

BISHOPS' CONFERENCE OF SCOTLAND



DATA RETENTION GUIDE

Table of Contents

1	Introduction.....	2
2	Why Have A Records Retention Schedule?.....	2
3	How to Use The Retention Schedule	3
4	Important Notes for Consideration.....	3
5	Legislative Framework and Rationale	4
6	Concepts.....	6

Document Control

<i>Title</i>	Basic Guide to Data Protection
<i>Prepared by</i>	Donna Maguire
<i>Approved By</i>	BCOS
<i>Date of Approval</i>	01 October 2025
<i>Version Number</i>	1.4
<i>Review Frequency</i>	Every 3 years
<i>Next Review Date</i>	October 2028

Status Control

<i>Version</i>	<i>Date</i>	<i>Status</i>	<i>Prepared by</i>	<i>Reason for Amendment</i>
1.3	9/5/2018	Complete	DMM	
1.4	01/10/2025	review	DMM	

1 INTRODUCTION

1.1

The Data Retention Schedule details the recommended retention periods for records created or received by the Bishops' Conference of Scotland (BCOS) and its agencies. This is in line with business needs, legislative, statutory and regulatory requirements and Canon Law. The Schedule relates to all records, regardless of their format (paper or digital).

1.2

Some of the retention periods are laid down by statute while others are guidelines which follow best practice or are in line with business need. Every effort has been made to ensure that the retention periods are compliant with the legislative framework within which we operate.

2 WHY HAVE A RECORDS RETENTION SCHEDULE?

2.1

Every organisation requires to follow policy guidance on how long it will retain records, so that:

- records are kept or destroyed consistently, rather than relying on the best guess of staff
- records are kept for as long as necessary to meet statutory, regulatory and business requirements
- resources are not wasted on storing records longer than necessary
- any risks arising from holding documents and information are managed
- the organisation can confidently account for which records are no longer held (for example, in response to a Subject Access Request)
- staff working with records understand their responsibilities and are given clear information about when and how to destroy records.

This is just as important for digital records as for paper.

2.2

There is not a clear legal requirement setting out the retention requirements for most records. In fact, very few record types are governed by statutory retention periods. In most cases, in order to arrive at an appropriate retention period, it is necessary to consider how long a document remains useful and then to balance that against the cost and risk of keeping it.

3 HOW TO USE THE RETENTION SCHEDULE

3.1

The schedule has been developed to meet the anticipated needs of BCOS and all its agency policies and procedures, so it should be clear which section you need to refer to for guidance on data retention and disposal. If it is unclear, a free text search can be performed to locate the relevant documents.

3.2

The list is not exhaustive so, if you have any records about which you are unsure, please contact the Archives office so that the list can be updated to reflect your requirements.

3.3

There are generally three procedures to follow with regards to the disposal of your records once they have reached the end of their recommended retention period:

- **Confidential Destruction:** If the records are no longer required for business purposes and have been retained for the recommended retention period, in line with any legislative or statutory obligations, they should be confidentially destroyed/deleted, in line with the Disposal action listed in this Schedule.
- **Archival Value:** All records that are of potential historical value should be transferred for permanent preservation once their administrative use is concluded.
- **Retain for Operational Purposes:** In some cases records will need to be retained for long-term operational purposes. Owners of the records should ensure that these remain accessible for as long as required and are managed appropriately throughout their lifecycle.

4 IMPORTANT NOTES FOR CONSIDERATION

4.1

If you only have a convenience/working copy of a document, and did not create or have responsibility for it, then you may destroy it as soon as you no longer require it for administrative purposes.

4.2

If litigation is ongoing, some records may need to be retained for longer than is specified within the schedule to support any litigation process. Furthermore, if records are subject to a current Data Protection request, they must be retained for 40 days after the request has been fulfilled.

5 LEGISLATIVE FRAMEWORK AND RATIONALE

5.1

Whilst most of the records generated and held by BCOS are retained in line with business requirements, some are retained in line with Legislative and Statutory recordkeeping obligations, while some will be kept in line with Canon Law. These are specified in the Rationale column in the Retention Schedule.

