOYEES: Pensions Schemes				
Actuarial valuation reports	N/A	N/A	Permanently	IPD recommendation
Detailed returns of pension fund contributions	N/A	N/A	Permanently	Best practice
Annual reconciliations of fund contributions	N/A	N/A	Permanently	Best practice
Money purchase details	N/A	N/A	6 years after transfer or value taken	IPD recommendation
Qualifying service details	N/A	N/A	6 years after transfer or value taken	IPD recommendation
Investment policies	N/A	N/A	12 years from end of benefits payable under policy	IPD recommendation
Pensioner records	N/A	N/A	12 years after benefits cease	IPD recommendation
Records relating to retirement benefits	6 years after year of retirement	RBS(IP)R1995	6 years after year of retirement	Statutory requirement

DATA	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS
15. EMPLOYEES: Personnel Procedures				
Terms and conditions of service, both general terms and conditions applicable to all staff, and specific terms and conditions applying to individuals	N/A	N/A	6 years after last date of currency	Limitation for legal proceedings
Remuneration package	N/A	N/A	6 years after last date of currency	Limitation for legal proceedings
Former employees' Personnel	N/A	N/A	6 years	IPD recommendation
References to be provided for former employees	N/A	N/A	20 years or until former employee reaches age 65 (whichever comes first)	Best practice
Training programmes	N/A	N/A	6 years after completion	Best practice
Individual training records	N/A	N/A	6 years after employment ceases	IPD recommendation
Short lists, interview notes and related application forms	N/A	N/A	1 year	IPD recommendation
Application forms of non-shortlisted candidates	3 months after notification	SDA 1975 & 1986 RRA1976 & RR(A)A2000	6 months	Recommendation by the Equality and Human Rights Commission
Parental Leave	N/A	N/A	5 years from birth/adoption of the child or 18 years if child is disabled	DPA 1998 recommendation

DATA	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS
15. EMPLOYEES: Personnel Procedures (continued)				
Disclosure Scotland Information	N/A	N/A	For - Basic/Standard/Enhanced Disclosures – after recruitment decision has been made – destroy all documentation. For – Protection of Vulnerable Groups Scheme documentation – retain for comparison purposes whilst person concerned is still in your employment	DPA 1998 recommendation and Disclosure Scotland Code of Practice
Trade Union agreements	N/A	N/A	10 years after ceasing to be effective	
16. EMPLOYEES: Health and Safety				
Medical records relating to control of asbestos	40 years	Control of Asbestos Regulations 2006	40 years	Guidance suggests 40 years or until the employee reaches 80 years of age whichever is the longer
Health and Safety assessments	N/A	N/A	Permanently	IPD recommendation
Health and Safety policy statements	N/A	N/A	Permanently	Good practice
Records of consultations with safety representatives	N/A	N/A	Permanently	IPD recommendation

DATA	STATUTORY RETENTION PERIOD	STATUTORY RETENTION SOURCE	RECOMMENDED RETENTION PERIOD	COMMENTS
16. EMPLOYEES: Health and Safety (Continued)				
Accident records, reports	3 years after date of occurrence	RIDDOR 1995	6 years after date of occurrence	Limitation for legal proceedings
Accident books	N/A	N/A	6 years after date of last entry	Limitation for legal proceedings
Sickness records	N/A	N/A	6 years from end of sickness	Limitation for legal proceedings. For industrial injuries not detectable within that period e.g. asbestos, the time period may be extended. Also, for employees exposed to hazardous substances.
Health and safety statutory notices	N/A	N/A	6 years after compliance	Limitation for legal proceedings

Key to Statutory Retention Sources

C&TI(S)A 2005	-	Charities and Trustee Investment (Scotland) Act 2005
CA 2006	-	Companies Act 1985 and 2006
EL(CI)(A)R 2008	-	Employer's Liability (Compulsory Insurance) (Amendment) Regulations 2008
DPA 1998	-	Data Protection Act 1998
IPSA 1965	-	Industrial and Provident Societies Act 1965
IT(E)R 1993	-	The Income Tax (Employment) Regulations 1993
RIDDOR 1995	-	Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 1995
RBS(IP)R 1995	-	Retirement Benefits Schemes (Information Powers) Regulations 1995
RRA 1976	-	Race Relations Act 1976
RR(A)A 2000	-	Race Relations (Amendment) Act 2000
SDA 1975 & 1986	-	Sex Discrimination Acts 1975 & 1986
SMPR 1982	-	Statutory Maternity Pay (General) Regulations 1982
SSPR 1982	-	Statutory Sick Pay (General) Regulations 1982
TMA 1970	-	Taxes Management Act 1970
OSCR	-	Office of the Scottish Charity Regulator

Further Information available:

- Scottish Council for Voluntary Organisations guidance
- The Institute of Chartered Secretaries and Administrators Guide to Document Retention 3rd edition