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| **Barnardo’s**  |
| **Children’s Services and Business Line Procedure** |

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### Children’s Services and Business Lines Data Protection Procedures

**The Retention, Archiving and Deletion of Records Procedure**

**Date established:** 31/7/18

**Review Date:** 31/01/22

**Next Review Date:** 31/01/25

**Owner:** Kate Goodwin

**Distribution:** For internal communication, may be used externally if required, for example for tender submissions.

#### **Purpose**

[Barnardo’s Corporate Data Protection Policy](https://inside.barnardos.org.uk/resources-and-guidance/information-governance-and-data-protection/data-protection-policy) provides the overarching policy framework which enables all staff and volunteers who are acting on behalf of Barnardo’s to comply with the legal requirements of the **UK GDPR and the** **Data Protection Act 2018.** Beneath the Corporate Policy are a number of individual policies and procedures that provide more detailed policy and guidance for specific departments within Barnardo’s.

This procedure that applies specifically to **Barnardo’s Children’s Services and Business Lines.** This procedure isconcerned withthe retention, archiving and deletion of records containing information about service users, foster carers, adopters and supported lodgings providers.

The GDPR Principles require that personal data processed for any purpose must not be kept for longer than is necessary and that files and records must not be used for any purpose other than that for which consent has been given. This procedure sets out the requirements in relation to the management of records containing personal data; retention periods and the process for the deletion and destruction of data when no longer needed for the purpose for which it was obtained and the process for the archival of data.

Adoption records are exempt from the provisions of the GDPR and Data Protection Act but are covered by the requirements of this procedure.

#### Scope

This procedure applies to all staff, as and when workers, volunteers, agency staff, external consultants and interns deployed in Children’s Services and Business Lines. It applies to all records in relation to service users, carers, adopters and supported lodgings providers whether these are electronic or hard copy and includes photographs and audio and video recordings.

This procedure sets out how long records containing personal data must be retained for and the process for deletion and archiving.

#### Roles and Responsibilities

**Regional/National/Commercial Directors/Heads of Business:**

* To ensure that the procedure is implemented.

**Assistant Directors Children’s Services/Assistant Heads of Business/Head of Operations:**

* To ensure thatstaff are implementing the procedure.

**Service Managers:**

* To ensure that the Data Protection Policies and Procedures are implemented within services, and that staff understand their responsibilities.

**All staff and volunteers:**

* To operate within the requirements of the policy and procedures,

**Management Information Officers/Assistant Director Data Protection and Data Governance/ MIO Data Protection and Data Governance/Data Protection Officer:**

* To provide advice and support to staff to enable them to implement this procedure
* To obtain external legal advice if required regarding the application of the Data Protection Act

#### Definitions

**Personal data** – data which relate to a living individual who can

be identified—

* from the data, or
* from the data and other information which is in the possession of, or is likely to come into the possession of, the data controller. This includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

**Sensitive personal data** is information about a person’s physical or mental health, sexual life, racial or ethnic origin, religious beliefs, political opinions and the commission of offences and related prosecution.

#### Policy

##### **Retention of service user and carers’ records**

1. When a service user or carer’s record is closed the appropriate retention period must be recorded on the file. Any contractual, statutory or regulatory requirements must be adhered to.
2. If records are held on Content Server SUR the ‘Retention Period’ fields on the Core Data form must be completed. If records are held on other systems, the retention date must be recorded using the agreed process.
3. Services recording on the commissioner’s recording system must follow the policy and procedures of that agency in relation to the retention, archiving and deletion of records. Managers must ensure that these are set out in the [Service Recording Protocol](https://inside.barnardos.org.uk/resources-and-guidance/childrens-services/recording-policy) and that the staff who are using those systems understand the requirements.
4. Paper records must not duplicate the electronic case file unless there is a statutory, regulatory or contractual requirement to do so. If there is no statutory, regulatory or contractual requirement to retain an original document, documents must be scanned onto the electronic case file and the originals returned or destroyed.
5. If a paper record is maintained the same criteria for the retention period as that for the electronic record must be used and at case closure the file must be clearly labelled with the retention date.
6. The paper record must not be used to store creative material originated by the service user, unless this is part of a therapeutic intervention and cannot be scanned onto the electronic Case File.
7. Wherever possible, personal documents must be returned to the service user or their carer.
8. Photographs and video or audio recordings must be added to the service user record or held securely as required by the [Children's Services and Business Lines Recording Policy](https://inside.barnardos.org.uk/resources-and-guidance/childrens-services/recording-policy).
9. Closed electronic case files in active file rooms, and any related paper files, will be managed by the service manager with responsibility for the file room.

