**Personal Data Retention & Destruction Policy**

# Introduction

This personal data retention and destruction policy (this “policy”) sets out the obligations of the British Society for Gynaecological Endoscopy (“BGSE/we/us/our”) regarding the retention of personal data we collect, hold and process. The purpose of this policy sets out the basis and periods for which we will retain personal data and how we will dispose of personal data. This will ensure compliance with our legal obligations and effective data management. This procedure must be read together with the BGSE ‘Data Protection Policy’ and associated procedures.

This policy applies to all personal data we get access to or receive from patients, employees, professional advisers, suppliers and others, whether held in electronic or physical records, processed by BGSE or on behalf of BGSE (such as personal data in BSGE Endometriosis database and hosted or cloud systems). This includes personal data in structured records (such as databases), unstructured records (such as documents and spreadsheets), in emails, in audio and video recordings and includes personal data we generate (such as through access control systems and in personnel files) as well as personal data provided to us.

The governing law and liabilities as stated in the BGSE Data Protection Policy apply for this policy.

# Definitions

The same definitions as stated in the BGSE Data Protection Policy apply for this policy.

# Responsibilities

The same responsibilities as stated in the BGSE Data Protection Policy apply for this policy.

# Data Retention Principles

The following data retention and destruction principles shall apply to all personal data processed by BGSE:

* + Personal data shall not be retained for longer than is necessary for the purposes for which the personal data is processed.
	+ Once personal data has reached the end of its life, the data or the record holding the data shall be securely disposed of in a manner that ensures it can no longer be used.

Meeting these principles helps to ensure, that we manage risks to rights and freedoms of data subjects associated with processing their personal data, facilitate data subject rights, meet our legal obligations and improves the quality and efficiency of our data management.

# Data Retention Periods

Personal data shall be retained for no less than the minimum retention periods and no longer than the maximum retention periods set out in the retention schedule at Schedule 1 (the “Retention Schedule”).

In certain situations, personal data may be kept for longer than as set out in the Retention Schedule, but only where the Data Protection Officer has given his approval and where BGSE has reasonable grounds for retaining the personal data beyond the retention period. Examples include situations where:

1. the personal data is required for the exercise or defence of legal claims, and appropriate technical and organisational measures have been applied to the continued retention of the personal data to protect the risks to rights and freedoms of data subjects;
2. the personal data is required by BGSE for statistical purposes and appropriate safeguards (pursuant to Article 89(1) of the GDPR) have been applied to the processing for these purposes to protect the risks to rights and freedoms of data subjects;
3. the personal data has been fully and effectively anonymised and the Data Protection Officer is satisfied that data subjects cannot be identified from the anonymised data.

When establishing or reviewing personal data retention periods, the following shall be taken into account:

a) The purpose(s) for which the personal data is collected and processed;

1. The lawful basis upon which the personal data is collected and processed;
2. Whether the personal data is a special category personal data or relates to criminal convictions or offences;
3. The risks to rights and freedoms of data subjects associated with collecting, holding and processing the personal data;
4. BGSE’s legal or regulatory obligations to collect or retain the personal data in question; and
5. BGSE’s objectives and requirements when collecting and processing the personal data

# Data Destruction

Personal data shall be disposed of in the following circumstances:

a) On expiry of the retention period set out in the Retention Schedule;

1. In response to a request from a data subject to erase their personal data where the BGSE Subject Rights Procedure has been followed and the Data Protection Officer has confirmed the personal data should be destroyed;
2. At the discretion of a BGSE Council Board where retention of the personal data is no longer necessary for the purpose of the processing prior to the expiry of the relevant retention period and the Data Protection Officer has confirmed the personal data should be destroyed.

Where personal data is erased at the request of a data subject, BGSE may retain such limited personal data as is reasonably necessary to keep a record of the erasure for the purposes of demonstrating compliance and enforcing erasure across all business systems, provided appropriate technical and organisational measures have been applied to the retained data in order to protect the risks to rights and freedoms of the data subject.

Personal data is to be erased, destroyed or otherwise disposed of in a secure manner as follows:

a) personal data held in electronic records (including back-ups);

1. special category or sensitive personal data held in electronic records (including back-ups);
2. personal data held in physical records (including archives) crosscut shredded as ‘confidential waste’.
3. special category or other sensitive personal data held in physical records (including archives) cross- cut shredded as ‘confidential waste’.

