



Data Retention, Storage & Disposal Policy

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The Bar Tribunals & Adjudication Service

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1. Introduction

- 1.1 The Bar Tribunals and Adjudication Service ('BTAS') is responsible for recruiting; appointing, administering and adjudicating Disciplinary Tribunals, including Tribunals which consider the most serious allegations of professional misconduct against barristers.
- 1.2 In addition to Disciplinary Tribunals, BTAS has similar responsibilities for Fitness to Practise hearings and Interim Suspension Panels for barristers.
- 1.3 BTAS also administers and supports the Inns' Conduct Committee (ICC), a committee responsible for adjudicating on any misconduct issues arising from applications for admission to an Inn of Court or misconduct matters relating to student members of an Inn.

2. Scope of this Policy

- 2.1 This policy outlines the periods of retention for records including personal data stored by BTAS. It is aligned with the Council of the Inns of Court *Data Retention, Storage and Disposal Policy*.
- 2.2 BTAS is committed to the safe storage of the personal data it holds, once a retention period has been reached BTAS must ensure all files are securely destroyed.
- 2.3 Guidance on how to access information held by and how we transmit and store information relating to hearings are contained within BTAS's Disclosure Policy and Information Security Policy.

3. Data Retention

Rules and Retention Periods

- 3.1 Retention periods will vary depending on the type of record held. In accordance with the General Data Protection Regulation ("GDPR"), personal data must not be held longer than necessary for the purpose(s) for which it was collected and is processed – without renewed permission from the data subject -and should not simply be retained indefinitely (unless we have identified a clear and justifiable reason for doing so).

3.2 There are some statutory requirements which prescribe how long certain types of records must be kept, and these are set out where relevant in the Schedule below. In many cases there will not be any prescriptive statutory period, and deciding how long a particular record should be retained for will require BTAS to balance the possible need to have access to those records in the future, against the practical and legal requirement to maintain organised, accurate and relevant records which are not excessive.

3.3 The retention periods set out in the below Schedule are guidelines rather than absolute requirements (except where a specific statutory requirement is referenced), but the presumption is that at the end of the specified period, the record should be destroyed in accordance with this policy.

3.4 In some situations it may be appropriate to continue to retain records even after the guideline retention period has expired, including situations where:

- a. the record is relevant to legal action which has been started or is anticipated, in which case the record should be retained for at least the period in which a claim could be brought against BTAS. For most legal claims, the limitation period requires a claim to be brought within 6 years following the event in question, but where a claim of defamation is made, it must generally be brought within a year after publication;
- b. a contractual obligation or grant term requires BTAS to retain the record; or
- c. there is another good reason why it should be retained beyond the guideline retention period.

3.5 When records are being kept for more than the recommended retention period, the records will be clearly marked and the reasons for the extension clearly identified.

Format of records

3.6 This schedule covers both paper and electronic records - the format is irrelevant when deciding whether or not the record should be retained. Electronic records should be understood to include files saved on the shared drive, attached to emails, or held on removable storage devices (e.g. SD cards, USB sticks). Wherever possible just one 'master' copy of the data should be retained - this ensures any changes or searches are always made

in the right place, limits the storage space needed, and helps reduce the likelihood of data being lost or misplaced.

Storage

3.7 Personal data must be stored securely. Hard copy personal information must be kept in locked cabinets. Personal data held electronically must be stored on secure BTAS servers or drives where it will be securely backed up.

Deletion/ destruction

3.8 At the end of the specified retention period the hard copy records (including copies) must be securely destroyed by the BTAS-contracted secure shredding service. All electronic files must be securely deleted from individual computers and the secure servers. Deletion of electronic files is a two-stage process – after someone has deleted a file it is firstly removed to the recycling bin, and the individual will need to delete it from there as well.

Updates and date of last review

3.9 Inevitably some records will not be included in this policy, which cannot be exhaustive. Wherever possible apparent omissions will be treated in line with the nearest equivalent below

Schedule: Retention of Personal Data

	Information Type	Notes	Retention Period
1	Contact details – used for general mailing and marketing purposes (e.g. conference advertising)	ONLY to be used for mailing if there is a record of consent, and email includes link to privacy policy (which includes details on how to withdraw consent).	Review every 2 years and delete if not used. Remove from mailing list immediately once consent revoked unless legitimate other reason for retaining (which must be non-marketing contact).
2	Contact details - without proof of consent for marketing	DO NOT use for marketing.	Retain only as per the categories below
2.a	Contact and personal details for committee members and volunteers, etc.		Contact and personal details: Review 2 years after term of office (if applicable) has expired and delete if not used Archive names and appointment details indefinitely for record purposes.
2.b	Contact and personal details for Trustee, BTAS Pool, TAB & ICC members, & BTAS Judges.		Contact and personal details: Review 2 years after term of office has expired and delete if not used Archive names and appointment details indefinitely for record purposes.

