

# Meeting the Requirements Retention Schedules, Secure Destruction and Disposal



## Introduction

The UK GDPR requires organisations to process personal data securely. Article 5(1)(f) concerns the 'integrity and confidentiality' of personal data, and states that personal data shall be:

*'processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures'*

In addition, Article 4(12) defines a 'personal data breach' as:

*'a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed'*

Organisations, therefore, have a legal obligation to ensure appropriate measures are put in place for the secure destruction of personal data, be this in the form of paper records or IT equipment, where personal data may be stored and/or accessible.

## How do we reach Attainment Level 1?

The organisation should have appropriate measures in place to ensure the secure destruction and disposal of records and disposal of IT equipment. These should consist of relevant policies and procedures for the retention, destruction and disposal of paper records and IT equipment.

Relevant policies and procedures should include guidance on paper confidential waste collections, removable IT media, IT equipment and other specialist items such as x-ray films and carbon fax rolls, as appropriate to the organisation. 'Table One' sets out the ICO's expectations for destruction and disposal methods. 'Table Two' provides guidance from the ICO on retention schedules.

## How do we reach Attainment Level 2?

The organisation should ensure there is a consistent approach in dealing with the retention and destruction of records and the disposal of IT equipment throughout the organisation. Guidance and procedures should be made available to staff throughout the organisation to ensure they understand their responsibilities in regards to the retention and secure disposal of all records and equipment,

You should remember to reflect any destruction and disposal of records and equipment in your Information Asset Register. See the '[Management of Records](#)' section for further guidance on retention schedules, records management guidance and Information Asset Registers.

## How do we reach Attainment Level 3?

The organisation should regularly review the relevant policies and procedures and undertake routine checks to ensure that these are followed across the organisation. The review process



should ensure the organisation remains compliant with policies and procedures, as well as ensure policies and procedures remain accurate, relevant and up to date. The organisation should ensure that staff are informed of any changes to the relevant policies and procedures.

The organisation should also ensure third parties who dispose of personal data and IT equipment on behalf of the organisation provide certificates of destruction, these should be retained by the organisation as evidence of secure destruction.

## Supporting Resources

### All Wales Information Security Policy for Primary Care Service Providers

### ICO: IT asset disposal for organisations

**ICO: The Accountability Framework** - *Accountability is one of the key principles in data protection law*

### ICO: Guide to the UK General Data Protection Regulation (UK GDPR)

### ICO: Introduction to data protection

### National Archives: Find out what information you have

**The National Archives: Information Management** - *A guide (including legislation) from the National Archives on information and records management*

**Code of Practice for the Management of Records under section 46 of the Freedom of Information Act 2000** - *The Code sets out the practices that organisations should follow in relation to the creation, keeping, management and destruction of their records, including those selected for historical preservation.*

### WHC (1999) 7 - Preservation, Retention and Destruction of GP General Medical Records Relating to Patients

### Welsh Health Circular – WHC (2022) 008: New Records Management Code of Practice for Health and Care 2022

**Records Management Code of Practice for Health and Social Care 2022** - *The Code of Practice sets out what people working with or in NHS organisations in Wales need to do to manage records correctly.*

**British Standards Institute: Standards and Publications** - *Records management standards and guidance, amongst others, are available from BSI but may incur a cost for purchase. For further information see the BSI website. - BS-ISO 15489: Information and documentation – Records management - BIP 0025:1 to 3 – guides to BS-ISO 15489 - BS 5454:2000 - recommendations for the storage and exhibition of archival documents - PD 0024:2001 - A guide to the interpretation of BS*



## Public Records Act 1958

### Summary Requirement

Attainment Level	Summary Requirement
1	There are appropriate measures in place which consists of relevant policies and procedures to ensure the retention schedules, secure destruction and disposal of records and disposal of IT equipment
2	Management of organisational records is embedded within the organisation
3	The organisation can demonstrate processes are in place to inform staff how further information can be obtained and where from within the organisation on the retention and disposal of all organisational records