10. When a service closes any paper records that are due to be archived, i.e. retained for more than 25 years, must be transferred to Making Connections.

11. When a service closes any records that are not due to be archived will be the responsibility of the relevant Region/Nation/Business Line, who will manage any Subject Access and Information Sharing requests and ensure that the records are securely destroyed when the retention date is reached.

12. Subject Access and Information Sharing Requests in relation to closed file rooms and archived records will be managed by the Region/Nation/Business Line responsible for the file or Making Connections.

##### **Deletion of records when the retention period is reached**

1. Closed records, electronic and paper, must be reviewed quarterly and any records reaching the retention date must be deleted or securely shredded.
2. Photographs, audio or video recordings held on encrypted memory sticks or other storage devices must be reviewed quarterly and deleted or securely destroyed when the retention period has been reached.

##### **Archiving of records**

1. Closed case files that require archiving must be sent to Making Connections, a list of these is included in section 1.2 of the Proceduresand the **Retention Grid for Service Users, Carers and Adopters’ Records**, see retention schedule.
2. Making Connections are responsible for responding to Subject Access Requests and Information Sharing Requests about archived records.

##### **Adoption Records**

1. The storage, retention and access in respect of adoption records is governed by specific legislation, see **Associated guidance and documents** below.
2. Adoption records are exempted from the DPA under an exemption order (see [Statutory Instrument 2000 No. 419](http://www.opsi.gov.uk/si/si2000/20000419.htm), amended by [Statutory Instrument 2000 No. 1865](http://www.opsi.gov.uk/si/si2000/20001865.htm), and SI [Adoption and Children Act 2002 Consequential Amendments Order 2005](http://www.opsi.gov.uk/si/si2005/uksi_20053504_en.pdf)). These Statutory Instruments exempt adoption records, held by an Adoption Agency, from the subject access provisions of section 7 of the DPA.
3. The exemption order applies to all records i.e. those held before, during and after an adoption order. This means that individuals (adopted people, birth relatives, adoptive parents and prospective adoptive parents) are not able to use the DPA to insist on access to the records held about them. However, Data Protection Principles do apply to the way that Adoption Agencies keep and process information about individuals.

#### Procedures

##### **Service User and carers records**

* 1. **Management of closed case files and associated photographs, and video and audio recordings**

Action: Staff in services

1. Paper records, photographs, and video and audio recordings must be scanned or uploaded onto the case file unless there are statutory, regulatory, contractual or technical reasons why they must be maintained separately.
2. A record of closed paper files, photographs, video and audio recordings must be maintained, which includes the retention date and the date that the record was deleted or shredded. The [Closed Paper Files and Records Log](http://livelink.barnardos.org.uk/otcs/llisapi.dll/properties/253260959) should be used to record these.
3. Closed paper files, photographs, video and audio recordings must be stored in a locked filing cabinet and audited at least annually to ensure that the records are secure.
4. Closed paper files, photographs, video and audio recordings must be reviewed quarterly, see *Guidance on Quarterly Review of Records in Guidance and Associated Documents* section below, and those that have reached the retention date must be securely shredded or destroyed.
5. Closed electronic files must be managed by the CSM responsible for the file room in which the closed files are located.
6. Closed electronic files must be reviewed quarterly, see *Guidance on Quarterly Review of Records in Guidance and Associated Documents* below.
7. A list of the records that have reached the retention date must be sent to surdeletion@barnardos.org.uk and a copy of the list must be retained by the service in a confidential folder.

8. When a service closes the paper records that are required to be archived, see section 1.2, must be sent to Making Connections.

9. The closed paper files, photographs, video and audio recordings that are not due to be archived must be stored securely by the region/nation/business line. The completed [Closed Paper Files and Records Log](http://livelink.barnardos.org.uk/otcs/llisapi.dll/properties/253260959) must be sent with the records.

10. All electronic case files in closed file rooms are held by Information Services and made available only to those with a specific and legal purpose to see them.

Action: Region/nation/business line staff

1. The closed paper files, photographs, video and audio recordings that are not due to be archived must be retained securely by the region/nation/business line for the minimum retention period.

2. Closed paper files, photographs, video and audio recordings must be reviewed quarterly, and those that have reached the retention date must be securely shredded or destroyed.

