



National Federation of
Voluntary Service Providers

Supporting people with intellectual disability (CLG)

Guidance on Records Retention

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Glossary Of Terms & Definitions

Record

A record is defined under the Freedom of Information Act 2014 as

(a) a book or other written or printed material in any form (including in any electronic device or in machine readable form),

(b) a map, plan or drawing,

(c) a disc, tape or other mechanical or electronic device in which data other than visual images are embodied so as to be capable, with or without the aid of some other mechanical or electronic equipment, of being reproduced from the disc, tape or other device,

(d) a film, disc, tape or other mechanical or electronic device in which visual images are embodied so as to be capable, with or without the aid of some other mechanical or electronic equipment, of being reproduced from the film, disc, tape or other device, and

(e) a copy or part of any thing which falls within paragraph (a), (b), (c) or (d),

and a copy, in any form, of a record shall be deemed, for the purposes of this Act, to have been created at the same time as the record.”

Personal Data

The term “personal data” means any information relating to a living person who is identified or identifiable (such a person is referred to as a “data subject”). If the information can be used on its own or in combination with other information to identify a specific person, then it counts as personal data.

The GDPR gives examples of identifiers, including names, identification numbers, and location data. A person may also be identifiable by reference to factors which are specific to their identity, such as physical, genetic or cultural factors.

Special Categories of Personal Data

Certain types of sensitive personal data are subject to additional protection under the GDPR. These are listed under Article 9 of the GDPR as “special categories” of personal data. The special categories are:

1. Personal data revealing racial or ethnic origin,
2. Political opinions,
3. Religious or philosophical beliefs,
4. Trade union membership,
5. Genetic data and biometric data processed for the purpose of uniquely identifying a natural person,
6. Data concerning health,
7. Data concerning a natural person’s sex life or sexual orientation.

Processing of these special categories is prohibited, except in limited circumstances set out in Article 9 of the GDPR.

Records Management

Records management is the application of controls and procedures to the creation, maintenance, use and disposal of records, elements of which include correspondence and forms management, identification of the staff member responsible for the record, records classification, files management, retention scheduling, disaster planning, vital records protection, the administration of inactive records storage, archival preservation activities and the destruction of records.

Processing

The term “processing” refers to any operation or set of operations performed on personal data. Processing includes storing, collecting, retrieving, using, combining, erasing and destroying personal data, and can involve automated or manual operations.



Health & Social Care Records

Health and social care records are records which contain person specific information relating to people supported by a service and include the following:

- Reports, Personal Plans, File Notes, Correspondence, Emails, etc.

Management and Administrative Records

Management and Administrative records includes all records (excluding health and social care records which are person specific) which are created or received by staff in the course of their duties and include the following:

- Financial, Payroll and Pension records;
- Records of Properties, Motor Vehicles and Equipment;
- Legal and Insurance Records;
- Advocacy, Training and Evaluation Records;
- Human Resources Records;
- Occupational Health Records;
- Management and Administrative Records; and
- Health and Safety Records;
- Governance Documents;
- Policies, Procedures and Guidelines.

Records Life-Cycle

Records Life Cycle describes the life span of a record from its creation/receipt through the period of its “active” and “semi-active” use, then into a period of “inactive” retention (such as closed files which may still be referred to occasionally) and finally either confidential disposal or archival preservation.

Active Records

Active records are records which are required and referred to infrequently and are not required constantly for current use.

Semi-Active Records

Semi-active records are removed from office space to lower cost off-site storage until they are no longer needed.

Inactive / Closed Records

Inactive records are records for which the active and semi-active retention periods have lapsed and which are no longer required to carry out the functions for which they were created.

Record Retention Schedules

A Records Retention Schedule is a control document that indicates the length of time each record series shall be retained as active before transfer to the semi-active storage; the length of time each series should be retained as semi-active prior to final disposition; and the final disposition of each series. This document sets out the various time frames built into legislation for the keeping or disposal of records.

Disposition

Disposition is the action taken in regard to the disposal of records, which can involve physical destruction by means of security shredding or recycling; or transfer to archival storage for selective or full retention.



Confidentiality

Refers to the limited use of information about individuals supported by the service or staff, which is obtained by staff during the course of their work. Information contained in management and administrative records can also be considered confidential. Only information, which is directly relevant to the provision of a service to the individual, should be sought. This information should be treated with the utmost respect at all times in order to preserve the individual's right to privacy and to establish and maintain a good working relationship. These principles should be borne in mind at all times when gathering and sharing information.

Record Series

Groups of related records, which are created and used with a common purpose, for example, financial records, personnel records, etc.

Chapter 1 - Introduction

The National Federation of Voluntary Service Providers would like to acknowledge and thank the members of the Freedom of Information Network and the Data Protection Network for developing this guideline document to assist members in drafting their own policy and procedures in relation to data retention.

Scope of the Guidelines

These Guidelines apply to all records created or received by staff in the course of their duties on behalf of the service and retained as evidence of the activities of the service.

Records can be held in a variety of physical forms including: paper documents including both written and printed matter, electronic records (i.e. word processing files, database, spreadsheet files, emails, electronic data on any media, etc.) drawings, photographs or anything on which information is recorded.

Records created or received can be classified into two main groupings:

- Health and Social Care records containing person specific information relating to people supported by a service (personal data and special categories of personal data)
- Management and Administrative records which includes all other records which are created or received by staff in the course of their duties on behalf of a service.

Why Create a Record?

Records created should be both accurate and complete. They must provide evidence of the function or activity they were created to document. In order to be evidential, records must be authentic, reliable, have integrity and be useable.

An **authentic** record is one that can be proven to be what it purports to be. In order to ensure that the records created are authentic then records should be dated, timed and signed. They should be placed into the filing system to form part of the retention schedule so that they are protected against unauthorised addition, deletion or alteration.



A **reliable** record is one that can be trusted to be an accurate representation of a function or action taken. Therefore, records should contain all relevant facts and be created at the time of the action or transaction or as soon as possible afterwards by a person authorised to carry out that function, action or transaction.

