

November 2019

Trust in water

ICT 4 Retention and Disposal Policy

The logo for Ofwat, consisting of the letters 'o', 'f', 'w', 'a', and 't' in a bold, sans-serif font. The letter 'w' is white and is contained within a dark blue circle, while the other letters are dark blue.

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1. Introduction

This Policy explains Ofwat's requirements to retain data and to dispose of data and provide guidance on appropriate data handling and disposal.

As a public body, we have a duty to retain proper records of our activities. This duty does not, however, require us to retain all data indefinitely. The guiding principle is to retain information that allows key regulatory decisions to be explained.

2. Scope

This Policy covers all information held by Ofwat **and includes both electronic and paper/physical data**. This Policy covers data that is held by third parties on our behalf, for example cloud storage providers or offsite records storage. It also covers any data that is held by us or is held by employees on personal devices in accordance with [ICT 6 Ofwat's ICT Acceptable Use Policy](#).

Retention periods for paper records are the same as for electronic records, although the methods of disposal will differ. Through this Policy and our data protection policies (referred to below), Ofwat aims to meet the following commitments:

- Compliance with legal and regulatory requirements to retain and protect data.
- Fulfilment of Ofwat's role as the Water Services Regulation Authority.
- Compliance with our data protection obligations, in particular to keep personal data no longer than is necessary for the purposes for which it is processed.
- To handle and store data responsibly and securely.
- To allocate appropriate resources, roles and responsibilities to data retention.
- To regularly monitor and audit compliance with this schedule and Ofwat's data protection policies

This Policy helps us to:

- Meet our legal obligations regarding which records to keep and for how long.
- Provide Ofwat staff with the information needed to make correct disposal decisions.
- Reduce storage costs.
- Improve the security of information.

3. Staff responsibility

The retention period includes the time individual documents are kept both in the office and in archive. Once this date has expired, all documents, including paper and electronic, should be destroyed. Information Asset Owners (IAO) are accountable for ensuring that the Retention and Disposal Policy is applied to documents listed on their information Asset Register. More information about the role of the IAO is available within the ICT 8 [Information and Records Management Policy](#) and from the Information Governance Manager (IGM). Copies that are not master copies may be disposed of earlier, as long as the master copy rests with the master copy owner.

4. Types of data and data classification

4.1 Formal or official records

Certain data is more important to us and is therefore listed in the Retention and Disposal Schedule. This may be because we have a legal requirement to retain it, or because we may need it as part of our role as the Water Services Regulation Authority as evidence and to explain the decisions we have made. If there are records that are not listed here, that you consider to have enduring value, please identify these with the relevant IAO and the IGM.

4.2 Disposable information

Disposable information includes data that may be discarded or deleted at the discretion of the user once it has served its temporary useful purpose. It also includes data that can be safely destroyed because it is not a formal or official record. See section 5.2 for examples below.

5. Retention Periods

5.1 Formal or official records

Any data that is part of any of the categories listed in the Retention and Disposal Schedule contained in the Annex to this policy, must be retained for the amount of time indicated in the Retention and Disposal Schedule. A record should not be retained beyond the period indicated in the Retention and Disposal Schedule, unless a valid reason (or notice to preserve documents for contemplated litigation or other special situation) calls for its continued retention. Flag these with your IAO.

5.2 Disposable Information

Documents that can be disposed of without reference to this retention and disposal policy include:

- **Working documents**, such as drafts, notes, local copies of meetings when no longer needed and do not represent significant steps or decisions in the preparing of an official record. (Note that drafts should be disposed of once a final version of a document is published and any relevant limitation period for legal challenge to that final document has expired.)
- **Duplicates** – any document where a master copy is held elsewhere.
- **Ancillary records or short-lived documents**, for example notices of meetings and events, announcements, invitations and acceptances, internal administrative requests, facilities bookings and marketing materials.
- **Conference and training materials** – these should only be kept while relevant to current work or personal development. Copies can be destroyed when no longer needed.
- **Books, periodicals and other printed materials** obtained from sources outside Ofwat and retained primarily for reference purposes
- You need only keep your own **personal copies** of terms and conditions of employment, training or further education applications, payroll forms and policies and forms.
- **Local copies** of performance agreements and documentation on individual members of staff should not be kept for longer than is necessary. Master copies are held by HR. This is important to make sure we comply with data protection requirements.

