



Social Security Scotland
Tèarainteachd Shòisealta Alba

Social Security Scotland

Retention and Disposal Policy v2.0

Dignity,
fairness,
respect.

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1. Document Control

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2. Review History

Version	Status	Reviewed by	Date	Changes made
0.6	Draft	[REDACTED]	17/05/2022	Accessibility Review
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1.0	Approved	Information Governance Group	06/10/2022	Approval
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2.0	Approved	Information Governance Group	10 July 2024	Approval

3. Introduction

Social Security Scotland creates and holds a wide range of recorded information. Information and records need to be properly managed to enable Social Security Scotland to meet its business needs, legal requirements, to evidence events or agreements and to ensure that any records of historic value are preserved.

Timely destruction of records means that Social Security Scotland:

- can conduct its business more effectively;
- is able to comply with statutory obligations;
- builds a reputation for managing its information in line with best practice;
- can provide evidence of its activities and its decisions.

The permanent retention of all records is unsustainable and unnecessary. Disposal is necessary to free up storage space, reduce administrative burden and to ensure that Social Security Scotland does not unlawfully retain records for longer than necessary (particularly those containing personal data). This policy supports Social Security Scotland in demonstrating public accountability through the proper retention of records and by demonstrating that disposal decisions are taken with proper authority and in accordance with the retention schedule.

4. Purpose

The purpose of this policy is to set out Social Security Scotland's approach to the retention and disposal of records. The retention periods will be set out in Social Security Scotland's retention schedule. There is also a legal requirement under the [Public Records \(Scotland\) Act 2011](#) to create and maintain a retention schedule.

5. Roles and Responsibilities

The Records Management Team are accountable for ensuring effective and efficient record keeping procedures in Social Security Scotland.

All staff are responsible for managing, storing appropriately and disposing of the information they create and receive as part of their normal daily business activities. This includes having an awareness of this Retention and Disposal Policy.

Team leads, Branch Heads or equivalent staff are responsible for ensuring that their business area manages their information in accordance with this Retention and Disposal Policy. This includes identifying appropriate retention periods on the retention schedule for the information they manage.

Information Management Support Officers (IMSOs) have the responsibility to support their business areas in the maintenance of the retention schedule. This involves implementing the retention and disposal actions as outlined in the retention schedule.

Public requests for Social Security Scotland information must be actioned by lines of business in accordance with relevant legislation. Requests for corporate information should be directed to the [Freedom of Information Team](#). Requests relating to personal information need to be actioned by the [Information Rights Team](#).

Social Security Scotland will transfer records selected for permanent preservation to the National Records of Scotland. The practical application of this arrangement will be governed by a formal transfer agreement between the two parties.

This policy applies equally to all Social Security Scotland staff as well as recruitment agency staff, contractors and others employed under a contract of service.

Deputy Directors are responsible for ensuring that this policy is applied within their Divisions. Line managers are responsible for ensuring that all staff are aware of their responsibilities outlined in this Policy.

6. Retention Period

Unless a record has been marked for 'permanent preservation' it should only be retained for a limited period of time. This is known as a retention period.

A recommended minimum retention period is provided for each category of record in the retention schedule. The retention period applies to all records within that category.

The recommended minimum retention period derives from either:

- Business need as determined by Team Leads, Branch Heads or equivalent;
- Legislation; or
- Guidance from the National Records of Scotland.

7. Disposal

Social Security Scotland Retention Policy

Information held for longer than is necessary carries additional risk and cost. Records and information should only be retained when there is a business need to do so. Under UK General Data Protection Regulation (UK GDPR) and the Data Protection Act (DPA) 2018, personal data processed by Social Security Scotland must not be retained for longer than is necessary for the purposes for which the data is processed (with some exceptions).

Records must only be retained beyond the relevant specific Social Security Scotland retention period if their retention can be justified for statutory, regulatory, legal or security reasons or for their historic value.

Social Security Scotland Retention and Disposal Responsibilities

Social Security Scotland will identify, appraise and offer records identified as having historic value and, if applicable, transfer to The National Records of Scotland. Historic records can be transferred earlier by agreement of all parties affected by the decision. This Transfer Agreement will come into place when the retention schedule is finalised.

Social Security Scotland is responsible for maintaining and publishing its own record retention and disposal schedules.

Retention and disposal of records can be undertaken by third parties contracted for those purposes, provided they meet Social Security Scotland compliance obligations. All parties must agree on the responsibilities for and governance of these records. Where another party retains and disposes of personal data on behalf of Social Security Scotland, arrangements for this must be governed by a contract or, in the case of joint controllers, other formal arrangement.

Processes must be in place to make sure that records pending audit, litigation or investigation are not disposed of until after the conclusion of the action and any appeal period has passed. Additionally, records which have been requested under Freedom of Information or Data Protection legislation must not be destroyed until the information has been provided and any appeal period has passed.