5.2

List of Legislative and Statutory Regulations:

- The Reporting of Injuries, Diseases and Dangerous Occurrences (Amendment) Regulations 2012
- The Control of Asbestos Regulations 2012
- Equality Act 2010
- Regulatory Reform (Fire Safety) Order 2005
- Management of Health and Safety at Work Regulations 1999
- Audit Commission Act 1998
- Data Protection Act 1998; Data Protection Act 2018
- The Gas Safety (Installation and Use) Regulations 1998
- The Value Added Tax Regulations 1995
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
- Value Added Tax Act 1994
- Environmental Protection (Duty of Care) Regulations 1991
- Health and Safety at Work etc. Act 1974
- Prescription and Limitation (Scotland) Act 1973
- Taxes Management Act 1970
- Payment Card Industry Data Security Standard
- Companies Act 1985, 1989
- Organisation of Working Time Act 1997
- The Protection of Employment Act 1977
- Parental Leave Act 1998
- Carer's Leave Act 2001

5.3

There are several Canon law statutes that could be applied to the use and the keeping of records within the church. The most appropriate for GDPR are:

- Can. 220 No one may unlawfully harm the good reputation which a person enjoys or violate the right of every person to protect his or her privacy.*
- Can. 487 §2 Persons concerned have the right to receive, personally or by proxy, an authentic written or photostat copy of documents which are of their nature public and which concern their own personal status,*
- Can. 489 §1 In the diocesan curia there is also to be a secret archive, or at least in the ordinary archive there is to be a safe or cabinet, which is securely closed and bolted, and which cannot be removed. In this archive documents which are to be kept under secrecy are to be most carefully guarded.*
- §2 Each year documents of criminal cases concerning moral matters are to be destroyed whenever the guilty parties have died, or ten years have elapsed since a condemnatory sentence concluded the affair. A short summary of the facts is to be kept, together with the text of the definitive judgement.*
- Can. 1284 §1 All administrators are to preform their duties with the diligence of a good householder.*
- §2 Therefore they must:*
- 1º be vigilant that no goods placed in their care in any way perish or suffer damage; to this end they are, to extent necessary, to arrange insurance contracts;*
 - 2º ensure that the ownership of ecclesiastical goods is safeguarded in ways which are valid in civil law;*
 - 3º observe the provisions of canon and civil law, and the stipulations of the founder or donor or lawful authority; they are to take special care that damage will not be suffered by the church through the non-observance of the civil law;*
 - 9º keep in order and preserve in convenient and suitable archive the documents and records establishing the rights of the church or institute to its goods; where conveniently possible, authentic copies must be placed in the curial archives.*

6 CONCEPTS

6.1

Archival/Historical Value: A record or series of records may have an enduring (social or cultural) value beyond the business requirement that created them. These records may detail the important historical background to an organisation or the area that it represents, or to historically significant events or people, and provision should be made for their permanent preservation.

6.2

Business Requirements: Where there is no specific Statutory or Regulatory retention period for a record series, the justification for the retention period is 'Business Requirements'. This is a wide-ranging term that will tend to reflect common or best practice. Reasons for the retention recommendations here include Information Audits, Risk Analysis and the potential application of Prescription and Limitation in case of legal challenge, or precedent from non-statutory guidance.

6.3

Destruction: means the disposal of records through incineration, pulping, shredding, deletion or another method so that it is impossible to reconstruct the original records. For paper, that is likely to entail the use of an in-house shredder or outsourced confidential waste contractors. For digital records, destruction should apply to all copies of a record/file/document. Simple deletion from a network does not mean that a document is irrecoverable and there are technical solutions to ensure total removal/deletion of electronic records where this is considered critical.

6.4

Back-ups: Documents may have been deleted from the main network but may still reside in local computers or in back-ups. Your office Back-up Retention Policy must be reviewed to provide for this eventuality.