Disposable information should only be retained as long as it is needed with reference to the purpose for which it was created. Once it no longer serves that purpose it should be disposed of.

5.3 Personal data

Data protection laws require us to retain personal data i.e. information that relates to an identified or identifiable individual, for no longer than is necessary and for the purposes for which it is processed (principle of storage limitation). Where data is listed in the Retention and Disposal Schedule, we have taken into account the principle of storage limitation and balanced this against our requirements to retain the data. Where data is disposable information, we must take into account the principle of storage limitation when deciding whether to retain this data.

6. What to do if data is not listed in the Retention and Disposal Schedule

If you consider that there is an omission in Retention and Disposal Schedule, or if you are unsure, please contact the IGM.

7. Records needing permanent retention

A number of Ofwat records will be held in perpetuity under the terms of the Public Records Act 1958. A number of documents are transferred to The National Archives (TNA) according to the [Operational Selection Policy](#) (OSP 47). Note that since 2002, the TNA acquires web publications by the regular capture of Ofwat's website.

- Annual reports (held by House of Commons Library and British Library);
- consultation papers;
- investigations;
- letters to Managing Directors;
- letters to Regulatory Directors;
- position papers (Ofwat policy statements);
- reports commissioned by Ofwat and published;
- reports on water companies (annual comparative reports which were published);

- submissions, responses, evidence (policy statements to other government departments, or witness statements to the Competition and Markets Authority formerly the Competition Commission which were published)
- Board minutes and papers (includes any draft papers discussed at meetings);
- Executive Team minutes and papers (includes any draft papers discussed at meetings); and
- price review and interim determinations (final determinations document, methodology paper and financial rule book and IDOKs).

Any of the above records which are not published on the website (and therefore publicly accessible) should be transferred to the National Archives regularly. Queries about this and the retention schedule should be directed to the IGM.

8. Disposal process

Electronic documents are saved onto EDRMS and the correct retention period selected at the point of the folder creation. Folders will be reviewed as the disposal period expires and a decision made by the relevant IAO to destroy/delete or retain documents. Decisions to retain documents beyond the retention period must be agreed in concert with the IGM. Decisions will be documented. Questions about the retention period for electronic records should be directed to the IGM.

All hard-copy documents that are considered sensitive will be placed in the confidential waste bins. Hard-copy files kept off-site will be reviewed and disposed of confidentially by the off-site storage provider. A certificate of destruction will be provided.

Use the Retention and Disposal Schedule below to identify records to be considered for disposal. You may need to retrieve and/or request destruction of archived records.

Records must be destroyed in a timely and controlled manner when the appropriate retention period has been met, as defined in the Retention and Disposal Schedule below.

9. Retention and Disposal Schedule

The tables on the following pages detail the Retention and Disposal Schedule under the following headings. The retention periods are minimum period of retention. At the end of the minimum retention period a review should be carried out with the IGM to determine whether there are any clear justifications for keeping the data longer. If there are not then the data should be disposed of.

Information type	Top-level categories of Ofwat's Information assets
Sub type	Second-level categories of Ofwat's information assets
Retention period	How long Ofwat will keep this information (applies to all documents kept on site and in archive)
Reason for retention	Why Ofwat is retaining the data for the retention period.
Master copy	Held by the designated master copy owners (team name)

