

## **Retention and Disposal of Data Policy**

### **1. Purpose**

- 1.1 The purpose of this policy is to detail the procedures for the retention and disposal of information to ensure that we carry this out consistently and that we fully document any actions taken. Unless otherwise specified the retention and disposal policy refers to both hard and soft copy documents.

### **2. Review**

- 2.1 Review is the examination of closed records to determine whether they should be destroyed, retained for a further period or transferred to an archive for the required time (3 years)

### **3. How long we should keep our paper records**

- 3.1 Records should be kept for as long as they are needed to meet the operational needs of the Authority, together with legal and regulatory requirements.
- 3.2 In regard to Rentals where records are likely to be called upon should any dispute arise either from the tenant/landlord/or tax office. We will transfer them to our digital archives for a maximum of 3 years.
- 3.3 In regard to Sales and any other records containing personal information, we will transfer them to our digital archives for a maximum of 6 months following completion of the sale.

### **4. Disposal schedule**

- 4.1 A disposal schedule is a key document in the management of records and information, this can be found in point 8 below.

- 4.2 Records on disposal schedules:

Destroy after an agreed period – 3 years after the tenancy has ceased and at the end of the tax year.

- 4.3 Records can be destroyed in the following ways:

#### **Destruction**

- Non-sensitive information – can be placed in a normal rubbish bin
- Confidential information – Shredded.

- 4.4 Electronic equipment containing information when disposing of data should be wiped of all the information and be non-recoverable.

## **5. Sharing of information**

- 5.1 Duplicate records should be destroyed. Where information has been regularly shared between business areas, only the original records should be retained in accordance with the guidelines in section 2 above. Care should be taken that seemingly duplicate records have not been annotated.
- 5.2 Where we share information with other bodies, we will ensure that they have adequate procedures for records to ensure that the information is managed in accordance with the relevant legislation and regulatory guidance.

## **6. An audit trail**

- 6.1 You do not need to document the disposal of records which have been listed on the records retention schedule. Documents disposed of out with the schedule either by being disposed of earlier or kept for longer than listed will need to be recorded for audit purposes.
- 6.2 This will provide an audit trail for any investigations and will aid in addressing Subject Access requests etc, where we no longer hold the material.

## **7. Monitoring**

- 7.1 Responsibility for monitoring the disposal policy rests with the Partners. The policy should be reviewed annually.

## 8. Disposal schedule – Tenancy documents and other personal documents

Heading	Description	Retention Period	Comments	Responsibility
Application forms	When a tenant applies for a property and is accepted.	To be destroyed at the end of the tenancy.	Only held on file if the tenancy is taken up.	Partners/staff
Application forms sent to 3 <sup>rd</sup> parties	Will be sent away for processing.	Immediately	Must also ensure that if the application form is sent away to a 3 <sup>rd</sup> party that they comply with GDPR regulation	Quick Ref
Application forms - not accepted	When a tenant applies and is not accepted for the property	To be destroyed immediately.	Must also ensure that if the application form is sent away to a 3 <sup>rd</sup> party that they comply with GDPR regulation	Partners/staff/Quick ref
Identification	Proof of right to rent and address when the tenant applies and is accepted. ID for landlords, sellers and buyers.	Tenant - to be destroyed at the end of the tenancy. Buyer – to be destroyed after completion.	Only held on file if the tenancy/service is taken up.	Partners/staff

		Vendor & Landlord – To be held for 6 months after services have been used.		
Email, facebook or website enquiries	When a prospective tenant/buyer/Landlord/Vendor expresses interest in a property or our services.	To be deleted once contact is made and data has been transferred on to 10/90.	Relevant information will be temporarily stored on 10/90 whilst further action may be required. e.g. viewings, tenancy, properties of interest sent etc.	Partners/staff
Phone enquiries	When a prospective tenant/buyer/Landlord/Vendor calls to express an interest in a property or our services.	Notes that are taken must be destroyed immediately once actioned and transferred onto 10/90 as appropriate.	Relevant information will be temporarily stored on 10/90 whilst further action may be required. e.g. viewings, tenancy etc	Partners/staff

