You are not allowed to keep information indefinitely. By answering this question you will understand:

* how to decide how long you should keep information.
* how to delete information safely.

In this question you'll also be reminded to check again for any information you may already hold.

**We are all responsible**

Thinking about when and how to archive or delete information is your responsibility.

Personal information must not be kept “just in case”. You should keep personal information for only as long as you need it to deliver your service.

You must make sure that you consider this when you are putting new systems or processes in place, or if you are decommissioning old systems.

A retention schedule states how long different types of information should be kept. Hackney has a retention schedule that can be used for guidance when making decisions about destroying records.

You are responsible for obtaining sign off from a Head of Service (or a more senior manager) and Information Management before destroying master versions of records.

**Why not keep information indefinitely?**

The law is clear that any personal information must not be kept for longer than is necessary, for the purpose it was originally collected.

Also:

* there is an increased risk that the information will go out of date, and that outdated information will be shared, by mistake or inappropriately.
* as time passes it becomes more difficult to ensure that information is up-to-date.
* you must be willing and able to respond to give people access to the information you hold about them. So, the more information you retain about people, the more difficult this can be.
* duplicates of information are a particular risk, because no-one is able to keep track of all the different records.

For example, you may have a print-out containing personal information, relating to a service or project that is now complete. The official record of that information may be intentionally deleted by London Borough of Hackney as it is no longer needed. However, your print out means that officially, the Council has kept a copy of that information. This would have to be declared if the person to whom the information related asked to see everything about them that the Council held on record or if it is asked for under Freedom of Information.

Local copies of information, for example printed papers for a meeting, must be destroyed or deleted as soon as you no longer need them.

Notebooks with information recorded from meetings and visits must also be destroyed, once any important content has been transferred to whichever online records management tool you are using.

**The right to erasure**

Data protection law gives individuals have the right to erasure, which is otherwise known as the 'right to be forgotten'.

This does not mean that we must delete any information about this person if they ask us too. It is only applicable in certain circumstances and does not apply if we hold data in relation to our legal obligations or public tasks. These are the most common reasons that we hold data.

If you receive a request like this from an individual verbally or in writing you must seek advice from dataprotection@hackney.gov.uk. You must do this promptly because the Council has a maximum time of one month to respond and is expected to do so without undue delay.

**Things you will need to know**

* the length of time that we keep information is based on the nature of the content, not the format. An email about a social care case will be kept for longer than an email about a work social event.
* Data Protection does not give us a defined period of time that we can keep information - it is for us to decide how long we need it for, but this must be justified.
* it is common for records to be kept for a set period of time after a 'trigger' date. This is often the date that someone stops receiving the service, or the date that the case closes.
* poorly described information can be difficult to destroy confidently. This should be considered when creating and storing information.

**Retaining information**

Personal information will need to be kept for longer periods in some cases than in others. How long you retain different categories of personal information is be based on:

* the current and future value of the information.
* the costs, risks and liabilities associated with retaining the information.
* the ease or difficulty of making sure it remains accurate and up to date.

The appropriate retention period is also likely to depend on what the information is used for.

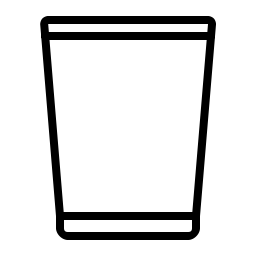
For example, the Council may decide to retain information regarding noise complaints made against individual residents to maintain an accurate record of any new or repeat complaints.

For legal reasons the Council will sometimes need to keep information for longer than planned, because of a legal hold, such as an open investigation regarding this information.

**Tips for safe disposal of information**

When you no longer need to keep information:

1. place documents in one of the special red bins marked ‘confidential waste’.
2. emails should be deleted in the normal way, but you must also make sure that ‘deleted emails’ folder in your inbox is emptied at the same time.
3. likewise, when you delete a document on your computer, you should make sure that the ‘trash’ folder is completely empty.
4. if you are responsible for a member of staff who is leaving the Council, it is your job to ensure their work-issued phone, laptop or any other device is returned to IT. You must also make sure that a leavers form is completed.



Make sure folders of deleted emails and computer trash files are emptied

**Tasks**

Basic

**Understanding the risks**

Describe three risks associated with keeping information longer than is necessary.

Intermediate

**Handling a request from a resident**

A resident has moved out of a council property and into a private residence. They have asked the Council to delete the personal information on record.

Is this a valid request? Explain your answer in the box below.

Advanced

**Reviewing records of personal information**

In this example, you are reviewing a database and assessing whether it should be retained.

Describe two factors below, that will determine how you make a decision.