

## Records Retention Scheduling Guidance at the University of Warwick

### Introduction

1. The aim of this guidance is to make provision for the process to be followed (set out at paragraph 9) when a University record does not have an accompanying record retention period set out in the [University's Records Retention Schedule](#) (RRS) or where this time period is being reviewed.
2. The University's Records Management Policy is published on the [University's Records Management internet](#) pages and provides a definition of a record as managed throughout its lifecycle at the University of Warwick. The University's Records Management internet page also provides separate guidance on the lifecycle management of other information at the University.
3. A vital compliance component in the management of the lifecycle of records at the University is setting an appropriate period for the retention of each record created or held by the University and capturing this in the University's RRS. This practice ensures that the University is able to transparently demonstrate to third parties its compliance with statutory and regulatory requirements (e.g. in the case of records that contain personal data that its retention arrangements are in line with the storage limitation principle of the [General Data Protection Legislation](#)). The [Lord Chancellor's Code of Practice on the management of records](#) issued under section 46 of the [Freedom of Information Act 2000](#) also requires the University to manage and have retention schedules for all its records.
4. The management of record lifecycles, in part, through the ongoing maintenance of its RRS also helps ensure: the University's operational business needs can be met and the efficient deployment of its financial and staff resources for the storage and recall of records. Due and proper consideration given to the lifecycle of records also ensures that in certain specified circumstances the University makes provision for records with historical research value to be preserved in the University's Archives at the [Modern Records Centre](#).
5. As such, in considering all of the above aspects of record lifecycle management, it is important that where a record is not set out on the RRS (or there is any proposed divergence with the RRS) that these instances are discussed with the [University Records Management Advisor](#).

## Initial considerations

6. When a University Department identifies a record that is not listed on the RRS the relevant Department should first:
  - Identify stakeholders within the Department, and across the University, that have an interest in the record and involve them in discussions about developing the retention period for the record type. **N.B.** This discussion should always include the [University Records Management Advisor](#) and can also include those responsible for the IT systems (e.g. for born digital and digitised records) or the repository (physical records) the record is stored in. (This discussion should also include University offices that hold duplicates of the record to ensure they are made aware of agreed retention periods).
  - Research whether there is retention precedent for a type of record that is in use by another Higher Education Institution or other body that is engaged with the management of the same, or similar types of record. If a retention period has been established by another organisation for a specific type of record it may not be the case that it needs to be followed (unless there is a clear [e.g. statutory/regulatory] basis for it) at Warwick but it can provide a useful starting point for discussions at this University. A list of some University Records Retention Schedules is set out at [Annex A](#).

## Records containing personal data

7. When an appropriate retention period is being scoped for a University record that contains [personal data](#) it is important to consider for how long the [lawful basis](#) under which the personal data is being processed remains applicable.
8. In certain specified instances the length of time a record is retained for (its retention period) might be determined by the fulfilment of a: legal obligation, contract, the delivery of the University's duties under its [Charter and Statutes, Ordinances and Regulations](#) and in other cases retention may relate to fulfilling the business needs for which the record was initially created including the decisions, activities, business transactions it captures. In relation to its storage limitation principle [Article 51\(e\)](#) of the GDPR sets out that personal data shall be:
  - kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
  - personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject.

## Developing a retention period

9. The process to develop a retention period for a record that is not already captured by the University RRS should include consideration of the following areas:

### 1. Has the record been appraised?

- The purpose for which the record was created, its contents and value to the University needs to be understood by the University Department responsible for the record before it is earmarked for destruction (or preservation). This process is called 'appraisal' and it is the process of distinguishing records of continuing value (e.g. to meet a statutory requirement, a business need or for historical research) from those of no further value so that the latter may be eliminated.
- The appraisal process may only take a few minutes depending on the type of record. However in most instances appraisal should be undertaken by a member of the University Department with sufficient knowledge to enable them to identify the record and understand its function and value to the institution.

