

DATA RETENTION AND DISPOSAL POLICY – HARMISH MEHTA

Effective from 2 April 2024

Introduction

1. In the course of carrying out various functions, the following individual creates and holds a wide range of recorded personal information:

Harmish Mehta

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ICO Registration Number: ZB670367

2. Records will be properly retained to enable Harmish to meet his business needs, legal requirements, evidence events or agreements in the event of allegations or disputes, and ensure that any records of historic value are preserved.
3. The untimely destruction of records by Harmish could affect:
 - 3.1. the conduct of business;
 - 3.2. the ability to defend or instigate legal actions;
 - 3.3. the ability to comply with statutory obligations; and
 - 3.4. his reputation.
4. Conversely, the permanent retention of records is undesirable, and disposal is necessary to free up storage space, reduce administrative burden and to ensure that Harmish does not unlawfully retain records for longer than necessary (particularly those containing personal information).

Purpose

5. This Policy supports Harmish 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.

6. The purpose of this Policy is to provide guidance on the length of time that Harmish's records should be retained and his processes to review the records to consider further retention or disposal at the end of the retention period. This Policy helps to ensure that Harmish operates in compliance with the General Data Protection Regulation ("GDPR") and any other legislative or regulatory retention obligations.

Scope

7. This Policy covers the records listed in the Data Processed Register irrespective of the media on which they are created or held including:
 - 7.1. paper;
 - 7.2. electronic files (including databases, documents, and presentation slides);
 - 7.3. spreadsheets, webpages, e-mails and other documents created using the Microsoft Office suite or similar software;
 - 7.4. photographs and scanned images; and
 - 7.5. CD-ROMs and video tapes.
8. This Policy covers all types of records that Harmish creates or holds. The records may include, but are not limited to, the following:
 - 8.1. client files;
 - 8.2. minutes of meetings;
 - 8.3. submissions from external parties;
 - 8.4. contracts and invoices;
 - 8.5. registers;
 - 8.6. legal advice;
 - 8.7. file notes;

- 8.8. financial accounts;
- 8.9. employee information; and/or
- 8.10. Harmish's publications.

Application

- 9. This Policy applies equally to full-time and part-time employees on a substantive or fixed-term contract and to associated persons who work for Harmish.

Minimum retention period

- 10. Unless a record has been marked for "permanent preservation" it should only be retained for a limited period of time.
- 11. A recommended minimum retention period for various categories of records is set out in the table below.

Category of record	Recommended minimum retention period
Electronic records of emails	7 years
Papers and electronic records stored on device belonging to instructing solicitor or client (e.g. a USB stick or CD)	7 years
Other papers the contents of which are also recorded electronically and held by Harmish	No minimum retention period (as contents recorded electronically)
Other papers or other records relating to a matter on which Harmish has been instructed	7 years

12. Please note that these are only recommended minimum retention periods. For particular matters, Harmish may decide that there is no need to retain the record for the minimum period or, conversely, that there is a need to retain the record for longer than the minimum period.
13. The recommended minimum retention period derives from:
 - 13.1. business need (i.e. the running of Harmish's practice);
 - 13.2. legislation;
 - 13.3. responding to complaints; and/or
 - 13.4. taking or defending legal action.

Disposal

What is disposal?

14. Harmish is responsible for ensuring that the Data Processed Register is 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.
15. A disposal action is:
 - 15.1. the destruction of the record;
 - 15.2. the retention of the record for a further period; or
 - 15.3. alternative disposal of the record (e.g. returning a record to the instructing solicitor(s)).

Making or recording the disposal decision

16. 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 will be conducted by Harmish.

17. The disposal decision must be reached having regard to:
 - 17.1. ongoing business and accountability needs (including audit);
 - 17.2. current applicable law;
 - 17.3. whether the record has any long-term historical or research value;
 - 17.4. best practice in the legal industry;
 - 17.5. costs associated with continued storage versus costs of destruction;
and
 - 17.6. the legal, political and reputational risks associated with keeping, destroying or losing control over the record.
18. Decisions must not be made with the intention of denying access or destroying evidence.

Destruction

Pre-requisites to destruction

19. No destruction of a record should take place without Harmish having reasonably satisfied himself that:
 - 19.1. the record is no longer required by any part of his practice;
 - 19.2. no work is outstanding by any part of his practice;
 - 19.3. no litigation or investigation is current or pending which affects the record; and
 - 19.4. there are no current or pending Freedom of Information Act or GDPR subject access requests which affect the record.

Destruction of paper records

20. 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.

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

Destruction of electronic records

22. In the event that IT equipment that holds 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, PCs, 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.

Retention

23. The record may be retained for a further period if it has on-going business value or if there is specific legislation which requires it to be held for a further period.

Further information

24. This Policy should be read in conjunction with Harmish's Data Protection Policy (published on his website profile).