The **integrity** of a record refers to it being complete and unaltered. Once created, additions or annotations to the record can only be carried out by those authorised to do so and any amendment should be explicitly indicated on the record.

A **useable** record is one that can be located, retrieved, presented and interpreted or read whenever or wherever there is a justified need for that information. It should be traceable within a records management system. Record schedules and filing indices that capture the records are essential in ensuring records are useable. In electronic records, metadata or contextual information is required in addition to the physical transfer of records to ensure their continued usability.

Records retained should be original (or an electronic copy, transferred using the appropriate and verifiable system), unique or of continuing importance. They should have service delivery, legal, fiscal, administrative or historical purpose.

Ownership of Records

All records created by staff in the course of their duties on behalf of a service are owned by that service.

Chapter 2 - Records Management

Essentials of Records Management:

Records are created to:

- Record events and incidents, positive and negative in a person's life;
- Enable people supported by a service to access information about services and their interaction with that service;
- Support the communication of information between staff with others involved in the delivery of services;
- Facilitate sharing of information between staff from different areas, to ensure that appropriate support is planned for and provided;
- Enable management to monitor the work of staff and give appropriate advice, support and direction where required;
- Enable information to be collected to provide a basis for evaluating service delivery, managing resources and future planning;
- Provide a means of accountability to whoever is entitled to it, so that actions and decisions that have been taken can be understood and justified in the context of legislation, professional standards, guidelines, evidence, research and professional and ethical conduct; and
- Provide information that may be needed as evidence in court proceedings, internal and external inspections, complaints and investigations.



Records Management is the systematic collection, classification, indexing, retention and disposal of corporate records (paper or electronic). Procedures should ensure that:

- Complete and accurate records of the agencies activities and decisions are created as soon as possible after the event;
- A new record (whether created internally or received from elsewhere) is associated to its correct file;
- All essential and significant records should bear the unique index number of the file where they are stored e.g. all memos should bear the file number;
- Records are attached in the appropriate order for that file;
- Non record documentary material, where appropriate, is associated with the official file;
- Non-record documentary material, where appropriate, is associated with the official file;
- Personal records are just that – they should hold information on the named person only – staff member or person supported.

Records Keeping Standards

Records held in a service should contain information which is relevant to the provision of services. In order to be effective, accurate and safe, records must:

- Provide clear evidence of the services and supports planned, decision made, and supports availed of;
- Indicate the method by which the wishes of people supported by services were elicited and how these wishes were included in planning and delivering services;
- Be authentic in that they can be proven to:
 - Be reliable in that the contents of which can be trusted as a complete, factual and accurate representation of the transactions, activities or facts to which they attest (opinions must be clearly recorded as such);

- Be legible with clear handwriting or type and written in black ink so that they can be easily read and reproduced when required;
- Be written using simple language, which is clear and meaningful, so that the report can be readily understood by those who have a legitimate reason to access it. The record must not include jargon, meaningless phrases, irrelevant speculation and offensive, subjective statements. If using abbreviations, they must be from an agreed abbreviation list;
- Be made as soon as possible after the event to which they relate, (if the date and time of the event differs from that of when the records are written up, this should be clearly noted). The record must demonstrate the chronology of events and all significant consultations, assessments, observations, decisions, interventions and outcomes;
- Be accurately dated, timed and signed with the staff member's name printed legibly underneath the signature together with their staff title; and
- Ensure that there is a lawful basis for processing Data (General Data Protection Regulations (GDPR)).
 - Consent;
 - Under contract with a legal obligation – employer/employee;
 - Compliance with a legal obligation – required under law;
 - Vital interest – protect someone's life- Health Care;
 - A Public Task – official functions or a task in the public interest;
 - Legitimate interests – you can process personal data without consent if you have a genuine and legitimate reason, unless this is outweighed by harm to the individual's rights and interests.

Chapter 3 - Records Management System

Records Management System

Records Management system (RMS) is a process for the management of records of an organisation throughout the records life-cycle. The activities in this management include the systematic and efficient control of the creation, maintenance and destruction of the records along with the business transactions associated with them.

The purpose of records management is part of an organisation's broader function of Governance, risk management and compliance and is primarily concerned with managing the evidence of an organisation's activities as well as the reduction or mitigation of risk.

Elements of an effective records management system

- Records Inventory & Classification;
- Retention scheduling;
- Records Storage & Conversion;
- Vital Records Program;
- Disaster Prevention & Recovery Planning;
- Disposition.

Record Management Systems can be manual or electronic. There are various document management solutions on the market and it is up to each organisation to assess their suitability.

HIQA have a Guidance document on Information governance for health and social care services. Section 2.4.4 of that document gives examples of good records management practice.

Chapter 4 - Legal Obligation & Good Practice

It is the legal obligation of all services to comply with the provisions of section 2(1) (c) of the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) (2016/679). The GDPR came into force across the European Union on 25 May 2018. It replaced the existing Data Protection Directive 95/46/EC. The GDPR introduces substantial changes to European data protection law, along with severe financial penalties for non-compliance.

The Data Protection Act 2018 sets out the principle that personal data shall not be kept for longer than is necessary for the purpose or purposes for which it was obtained. This requirement places a responsibility on services to be clear about the length of time personal data will be kept and the reasons why the information is being retained. To comply with this rule, organisations must have a policy on retention periods for personal data that is retained. This policy must include defined retention periods for records and systematic disposal of records within a reasonable period after the retention period expires. Since 2003, Data Protection legislation applies to both electronic and hard copy records. The purpose of this document is to provide guidance on retention and destruction of records in line with legislation.

The Data Protection Commission (DPC) is the national independent authority responsible for upholding the fundamental right of individuals to have their personal data protected. The DPC is the Irish supervisory authority for the General Data Protection Regulation (GDPR), and also has functions and powers related to other important regulatory frameworks including the Irish ePrivacy Regulations (2011) and the EU Directive known as the Law Enforcement Directive.

