



## **TOTTERDOWN BAPTIST CHURCH**

### **DATA PROTECTION POLICY**

Approved by the TBC Diaconate on: 9<sup>th</sup> April 2018  
Adopted at the TBC Church Meeting on: 17<sup>th</sup> April 2018

*Totterdown Baptist Church is committed to protecting all information that we handle about people we support and work with, and to respecting people's rights around how their information is handled. This policy explains our responsibilities and how we will meet them.*

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## **Section A – What this policy is for**

### **1. Policy statement**

- 1.1 Totterdown Baptist Church is committed to protecting personal data and respecting the rights of our **data subjects**; the people whose **personal data** we collect and use. Personal data is any information relating to a living person from which you could identify that person. We value the personal information entrusted to us and we respect that trust, by complying with all relevant laws, and adopting good practice.

We process personal data to help us:

- a) maintain our list of church members and regular attenders;
- b) provide pastoral support for members and others connected with our church;
- c) provide services to the community (e.g. in the form of church-run community groups);
- d) safeguard children, young people and adults at risk;
- e) recruit, support and manage staff and volunteers;
- f) maintain our accounts and records;
- g) promote our services and
- h) respond effectively to enquirers and handle any complaints.

- 1.2 This policy has been approved by the church's Diaconate (who are the Managing Trustees) who are responsible for ensuring that we comply with all our legal obligations. It sets out the legal rules that apply whenever we obtain, store or use personal data.

### **2. Why this policy is important**

- 2.1 We are committed to protecting personal data from being misused, getting into the wrong hands as a result of poor security or being shared carelessly, or being inaccurate, as we are aware that people can be upset or harmed if any of these things happen.

- 2.2 This policy sets out the measures we are committed to taking as an organisation and, what each of us will do to ensure we comply with the relevant legislation.

- 2.3 In particular, we will make sure that all personal data is:

- a) processed **lawfully, fairly and in a transparent manner**;
- b) processed for **specified, explicit and legitimate purposes** and not in a manner that is incompatible with those purposes;
- c) **adequate, relevant and limited to what is necessary** for the purposes for which it is being processed;
- d) **accurate** and, where necessary, up to date;
- e) **not kept longer than necessary** for the purposes for which it is being processed;

- f) processed in a **secure** manner, by using appropriate technical and organisational means;
- g) processed in keeping with the **rights of data subjects** regarding their personal data.

### **3. How this policy applies to you & what you need to know**

- 3.1 **As an employee, trustee or volunteer** processing personal information on behalf of the church, you are required to comply with this policy. If you think that you have accidentally breached the policy it is important that you contact our Data Protection Trustee immediately so that we can take swift action to try and limit the impact of the breach.

Anyone who breaches the Data Protection Policy may be subject to disciplinary action, and where that individual has breached the policy intentionally, recklessly, or for personal benefit they may also be liable to prosecution or to regulatory action.

- 3.2 **As a data subject of Totterdown Baptist Church:** We will handle your personal information in line with this policy.
- 3.3 **Our Data Protection Trustee** is responsible for advising Totterdown Baptist Church, its trustees and members about their legal obligations under data protection law, monitoring compliance with data protection law, dealing with data security breaches and with the development of this policy. Any questions about this policy or any concerns that the policy has not been followed should be referred to them at [info@tbc.org.uk](mailto:info@tbc.org.uk).
- 3.4 Before you collect or handle any personal data as part of your work (paid or otherwise) for Totterdown Baptist Church, it is important that you take the time to read this policy carefully and understand what is required of you, as well as the church's responsibilities when we process data.
- 3.5 Our procedures will be in line with the requirements of this policy, but if you are unsure about whether anything you plan to do, or are currently doing, might breach this policy you must first speak to the Data Protection Trustee.

### **4. Training and guidance**

- 4.1 We will provide general training for all trustees to raise awareness of their obligations and our responsibilities, as well as to outline the law.
- 4.2 We may also issue procedures, guidance or instructions from time to time.

