

Policy and Procedure 34 GDPR & DPA Data Retention

Introduction

This Policy outlines the obligations of Ayr Housing Aid Centre SCIO (AHAC) regarding the retention of personal data collected, held, and processed in respect of personal data under the General Data Protection Regulations (“the Regulation”) and the Data Protection Act 2018 (the DPA). This Policy will be updated when the Data Protection and Digital informal Bill has completed parliamentary process if changes are required. This Policy covers the UK as this is where we are based and store data. In the event any data is received and stored as per our P&P from people out with the UK we will comply with the relevant legislation and protections of that Country (e.g. EU, rest of the world). We will never transfer data out with the UK to any GDPR adequate countries or inadequate countries. The Centre is Cyber Essentials Accredited and Advice Pro is Information Security Code of Practice ISO27001 compliant. This should be read with Policy and Procedures 31, 32 and 33.

The Regulation defines “personal data” as any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.

This Policy sets out the procedures that are to be followed when dealing with personal data. The procedures and principles set out herein must be followed at all times by AHAC, its employees, agents, contractors, or other parties working on behalf of AHAC.

AHAC is committed not only to the letter of the law, but also to the spirit of the law and places high importance on the correct, lawful, and fair handling of all personal data, respecting the legal rights, privacy, and trust of all individuals with whom it deals.

Under the GDPR, personal data shall be kept in a form which permits the identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed. In certain cases, personal data may be stored for longer periods where that data is to be processed for archiving purposes that are in the public interest, for scientific or historical research, or for statistical purposes (subject to the implementation of the appropriate technical and organisational measures required by the GDPR to protect that data).

In addition, the GDPR includes the right to erasure or “the right to be forgotten”. Data subjects have the right to have their personal data erased (and to prevent the processing of that personal data) in the following circumstances:

- Where the personal data is no longer required for the purpose for which it was originally collected or processed (see above)
- When the data subject withdraws their consent
- When the data subject objects to the processing of their personal data and AHAC has no overriding legitimate interest
- When the personal data is processed unlawfully (i.e. in breach of the GDPR)
- When the personal data has to be erased to comply with a legal obligation or
- Where the personal data is processed for the provision of information society services to a child.

This Policy sets out the type(s) of personal data held by AHAC for specific purposes, the period(s) for which that personal data is to be retained, the criteria for establishing and reviewing such period(s), and when and how it is to be deleted or otherwise disposed of, see Data Protection Policy and Procedure 31.

Aims and Objectives

The primary aim of this Policy is to set out limits for the retention of personal data and to ensure that those limits, as well as further data subject rights to erasure, are complied with. By extension, this Policy aims to ensure that AHAC complies fully with its obligations and the rights of data subjects under the GDPR and the DPA.

In addition to safeguarding the rights of data subjects by ensuring that excessive amounts of data are not retained, this Policy also aims to improve the speed and efficiency of managing data.

Scope

This Policy applies to all personal data held by AHAC OR and by third-party data processors processing personal data on AHAC's behalf, (e.g. AdvicePRO).

Personal data, as held by AHAC OR the above is stored in the following ways and in the following locations:

- AHAC electronic data held in the Cloud and systems (e.g. AdvicePRO)
- Computers/Laptops/Phones located in AHAC's premises 7 York Street, Ayr or other locations
- Physical data stored in locked filing cabinets

Data Subject Rights and Data Integrity

All personal data held by AHAC is held in accordance with the requirements of the GDPR and data subjects' rights thereunder, as set out in AHAC's Data Protection Policy and Procedure 31.

Data subjects are kept fully informed of their rights, of what personal data AHAC holds about them, how that personal data is used as set out in the Data Protection Policy and Procedure 31, and how long AHAC will hold that personal data or, if no fixed retention period can be determined this will be discussed with the data subject.

Data subjects are given control over their personal data held by AHAC including the right to have incorrect data rectified, the right to request that their personal data be deleted or otherwise disposed of notwithstanding the retention periods otherwise set by this Data Retention Policy, the right to restrict AHAC's use of their personal data, the right to data portability, and further rights as set out in the Data Protection Policy and Procedure 31.

Technical and Organisational Data Security Measures

AHAC protect the security of personal data, see Parts 20 to 22 of AHAC's Data Protection Policy and Procedure 31 for further details.