In parallel with the GDPR, the European Commission proposed the Law Enforcement Data Protection Directive (2016/680) (LEDP Directive), on protecting personal data processed for law enforcement purposes, which will replace the Data Protection Framework Decision 2008. The LEDP Directive was transposed into national law by Member States on 6th May 2018.



The Child Care (Placement of Children in Residential Care) Regulations 1995 refer to children in the care of the HSE. This means children who are or have been in care under the provisions of the Child Care Act 1991 on either a voluntary basis or under a Court Order – These records must be kept in perpetuity.

GDPR and Data Protection legislation directs that we ask the following questions about the data we hold and collect:

1. Why am I taking/making a record, for what purpose?
2. What is in this record, is it personal or sensitive information?
3. Do I have a legal basis for having/retaining/destroying this record?
4. Do I need to have consent to have/retain or destroy this record?
5. Do I have consent or another legal basis for keeping this record?
6. Are my required consents up to date (annual)?
7. How did I obtain the information?
8. What was the purpose of gathering the information originally and does this purpose still apply?
9. How long am I required to keep this record?
10. Do we have a system of records management that supports the easy retrieval of records?
11. Who reviews the records we hold and who ensures that records are retained / destroyed within the law?
12. What regulations (financial/HR/health/employee/tax law etc.) inform the length of time I should keep this record?
13. How secure is it, both in terms of encryption and accessibility?
14. Are the records secure and access restricted as appropriate?
15. Do I ever share this information with third parties and on what basis might I do this?
16. Do we have a policy and procedure relating to records management, retention and destruction?

Retention periods for specific records are set out in legislation, e.g.

- Health Act Regulation 2013 Section 6;
- Companies Acts;
- Revenue Commissioners Guidelines;
- The Terms of Employment Act, 1994;
- Organisation of Working Time Act 1997 and 2011;
- Parental Leave Acts 1998-2006;
- Safety, Health & welfare at Work (General Application) Regulations 1994 & 2007;
- Worker Protection (Regular part-time employees) Act 1991.

Chapter 5 - Record Retention Periods

Record Retention Periods

This document sets out guidelines in relation to record retention periods. It is recommended that all National Federation Members adopt similar timescales to that outlined in this document which is compliant, where appropriate, with the **HSE Record Retention Periods Health Service Policy 2013**.

Each agency needs to determine their own clear records management policy, especially those holding large amounts of records. All records should be easily accessible and securely stored. Confidential records should be stored appropriately in line with current legislation and regulations.

Storage Issues

As the volume of records increase, various forms of retention must be employed other than retaining hard copy versions. The availability and development of different forms of electronic recording technologies presents the most realistic future direction for long-term record retention. Services should comply with the Data Protection Act 2018 and GDPR. Services must be aware of their data protection responsibilities. Staff should be made aware of their responsibilities through appropriate induction training with refresher training as necessary and the availability of an internal data protection policy that is relevant to the data held by your organisation.

Your internal policy must reflect the eight fundamental data protection rules and apply them to your organisation:

1. Obtain and process information fairly.
2. Keep it only for one or more specified, explicit and lawful purposes.
3. Use and disclose it only in ways compatible with these purposes.
4. Keep it safe and secure.

5. Keep it accurate, complete and up-to-date.
6. Ensure that it is adequate, relevant and not excessive.
7. Retain it for no longer than is necessary for the purpose or purposes it was collected.
8. Give a copy of his/her personal data to an individual, on request.

Access to Records

Each organisation should develop their own policy outlining the appropriate level of access to each record held, in accordance with the General Data Protection Regulation (GDPR) (2016/679) and the Freedom of Information Act 2014.

Retention Schedule:

1. Classification of a Record
2. Assessing the Value of the Records
3. Documenting the Retention schedule

1. Classification of a Record:

The classes of records typically held by Service Providers are:

- Records of Residential Services including the records of people supported;
- Community Care Records including the records of people supported;
- Personal/Human Resource Records;
- Financial Management, Insurance and Legal Records;
- Governance Records.



2. Assessing the Value of Records & National Archives:

This involves determining retention periods for records and any special protection or preservation requirements. Determining a retention period for each record series is based on the value of the series and relevant statutory requirements, regulations and policy. In some instances, for example accounting records, the retention periods are fixed by legislation.

The Records Acquisition and Description Division (RADD) of the National Archives provides advice and guidelines to public service bodies on a range of matters relating to the management of records under their control and provides guidelines for Government Departments and the Courts on the transfer of records to the National Archives. Each organisation should establish if the National Archives Act 1986 and subsequent Amendment Act 2018 applies to them and follow the appropriate guidance.

3. Documenting the Retention Schedule:

The process of determining the Records Retention Period was carried out by reviewing the HSE policy of 2013, as well as reviewing all associated legislation. The principles of making good record retention decisions can be summarised as:

- Avoid trying to accommodate every conceivable need;
- Retain information if it is likely to be needed in the future and if the consequences of not having it would be substantial;
- Be conservative i.e. avoid inordinate degrees of risk;
- Ensure systematic disposal of records immediately after their retention period expires or archive as determined;
- Base retention periods on the required legislation; and
- Apply common sense.

Note: If under investigation or if litigation is likely hold documents in their original form indefinitely – otherwise – retain records in their original form for the minimum periods set out on the next page.