## **Section B – Our data protection responsibilities**

### **5. What personal information do we process?**

- 5.1 The use of personal data collected by the Church is covered by the General Data Protection Regulations (GDPR). In the course of our work, we may collect and process information (personal data) about many different people (data subjects). This includes data we receive straight from the person it is about, for example, where they complete forms or contact us. We may also receive information about data subjects from other sources including, for example, previous employers (as required for job references).
- 5.2 We process personal data in both electronic and paper form and all this data is protected under data protection law. The personal data we process can include information such as names and contact details, dates of birth, education or employment details, and visual images of people.
- 5.3 In some cases, we hold types of information that are called “**special categories**” of data in the GDPR. This personal data can only be processed under strict conditions.

**‘Special categories’ of data** (as referred to in the GDPR) includes information about a person’s: racial or ethnic origin; political opinions; religious or similar (e.g. philosophical) beliefs; trade union membership; health (including physical and mental health, and the provision of health care services); genetic data; biometric data; sexual life and sexual orientation.

- 5.4 We will not hold information relating to criminal proceedings or offences or allegations of offences unless there is an overarching safeguarding requirement to process this data for the protection of children and adults who may be put at risk in our church. This processing will only ever be carried out on advice from the Ministries Team of the Baptist Union of Great Britain or our Regional Association Safeguarding contact person.
- 5.5 Other data may also be considered ‘sensitive’ such as bank details, but will not be subject to the same legal protection as the types of data listed above.

### **6. Making sure processing is fair and lawful**

- 6.1 Processing of personal data will only be fair and lawful when the purpose for the processing meets a legal basis, as listed below, and when the processing is transparent. This means we will provide people with an explanation of how and why we process their personal data at the point we collect data from them, as well as when we collect data about them from other sources.

#### **How can we legally use personal data?**

- 6.2 Processing of personal data is only lawful if at least one of these legal conditions, as listed in Article 6 of the GDPR, is met:
- a) the processing is **necessary for a contract** with the data subject;

- b) the processing is **necessary for us to comply with a legal obligation**;
- c) the processing is necessary to protect someone's life (this is called "**vital interests**");
- d) the processing is necessary for us to perform a task in the **public interest**, and the task has a clear basis in law;
- e) the processing is **necessary for legitimate interests** pursued by Totterdown Baptist Church or another organisation, unless these are overridden by the interests, rights and freedoms of the data subject.
- f) If none of the other legal conditions apply, the processing will only be lawful if the data subject has given their clear **consent**.

### How can we legally use 'special categories' of data?

6.3 Processing of 'special categories' of personal data is only lawful when, in addition to the conditions above, one of the extra conditions, as listed in Article 9 of the GDPR, is met. These conditions include where:

- a) the processing is necessary for **carrying out our obligations under employment and social security and social protection law**;
- b) the processing is necessary for **safeguarding the vital interests** (in emergency, life or death situations) **of an individual** and the data subject is incapable of giving consent;
- c) the processing is carried out in the **course of our legitimate activities** and only relates to our members or persons we are in regular contact with in connection with our purposes;
- d) the processing is necessary for **pursuing legal claims**.
- e) If none of the other legal conditions apply, the processing will only be lawful if the data subject has given their **explicit consent**.

6.4 Before deciding which condition should be relied upon, we may refer to the original text of the GDPR as well as any relevant guidance, and seek legal advice as required.

### What must we tell individuals before we use their data?

6.5 If personal data is collected directly from the individual, we will inform them about; our identity/contact details, the reasons for processing, and the legal bases, explaining our legitimate interests, and explaining, where relevant, the consequences of not providing data needed for a contract or statutory requirement; who we will share the data with; if we plan to send the data outside of the European Union; how long the data will be stored and the data subjects' rights.

This information is commonly referred to as a 'Privacy Notice'.

This information will be given at the time when the personal data is collected.

- 6.6 If data is collected from another source, rather than directly from the data subject, we will provide the data subject with the information described in section 6.5 as well as: the categories of the data concerned; and the source of the data.

This information will be provided to the individual in writing and no later than within **1 month** after we receive the data, unless a legal exemption under the GDPR applies. If we use the data to communicate with the data subject, we will at the latest give them this information at the time of the first communication.