3. Requests for access to records from closed services must be via the regional, national or business line Senior Management Team or delegated person or Making Connections for records that have been archived.

4. Each request to view a closed record must be recorded on the case file.

5. Services, regional, business line or national offices or Making Connections must maintain a record of requests for information and other contacts if there is no casefile available.

* 1. **Archival of closed case files**

**Action: All staff**

1. Where there is a requirement that records must be kept for a prolonged period any paper files must be sent to Making Connections to be archived (refer to retention schedule).
2. The paper files must be sent to Making Connections six years after closure of the case file, following the *Guidance for Archiving Paper Records* in the *Associated Guidance* section below.
3. The service or region/nation/business line is responsible for all costs involved in the secure transfer of paper files to Making Connections.
4. The service or region/nation/business line must contact Making Connections to agree an appropriate date for the records to be transferred.
5. [The Case File for Archiving Front Sheet](http://livelink.barnardos.org.uk/otcs/llisapi.dll/properties/269347831) or the [Case File for Arching Front Sheet (Family Files)](http://livelink.barnardos.org.uk/otcs/llisapi.dll/properties/269353104) must be fully completed for the subject/s of the case file and placed inside the case file as the first page.
6. Case files must be arranged and listed in alphabetical birth name order prior to transfer to Making Connections.
7. All of the case files being sent to Making Connections must be recorded on the [List of Case Files sent to Making Connections](http://livelink.barnardos.org.uk/otcs/llisapi.dll/properties/269352731) or the [List of Case Files sent to Making Connections (Adoption)](http://livelink.barnardos.org.uk/otcs/llisapi.dll/properties/269347950) and placed inside box 1 (if there is more than one box). A copy of the list must also be emailed to Making Connections and a copy retained by the service or Regional or National Office.
8. Personal/original documents e.g. birth certificates, photographs, school reports, should wherever possible be returned to the service user or their family. In the event that they cannot be returned, the documents must be placed in an envelope clearly marked with birth name, date of birth and, and secured into relevant file.
	1. **Returning files to commissioner**

**Action: all Staff**

1. Where a commissioner requires the service user record to sent to them at the end of a contract, a copy of the record can be retained by Barnardo’s unless the contract specifically prohibits this. The service should keep clear note of which Local Authority holds the record and whether they have the original if a hard copy The copy must be deleted or securely shredded when the Barnardo’s retention date is reached.
2. A list of case files sent to the commissioner must be maintained unless this is prohibited in the contract.

##### **2. Post Adoption Records**

**Action: All staff in adoption services**

1. On making an Adoption Order, placing service must inform **Making Connections** using the[Adoption Notification to Making Connections Form](http://livelink.barnardos.org.uk/otcs/llisapi.dll/properties/269648063). The responsibility for making sure this happens, lies with the Operations Manager.
2. Case Files remain with or remain responsibility of the placing service until the **adoptee is 18** including disruptions. The Case File is then sent to Making Connections. The responsibility for making sure this happens, lies with the Operations Manager.
3. Before sending to Making Connections the paper record must be weeded by the placingservice. Any original documents i.e. photographs, certificates etc. should be put in envelopes and clearly marked with 1) the birth name and 2) the adoptive name and sent at the same time as the Case File. (Documents should have been scanned onto the case file). See Section 7.3.1 Adoption Manual 2009.
4. Case Files on Content server should be transferred from the services, to Making Connections File Room with information conveyed to Making Connections via the [Making Connections List of Adoption Records for Scanning 2009](http://livelink.barnardos.org.uk/livelink91/livelink.exe?func=ll&objId=162023469&objAction=viewversionheader&vernum=1) Form MC2.
5. Where sending paper records to Making Connections these should be boxed in alphabetical order in the birth name and accompanied by an MC2 form. Consideration must be given to scanning the case file content into the Content server case file.
6. Case Files for adoptees, their adoptive parents(s) and post adoption files should be sent together.
7. Making Connections workers will check paperwork and index cards and then send files to the document storage company to be put on disc.
8. Once on disc original files are returned to Head Office for destruction.
9. Making Connections use the form MC2 to mark index cards with the disc number.
10. Discs to be retained in Making Connections.
11. Where prospective adopters are not approved the file remains in the placing service for 3 years and is then destroyed.
12. Where the approved adopters do not have a child placed with them the file remains in the placing service for 3 years, from date of decision made at Adoption Applicant review that applicants are no longer seeking a placement, and is then destroyed.