Chapter 6 - Records of Children Supported by Services

GENERAL CLASS OF RECORD HELD	DEFAULT RETENTION PERIOD	FINAL DISPOSITION	SOURCE OF GUIDANCE
Records created under Child Care Acts.	Hold in perpetuity	Not applicable	HCR10 HSE Health Service Policy 2013 Record Retention Periods
Case records and registers: Fostering	Hold in perpetuity - Child Care (Placement Of Children In Foster Care) Regulations, 1995	Not applicable	Section 5 HSE Health Service Policy 2013 Record Retention Periods
Case records and registers: Placement of Children with relatives	Hold in perpetuity - Child Care (Placement Of Children In Foster Care) Regulations, 1995	Not applicable	Section 5 HSE Health Service Policy 2013 Record Retention Periods
Case records and registers: Children in Residential Care	Hold in perpetuity - Child Care (Placement Of Children In Foster Care) Regulations, 1995	Not applicable	Section 5 HSE Health Service Policy 2013 Record Retention Periods
Social Work - Records created under Child Care Legislation Housing, Welfare, etc.	Hold in perpetuity	Not applicable	Section 5 HSE Health Service Policy 2013 Record Retention Periods
Social Work Records of children supported by services	Retain indefinitely during the lifetime of the person, and for 8 years after death. Note: Records created under the Child Care legislation – hold in perpetuity.	Destroy under confidential conditions	Section 5 HSE Health Service Policy 2013 Record Retention Periods

Chapter 7 - Records of Adults Supported by Services

A healthcare record refers to all information collected, processed and held both in manual and electronic formats pertaining to the person and their supports. It includes demographics, unique identification, clinical data, images, investigations, samples, correspondence and communications relating to the person supported and their service.

GENERAL CLASS OF RECORD HELD	DEFAULT RETENTION PERIOD	FINAL DISPOSITION	SOURCE OF GUIDANCE
Records of people currently supported by services	Retain during the lifetime of the person, and for 8 years after death	Destroy under confidential conditions however if serious untoward issues arise keep for up to 30 years after death	HCR42 HSE Health Service Policy 2013 Record Retention Periods
Records of people who are no longer availing of services	Retain for 20 years from date of last entry in the records and retain core details e.g. name, address, date of birth, date of admission, date of discharge and birth cert in perpetuity.	Destroy under confidential conditions or Archive as appropriate	HCR42 HSE Health Service Policy 2013 Record Retention Periods
Records of applicants for services who are not admitted or not entered on a waiting list	Retain for 10 years	Destroy under confidential conditions	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Psychology Records of people supported by services	Retain during the lifetime of the person, and for 8 years after death.	Destroy under confidential conditions	HCR48 HSE Health Service Policy 2013 Record Retention Periods
Social Work Records of adults supported by services	Retain during the lifetime of the person, and for 8 years after death.	Destroy under confidential conditions	HCR52 HSE Health Service Policy 2013 Record Retention Periods

GENERAL CLASS OF RECORD HELD	DEFAULT RETENTION PERIOD	FINAL DISPOSITION	SOURCE OF GUIDANCE
Speech and Language Therapy Records	Retain during the lifetime of the person, and for 8 years after death	Destroy under confidential conditions	HCR53 HSE Health Service Policy 2013 Record Retention Periods
Clinical Audit Records	5 Years	Destroy under confidential conditions	HCR11 HSE Health Service Policy 2013 Record Retention Periods
Photographs (where the photograph refers to a particular person it should be treated as part of the healthcare record)	Retain during the lifetime of the person, and for 8 years after death.	Destroy under confidential conditions	HCR43 HSE Health Service Policy 2013 Record Retention Periods
Healthcare records (excluding records not specified elsewhere in this schedule)	8 years after conclusion of treatment or death	Destroy under confidential conditions	HCR23 HSE Health Service Policy 2013 Record Retention Periods
“Serious untoward incident” records	Retain during the lifetime of the person, and for 30 years after death	Destroy under confidential conditions	HCR24 HSE Health Service Policy 2013 Record Retention Periods
Records of Destruction of Individual Healthcare records (case notes) and other health related records contained in this retention schedule (in manual or computer format)	Permanently		HR50 HSE Health Service Policy 2013 Record Retention Periods
Admission Books (where they exist in paper format)	8 years after the last entry	Likely to have archival value. Contact the National Archives (RADD)	HR3 HSE Health Service Policy 2013 Record Retention Periods
Discharge Books (where they exist in paper format)	8 years after the last entry	Likely to have archival value. Contact the National Archives (RADD)	HR18 HSE Health Service Policy 2013 Record Retention Periods

Chapter 8 - Personal/Human Resource Management Records

This guidance covers the information held on employees past or present, commonly called Human Resource Management files or Personal Files. The requirements of the Single Public Service Pension Scheme (SPSPS) and the Nominated Health Agencies Superannuation Scheme (NHASS) were the main determinant of the retention periods for these files. Records which document the broader work of Human Resources section, for example policies, that provide the foundation for actions which are applied to individual employees, are part of the registered file collection. The records held in Personal files cover six broad areas:

- Employment and Career;
- Health;
- Pay;
- Pension;
- Welfare;
- Security.

All five areas of information may not be held on one central file, but may be retained separately. This may be to facilitate disposal, to safeguard sensitive information, for example discipline and grievance papers, or because of physical location. Employee personnel records are also increasingly held in electronic databases. The retention of information so held should be the same as that for the equivalent paper records. The difficulty encountered by organisations will centre round their physical retention, including migration or emulation when software systems are changed or upgraded.

The Organisation of Working Time Act, the Employment Equality Act, the Workers Protection (Regular part-time employees) Act along with the various SI's under the Safety, Health and Welfare at Work Regulations lay down certain legal requirements concerning record retention. What follows is a record retention schedule for Human Resource files. **If under investigation or if litigation is likely hold in original form indefinitely otherwise retain records for the minimum periods set out below.** The source of guidance for these identified timeframes along with the aforementioned legislation is the Record Retention Period, Health Service Executive 2013 Policy.