If we plan to pass the data onto someone else outside of Totterdown Baptist Church, we will give the data subject this information before we pass on the data.

## **7. When we need consent to process data**

- 7.1 Where none of the other legal conditions apply to the processing, and we are required to get consent from the data subject, we will clearly set out what we are asking consent for, including why we are collecting the data and how we plan to use it. Consent will be specific to each process we are requesting consent for and we will only ask for consent when the data subject has a real choice whether or not to provide us with their data.
- 7.2 Consent can however be withdrawn at any time and if withdrawn, the processing will stop. Data subjects will be informed of their right to withdraw consent and it will be as easy to withdraw consent as it is to give consent.

## **8. Processing for specified purposes**

- 8.1 We will only process personal data for the specific purposes explained in our privacy notices (as described above in section 6.5) or for other purposes specifically permitted by law. We will explain those other purposes to data subjects in the way described in section 6, unless there are lawful reasons for not doing so.

## **9. Data will be adequate, relevant and not excessive**

- 9.1 We will only collect and use personal data that is needed for the specific purposes described above (which will normally be explained to the data subjects in privacy notices). We will not collect more than is needed to achieve those purposes. We will not collect any personal data “just in case” we want to process it later.

## **10. Accurate data**

- 10.1 We will make sure that personal data held is accurate and, where appropriate, kept up to date. The accuracy of personal data will be checked at the point of collection and at appropriate points later on.

## **11. Keeping data and destroying it**

- 11.1 We will not keep personal data longer than is necessary for the purposes that it was collected for. We will comply with official guidance issued to our sector about retention periods for specific records.
- 11.2 Information about how long we will keep records for can be found in our Data Retention Schedule.

## **12. Security of personal data**

- 12.1 We will use appropriate measures to keep personal data secure at all points of the processing. Keeping data secure includes protecting it from unauthorised or unlawful processing, or from accidental loss, destruction or damage.
- 12.2 We will implement security measures which provide a level of security which is appropriate to the risks involved in the processing.

Measures will include technical and organisational security measures. In assessing what measures are the most appropriate we will take into account the following, and anything else that is relevant:

- a) the quality of the security measure;
  - b) the costs of implementation;
  - c) the nature, scope, context and purpose of processing;
  - d) the risk (of varying likelihood and severity) to the rights and freedoms of data subjects;
  - e) the risk which could result from a data breach.
- 12.3 Measures may include:
- a) technical systems security;
  - b) measures to restrict or minimise access to data;
  - c) measures to ensure our systems and data remain available, or can be easily restored in the case of an incident;
  - d) physical security of information and of our premises;
  - e) organisational measures, including policies, procedures, training and audits;
  - f) regular testing and evaluating of the effectiveness of security measures.

## **13. Keeping records of our data processing**

- 13.1 To show how we comply with the law we will keep clear records of our processing activities and of the decisions we make concerning personal data (setting out our reasons for those decisions).

## **Section C – Working with people we process data about (data subjects)**

### **14. Data subjects' rights**

- 14.1 We will process personal data in line with data subjects' rights, including their right to:
- a) request access to any of their personal data held by us (known as a Subject Access Request);
  - b) ask to have inaccurate personal data changed;
  - c) restrict processing, in certain circumstances;
  - d) object to processing, in certain circumstances, including preventing the use of their data for direct marketing;
  - e) data portability, which means to receive their data, or some of their data, in a format that can be easily used by another person (including the data subject themselves) or organisation;
  - f) not be subject to automated decisions, in certain circumstances; and
  - g) withdraw consent when we are relying on consent to process their data.
- 14.2 If the Church receives any request from a data subject that relates or could relate to their data protection rights, this will be forwarded to our Data Protection Trustee **immediately**.
- 14.3 We will act on all valid requests as soon as possible, and at the latest within **one calendar month**, unless we have reason to, and can lawfully extend the timescale. This can be extended by up to two months in some circumstances.
- 14.4 All data subjects' rights are provided free of charge.
- 14.5 Any information provided to data subjects will be concise and transparent, using clear and plain language.