##### **Case File Retention Periods**

**3.1 Contractual requirements**

**Action: CSMs**

1. Managers must ensure that they understand the contractual requirements set by commissioners or funders in relation to case file retention, which must always be used unless statutory retention periods apply or there is a longer retention period required by Barnardo’s, in which case an agreed retention period needs to be negotiated.
2. Contractual requirements must be recorded in the [Service Recording Protocol](https://inside.barnardos.org.uk/resources-and-guidance/childrens-services/recording-policy).

**3.2 Table of service user and carer record retention periods**

**Action: All staff**

1. The most up-to-date schedule of service user and carer record retention periods is to be used with this procedure.
2. It is a tool to be used by service staff to identify retention periods. The responsibility for setting retention periods lies with CSM/responsible line manager.
3. Retention dates must be added to all case files at closure.
4. File rooms cannot be closed until all the individual case files are closed and have a retention date added.

**3.3 The Barnardo’s minimum retention period**

**Action: All staff**

1. This applies to records where there is no statutory minimum retention period and no contractual requirements in relation to case file retention. This is a minimum retention period.
2. If on an individual case basis there is a need to retain the case for longer this should be agreed by the CSM/responsible manager. The reason for the case being retained beyond the minimum retention period must be recorded in the case file and the service user informed.
3. If it is not possible to inform the service user the reasons for the change from the minimum period this must be recorded on the case file.

#### Associated guidance and documents

**1. Guidance for Archiving Paper Records**

**Preparing the record**

1. Wherever possible scan and save the contents of a paper record onto the associated electronic file to create a single record, unless there is a legal requirement to retain in paper form. Shred the contents of the record after scanning.
2. If it is not possible to scan the paper record onto an electronic file, review the record and remove and shred any duplicates of documents that are held on the electronic file.
3. Complete [The Case File for Archiving Front Sheet](http://livelink.barnardos.org.uk/otcs/llisapi.dll/properties/269347831) or the [Case File for Arching Front Sheet (Family Files)](http://livelink.barnardos.org.uk/otcs/llisapi.dll/properties/269353104) and add to the case file as the first page.

**Preparing the records for transfer**

1. Records must be transferred in a suitable container; this would usually be a box suitable for the size and number of records to be transported. Do not overfill the box and in line with Barnardo’s manual handling policy make sure that it can be lifted by an individual (no more than 5kg per box). Records must be transferred in boxes that are strong enough for the job and not overfilled.  If boxes should split open on route and files should go missing then it would be a data breach.
2. Records must be placed in the box in alphabetical order, e.g. A-C D-F and so on, and each box should be numbered (i.e. Box 1 of 6, Box 2 of 6 etc.). Names of service users should not be written on the outside of the box.
3. List all of the files contained in each box on the [List of Case Files sent to Making Connections](http://livelink.barnardos.org.uk/otcs/llisapi.dll/properties/269352731) (Adoption) or the List of Case Files sent to Making Connections form. The list should be continuous, NOT a separate list for each box.
4. When completing the lists please pay particular attention to the spelling of names and correct date of birth.
5. If a person has been known by more than one surname (or forename) this should be added to the relevant box on the list (i.e. Smith AKA Jones)
6. Place a copy of the full list in the first box, keep a copy locally and a copy should be e-mailed to makingconnections@barnardos.org.uk with the subject “Files for Archiving”.
7. Only case records for archiving must be contained in the boxes.
8. Secure the lid of the box with tape, number all boxes (Box 1 of 6, Box 2 of 6 etc.) and make sure each box is clearly marked with the full Making Connections address (Barnardo’s Making Connections, 140 Balaam Street, Plaistow, London, E13 8RD).
9. Any queries should be directed to Making Connections and resolved prior to sending the records.

**Transfer of records**

1. Agree a date for transfer of the records with Making Connections.
2. Use a reputable courier firm to transport the records, such as DPD, see guidance on couriers below. Once the courier has been booked, service is to contact Making Connections to let them know how many boxes are being sent and the ETA.
3. E-mail a copy of the list of records being transferred to makingconnections@barnardos.org.uk with the subject “Files for Archiving” prior to despatch.
4. When Making Connections have confirmed receipt of all the records, update the record of closed paper files to show that they have been sent to Making Connections.

**Courier Guidance**

1. Always use a reputable courier company who tracks the boxes on route to their destination and if they need to be held overnight keep the records in a secure environment.