GENERAL CLASS OF RECORD HELD	DEFAULT RETENTION PERIOD	FINAL DISPOSITION	SOURCE OF GUIDANCE
Annual Leave Request Records	Retain for 3 years	Destroy under confidential conditions	Organisation of Working Time Act 1997 stipulates keeping these records for 3 years.
Recruitment Competition Files - Applications and CV's of candidates called for interview - Applications and CV's of candidates not qualified or short listed - Interview marking sheet - Interview Board notes - Job Advert - Selection Criteria	Retain for 2 years	Destroy under confidential conditions	See Employment Equality Act 1998-2015. The legal requirement is to keep competition files for a minimum of 6 months with a further 6 months necessary if a case is brought against the employer under the Equality Act. A period of 2 years more than adequately meets the legislative requirements and provides a reasonable period of time to provide reasons for Decisions under Section 10 of the FOI Act 2014

GENERAL CLASS OF RECORD HELD	DEFAULT RETENTION PERIOD	FINAL DISPOSITION	SOURCE OF GUIDANCE
Personnel File - Application and CV - Carer's Leave Records - Contract/Personal Specification/Job Description - Parental Leave Records - Probation Forms - Sick Leave Records - References	<p>(1) The registered provider shall ensure that the records set out in Schedules 2, 3 and 4 are kept in a designated centre and are available for inspection by the Chief Inspector.</p> <p>(2) Records kept in accordance with this section and set out in Schedule 2 shall be retained for a period of not less than 7 years after the staff member has ceased to be employed in the designated centre concerned.</p> <p>And / or depending on your practice HR retain for duration of employment, forward to Pensions on retirement. Hold for 7 years after death of pensioner</p>	Destroy under confidential conditions	Health Act Regulation 2013 Part 6 HIQA Regulations
Pensioner File - Refund File - Preserved Benefit Statement - Temporary Service Files - Pension Benefit Statements	7 years after the death of the pensioner	Destroy under confidential conditions	6.0 HSE Health Service Policy 2013 Record Retention Periods
Industrial Relations/Trade Union negotiation	Retain indefinitely	Archive	6.0 HSE Health Service Policy 2013 Record Retention Periods
Pay and conditions (exceptions)	Retain indefinitely	Archive	6.0 HSE Health Service Policy 2013 Record Retention Periods
Employer/Industrial Relations Case Files	7 years from completion of the case	Destroy under confidential conditions	6.0 HSE Health Service Policy 2013 Record Retention Periods

GENERAL CLASS OF RECORD HELD	DEFAULT RETENTION PERIOD	FINAL DISPOSITION	SOURCE OF GUIDANCE
Occupational Health Records - Pre-employment medical reports	Retain indefinitely	Archive	Appendix 1 Human Resource Detail HSE Health Service Policy 2013 Record Retention Periods
Unsolicited Applications for Jobs	Retain for 1 year	Destroy by shredding	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Student Work Placement Records Application forms Placement Reports	Original – 7 years	Destroy by shredding	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Training Course Content and Revision, Annual Programme of Courses and Training, and Attendance lists for Mandatory Training Information and published material on external training courses and 3rd level courses.	Retain one set indefinitely 3 years after information has been superseded	Archive Destroy by shredding	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Annual Leave Request Records include, sick leave record including certificates, career break applications and correspondence, special leave, jury service leave, compassionate leave record and superannuation. (The Organisation of Working Time Act 1977)	Sick certificates - 3 years. (Organisation of Working Time (Records) (Prescribed Forms and Exemptions) Regulations, 2001, S.I. 473/2001.) Other absence records 8 years (Parental Leave Acts 1998 and 2006; Carer's Leave Act 2001) Records required for calculation of pension - forward to Pensions on retirement. Hold for 7 years after death of pensioner	Destroy under confidential conditions	Appendix 1 Human Resource Detail HSE Health Service Policy 2013 Record Retention Periods
Duty Rosters & Staff Attendance Records	Hold for 6 years after the year to which they relate	Destroy under confidential conditions	9.0 HSE Health Service Policy 2013 Record Retention Periods

GENERAL CLASS OF RECORD HELD	DEFAULT RETENTION PERIOD	FINAL DISPOSITION	SOURCE OF GUIDANCE
<p>Pension files – include information such as the refund file, preserved benefit statements and temporary service files, calculations and final awards, contributions paid, reports and adjustments, copy of birth certificate/ passport, unpaid absences records, payroll adjustments letters for unpaid sick leave, parent leave, unpaid maternity leave, career break, pensionable service, pre entry service, purchased service, records of refunds, and transferred service certificates of service letters.</p>	<p>Retain for 7 years after the death of a pensioner</p>	<p>Archive</p>	<p>Appendix 1 Human Resource Detail HSE Health Service Policy 2013 Record Retention Periods</p>
<p>Allegations and Complaints</p>	<p>If complaint unfounded hold in sealed envelope on file for 7 years and then destroy.</p> <p>Where the matter involved criminal activity these records should be retained indefinitely.</p>	<p>Destroy under confidential conditions</p> <p>Archive</p>	<p>Appendix 1 Human Resource Detail HSE Health Service Policy 2013 Record Retention Periods</p>

GENERAL CLASS OF RECORD HELD	DEFAULT RETENTION PERIOD	FINAL DISPOSITION	SOURCE OF GUIDANCE
Complaint files FOI requests Data Protection requests Ombudsman / Information Commissioner requests	<p>It is recommend that a retention period of a maximum of 7 years applies to files created under; the FOI Acts, the Data Protection Acts and following engagement with the Ombudsman, the Ombudsman for Children, the Information Commissioner</p> <p>*Where possible electronic copies of files should be created, therefore avoiding the need to keep the paper copies for the 7 year period other than:</p> <ul style="list-style-type: none"> - those files created under the Child Care Act 1991 which shall be held in perpetuity - cases still ongoing - cases that involved legal action- cases that create a precedent <p>(It is recommended that a similar policy is applied to non-personal records of this nature)</p>	Destroy under confidential conditions	8.0 HSE Health Service Policy 2013 Record Retention Periods
Litigation dossiers and records relating to any form of litigation e.g.HR investigative files	If under investigation or if litigation is likely, files must be held in original form indefinitely	Archive	9.0 HSE Health Service Policy 2013 Record Retention Periods
Volunteer Records including those applicants who have been judged to be unsatisfactory.	<p>Retain for 10 years after volunteer leaves</p> <p><i>You should explain how volunteer records will be stored and accessed in a way that complies with data protection legislation.</i></p>	Archive	9.0 HSE Health Service Policy 2013 Record Retention Periods
Staff Diaries	Retain for 5 years	Destroy by shredding	7.0 HSE Health Service Policy 2013 Record Retention Periods

