



LEAFLET 55

RETENTION OF RECORDS

AMENDMENT RECORD

Amnd No	Date	Text Affected	Authority and Date

REVISION NOTE

Leaflet updated to complement JSP 441 - Defence Records Management Manual and Central MOD Guidance Note 5 (GN5) - Personal Information Document Retention Periods

HISTORICAL RECORD

Original Leaflet was introduced in April 2003.
Revised April 2010.

LEAFLET 55**RETENTION OF RECORDS****Contents**

Foreword

1. Scope
2. Introduction
3. Responsibilities
4. Record Management
5. What Should be Retained?
6. How Long, and Where?
7. Related Documents

Foreword

This leaflet is published under the authority of the Defence Occupational Health and Safety Board (OHSB). This leaflet is for application across all areas of MOD and the Armed Forces.

1. SCOPE

1.1 This Leaflet provides MOD policy on the management and retention of health and safety records for all staff, both Service and civilian.

1.2 When used within this Leaflet, the term “Line Manager” refers to the person (Service or civilian) with direct responsibility for the safe conduct of the work activity. For military activities this will usually lie within the chain of command.

2. INTRODUCTION

2.1 Health and safety records are required to fulfil some statutory obligations but may also be required to demonstrate that the MOD’s duty of care has been fulfilled by providing evidence on the steps taken to mitigate risk and provide evidence in a defence against fraudulent claims or in support of a genuine claim.

2.2 JSP 441 sets out MOD’s record management policy and defines the following areas:

- MOD’s legal obligations under the Public Records Acts;
- MOD’s policy for the retention of records;
- how the task of managing the records we produce is co-ordinated, and it identifies the role and responsibilities of branches;

- effective methods of storing information in a coherent manner and of reviewing and disposing of information in an efficient and cost effective way.

JSP 441 Chapter 4 – Annex C also provides ‘Guidance on how long to keep records’.

2.3 The Data Protection Act (DPA) also requires that personal information is retained for an appropriate period of time. Central MOD Guidance Note 5 (GN5) recommends the length of time certain categories of information should be retained.

3. RESPONSIBILITIES

3.1 There is no generic answer as to who has overall responsibility for determining whether to retain or dispose of specific health and safety related documents, but TLBs/Agencies are responsible for ensuring the effective and efficient operation of records management procedures; including the safe retention of records for as long as they are required, the transfer for long-term storage, and the timely destruction of records no longer required.

3.2 As a general rule, the responsibility to identify the records will rest with the owner of the risk that the record relates to:

- a site risk assessment will be owned by the Commanding Officer/ Head of Establishment (CO/HoE);
- records of a process risk assessment will be owned by the Line Manager responsible for that process.

However records that relate to an individual may be the responsibility solely or a combination of:

- the individual themselves;
- the Line Manager, and;
- the holders of the personnel files (e.g. the PPPA, Service Manning Authorities, and the Service Personnel and Veterans Agency).

3.3 All Staff need to keep appropriate records of health and safety training received and especially those required for specific work-related tasks; use of the Joint Personnel Administration (JPA), Human Resources Management System (HRMS) or other approved Human Resources Management Systems is the preferred method.

4. RECORD MANAGEMENT

4.1 There are legal requirements to create and retain various health and safety related records. Records of risk assessments, training and other health and safety documents shall be retained, either in paper or electronic format; those kept in an electronic format shall be stored with suitable backup systems to safeguard against computer/systems failure.

4.2 Some legislation defines very strict requirements for the minimum duration that specific records shall be retained (e.g. 3 years for accident records); conversely, there is no specific legal requirement to retain some other records once they have been replaced or are no longer relevant (e.g. risk assessments where the assessment has been replaced or the activity is no longer performed).

4.3 Although there is no specific legal requirement to retain certain records, they shall be retained for as long as they are needed and enable MOD to meet its legal and statutory obligations. It may be required to demonstrate that there is a history of effective safety management within an establishment or unit, as part of a defence against litigation, or for evaluating the validity of a claim etc.

