

# ELEMENTS

## Data Retention Policy

### Elements Tea & Coffee Ltd

This policy aims to assist us in complying with the requirements of data protection legislation and to minimise any risk to our business by setting out clear guidelines relating to the retention and disposal of data. It aims to ensure that necessary records and documents of Elements Tea & Coffee (whether kept on paper, computer or other electronic media) are adequately protected and maintained and to ensure the timely, secure and effective disposal of records that are no longer needed or are of no value, in all formats. It also aims to ensure that data is kept safe from unauthorised access or accidental destruction. Failure to comply with data protection legislation could have serious consequences for our reputation or our business. This policy also aims to help our employees and workers to understand their obligations when retaining electronic documents - including e-mail, web files, text files, sound and video files, PDF documents, and all Microsoft Office or other formatted files. We therefore require all employees, workers and contractors to read it carefully and ask if they have any questions.

This policy is not contractual and may be amended or updated at any time. If any conflict arises between this policy and the 2018 Act and the GDPR laws, we intend to comply with the latter.

#### Who is covered by this policy

This policy applies to all employees, workers, volunteers, apprentices and consultants who handle data, whether this relates to their colleagues, our customers, or anyone else (such as potential customers to whom we send marketing or sales information). It should be read in conjunction with our data protection policy.

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# Data retention policy

## 1. Responsibilities

**Our directors** will review this policy and any risks in relation to the processing of data. They will review our systems, equipment and electronic storage and for ensure that all data users are provided with equipment and software that sufficiently protects our data. They will also ensure that our HR and payroll records are compliant, and for ensuring that all data users (including new employees) are adequately trained.

### Employees, workers and contractors

All employees, workers and contractors must ensure that, in carrying out their duties for us (or providing services to our business), they comply with our obligations under data protection legislation. In addition, each individual is responsible for ensuring that if, as part of their responsibilities, they collect information about other people or about other employees, they comply with this policy.

Employees are required to comply with our rules on IT security, as set out from time to time. Settings that are designed to minimise the risk of a data breach (such as screensavers, automatic locking, password protection, automatic wipe functions etc) must not be tampered with, changed or removed.

## 2. Retention and destruction of data

In the course of carrying out our business, we create and hold a wide range of information. Our records include paper files, electronic files (including databases, Word documents, powerpoint presentations, spreadsheets, webpages, emails and instant messages), photographs, scanned images, CDs and video tapes.

Our records include:

- minutes of meetings
- correspondence from external parties
- contracts and invoices
- legal advice
- file notes
- financial accounts
- employee information
- marketing material and other publications.

We need to retain records to enable us to meet our business needs, legal requirements, to evidence events or agreements in the event of allegations or disputes and to ensure that any records of historic value are preserved.

The untimely destruction of records could affect:

- the conduct of our business
- our ability to defend or instigate legal action
- our ability to comply with statutory obligations or
- our reputation.

We therefore need to balance this against the data protection principles (which require that we only retain personal data for as long as is necessary), and our business need to manage storage space and reduce administrative burden.

This policy helps us to ensure and to demonstrate that disposal decisions are taken with proper authority and in accordance with clear timescales.

All records should only be retained in line with our specified timescales unless a record has been marked otherwise. Appendix A lists most of the categories of data we keep, and provides information as to what we consider to be the relevant retention periods across our business, so that data disposal may be carried out in a consistent and controlled manner. The retention period applies to all records within that category.

Records should only be kept in the designated places and additional copies should not, under any circumstances, be saved in other locations. This enables us to update, correct and destroy data as necessary, and also to comply efficiently and effectively with any subject access requests.

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.

### **3. Legal proceedings or claims**

Where documents may be relevant to a contractual claim, they should be kept for a six year period. This limit does not apply to HMRC which has the power to go back indefinitely in exceptional cases. However HMRC guidance advises employers to keep records for three years plus the current year and longer if requested.

There may be exceptional circumstances which requires us to keep information beyond the limits set out in this policy. Documents relating to a specific employee, customer or document will be retained beyond the period specified in our data retention policy in the following circumstances:

- if any of the data relates to any pending or actual litigation, claim, investigation, negotiation, audit, Subject Access Request or Freedom of Information enquiry – this must be retained until the issue is resolved
- where a crime is suspected or detected.

If there is any doubt over whether legal proceedings, an investigation or a crime could occur, or what information is relevant or material in these circumstances, the Data Protection Manager should be contacted and legal advice sought. The Data Protection Manager shall take such steps as is necessary to promptly inform all appropriate staff of any requirement to suspend the further disposal of documents.

## **4. Destruction of records**

All employees, workers and contractors are responsible for ensuring that information is not kept for longer than is necessary, and is shredded or disposed of securely once it is no longer required for the purpose for which it was originally collected. Duplicate records should be destroyed. Where information has been regularly shared between business areas, only the original records should be retained in accordance with Appendix A. Care should be taken that seemingly duplicate records have not been annotated.

We do not document the routine disposal of records which have been listed in Appendix A and which have been destroyed in accordance with the specified timescales. Documents disposed of outside of the limits in Appendix A (either disposed of earlier or kept for longer than listed) will be recorded for audit purposes.

### **Paper records**

Non-confidential records can be placed in normal rubbish bins or recycling bins. Confidential records and any documents which contain personal data should be placed in the designated confidential waste bins and cross-cut shredded. All copies including security copies, and backup copies should be destroyed at the same time in the same manner.

### **Electronic records**

Electronic data may be deleted automatically, or may be encrypted and stored in a form that no longer identifies the individual.

They may be either physically destroyed or wiped; deleting the files is not sufficient. Destruction of electronic records should render them non-recoverable even using forensic data recovery techniques. Destruction will be overseen by the Data Protection Manager who will keep records of disposal. These will detail the data disposed of and the date of disposal.

All backup copies, security copies, preservation copies and duplicate copies of all records authorised for destruction should be destroyed at the same time or as soon as practical afterwards.

Records of automated destruction of data will be kept indefinitely for audit and evidence purposes. This will state the dates the records were created and closed, the volume of data, the format, the reason for destruction, the method of destruction and the destruction date. Information stored on obsolete electronic equipment (desktops, laptops and other devices) or on equipment that is to be reallocated to someone else will be erased prior to the equipment being sold, disposed of or reallocated.

## **5. Related policies and documents**

We also have the following related policies and documents: data access request form; data protection policy; IT and computer use policy; privacy notices in place in respect of job applicants, customers, suppliers and other categories of data subject.

## **6. Review of this policy**

This policy will take effect from 25 May 2018. It will be reviewed on a regular basis following its implementation and may be changed from time to time.

Any queries or comments about this policy should be addressed to:

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Director Elements Tea and Coffee & Data Protection Manager  
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07967317115.

## **7. Appendix A – data retention periods**

This Appendix is currently in production and will be made available via our website as soon as possible. In the meantime, please contact Peter Marris with any questions you may have.