GENERAL CLASS OF RECORD HELD	DEFAULT RETENTION PERIOD	FINAL DISPOSITION	SOURCE OF GUIDANCE
Service Diaries (Service diaries that include information relating to individuals service) House Maintenance Log (information relating to household maintenance only)	Retain indefinitely 3 years	Archive Destroy by confidential shredding	National Federation of Voluntary Service Providers FOI & Data Protection Networks
External Quality Control records Internal Quality Control records	2 years or when superseded 10 years	Destroy by confidential shredding	4.0 HSE Health Service Policy 2013 Record Retention Periods
Health & Safety – Accident statistics	Retain indefinitely	Archive	Safety, Health & Welfare Act 2005
Health & Safety – Fire drill records	Retain original indefinitely Destroy any copies after 2 years	Archive	Safety, Health & Welfare Act 2005
Fire equipment certificate copies – service areas	Retain for 6 years from date equipment is de-commissioned	Destroy under confidential conditions	Safety, Health & Welfare Act 2005
Fire Registers	Retain original indefinitely	Archive	Safety, Health & Welfare Act 2005
Health & Safety - Audits, Codes of Practice, Insurance correspondence, Hazard/Incident Report Forms, Authority Correspondence, records of meetings, Manual Handling Risk Assessment Checklists, Pregnant Employee Assessment Forms, Risk Assessment reports, Safety Audits, Safety inspections, Safety Statements, and Safety Training Records.	Retain original indefinitely	Archive	Safety, Health & Welfare Act 2005
Health & Safety – Safety manuals and Safety Policies.	Retain for 2 years after they have been superseded.	Destroy by shredding	Safety, Health & Welfare Act 2005

Chapter 9 - Financial Records, Insurance & Legal

The decision on how long to keep a financial record before destroying it is influenced by three main factors:

- Statutory requirements e.g. audit, revenue commissioners' guidelines and the acceptability of copies as "evidence in a court of law";
- The practicality and usefulness of holding originals for reference in preference to holding them in electronic form;
- Archive consideration noting that some information is of a sort which should be retained in perpetuity. E.g. Annual Financial Statements.

As with other categories, the individual record retention durations listed below are consistent with the Health Service Policy 2013 Record Retention Periods and the various relevant legislation.

GENERAL CLASS OF RECORD HELD	DEFAULT RETENTION PERIOD	FINAL DISPOSITION	SOURCE OF GUIDANCE
Annual Financial Statements	Retain indefinitely	Archive	HSE Retention of Financial Records NFR-08
Audit reports	6 years	Destroy by shredding	HSE Retention of Financial Records NFR-08
Bank reconciliation	Monthly Reconciliations - 1 year Year End Reconciliation - 6 years	Destroy by shredding	HSE Retention of Financial Records NFR-08
Bank statements	Original - 10 years Copies - 2 Years	Destroy by shredding	HSE Retention of Financial Records NFR-08
Purchase Ledger- Invoices	Original - 6 years Copies - 2 Years	Destroy by shredding	HSE Retention of Financial Records NFR-08
Purchase Ledger - Invoices - Payments	Original - 6 years Copies - 2 Years	Destroy by shredding	HSE Retention of Financial Records NFR-08
Cancelled cheques	6 years	Destroy by shredding	HSE Retention of Financial Records NFR-08

GENERAL CLASS OF RECORD HELD	DEFAULT RETENTION PERIOD	FINAL DISPOSITION	SOURCE OF GUIDANCE
Capital Projects – Invoices/Quotations/Tenders	Retain for 12 years from end of project	Appraise and evaluate for archiving	HSE Retention of Financial Records NFR-08
Circulars F. Team	Retain indefinitely	Archive	HSE Retention of Financial Records NFR-08
Contract/Contract Management files	Hold for 2 years after expiry of contract	Destroy by shredding	HSE Retention of Financial Records NFR-08
Control Account Reports	6 years	Destroy by shredding	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Department of Health and Children Circulars and Correspondence	Retain indefinitely	Archive	HSE Retention of Financial Records NFR-08
Depreciation Schedules	6 years	Destroy by shredding	HSE Retention of Financial Records NFR-08
Management Account Reports	1 year - Service Areas Year End Report - 6 years at Head Office	Destroy by shredding	HSE Retention of Financial Records NFR-08
General Correspondence on Financial Administration	Retain for 12 years	Destroy by shredding	HSE Retention of Financial Records NFR-08
House Accounts - Receipts/Invoices - Reports	Hold for 6 years at Head Office	Destroy by shredding	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Internal financial policies, accounting standards, procedures etc.	Hold for 6 years at Head Office	Archive	HSE Retention of Financial Records NFR-08
Invitation to Tender documents	Hold for 2 years after end of contract	Destroy by shredding	HSE Retention of Financial Records NFR-08
Journals	6 years	Destroy by shredding	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Paid cheques/Copy Cheques/Electronic transfers	6 years	Destroy by shredding	HSE Retention of Financial Records NFR-08