Text enquiries	Landlord's, Vendor's or Tenant's often text to make cancel appointments or in cases of repairs.	Once the text has been actioned and noted on 10/90 it must be deleted.	Must be included in the written permission given at the start of the tenancy that they may be texted in cases or repairs/inspections or any other reason during the tenancy by either ourselves as staff at Bailey and Staples or by trades/professionals used by Bailey and Staples.	Partners/staff
Computer system 10/90 – Tenant/buyer enquiry	When a tenant/buyer enquires about a property and/or gives permission to receive property emails	Once the tenant/buyer has taken up a tenancy/bought a property then they should no longer receive emails unless otherwise requested. Or if they unsubscribe to the	Only held on file if expressly given permission at the time of first contact	Partners/staff/1090

		<p>service they will be removed immediately. Otherwise they will remain on the system with permission for 3 months, after which they will either be automatically removed. Or contacted to see if they wish to continue to receive emails, if no or no reply they will be removed.</p>		
<p>Computer system 10/90 – Landlord/vendor/investor</p>	<p>When a landlord/investor/vendor enquires about or uses our services and/or gives permission to receive property and promotional emails.</p>	<p>Once the landlord/investor/vendor has finished using our services/found/bought/sold a property then they will be contacted to see if they wish to unsubscribe to the service/receiving any more emails. If so then they will be removed immediately or after 6 months they will be contacted again for permission to see if they wish to remain on our mailing list, if no or no reply then they will be removed.</p>	<p>Some investors may wish to remain on our mailing list to receive property updates for a long period – this will still require managing as expressed in the retention period section.</p>	<p>Partners/staff/1090</p>

<p>Computer system 10/90 – Trade/property professional</p>	<p>If a trade/property professional wishes to remain a contact and be used by ourselves, they must give consent in the appropriate manor and be informed their details will be held on file.</p> <p>If we are passing tenants/landlords/investors details over to the trade/professional, then we must ensure that they comply with the GDPR regulations.</p>	<p>They must be contacted at regular intervals (6 months) to ensure they wish to remain a contact. This also includes advertising on our website. Once they have informed us they no longer wish their information to be stored their information will be deleted immediately. We must ensure once the tenant/landlord/investor details are passed over that we delete any form of contact with the sensitive information in for example, texts, emails etc.</p>	<p>The contacts may be long term as with the investors. Permission must be sought.</p>	<p>Partners/staff/1090</p>
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<p>Computer System 10/90 - once a tenancy has been taken up</p>	<p>When a tenancy is agreed and set up it will become active under our 10/90 system and the tenant's details will be stored including email address/phone number plus other details and any additional tenants over 18</p>	<p>This will remain on our system until the tenant moves out then it will be achieved and then deleted after 3 years. Any relevant information such as rent accounts will be archived on our computer. Both are password protected and not accessible unless you know the password.</p>	<p>When completing the application process tenant's must be notified that their details will be held on our system until the end of the tenancy and then archived for a period of 3 years.</p>	<p>Partners/staff/1090/</p>
<p>Computer System 10/90 – Once a sale has been completed</p>	<p>Once a sale has been completed and all paperwork has been finished by the solicitors.</p>	<p>The details on any completed sales will be archived immediately after completion and Sales fee payment has been cleared. They will then be permanently deleted from the archives after 6 months.</p>	<p>On completion of a sale a letter must go out to both parties to say that the data will be archived and how long for.</p>	<p>Partners/staff/1090</p>
<p>DPS</p>	<p>The tenant's information will be passed over to the DPS to secure the deposit.</p>	<p>Until the tenancy has ended</p>	<p>The tenant must be informed of this at the tenancy signing. The DPS will have their own GDPR practices that they must adhere to.</p>	<p>Partners/staff/DPS</p>



Utilities/Council tax	The tenant's information will be passed over to the appropriate companies to update responsibility of charges/bills	Until the tenancy has ended, and all bills are cleared and up to date.	All utility companies and Council's will have their practices to comply with GDPR. We must have written consent at the start of the tenancy.	Partners/staff/utility companies
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## Version Control

Version	Status	Description of Version	Date Completed
1.0	Agreed	Retention and Disposal Policy	13/12/2017
Signed off by	Position		Review date
Elaine Bailey	Partner	As above	13/12/2018
Checked by	Position		Date Checked
Amanda Staples	Partner	Retention and Disposal Version 1.0	14/12/2017