



## Data Retention Policy

Title	Data Retention Policy	
Author/Owner	Carolyn Causton	
Approved by	Trustees	Date:
Current Version	4	
<b>Document Change History</b>		
Version	Date	Author/Editor
1	December 2017	Carolyn Causton
2	April 2018	Carolyn Causton / Sam Demetriou
3	August 2018	Carolyn Causton / Sam Demetriou / Rob Chetwood
4	March 2019	Carolyn Causton / Sam Demetriou / Rob Chetwood
<b>Document Summary</b>		
Review date	Annually and as required with changes to policies, procedures and legislation	
Linked procedural documents	Data Privacy and Protection Statement Patient Record Policy	
Document applicable to	Charity and Trading Subsidiary All staff, Trustees and volunteers	

## **1. Overview**

### **1.1 Introduction**

1.1.1 This Data Retention, Archiving and Destruction Policy (the “policy”) has been adopted by East Anglian Air Ambulance (EAAA) in order to set out the principles for retaining, reviewing and destroying data. This Policy covers all staff and volunteers and, as appropriate, third party service providers.

1.1.2 This Policy covers all data retained or in EAAA’s custody or control in relation to its supporters, in whatever medium such data is contained – whether electronic or paper. For the purposes of convenience in this Policy, the medium which holds data is called a ‘Document’.

1.1.3 The definition of a ‘supporter’ is an individual who has shared their data with EAAA in respect of supporting the charity whether that is through financial, volunteer or pro bono support. This includes identifiable individuals at a company, volunteers and staff.

1.1.4 Third party consultants and goods and service providers are required to follow appropriate data retention practices and share with EAAA where required in accordance with relevant legislation.

1.1.5 This Policy should be read in conjunction with other policies regarding data such as our Data Protection and Privacy Statement and all relevant legislation.

### **1.2. Objectives**

1.2.1 EAAA are bound by various obligations with regard to the data we retain or that is in our custody or in our control. These obligations include how long we may retain data and when and how we can destroy it. These obligations may arise from legislation, contracts or promises we have made to our staff and/or supporters.

1.2.2 When the Document Retention Period is over, and there is no reason for its retention, we ought to destroy it in a proper manner. Our policy for continued contact, in respect of given and recorded permissions, is outlined in [Appendix II](#).

## **2. Retention policy**

### **2.1 Definition**

2.1.1 Retention is defined as the maintenance of documents which can be accessed by an authorised user in the ordinary course of business. The documents will be held according to the following clauses, according to the nature of the data specified below:

### **2.2 Gift Aid Declarations**

2.2.1 Gift Aid declarations should be kept for a minimum of six (6) years after the end of the year or accounting period that includes the last donation to which they relate, or at least 12 months after we claim for the last donation to which the declaration relates if this is later. The Institute of Fundraising recommend that we keep for ‘as long as we are able’ (Institute of Fundraising, n.d.) in case of need to reference in a future audit. It is EAAA’s policy, therefore, to retain such records for a further five years after the required six, in secure archives. During this time, there should be no use of the data other than for reference purposes as and when required such as for audit, to respond to a subject access request or for other legal reasons.

2.2.2 In order to comply with this Policy, it is therefore necessary to retain such supporter records that contain a Gift Aid Declaration for the same period.

### 2.3 Supporter records with a gift

2.3.1 It is EAAA's policy to retain supporter data that includes a gift to the charity for a maximum of ten (10) years after the date of the last gift, unless they include information on a legacy pledge (see 2.4).

2.3.2 Where the supporter has provided a Gift Aid Declaration, their record will be retained in accordance with our Gift Aid policy (see 2.2)

2.3.3 Where the supporter has not provided a Gift Aid Declaration, their record will be retained in line with their given consent (see Appendix II) and according to any other communications preferences expressed.

### 2.4 Legacy pledges

Where a supporter has indicated (pledged) a potential gift in their Will to EAAA, it is our policy not to delete this data until such time as either a gift is received, or up to ten (10) years after the death of the supporter is notified. If neither of these occurs, the data is retained in secure archives for reference as legacy gifts may come in after any period of time.

### 2.5 Deceased supporters

We retain this information for a period of ten (10) years, after which time it is archived in case of need to reference for legacy gifts (see 3.3). If a supporter passes away but their spouse is still giving, we make a summary record of this giving whilst identifying the record of the deceased as no longer living, but with a living spouse.

### 2.6 Complaints

It is EAAA's Policy to retain data relating to complaints for a maximum of 10 years. After such time the data is not archived but data sets may be anonymised for record keeping purposes.

### 2.7 Other legal requirements

Where individual data is required to be retained for specific legal purposes as defined in UK law, where such law can be specifically referenced and the need met, data will be held in accordance with that legal requirement.

## 3. Archiving policy

### 3.1 Definitions

Archiving is defined as secured storage of documents such that they are rendered inaccessible by authorised users in the ordinary course of business, but which may be retrieved by an administrator as authorised by the Chief Executive of EAAA.

3.1.1 Paper records shall be archived in secured storage in an appropriate location and clearly labelled with who is responsible for the contents, and date of destruction.

3.1.2 Electronic records shall be archived and stored in a secure medium with controlled access.

3.2 Documents that are stored in archives will be held for a maximum of seven (7) years unless they fall into an exception permitting a longer or shorter active use period.

3.2.1 An archiving period of more than seven (7) years may be granted by exception for documents with a vital historical purpose such as contracts, technical guidance, exceptional gifts or legacies that may have either financial or legal implications (such as to maintain compliance with Money Laundering or other such policies).