### 2. Is retention required to fulfil statutory, regulatory, contractual, audit or professional sector requirements?

- In considering the appropriate retention period for a type of record the subject matter expert(s) in the relevant University Department should comment on whether there is legislation, regulation, contract, audit, professional sector requirements that makes provision for the length of time a record is to be retained. Examples of where there are requirements to keep records for a certain defined period of time are certain types of: [health and safety records](#), [contractual records and financial records](#).
- This list of where retention periods are specified in legislation or by a regulator for a type of record is not exhaustive and it is therefore important that the relevant University Department understands the obligations (e.g. statutory, regulatory, contractual, audit or professional sector) that govern the working environment in which it operates and specialises.
- To this end consideration also needs to be given by the relevant University Department as to whether a professional, or regulatory, body has expressed a specific requirement for how long types of record need to be retained. In certain circumstances it might be appropriate to contact the relevant body to find out whether it has made provision for records retention guidance for the sector in which it operates.
- As such if a retention period is not specified by one of the criteria in this section then the following areas need to be considered when determining the length of time for which a record continues to be held by the University.

### 3. Is retention required as evidence (e.g. in a dispute or to complete a current information access request)?

- Where a dispute arises (or is likely to arise), litigation has commenced, or there is a current access request made under: [Data Protection legislation](#) (commonly referred to as a Subject Access Request), [Freedom of Information Act 2000](#) or [Environmental Information Regulations 2004](#) by a third party to view records (or parts thereof) held by the University it is important that the organisation has access to the existing records relevant to the matter the request concerns. The ICO guidance titled [retention and destruction of requested information](#) must be considered in relation to access requests under the above statutory regimes and record retention and disposal considerations.
- The setting of a retention period to include on the RRS should not be based on retaining a type of record *'just in case'* there might be an access request or where the likelihood of a dispute with the University is deemed to be low by the relevant University Department responsible for, and that has knowledge of, a record's contents.

### 4. Is retention required to meet the business needs of the University?

- In the absence of legislation that sets out a retention period for a specific type of record it is important to consider the business need for which the record was created by the University and the amount of time required for that business need to be completed. **N.B.** where the record contains personal data the continued applicability of the lawful basis for processing the data (as discussed at paragraphs 7 and 8) should be considered in terms of a record's ongoing retention.
- The time period needed to complete the relevant business transaction can provide a steer on a suitable retention period for the record. For instance one way of evaluating the continuing need to retain a record is whether it is 'active' and accessed by those with the appropriate authority to do so on a regular or semi-regular basis for the legitimate business need for which it was created.
- Where the record is: dormant and not accessed and there is no requirement to keep it to fulfil: statutory, regulatory, contractual, audit or professional sector obligations and the risk of it being required as evidence in any dispute is considered to be low (and it has no historical value) then the Department responsible for the record should consider whether there is any other legitimate need to retain the record and if not set a retention period (perhaps based on the age at which the record has become dormant if that is known).

**5. Is permanent retention required because the record is of historic research value?**

- The majority of records created by the University are unlikely to merit preservation. Those records selected for preservation will reflect and provide the essential evidence of the University's most significant functions and activities, and will also serve legitimate research needs either on the part of the University itself or the wider academic and public user community.
- The surviving archives should show what the University has done and why, how it was organised and operated, and its effect on the wider community. Therefore if a record is considered to have lasting value both the [University Archivist](#) and [University Records Management Advisor](#) should be engaged in discussions about its retention period.

**Next Steps**

- Once the above areas have been considered in partnership with the relevant stakeholders then the University RRS will be amended by the University Records Management Advisor to include the additional record and published on the [University's Records Management](#) internet page.
- Once the RRS has been updated the actions set out in the RRS (e.g. destruction or preservation) can be carried out in relation to a record. The action of disposal of the record must be carried out in line with the University's [Information Classification and Handling Procedure](#).

**END**

## **Annex A**

The following is a list of some Universities in the UK that have published their RRS online. (This is not an exhaustive list of all Universities in the UK that have published RRS).

If the record type you are searching for does not appear on an RRS for one of the institutions listed below then an internet search along the lines of 'university records management' or 'university records retention schedule' is likely to yield more results of further higher education institutions in the UK that have published their retention schedules.

[University of Cambridge](#)

[University of Cardiff](#)

[Exeter University](#)

[Imperial College](#)

[The University of Liverpool](#)

[The London School of Economics](#)

[The University of Manchester](#)

[The University of Nottingham](#)

[The University of Keele](#)

[Northumbria University](#)

[University College London](#)