

# Tina Kyriakides

## GDPR Data Retention and Disposal Policy

### 1. Introduction

In the course of carrying out various functions, Tina Kyriakides (the “Barrister”) creates and holds a wide range of recorded personal information. Records will be properly retained to enable the Barrister to meet her business needs, legal requirements, to evidence events or agreements in the event of allegations or disputes, and to ensure that any records of historic value are preserved.

The untimely destruction of records by the Barrister could affect:

- the conduct of his business;
- her ability to defend or instigate legal actions;
- her ability to comply with statutory obligations;
- her reputation.

Conversely, the permanent retention of records is undesirable and disposal is necessary to free up storage space, reduce administrative burden and to ensure that the Barrister does not unlawfully retain records for longer than necessary (particularly those containing personal information).

This policy supports the Barrister in demonstrating accountability through the proper retention of records and by demonstrating that disposal decisions are taken with proper authority and in accordance with due process.

### 2. Purpose

The purpose of this policy is to provide guidance as to the length of time that the Barrister’s records should be retained and the processes to review the records as to any further retention or for disposing of records at the end of the retention period. The policy helps to ensure that the Barrister operates in compliance with the General Data Protection Regulation and any other legislative or regulatory retention obligations.

### 3. Scope

The policy applies irrespective of the media on which the records are created or held, including:

- paper;
- electronic files (including database, Word documents, power point presentations, spreadsheets, webpages and e-mails);
- photographs, scanned images, CD-ROMs and video tapes.

The policy covers all types of records which the Barrister creates or holds. The records may include, but are not limited to, the following:

- client files;
- minutes of meetings;
- submissions from external parties;
- contracts and invoices;
- registers;
- legal advice;
- file notes;
- financial accounts;
- employee information;
- the Barrister's publications.

## 4. Retention Period

Unless a record has been marked for 'permanent preservation' it should only be retained for a limited period of time. The current minimum retention period is 1 month from the date on which the Barrister completed the legal services to which the record relates. The current maximum retention period is 15 years from that date. The retention period applies to all records the Barrister holds.

The retention period derives from either:

- business need; i.e. running of the Barrister's practice including the need to comply with her professional or legal obligations;
- legislation;
- the need to be able to respond to complaints;
- the need to be able to take or defend legal action.

## 5. Disposal

### 5.1 What is Disposal

The Barrister is responsible for ensuring that the records are periodically reviewed (at least annually) to determine whether any retention periods have expired. Once the retention period has expired, the record must be reviewed and a 'disposal action' agreed upon.

A 'disposal action' is:

- the physical and/or electronic destruction of the record; or
- the retention of the record for a further period; or,
- alternative disposal of the record e.g. the return of the record to the instructing solicitor.

### 5.2 Making and Recording the Disposal Decision

A review of the record should take place as soon as possible after the expiry of the retention period or, if that is not feasible, the record should be retained and a later review date set. It need not be a detailed

or time-consuming exercise but there must be a considered appraisal of the contents of the record. The review should be conducted by the Barrister.

The disposal decision must be reached having regard to:

- on-going business and accountability needs;
- current applicable legislation;
- whether the record has any long-term historical or research value;
- best practice in the legal industry
- costs associated with continued storage versus costs of destruction;
- the legal, political and reputational risks associated with keeping, destroying or losing control over the record.

Decisions must not be made with the intent of denying access or destroying evidence.

## 6. Destruction

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

- the record is no longer required for the Barrister's practice;
- no work is outstanding by the practice
- no litigation or investigation is current or pending which affects the record;
- there are no current or pending FOIA or GDPR subject access requests which affect the record.

### 6.1 Destruction of Paper Records

Confidential paper records should be placed in confidential waste sacks and these sacks should be made available for collection in order that they can be destroyed. It is essential that any documents that are to be thrown away and contain confidential or personal information must be disposed of in this way, in order to avoid breaches of confidence or of the GDPR.

Disposal of documents other than those containing confidential or personal information may be disposed of by binning or recycling.

### 6.2 Destruction of Electronic Records

In the event IT equipment holding electronic records needs to be disposed of, confidential information must be destroyed or wiped using a recognised method to put the data beyond recovery. For mobile phones, smart phones and tablets these should be reset to factory settings. For laptops, PC's and Macs merely deleting the files, single-pass overwriting, or reformatting the disk is insufficient. The steps taken to delete data must be recorded in the IT Asset Register, together with the date on which the steps were taken.

## 8. Retention

The record in question may be retained for a further period following the disposal decision if there is an ongoing business need to retain it by reference to the criteria referred to above or if there is specific legislation which requires it to be held for a further period.

## 9. Further Information

This policy should be read in conjunction with the General Data Protection Policy.