GENERAL CLASS OF RECORD HELD	DEFAULT RETENTION PERIOD	FINAL DISPOSITION	SOURCE OF GUIDANCE
Payment Authorisation Books	Hold for 2 years	Destroy by shredding	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Petty Cash	Original - 6 years (Head Office) Copies - 2 Years	Destroy by shredding	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Property Accounts / Fund Accounts of People Supported by Services	Hold indefinitely or for 6 years after death	Archive / Destroy by shredding	HSE Retention of Financial Records NFR-08 Protection Networks
Purchase order books	Original - 6 years Copies - 2 Years	Destroy by shredding	HSE Retention of Financial Records NFR-08
Receipt books	Original - 6 years Copies - 2 Years	Destroy by shredding	HSE Retention of Financial Records NFR-08
Sales Ledger - Invoices - Receipts	Original - 6 years Copies - 2 Years	Destroy by shredding	HSE Retention of Financial Records NFR-08
Supplier proposals	Hold for 2 years after award of contract	Destroy by shredding	HSE Retention of Financial Records NFR-08
Tax clearance certs	Hold until superseded by a more recent Tax Clearance Cert or for 6 years from last supplier interaction	Destroy by shredding	HSE Retention of Financial Records NFR-08
Tenders (successful)	Tender period plus 6 years	Destroy by shredding	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Tenders (unsuccessful)	6 years	Destroy by shredding	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Travel claims	Original - 6 years Copies - 2 Years	Destroy by shredding	HSE Retention of Financial Records NFR-08
Buildings and engineering works, - key records (e.g. final accounts, surveys, site plans, bills of quantities)	Retain indefinitely	Archive	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Deeds & Titles of Properties/assets	Retain indefinitely	Archive	HSE Retention of Financial Records NFR-08

GENERAL CLASS OF RECORD HELD	DEFAULT RETENTION PERIOD	FINAL DISPOSITION	SOURCE OF GUIDANCE
Equipment - Inspection reports (e.g. boilers, lifts)	Lifetime of installation If there is any measurable risk of a liability in respect of installations beyond their operational lives, the records should be retained indefinitely	Destroy by shredding	PATH5 HSE Health Service Policy 2013 Record Retention Periods
Equipment – records of non-fixed equipment, including specification, test records, maintenance records and logs	Lifetime of equipment If there is any measurable risk of a liability in respect of equipment beyond their operational lives, the records should be retained indefinite	Destroy by shredding	PATH5 HSE Health Service Policy 2013 Record Retention Periods
Lease Agreements	Hold for 6 years after expiration	Destroy by shredding	HSE Retention of Financial Records NFR-08
Manuals (operating)	Lifetime of equipment	Destroy by shredding	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Plans – building (as built)	Lifetime of building	Archive	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Properties - Sale and Purchase records	Retain indefinitely	Archive	HSE Retention of Financial Records NFR-08
Property register	Retain indefinitely	Archive	HSE Retention of Financial Records NFR-08
Vehicle Records: Drivers' log books, Vehicle mileage records etc.	5 years unless litigation ensues	Destroy by shredding	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Vehicle Records: Registration records	5 years unless litigation ensues	Destroy by shredding	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Accident Reports	Original - indefinitely Copies – 2 Years	Archive	HSE Retention of Financial Records NFR-08
Copies of Staff Driving Licences	Hold until superseded	Destroy by shredding	National Federation of Voluntary Service Providers FOI & Data Protection Networks

GENERAL CLASS OF RECORD HELD	DEFAULT RETENTION PERIOD	FINAL DISPOSITION	SOURCE OF GUIDANCE
Copies of Staff Motor Insurance Policies	Retain until superseded	Destroy by shredding	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Incident Reports	Original - indefinitely Copies - 2 Years	Destroy by shredding	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Insurance Certificates	Retain until superseded	Destroy by shredding	National Federation of Voluntary Service Providers FOI & Data Protection Networks Protection Networks
Insurance claim documents	Retain indefinitely	Archive	HSE Retention of Financial Records NFR-08
Insurance Policies - Property (Owned) - Property (Leased)	Retain indefinitely	Archive	HSE Retention of Financial Records NFR-08
Insurance Policies - Motor Vehicles	Retain until superseded	Destroy by shredding	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Listings /payslips	Retain indefinitely	Archive	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Listings /payslips	Retain indefinitely	Archive	National Federation of Voluntary Service Providers FOI & Data Protection Networks
P35 Reports	Retain indefinitely	Archive	National Federation of Voluntary Service Providers FOI & Data Protection Networks
P60 Reports	Retain indefinitely	Archive	National Federation of Voluntary Service Providers FOI & Data Protection Networks

GENERAL CLASS OF RECORD HELD	DEFAULT RETENTION PERIOD	FINAL DISPOSITION	SOURCE OF GUIDANCE
Payroll Creditors – VHI, AVC, INO	Retain indefinitely	Archive	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Payroll Month-end Reports	Retain indefinitely	Archive	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Payroll Salary Adjustments	Retain indefinitely	Archive	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Payroll Union Contributions	Retain indefinitely	Archive	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Payslips	Retain indefinitely	Archive	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Salary Scales/National Wage agreements	Retain indefinitely	Archive	6.0 HSE Health Service Policy 2013 Record Retention Periods
Staff Complement File/Census Returns/ Employment Controls	Retain indefinitely	Archive	6.0 HSE Health Service Policy 2013 Record Retention Periods
Tax Credit Certs	Retain indefinitely	Archive	National Federation of Voluntary Service Providers FOI & Data Protection Networks
Weekly Timesheets – Excel/Word	6 years after the year to which they relate	Destroy under confidential conditions	Organisation of Working Time Act 1997 stipulates keeping these records for 3 years
Records/documents related to any litigation	As advised by the organisation's legal advisor. All records to be reviewed. Normal review 10 years after the file is closed	Destroy under confidential conditions	HCR49 HSE Health Service Policy 2013 Record Retention Periods
Legal Opinion Records	Retain indefinitely	Archive	National Federation of Voluntary Service Providers FOI & Data Protection Networks

Chapter 10 - Records of Corporate Governance

Governance records can be defined as any records an Irish company is required to keep during the course of business. These records can include anti-money laundering documentation, company files in line with the companies Act 2014, company accounts, tax records and other documents linked to the Company. This section deals with those records that do not relate to the company accounts or financial records.