5. WHAT SHOULD BE RETAINED?

5.1 It is not possible to produce a comprehensive list of records that should be retained; examples of health and safety related records (for which guidance is given in JSP 375 Volume 2) that need to be retained include:

- Organisation and arrangements statements, and locally produced health and safety manuals and plans.
- Site and process risk assessments, their reviews and updates or amendments.
- Maintenance, examination and testing records (including ventilation, respiratory and other personal protective equipment).
- Exposure monitoring records.
- Health surveillance records.
- Health and safety training records.
- Safety inspections, walkrounds, etc.
- Safe Operating Procedures and Safe Systems of Work.
- Personnel and work records – people, places, tasks.
- Accident report forms (MOD Form 510)
- Accident and incident investigations, including Service Inquiries/Boards of Inquiry and local investigations predominantly involving people.
- Annual reports of performance reviews.

5.2 There may be other JSPs and MOD publications that require records to be created that relate directly to health and safety. The minimum retention period of these records shall be whichever is the greater between those specified in this leaflet and those specified within the respective JSP or MOD publication.

6. HOW LONG, AND WHERE?

6.1 All current health and safety related records shall be retained locally within the unit or establishment. When records have been replaced or are no

longer valid, they can either be held locally or sent to archive (see JSP 441) and shall be retained for a minimum of 3 years with the following exceptions:

- health surveillance, including medical reports – 60 years from the date of the last entry;
- health records – 60 years from date of last entry or 100 years from date of birth;
- where exposure may lead to a disease many years later – 60 years from date of last exposure;
- air monitoring – minimum of 5 years;
- examination and test of local exhaust ventilation – minimum of 5 years;
- examination of respiratory protective equipment – minimum of 5 years;
- accident book/record – whichever is the greater: 3 years from date that the record is created (or last record entered if in an accident book); or 3 years after the injured parties 18th birthday;
- where host Nations legislation requires a longer retention period.

6.2 Table 1 shows examples of how documents should be retained; please note that this list is not exhaustive:

What	Retain Where
Site and process risk assessments, COSHH assessments, DSE assessments, manual handling assessments, etc. (including their reviews and updates) and details of any actions taken including associated training records.	Retain locally until they are replaced and no longer need to be accessed locally. Then send to archive. NOTE: copy of relevant risk assessments are to be inserted in individual's personnel files following an accident.
Maintenance, examination and testing records (including ventilation, respiratory and other personal protective equipment tests). Records of local and site safety inspections etc.	Keep the previous calendar year's records locally until the current years records are complete. Then archive the previous year's records.
Exposure monitoring records. Health and safety training records. Safe Operating Procedures and Safe Systems of Work. Permits to work.	Keep accessible locally while the process is still being carried out. When the process is no longer used, and there is no future plan to resurrect the process, send them to archive.
General health surveillance/health monitoring records.	Keep accessible locally while the process is still being carried out. When the process is no longer used, and there is no future plan to resurrect the process, send them to archive.

	Where health surveillance relates to named individuals, copies should also be placed on their occupational health record, which forms a medical-in-confidence part of their personnel record.
Personnel and work records – people, places, tasks.	Retained locally while named individuals remain on site and then archived. Personnel records should be maintained and retained as defined by the relevant Personnel Policy leads.
Accident and incident investigations.	Retain locally. See also relevant JSPs (e.g. JSP 832 Guide to Service Inquiries).

Table 1

6.3 Where there is a statutory requirement to keep records for a specified period, it is recommended that the latest edition of the relevant legislation is checked and or local Health and Safety Advisers are consulted before disposing of other similar records. Examples of legislation with retention stipulation include:

- Control of Substances Hazardous to Health Regulations;
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations;
- Ionising Radiations Regulations;
- Control of Lead at Work Regulations;
- Control of Asbestos Regulations;
- Work in Compressed Air Regulations;
- Social Security (Claims and Payments) Regulations.

7. RELATED DOCUMENTS

MOD:

- JSP 441 - Defence Records Management Manual and Central MOD Guidance Note 5 (GN5)
- JSP 832 Guide to Service Inquiries

Legislation:

- The Data Protection Act
- Public Records Acts