### **15. Direct marketing**

- 15.1 We will comply with the rules set out in the GDPR, the Privacy and Electronic Communications Regulations (PECR) and any laws which may amend or replace the regulations around **direct marketing**. This includes, but is not limited to, when we make contact with data subjects by post, email, text message, social media messaging, and telephone (both live and recorded calls).

**Direct marketing** means the communication (by any means) of any advertising or marketing material which is directed, or addressed, to individuals. "Marketing" does not need to be selling anything, or be advertising a commercial product. It includes contact made by organisations to individuals for the purposes of promoting the organisation's aims.

- 15.2 Any direct marketing material that we send will identify Totterdown Baptist Church as the sender and will describe how people can object to receiving similar communications in

the future. If a data subject exercises their right to object to direct marketing we will stop the direct marketing as soon as possible.

## **Section D – Working with other organisations & transferring data**

### **16. Sharing information with other organisations**

- 16.1 We will only share personal data with other organisations or people when we have a legal basis to do so and if we have informed the data subject about the possibility of the data being shared (in a privacy notice), unless legal exemptions apply to informing data subjects about the sharing. Only authorised and properly instructed Trustees, staff and volunteers are allowed to share personal data.
- 16.2 We will keep records of information shared with a third party, which will include recording any exemptions which have been applied, and why they have been applied. We will follow the ICO's statutory [Data Sharing Code of Practice](#) (or any replacement code of practice) when sharing personal data with other data controllers. Legal advice will be sought as required.

### **17. Transferring personal data outside the European Union (EU)**

- 17.1 Personal data cannot be transferred (or stored) outside of the European Union unless this is permitted by the GDPR. This includes storage on a "cloud" based service where the servers are located outside the EU.
- 17.2 We will only transfer data outside the EU where it is permitted by one of the conditions for non-EU transfers in the GDPR

## **Section E – Managing change & risks**

### **18. Data protection impact assessments**

- 18.1 When we are planning to carry out any data processing which is likely to result in a high risk we will carry out a Data Protection Impact Assessment (DPIA). These include situations when we process data relating to vulnerable people, trawling of data from public profiles, using new technology, and transferring data outside the EU. Any decision not to conduct a DPIA will be recorded.
- 18.2 We may also conduct a DPIA in other cases when we consider it appropriate to do so. If we are unable to mitigate the identified risks such that a high risk remains we will consult with the ICO.
- 18.3 DPIAs will be conducted in accordance with the ICO's Code of Practice '[Conducting privacy impact assessments](#)'.

**19. Dealing with data protection breaches**

- 19.1 Where staff or volunteers think that this policy has not been followed, or data might have been breached or lost, this will be reported **immediately** to the Data Protection Trustee.
- 19.2 We will keep records of personal data breaches, even if we do not report them to the ICO.
- 19.3 We will report all data breaches which are likely to result in a risk to any person, to the ICO. Reports will be made to the ICO within **72 hours** from when someone in the church becomes aware of the breach.
- 19.4 In situations where a personal data breach causes a high risk to any person, we will (as well as reporting the breach to the ICO), inform data subjects whose information is affected, without undue delay.

This can include situations where, for example, bank account details are lost or an email containing sensitive information is sent to the wrong recipient. Informing data subjects can enable them to take steps to protect themselves and/or to exercise their rights.

## **Appendix 1 – Definitions and useful terms**

The following terms are used throughout this policy and have their legal meaning as set out within the General Data Protection Regulations (GDPR). The GDPR definitions are further explained below:

**Data controller** means any person, company, authority or other body who (or which) determines the means for processing personal data and the purposes for which it is processed. It does not matter if the decisions are made alone or jointly with others.

The data controller is responsible for the personal data which is processed and the way in which it is processed. We are the data controller of data which we process.

**Data processors** include any individuals or organisations, which process personal data on our behalf and on our instructions e.g. an external organisation which provides secure waste disposal for us. This definition will include the data processors' own staff (note that staff of data processors may also be data subjects).