Data Disposal

Upon the expiry of the data retention periods set out below or when a data subject exercises their right to have their personal data erased, personal data shall be deleted, destroyed or otherwise disposed of as follows:

- Personal data stored electronically shall be deleted securely using the electronic shredding programme
- Special category personal data stored electronically (including any and all backups thereof) shall be deleted securely using the electronic shredding programme
- Personal data stored in hardcopy form shall be shredded and securely disposed of
- Special category personal data stored in hardcopy form shall be shredded/securely disposed of

Data Retention

As stated above, and as required by law, AHAC shall not retain any personal data for any longer than is necessary in light of the purpose(s) for which that data is collected, held, and processed.

Different types of personal data, used for different purposes, will necessarily be retained for different periods and its retention periodically reviewed, as set out below. When establishing and/or reviewing retention periods, the following shall be taken into account:

- AHAC objectives and requirements

- Type of personal data in question
- Purpose(s) for which the data in question is collected, held, and processed
- AHAC's legal basis for collecting, holding, and processing that data
- Category or categories of data subject to whom the data relates
- Potential risk to the data and impact of any loss

If a precise retention period cannot be fixed for a particular type of data, criteria shall be established by which the retention of the data will be determined, thereby ensuring that the data in question, and the retention of that data, can be regularly reviewed against the criteria of which is reasonable.

Notwithstanding the following defined retention periods, certain personal data may be deleted or otherwise disposed of prior to the expiry of its defined retention period where a decision is made within AHAC to do so (whether in response to a request by a data subject or otherwise).

In limited circumstances, it may also be necessary to retain personal data for longer periods where such retention is for archiving purposes that are in the public interest, for scientific or historical research purposes or for statistical purposes. All such retention will be subject to the implementation of appropriate technical and organisational measures to protect the rights and freedoms of data subjects, as required by the GDPR. Any data which is deemed relevant to be stored shall be archived securely.

Roles and Responsibilities

AHAC's Data Protection Officer's Telephone Number is 01292 288111. The Data Protection Officer shall be responsible for overseeing the implementation of this Policy and for monitoring compliance with this Policy, AHAC's other Data Protection-related policies (including, but not limited to, its Data Protection Policy) and with the GDPR, the DPA and other applicable data protection legislation.

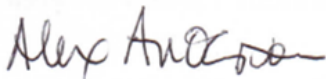
The Data Protection Officer shall be directly responsible for ensuring that relevant staff complies with the above data retention periods. Any questions regarding this Policy, the retention of personal data, or any other aspect of GDPR compliance should be referred to the Data Protection Officer.

Implementation of Policy

This Policy shall be deemed effective as of 25th May 2018. No part of this Policy shall have retrospective effect and shall thus apply only to matters occurring on or after this date.

This Policy has been approved & authorised by:

Name: Alex Anderson **Position:** Chairperson **Date:** 16.5.18 **Review date:**16.5.20



Signature:

Conversion to SCIO

Updated by CEO -	9.10.20	Review date - 10.10.22
Reviewed by Senior Management -	12.8.21	Review date - 12.8.23
Reviewed by Office & Compliance Manager and CEO -	7.12.22 & 24.3.23	Review date - 24.3.25
Reviewed by IT & HR Consultants -	18.1.24	Discussed at Board meeting 27.2.24
Reviewed by CEO & Chairperson -	22.5.24	Board approved – 28.5.24 Review date - 28.5.26

Data Sets	Type of Data	Purpose of Data	Review Period	Retention Period or Criteria	Comments
1 - 14	General Personal Data	Legitimate operations regarding Service users, Employees, Potential Employee, Former Employees, Board and Volunteers	As per relevant Policies and Procedures	See Appendix 1 of Policy and Procedure 31 GDPR, different retention periods apply depending on circumstances	Retention and destruction are linked to the above Policy and Procedure
15 - 28	Personal Data held within Case Notes and on Advice Pro	To support the Service provided to Service Users and information necessary for the Service	Electronic - 3 years from case closure as per relevant Policies and Procedures	See Appendix 1 of Policy and Procedure 31 GDPR	Retention and destruction are linked to the above Policy and Procedure and protected by Cyber Essentials Accreditation and Advice Pro - Information Security Code of Practice ISO27001 compliance.
29 - 46	Data held on Employees/Potential Employees, Board and Volunteers	Legitimate Contractual obligations placed on AHAC	As per Policy and Procedure 32 Employees and general GDPR Policy and Procedure 31	See Appendix 1 of Policy and Procedure 31 GDPR. Complaints under Policy and Procedure 6 shall be retained for 2 years after complaint closed.	Retention and destruction are linked to the above Policy and Procedure