GENERAL CLASS OF RECORD HELD	DEFAULT RETENTION PERIOD	FINAL DISPOSITION	SOURCE OF GUIDANCE
Company Seal	Keep for 6 years after company is dissolved	Destroy under Confidential and Secure Conditions or Secure Archive	Company Act 2014
Company Documents e.g. Articles & Memorandum, / Company Charter, Legal documents of incorporation etc.	Keep for 6 years after company is dissolved	Destroy under Confidential Conditions or Archive	Company Act 2014
Board minutes of meetings and associated papers, agendas and reports. Written Resolutions Published Statutory Notices Copy of Company Letterhead Board sub-committee minutes of meetings and associated papers, agendas and reports.	Keep for 6 years after company is dissolved	Destroy under Confidential Conditions or Archive	Company Act 2014



GENERAL CLASS OF RECORD HELD	DEFAULT RETENTION PERIOD	FINAL DISPOSITION	SOURCE OF GUIDANCE
<p>Copies of Board Compliance documentation including but not limited to: Governance Checklists, Conflict of interest statements. Beneficial Ownership Registration (on RBO portal) List of Directors for rotation purposes.</p> <p>Board Expenses Sheets</p> <p>Various Registers –</p> <p>Register of members</p> <p>Register of Directors & secretaries</p> <p>Register of Directors & Secretary’s interests.</p> <p>Register of debenture holders Register of Company Assets</p>	<p>Keep for 6 years after company is dissolved</p>	<p>Destroy under Confidential Conditions or Archive</p>	<p>Company Act 2014</p> <p>Charities Act 2009</p> <p>Ethics & Standards in Public Office Money Laundering Act 2018</p>
<p>Copies of Board Handbooks, Codes of Conduct, Policies & Procedures for operation of the Board</p>	<p>Keep for 6 years after company is dissolved</p>	<p>Destroy under Confidential and Secure Conditions or Secure Archive</p>	<p>Company Act 2014</p>
<p>Reports to State Bodies from the Board e.g. copy of returns to the CRO e.g. B10 Forms, CRA e.g. Trustee Declaration Forms. Annual Reports & Strategic Plans.</p>	<p>Keep for 6 years after company is dissolved</p>	<p>Destroy under Confidential and Secure Conditions or Secure Archive</p>	<p>Company Act 2014</p>
<p>Employers’ liability insurance policy and schedule.</p>	<p>40 years from the date the company was dissolved</p>	<p>Destroy under Confidential conditions or Archive as appropriate</p>	<p>Company Act 2014</p>

Chapter 11 - Disposal of Records

Destruction Policy

Records that have reached their official retention period should be reviewed under the following criteria, so that ill-considered disposal or a breach of GDPR is avoided. Whenever a schedule is used, the guidelines listed below should be considered. Recommended retention periods should be calculated from the end of the calendar month following the last entry on the document. The records manager or designated person should carry out record reviews in line with the retention and disposal schedule.

Disposal of Records

It is vital that the process of record disposal safeguards and maintains the confidentiality of the records. This can be achieved internally or via an approved records shredding contractor (Data Processing Agreement must be in place), but it is the responsibility of the service to satisfy itself that the methods used provide adequate safeguards against accidental loss or disclosure of the records. A register of records destroyed should be maintained as proof that the records no longer exist. The register should show:

- Persons' name;
- Date of birth;
- Address;
- Name of the file;
- File/record number;
- Former location of file;
- Date of destruction; and
- Who gave the authority to destroy the records & their signature of approval for destruction.



What is Confidential?

Any record containing personal identifiable information such as name, address, date of birth, PPS Number, employee number, or medical record is deemed confidential. Other records may also be confidential if they contain information about the organisation's business or finances. Examples of confidential documents include financial records, payroll records, personnel files, legal documents or medical records.

Segregation of Confidential Waste

Only some documents are confidential and should be disposed in confidential paper bins or security bags. Alternative paper recycling options should be provided for non-confidential paper/magazines.

If shredding off-site, confidential waste should be secure until uplift by the shredding contractor. Confidential waste bags/wheelie bins should be exchanged by the shredding contractor, and shredded off-site at an agreed location. If confidential waste is transported off site, documents should never be legible by members of the public.

Destruction of Digital Media

It is essential when disposing of hard drives, tapes, CDs, memory keys, mobile phones, credit cards, fax machines, printers, x-rays films and any other media containing data that a reliable, secure, traceable and certifiable destruction method is used. There are various companies who provide these services.

Appendix 1

Freedom of Information Network & Data Protection Network

Marie Grimes McGrath, Daughters of Charity Disability Support Services
(Chairperson FOI Network);

Gina Magliocco, Brothers of Charity Services Ireland
(Chairperson Data Protection Network);

Caroline Barrett, Western Care Association;

Fiachra Barrett, Stewarts Care;

Fiona Browne, Cheeverstown House;

Jason Browne, KARE;

John Casey, Brothers of Charity Services Ireland – Roscommon;

Irene Davitt, SOS Kilkenny;

Ann Donohue, Brothers of Charity Services Ireland – West;

Aoife Flynn Kennedy, Sunbeam House Services;

Aine Forde, St. Patrick's Kilkenny;

Deborah Gleeson, Muiriosa Foundation;

Grace Kelly, KARE;

Caroline Looney, National Federation of Voluntary Service Providers;

Caitriona McCarthy, Brothers of Charity Services Ireland;

Mary McGrath, Carriglea Cairde Services;

Mary McMahan, Brothers of Charity Services Ireland – Clare;



Appendix 1 - continued

Brian Muldoon, Brothers of Charity Services Ireland – Limerick;

Eibhlín Ní Oisín, St. John of God Community Services;

Ciara O’Dowd, Brothers of Charity Services Ireland – Roscommon;

Sheila O’Flynn, Cope Foundation;

Kathleen O’Reilly, Brothers of Charity Services Ireland – Southern;

Emer Power, Ability West;

Bronagh Robinson, St. Patrick’s Centre Kilkenny;

Martin Rogers, Sunbeam House Services;

Audrey Ryan, St. Christopher’s;

Declan Ryan, St. Michael’s House;

Margaret Ryan, Brothers of Charity Services Ireland - South East.



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