**Data subjects** include all living individuals who we hold or otherwise process personal data about. A data subject does not need to be a UK national or resident. All data subjects have legal rights in relation to their personal information. Data subjects that we are likely to hold personal data about include:

- a) the people we care for and support;
- b) our employees (and former employees);
- c) consultants/individuals who are our contractors or employees working for them;
- d) volunteers;
- e) tenants;
- f) trustees;
- g) complainants;
- h) supporters;
- i) enquirers;
- j) friends and family;
- k) advisers and representatives of other organisations.

**ICO** means the Information Commissioners Office which is the UK's regulatory body responsible for ensuring that we comply with our legal data protection duties. The ICO produces guidance on how to implement data protection law and can take regulatory action where a breach occurs.

**Personal data** means any information relating to a natural person (living person) who is either identified or is identifiable. A natural person must be an individual and cannot be a company or a public body. Representatives of companies or public bodies would, however, be natural persons.

Personal data is limited to information about living individuals and does not cover deceased people.

Personal data can be factual (for example, a name, address or date of birth) or it can be an opinion about that person, their actions and behaviour.

**Privacy notice** means the information given to data subjects which explains how we process their data and for what purposes.

**Processing** is very widely defined and includes any activity that involves the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing can also include transferring personal data to third parties, listening to a recorded message (e.g. on voicemail) or viewing personal data on a screen or in a paper document which forms part of a structured filing system. Viewing of clear, moving or stills images of living individuals is also a processing activity.

**Special categories of data** (as identified in the GDPR) includes information about a person's:

- a) Racial or ethnic origin;
- b) Political opinions;
- c) Religious or similar (e.g. philosophical) beliefs;
- d) Trade union membership;
- e) Health (including physical and mental health, and the provision of health care services);
- f) Genetic data;
- g) Biometric data;
- h) Sexual life and sexual orientation.

**Appendix 2 – Retention Schedule**

<b>Class</b>	<b>Type</b>	<b>Retain for use</b>	<b>Reason</b>	<b>Action</b>
<b>Meetings</b>	Deacons / Elders	Current calendar year + 5	Good practice	To Archive: after weeding
	Members	Current calendar year + 10	Good practice	To Archive: permanent
	Other	Current calendar year + 5	Good practice	To Archive: after weeding
<b>Employment</b>	Employee tax and insurance records	Current tax year + 6	Statutory	Destroy
	Insurance records: employer's liability	Current tax year + 40	Statutory	Destroy
	Pension contribution records	Current tax year + 6	Limitation Act 1980	Destroy
	Contracts of employment	Current tax year + 6	Limitation Act 1980	Destroy
	Annual tax return	Current tax year + 6	Statutory	Destroy
	Expenses claims	Current tax year + 6	Limitation Act 1980	Destroy
<b>Finance</b>	Annual accounts	Current calendar year + 6	Limitation Act 1980	To Archive: permanent
	Cash books	Current calendar year + 6	Good practice	Destroy
	Cheque book / paying in slips	Current calendar year + 6	Limitation Act 1980	Destroy
	Financial statements	Current calendar year + 6	Limitation Act 1980	Destroy
	Covenanted giving and tax relief claims	Current tax year + 6	Statutory and HMRC guidance	Destroy
<b>Membership</b>	Church membership list	Permanently, but should be reviewed annually		Superseded copy to Archive
	Church contact list	Permanently, but should be reviewed annually		
	Marriage registers	Whilst register in use	Statutory	To Archive: permanent
<b>Property</b>	Insurance policies	40 years	Commercial practice	Destroy

<b>Class</b>	<b>Type</b>	<b>Retain for use</b>	<b>Reason</b>	<b>Action</b>
	Claims correspondence	3 years after last action	Commercial practice	Destroy
	Listed buildings correspondence	Permanent	Statute	Archive
	Property agreements and leases	3 years after end of agreement	Commercial practice	If term of lease is under 6 years to be kept for 6 years (min). If over 6 years to be kept for 3 years at end of term of the lease
	Other legal documentation	12 years minimum from date of completion		To archive: after weeding
	Church Copyright Licence records	Current licence year + 6	Limitation	Destroy
	Records of lettings and use by external bodies	1 year	Commercial practice	Destroy
	Quinquennial inspection reports	Current version + previous 3 versions	Good practice	Archive
	Records of building schemes	Last action + 5 years	Good practice	To archive: after weeding
<b>Health &amp; Safety</b>	Reportable accidents / accident book	Date of entry + 3 years		Destroy
	Records documenting external inspections	Date of inspection + 3 years	Good practice	Destroy
	Records pertaining to safeguarding allegations	40 years minimum	Good practice	
<b>General</b>	General correspondence	Conclusion of matter + 1 year	Good practice	Destroy
	Church newsletters and publications	Date of issue + 2 years	Good practice	To archive: after weeding
	Website	Take a snapshot each year, and before any major changes	Good practice	