3.3 After the archival period has expired, documents shall be destroyed in accordance with section 4.

3.4 For the purposes of enforcing archiving in accordance with this policy, the individual within the organisation responsible for the creation, use, storage and processing of such documents is responsible for ensuring the appropriate destruction and communicating these periods to relevant staff members.

#### **4. Archiving process**

4.1 Physical data for archiving (paperwork etc) will be archived securely in an off-site location and records of the data's location and contents recorded and tracked by the charity. No financial personal data (eg credit card numbers) will be stored in accordance with EAAA's PCI / DSS security policy.

4.2 Electronic records will be archived on secure servers within EAAA. They will be noted and flagged for review (due date for destruction).

#### **5. Destruction Policy**

5.1 Destruction is defined as physical or technical destruction sufficient to render the information contained in the document irretrievable by ordinary commercially available means.

5.2 A list of approved destruction methods will be obtained from our IT partner to ensure the effective destruction of all electronic data whether stored on systems (such as computers belonging to EAAA) or removable media. All paper documentation will be destroyed through either the use of an official secure service or through sufficient secure shredding and appropriate disposal.

#### **6. Destruction process**

6.1 Physical data (paper, card etc). All physical data scheduled for destruction will be treated in the following ways:

6.2 Financial data: shredded and disposed of by a registered secure documentation disposal supplier. All documentation and materials handled by the supplier will be certified.

6.3 Other personal data: disposed of in secure documentation bins and destroyed by a secure documentation disposal supplier. All documentation and materials handled by the supplier will be certified.

6.4 Electronic data (emails, database records etc). All electronic data scheduled for destruction will be deleted with certification from the charity's IT provider that such deletion is permanent and non-recoverable.

#### **7. Exceptions to the retention policy**

7.1 Exceptions may be requested under the following circumstances:

- 7.1.1 Documents that are requested to be held following a request for legal reasons
- 7.1.2 Documents that are requested to be held for a legitimate reason, as approved by the Chief Executive Officer, where this reason does not contravene any data subjects' rights

## **8. Responsibilities**

- 8.1 The following functions will be responsible for implementing this Policy and ensuring that employees understand this Policy and that they perform the processes and procedures to execute this Policy, including but not exclusively:
  - Head of Financial and Support Services
  - Director of Fundraising
  - Head of Direct Marketing and Supporter Engagement
  - Head of Community Fundraising
  - Head of HR
  - Head of Clinical Operations
- 8.2 The Head of Direct Marketing and Supporter Engagement will be responsible for auditing compliance with this Policy and providing an audit report with recommendations to be reviewed by the Senior Leadership Team, with final approval from the Chief Executive Officer.

## **9. Enforcement and reporting breaches**

- 9.1 Breaches of this Policy may have serious legal and reputational repercussions and could cause material damage to EAAA. Consequently, breaches can potentially lead to disciplinary action that could include summary dismissal and to legal sanctions including criminal penalties. From May 2018, the required period to inform the ICO is 72 hours from incidence. The charity has a breach notification process in place.
- 9.2 All employees and third party processors are expected to promptly and fully report any breaches of the Policy. A report may be made to the employees' supervisor or to the Chief Executive Officer.

## Appendix I – Retention Periods Summary

Description	Retention period	Archive period	Legal basis for retention	Responsible
<b>Financial data</b>				
Gift Aid Declarations	6 years after last donation	10 years	Legal obligation	Head of Financial & Support Services
Other financial transactional data that includes personal information	As required by UK legislation	As required by UK legislation	Legal obligation	Head of Financial & Support Services
<b>Clinical data</b>				
Please refer to the separate patient record policy				Medical Director
<b>HR Data</b>				
Employee records	As required by UK Legislation	12 years	Legal obligation	Head of HR
Applicant records	6 months	None	Legitimate interest	Head of HR
Interviewed applicant records	6 months	12 months	Legitimate interest	Head of HR
<b>Fundraising data</b>				
Supporter or other personal data shared with a third party processor	Data to be destroyed immediately on completion of contract	None	Contract	Commissioner of the contract
Supporter data with a gift recorded	10 years	2 years	Legitimate interest	Head of Direct Marketing & Supporter Insight
Supporter data with a purchase recorded	5 years – with annual service updates only	2 years	Legitimate interest	
Volunteers	5 years – with annual service updates only	2 years	Legitimate interest	Head of Direct Marketing & Supporter Insight
Supporter data with no gift recorded	5 years – with annual service updates only	2 years	Legitimate interest	Head of Direct Marketing & Supporter Insight
Legacy pledges	10 years after supporter's death is notified	unlimited	Legitimate interest	Head of Direct Marketing & Supporter Insight

Lottery players – cancelled	5 years – with annual service updates only	2 years	Legitimate interest	Head of Direct Marketing & Supporter Insight
Deceased supporters	5 years after supporter’s death is notified	Unlimited	Legitimate interest	Head of Direct Marketing & Supporter Insight
Complaints	5 years	Anonymised data only may be retained indefinitely	Legitimate interest	Head of Direct Marketing & Supporter Insight
<b>Other data</b>				
Complaints and incidents stored in Datix	Indefinitely	Anonymised where possible	Legitimate interest Vital interest	Head of Financial & Support Services and Head of Operations
Other legal documentation such as contracts	According to specific legislative requirements	As appropriate	Legal obligation	Chief Executive Officer or relevant Head
Corporate data	Indefinitely, unless it contains is personally identifiable data	Unlimited	Legitimate interest	Head of Direct Marketing & Supporter Insight