Processes must be in place to ensure that all backups and copies of records are included in the disposal of records, or that data is put beyond use.

Retention Requirements for Personal Data

UK GDPR Article 5(1)(e) (storage limitation) specifies that personal data shall be kept for no longer than is necessary for the purposes for which the personal data are processed. Personal data may be stored for longer periods insofar as it will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) of UK GDPR.

Personal data must be periodically reviewed in accordance with Social Security Scotland's retention schedules and if it is no longer needed it should be deleted or anonymised as appropriate. Anonymised data is not subject to UK GDPR or the Data Protection Act 2018 provided the original personal data no longer exists

Any request received from a data subject relating to the retention of personal data must be considered in accordance with [UK GDPR Article 17 \(Right to erasure\)](#), or the equivalent sections in the [DPA 2018](#) if the processing is for law enforcement purposes. Any requests to erase personal data will be considered by the Data Protection and Information Governance branch

8. Destruction

No destruction of a record should take place without assurance that:

- The record is no longer required by any part of the agency;
- No work is outstanding by any part of the agency;
- No litigation or investigation is current or pending which affects the record;
- There are no live Freedom of Information (Scotland) Act, UK GDPR or Data Protection Act data subject requests which concern information contained within the record.

Destruction of Paper Records

Destruction of paper records should be carried out in a way that preserves the security of the information contained within the record. All copies should be destroyed at the same time in the same manner. If the destruction is carried out by a third party on Social Security Scotland's behalf a certificate of destruction must be obtained from the provider and retained.

Destruction of Electronic Records

All electronic records must be destroyed to relevant industry standards to ensure that they are irretrievable. If the destruction is carried out by a third party on Social Security Scotland's behalf a certificate of destruction must be obtained from the provider and retained.

Destruction of Back-ups

Social Security Scotland regularly backs up its electronic systems for business continuity purposes. Back-ups should be deleted/overwritten regularly to ensure that no copies of deleted records or information are retained longer than the back-up cycle. The back-up cycle(s) should be defined in Social Security Scotland's retention schedule.

Destruction of Hardware

Obsolete hardware, such as hard drives, DVDs, and portable USB drives, should be destroyed securely in line with relevant standards to ensure that no information remains on them. Hardware which is to be re-used should be wiped in accordance with relevant industry standards.

9. Transfer to the National Records of Scotland

Archiving and Transferring Overview

A small proportion of records created by Social Security Scotland will be marked for permanent preservation if they are identified as having long term historical value because of their administrative, informational, legal, and historical value as evidence of official business. Archiving is the mechanism by which an authority transfers records of enduring value to an appropriate archive repository, specifying the timing of transfers and other terms and conditions. This is a compulsory element under the Public Records (Scotland) Act 2011, Section 1 2(b)(iii). Records will be transferred to the National Records of Scotland, or another appropriate place of deposit as advised by the National Records of Scotland. These records will be identified in Social Security Scotland's retention schedule.

Element 7 of the Records Management Plan states: Records that have enduring value are permanently retained and made accessible in accordance with the Keeper's 'Supplementary Guidance on Proper Arrangements for Archiving Public Documents'.

The Keeper of the Records of Scotland will expect to see evidence of the processes in place as part of Social Security Scotland's Records Management Plan. The Records Management Team will establish and maintain a transfer agreement between the agency and the National Records of Scotland. It is a requirement of a robust Records Management Plan that a formal process for transferring records for permanent preservation exists.

The National Records of Scotland accepts records of the Scottish Government and its agencies, its predecessor the Scottish Office and non-departmental public bodies.

Archiving and Transferring Best Practice

Archiving best practice within Social Security Scotland will include:

- Having access to professional archival advice to identify records of enduring value.
- Archival selection in accordance with the retention schedule and is format neutral.
- Selection is systematic.
- Being satisfied that the process of transfer ensures the security of the records, that the records are not corrupted in transit (especially in the case of digital records), and the correct records are transferred and received.
- Confirming that the archives repository has appropriate staff, security and storage to meet the Keeper's requirement.
- Being satisfied that the arrangements for public access to archived records is in accordance with access to information legislation and regulation.
- The authority is satisfied that access to archive records that include personal data (data relating to living individuals) is in accordance with data protection law.

Best Practice in Motion

Archiving and transfer best practice will work in Social Security Scotland by moving documents identified for archive from eRDM to the National Records of Scotland. This process will be carried out annually by the Records Management Team or the Scottish Government eRDM team.

Web archiving of our corporate website will be built into the formal transfer agreement.

10. Audit and Compliance

Social Security Scotland has developed its own records management assurance programme to ensure that the core principles in this policy and related activities are

being complied with. Social Security Scotland will audit and monitor the secure disposal of their own records as well as those of any third parties that share or produce records on their behalf. Social Security Scotland will maintain a Disposal Log to ensure an audit trail of disposal decisions is kept.