## **Appendix 3 – Data Management Policy**

This Data Management Policy should be read and adhered to by all those associated with Totterdown Baptist Church who, through their role, are involved in any processing of personal data. Personal data is any information relating to a living person from which you could identify that person. The processing of personal data is defined as: collecting, storing, analysing, transferring and deleting data. The use of personal data processed by the Church is covered by the General Data Protection Regulations (GDPR) and our Data Protection Policy.

### **Record Management**

Information is every organisation's most basic and essential asset, and in common with any other business asset, recorded information requires effective management.

The main point in having records is not that they will be interesting in posterity, but that they are of administrative, financial and/or legal relevance to what has been decided; or what has been done in carrying out a decision; or what has been the united exercise of a meeting in attempting to deal with a subject.

Without proper organisation the sheer volume of records (whether stored in paper or electronic format) can easily become overwhelming.

Totterdown Baptist Church is subject to external regulation; for example in areas of safeguarding children and vulnerable adults, finance, and the preservation and maintenance of the historic building; which makes it essential to maintain proper records. Good record keeping, particularly in these areas, demonstrates the Church's wider accountability to society in relation to our activities and does reflect in part the true complexity and diversity of the Church's activities.

The Church also has theological reasons for managing its records as a testimony of its various activities as part of its continuing witness to Christians, those of other faiths and those of none.

All documents created by Totterdown Baptist Church are the property of the Church, and should not be kept by office holders once they have relinquished office. Neither should they be sold. They are deposited in, and not donated to, archives or record offices. Consideration should be given to confidential destruction of unnecessary documents once their purpose for compilation/reference has been fulfilled.

### **Storage**

#### **Paper records**

All paper files should be kept in a secure location and, where appropriate, retained on the Church premises (and potentially the Church safe).

Personal data should only be used for the purpose intended (e.g. Church Directories), with no disclosure without explicit consent or for legitimate purpose.

### **Emails and electronic records**

Any electronic files containing personal information should be password (or equivalent) protected, whether that be to access the device (e.g. computers, smart phones or memory sticks) or the data itself on the device. It is essential to have up-to-date virus protection installed on your computer.

You should make regular back-ups of files that are saved on your computer, such as through external hard drives or using online 'cloud' storage. Avoid only saving onto memory sticks or flash drives - it isn't safe or secure.

Church related e-mails you need to keep as part of the corporate information of the church should be treated in the same way as any other electronic or paper record and stored in a way that provides security and access to those who need it.

### **Safeguarding**

Safeguarding files must be kept secure on the church premises. It is essential to keep accurate records of any concerns, disclosures and allegations relating to children and vulnerable adults. The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where a future DBS disclosure reveals information from the police that an allegation was made but did not result in a prosecution or a conviction. It will also prevent unnecessary re-investigation if allegations resurface after a period of time.

We have some records that are highly confidential. Any documentation that may not be pertinent to future clarification should be disposed of once the matter has been resolved in line with data protection recommendations.

### **Retention Guidelines**

Think about the need to store the document. Would this be useful for future clarification, does it hold historical value? Does this record need to be held under legislation? This process of sorting through documents is called weeding. You weed out the ones that can be destroyed immediately.

When destroying personal paper records, always ensure you use a confidential shredder.

When deleting personal electronic records, always ensure they are also deleted from the Recycle Bin / Trash. As with paper files, you still need to clear them out and weed them in exactly the same way you would a filing cabinet.

The appendix 'Retention Schedule' lists types of documents we hold and how long we keep them for.