Information type	Sub type	Retention period	Reasons for retention	Master copy owner
Regulation	Periodic Review For example for the 2014 price review it is 2012/13 to Jan 2020 + 2 years to Jan 2022 For 2019 price review it is 2017/18 to Jan 2025 + 2 years to Jan 2027	Review with IAO prior to disposal. Information should be retained from the base year of price review until acceptance of next Final Determination (FD) +2 yrs	To allow key regulatory decisions to be explained and to ensure Ofwat complies with its duties as a Public Authority, including the Freedom of Information Act 2000, Environmental Information Regulations 2004, and Public Records Act 1958 as well as other applicable legislation, regulations and common law duties	Performance & Outcomes
	All Company data (and reporting requirements relating to that data)	Kept in perpetuity (on electronic storage in Fountain)		

Information type	Sub type	Retention period	Reasons for retention	Master copy owner	
Casework (Note the Data Protection Act 2018 applies to records of a personal nature)	Interim Determination of Price Limits (IDOK) application, including supporting information (correspondence, quality assurance reports, financial models and consultation responses)	Acceptance of the next FD + 5 years	To allow key regulatory decisions to be explained and to ensure Ofwat complies with its duties as a Public Authority	Performance Outcomes	
	IDOK policy and legal decisions	Acceptance of the next FD + 15 years			
	IDOK referral to Competition Commission (correspondence, quality assurance reports, financial models and other supporting information and internal documents) supporting information	Acceptance of the next FD + 5 years			
	Communications	Freedom of Information Act 2000 and other information requests (case records, policy, statistical data, exemptions, appeals)	Closure of request/any appeal to the ICO + 2 years	To allow key regulatory decisions to be explained and to ensure Ofwat complies with its duties as a Public Authority	Information Governance
		General public enquiry work	3 years		Casework
		Legal and case papers (including complaints and any evidence, includes referrals of determinations to the CC and applications for new appointments and variations)	Closure of case + 6 years		
Communications	External campaigns, including public campaigns, and communications through Ofwat's website	TNA capture of website	To allow key regulatory decisions to be explained and to ensure Ofwat complies with its duties as a Public Authority	Corporate Communications	
	Internal campaigns	2 years			

Information type	Sub type	Retention period	Reasons for retention	Master copy owner
Estate management	Internal communications e.g. The Source, Undercurrent, Yammer	10 years	To allow key regulatory decisions to be explained and to ensure Ofwat complies with its duties as a Public Authority	
	Press and Parliamentary Correspondence (includes MPs letters)	6 years		
	Building security records	3 years	Business needs	Facilities management
	CCTV	not kept by Ofwat		
	Facilities Management records	3 years		
Safety and security records (not personal employee assessments)	5 years			
Financial management	Accounting ledgers	6 years	HM Treasury guidelines, National Audit Office advice	Finance
	Internal control records	6 years		
	Payroll/salary records not required for pensions calculations	6 years		
	Resource Management (e.g. budget setting)	6 years		
	Supporting ledger information	6 years		
General correspondence	Includes contact with other government departments and companies	2 years	To allow key regulatory decisions to be explained and to ensure Ofwat complies with its duties as a Public Authority	All
Human resource management	Centrally held Employee records: Signed contracts Job descriptions Personal details	6 years from end of contract except where affect pension calculations	Under Article 5(1)(e) of GDPR, personal data shall be kept for "no longer than is necessary for the purposes for	Human Resources

Information type	Sub type	Retention period	Reasons for retention	Master copy owner
Human resource management	Changes to terms and conditions Previous service dates Flexible working arrangements Grievance and disciplinary proceedings Health declaration, referrals, medical reports and injury records Personal payroll history, record of pay, overtime, maternity leave, unpaid leave etc. Reckonable service, reason for leaving, refund of contributions, amount and date of contributions paid, pensionable contributions of other employment, Death in service benefit Resignation, termination and or retirement letters	If affect pensions keep up to age 100 of employee	which the personal data is processed..." Refer to The National Archives (TNA) and Chartered Institute of Personnel and Development (CIPD) retention guidance for more detailed information.	
	Salary and pension information	Up to age 100	UK Pensions regulator	
	Training, Qualifications References written by Ofwat Statutory sick pay records Performance reviews	6 years from end of contract " " " " keep on a rolling 5 yr basis + 6 yrs	Under Article 5(1)(e) of GDPR, personal data shall be kept for "no longer than is necessary for the purposes for which the personal data is processed..."	
	Right to work and other identity documentation Next of kin emergency contact and death in benefit details	2 years after from end of contract Dispose of Immediately		