In all cases, proof of destruction is to be recorded. Where an external destruction supplier is used, a certificate of destruction must be provided by the supplier.

Electronic or physical records may contain different types of personal data which are used for different purposes. These different types of personal data may be subject to different retention periods or have different levels of sensitivity. It is therefore imperative that the data itself is managed individually according to categories and not the physical or electronic file as a whole. It may be necessary to destroy some data from a file, at the same time retaining other information from the same file.

# Schedule 1 Retention Schedule

| Category of Personal Data | Contains Personal Data | Retention Period | Rationale for Retention Period | Responsible Team |
| --- | --- | --- | --- | --- |
| BSGE membership records | Yes | Trigger: cessation of membership consultationMinimum: 1 yearMaximum: 2 year | Data held in Google cloud hosted database. At membership renewal if member fails to pay, the record is made inactive. If after 2 years, the record is deleted from the database. | BSGE Specialist Society Manager |
| BSGE conference event attendees | Yes | Trigger: end of eventMinimum: 6 monthsMaximum: 1 year | Data held in RCOG SharePoint (Outlook, Word & Excel).  | BSGE Specialist Society Manager |
| Medical files retained and processed in BSGE Endometriosis database | Yes | Trigger: cessation of medical consultationMinimum: IndefinitelyMaximum: N/A | Data held in Endometriosis database is modified into pseudonymised form and access strictly controlled and stored in a secure environment. Only the independent controller (medical centres) can access and update their patient’s data. | Vice President |
| Subject Access Requests (SAR)- including information compiled for the purposes of meeting the request | Yes | Trigger: Date of last action related to the SARMinimum: 1 years Maximum: 2 years | To permit requestors to make any necessary appeals | BSGE Manager |
| Tax returns and associated computations, signed statements, report and accounts, auditor’s reports. Accounting records, including all supporting documentation such as cashbooks, petty cash books, etc. - VAT records - Corporation tax records | No | Trigger: end of accounting periodMinimum: 7 yearsMaximum: 8 years | Takes account of HMRC requirements that such documents should be kept for 6 years from the end of the accounting period to which they relate (Section 388 Companies Act 2006 and, for VAT, HMRC Notice 700/21). | BSGE Manager |
| Insurance: Public Liability Policy, Product Liability Policy and Employers Liability Policy | No | Trigger: Policy renewal dateMinimum: IndefinitelyMaximum: N/A | Selected in view of the possibility of claims being brought for a long period of time. | BSGE Manager |
| Payroll and wage records (including summaries of expenses, payments made on the employee’s behalf) |  |  | BSGE do not have any employees. As determine by RCOG | RCOG |
| Job applications and interview records of unsuccessful candidatesThis includes unsolicited job applications and C.Vs |  |  | BSGE do not have any employees. As determine by RCOG | RCOG |
| Accident reports and records, accident record books, health and safety policy, assessments re hazardous substances |  |  | BSGE do not have any employees. As determine by RCOG | RCOG |
| Medical files where relevant to the roles for making ‘reasonable adjustment’ determinations. |  |  | BSGE do not have any employees. As determine by RCOG | RCOG |
| Employees’ Pension Scheme Documentation- Documents relating to Employee Pension Scheme save for documents relating to trusts |  |   | BSGE do not have any employees. As determine by RCOG | RCOG |
| Employees’ Pension Scheme Documentation |  |  | BSGE do not have any employees. As determine by RCOG | RCOG |
| Immigration / right to work checks |  |  | BSGE do not have any employees. As determine by RCOG | RCOG |
| Statutory Maternity Pay Records, calculations, certificates (Mat B1s) or other medical evidence |  |  | BSGE do not have any employees. As determine by RCOG | RCOG |
| Commercial contracts (e.g. leasing contracts, IT contracts, etc.) - Correspondence (including e-mails)- File notes and internal memoranda- Original legal documents2, including drafts | No | Trigger: termination of contractMinimum: 7 years from termination where executed as a simple contract, 13 years where executed as a deed, or 16 years where relating to real property.Maximum: One year after the minimum retention period | Takes account of the general limitation period in relation to contract (whether executed as a simple contract or as a deed) and tort claims. Additional period for real property transactions includes circumstances where the 12-year limitation period for a document executed by deed may be extended to 15 years in certain circumstances. | Vice President |

# Revision History

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| --- | --- | --- | --- |
| Version | Date | Author | Summary of Revisions |
| 1.0 | 1 March 2020 |  | First Version |
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