2. DPD is our recommended courier company.

3. If DPD is not available in the service location then the service should make arrangements with an alternative company.  Choose a well-established company and check the company website for their security policy.  If this isn’t clear the service need to contact the company directly for more clarification on security arrangements and if in doubt do not use them.

4. All boxes must be clearly marked with the full address of Making Connections (Barnardo’s Making Connections, 140 Balaam Street, Plaistow, London, E13 8RD)

5. All boxes need to be clearly numbered (i.e. Box 1 of 6, Box 2 of 6 etc.)

6. Make sure boxes are fit for purpose and sealed securely.

7. Make sure boxes are not overfilled or too heavy to lift.

##### **2. Guidance for Management of Closed Electronic Records Held in Content Server SUR**

1. Run the Discoverer report for each closed cabinet every 3 months.
2. Identify any cases that do not have a retention date.
3. Add the retention date using the up-to-date schedule.
4. If the case file was opened before March 2012 and there is data missing from some of the mandatory fields this must be completed to allow the retention date to be saved, use the [Default options to be used for completion of core data forms for closed cases](http://livelink.barnardos.org.uk/otcs/llisapi.dll/properties/225194025).
5. Identify the cases that have reached the retention date by exporting the output from the Discoverer report and to a spreadsheet.
6. Send the list of case ID numbers and names to the CSM/Operations Manager for sign off.
7. CSM/Operations Manager to review the list and agree that they can be deleted.
8. Send the list of cases that can be deleted to surdeletion@barnardos.org.uk
9. Open a folder in a confidential service area called *(File room name) Deleted Electronic Case Files* and save the list of case files sent for deletion, this would usually be in the format of an excel spreadsheet containing the output of the Discoverer report.

10. If the service closes send the folder containing the closed case files list to the responsible person in the Region/Nation/Business Line.

11. If the case file is re-opened at any time for a further intervention the core data form must be checked and any inaccurate fields updated.

#### References

**Adoption Records**

The storage, retention and access in respect of adoption is governed by –

[Adoption and Children Act 2002 (c. 38)](http://www.opsi.gov.uk/acts/acts2002/ukpga_20020038_en_1) & [Adoption guidance: Adoption and Children Act 2002 - Every Child Matters](http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/ig00032)

[The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003](http://www.opsi.gov.uk/SI/si2003/20030367.htm)

[The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005](http://www.opsi.gov.uk/si/si2005/20050890.htm)

[The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) (Amendment) Regulations 2005](http://www.opsi.gov.uk/legislation/wales/wsi2005/20053293e.htm)

[The Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005](http://www.opsi.gov.uk/si/si2005/20050888.htm)

[The Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005](http://www.opsi.gov.uk/legislation/wales/wsi2005/20052689e.htm)[Adoption and Children Act 2002 (c. 38)](http://www.opsi.gov.uk/acts/acts2002/ukpga_20020038_en_1) & [Adoption guidance: Adoption and Children Act 2002 - Every Child Matters](http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/ig00032)

[The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003](http://www.opsi.gov.uk/SI/si2003/20030367.htm)

[The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005](http://www.opsi.gov.uk/si/si2005/20050890.htm)

[The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) (Amendment) Regulations 2005](http://www.opsi.gov.uk/legislation/wales/wsi2005/20053293e.htm)

[The Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005](http://www.opsi.gov.uk/si/si2005/20050888.htm)

[The Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005](http://www.opsi.gov.uk/legislation/wales/wsi2005/20052689e.htm)

#### Compliance

Compliance with this procedure will be monitored by the responsible **ADCS** or **AHoB** via sampling of records and as part of on-going quality assurance.

#### Document History

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| **Version** | **Date** | **Author** | **Status** | **Comment** |
| 2 | 1/3/17 | Pat Greene | Final | CSMT Approval 1/3/17 |
| 4 | 23/10/17 | Pat Greene | Final | Retention period for CSE and harmful sexual behavior extended from 6 years to 75th birthday. |
| 5 | 31/7/18 | Pat Greene | Final  | Amended in line with GDPR. |
| 6 | 31/01/22 | Kate Goodwin | Final | Changed status from a policy to a procedure; updated to UK GDPR; incorporated change in retention periods for child protection and looked after children from 2020; updated Family Placement (FP) retention periods in line with FP specific schedule. |
| 7 | 10/05/23 | CS Records Manager | Final | Retention Schedule removed and made into separate document |