Information type	Sub type	Retention period	Reasons for retention	Master copy owner
Human resource management	Equality monitoring data	Dispose of immediately upon the end of employment	Under Article 5(1)(e) of GDPR, personal data shall be kept for <i>“no longer than is necessary for the purposes for which the personal data is processed...”</i>	
	Maternity, paternity, adoption records	3 years except where affect pension calculations		
	Unsuccessful applicant records	1 year unless consent is received to retain the application longer e.g. for future employment opportunities	CIPD and TNA guidance	
ICT management	Development tools/documentation	7 years	Under Article 5(1)(e) of GDPR, personal data shall be kept for <i>“no longer than is necessary for the purposes for which the personal data is processed...”</i>	ICT
	Support records	7 years		
	IT security documents	7 years		
Legal	Legislation: development	5 years	To allow key regulatory decisions to be explained and to ensure Ofwat complies with its duties as a Public Authority.	Legal Services

Information type	Sub type	Retention period	Reasons for retention	Master copy owner
Corporate responsibility	Counsel and key legal advice	Closure of case + 15 years	To allow key regulatory decisions to be explained and to ensure Ofwat complies with its duties as a Public Authority.	Legal Services
	General legal advice	Closure of case + 10 years		
	Ofwat proof of meeting legal duty	5 years		Executive Office
	DG Official Register (includes maps & licences) See s195 WIA91 for contents of the register	For duration of Ofwat		
	Resources (templates, logos etc.)	2 years		
	Plans and strategy (including projects)	Until no longer used		
	Project documentation	2 years		
Authorisations/ delegations	For as long as it remains in force +10 years			
Policy guidance	Policy and guidance: external	For long as it remains in force + 5 years	To allow key regulatory decisions to be explained and to ensure Ofwat complies with its duties as a Public Authority.	Policy development
	Policy and guidance: internal	For long as it remains in force + 2 years		
Procurement	Contractual (includes leases)	6 years from end of contract when over £5,000 or over 2 years from end of contract when under £5,000	To allow key regulatory decisions to be explained and to ensure Ofwat complies with its duties as a Public Authority.	Procurement
	Unsuccessful tenders	1 year after date of last paper		

Information type	Sub type	Retention period	Reasons for retention	Master copy owner
Procurement	Successful tenders	For as long as the resulting contract is in force + 6 years	To allow key regulatory decisions to be explained and to ensure Ofwat complies with its duties as a Public Authority.	Procurement
	Research and development	Consultancy (excluding market reform)	5 years	To allow key regulatory decisions to be explained and to ensure Ofwat complies with its duties as a Public Authority.
	Consultancy (market reform)	10 years		
	Comparative work	5 years		
	Unpublished research	5 years		

10. Links to associated documents

- ICT 4 Retention and Disposal Policy
- ICT 5 Information and Technology Security Policy
- ICT 6 ICT Acceptable Use Agreement
- Government Classification Policy
- Handling Market Sensitive Information Guidance
- Ofwat Code of Conduct
- G1 Access to Information Policy
- G2 Data Protection Policy
- G3 Freedom of Information Policy
- G5 Privacy Policy

11. Review period

This policy will be reviewed every two years, and as required by legislative or organisational change.

12. Monitoring arrangements

Areas for monitoring	How	Who by	Reported to	Frequency
Hard-copy and electronic records	Annual Record Review	IGM and IAOs	SIAG	Annually

13. Document control

Version	Date	Author	Changes to previous document
0.1	01/11/2011	Records Manager	Approved version
0.2	01/06/2016	Records Manager	Redrafted version
0.3	01/09/2019	IGM	Amendments following SIAG consultation
1.0	11/2019	Senior Legal Advisor and IGM	Redrafted version

Sign off

Job Title	Date	Version no.	Date of next review
DPO	November 2019	1.0	November 2021