	Information Type	Notes	Retention Period
2.c	Contact and personal details for event delegates, those completing surveys or questionnaires etc		No longer than 1 year after last use. Archive names indefinitely if required for legitimate record-keeping purposes.
2.d	Contact and personal details for professional contacts (actors, film-makers, members of chambers, conference speakers etc)		Review every 2 years and delete if no longer relevant
2.e	Contact and personal details for unsuccessful applicants for committee or BTAS Pool /TAB / ICC roles.	Including applications, interview notes, correspondence etc	No longer than 1 year after last contact.
3	Personal financial data (bank account details, credit card information, etc)		Retain personal financial data only for as long as necessary, review every two years and delete if not used OR obtain renewed consent. Retain evidence of income and expenditure (invoices, bank records, expense claim forms etc) for audit purposes for seven years.
4	Personal medical information	Only to be collected or retained for visa or travel insurance purposes, etc	Retain personal medical information only for purpose/trip it was collected for then delete, UNLESS consent obtained to retain it for a longer period (for example for administrative ease in booking further travel) in which case review

	Information Type	Notes	Retention Period
			every two years and delete if not used OR obtain renewed consent.
5	Personal identification documents (such as copies of passports, visas, driving licences, etc)	Only to be collected or retained for visa or travel insurance purposes, etc	Retain personal identification documents only for purpose/trip it was collected for then delete, UNLESS permission obtained to retain it (for example for administrative ease in booking further travel) in which case review every two years and delete if not used OR obtain renewed consent.
6	Disaster Recovery file		Review every 6 months and delete contents that are no longer relevant
7	Complaints and Subject Access Requests		Review every 2 years after last contact and delete if no longer relevant
8	Accident / Incident records		Three years from date of last entry (Sch 1 Part II Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013)
9	Staff / HR records		6 years after employment ceases, retain name and dates for record keeping
10	Pension records		6 years after employment ceases (COIC) – Middle Temple retains master records in accordance with statutory period.

	Information Type	Notes	Retention Period
11	Unsuccessful applications for employment at COIC		No longer than 1 year after last contact.

Schedule: Retention of Other Information & Data

While not personal data for the purposes of data protection, the following is provided for the avoidance of doubt:

	Information Type	Notes	Retention Period
12	Committee papers		Indefinitely. Check for personal data before making publicly available.
13	Policies, rules, procedures, guidance and project information.		Indefinitely
14	Monitoring Information	Collected for equality and diversity purposes	If individuals are identifiable, no longer than is necessary for the purpose it was collected for (e.g. monitoring fair and open recruitment). If anonymised, indefinitely.

Schedule: BTAS Data

Due to the nature of BTAS' work, it processes a large amount of personal data (and may well include special category or criminal offence data which is afforded greater protection under the GDPR). In addition to the points above, the following information applies to the retention of BTAS case files (and supersedes the retention periods specified above if in apparent conflict). These are in accordance with the Bar Standards Board's Publication Policy (for Tribunal Hearings), or extrapolated from this (for other Hearings).

	Hearing Type	Outcome	Retention Period
14	Disciplinary Tribunals	All charges dismissed	3 years after appeal period has expired
15	Disciplinary Tribunals	One or more charges proven and sanction is not disbarment or a suspension of more than one year	6 years after appeal period has expired
16	Disciplinary Tribunals	One or more charges proven and sanction is a suspension of more than one year	10 years after appeal period has expired
17	Disciplinary Tribunals	One or more charges proven and sanction is disbarment	Indefinitely
18	Interim Suspension and Fitness to Practise Hearings	Case dismissed	3 years after appeal period has expired
19	Interim Suspension and Fitness to Practise Hearings	Case proven and outcome is a suspension or restriction on practise for less than one year	6 years after appeal period has expired

	Hearing Type	Outcome	Retention Period
20	Interim Suspension and Fitness to Practise Hearings	Case proven and outcome is a suspension or restriction on practise for more than one year	10 years after appeal period has expired
21	Inns' Conduct Committee Hearing	Case returned to Inn; applicant found Fit and Proper, or a Serious Matter not found proven	3 years after appeal period has expired

4. Glossary

BTAS Pool	The body of individuals selected to serve as members and clerks at hearings.
ICC	Inns' Conduct Committee – <i>refers to the committee itself, rather than ICC Hearings which are held in front of BTAS Pool members.</i>
TAB	Tribunal Appointments Body – the committee responsible for ensuring the valid appointment of the BTAS Pool.

5. Complaints

5.1 Complaints about this policy or its operation will be dealt with in accordance with the BTAS Complaints Policy.

6. Review

6.1 This policy will be monitored and reviewed annually.