Data

## Introduction

One of the core principles of the U principle means that you must not 5(1)(e) of the UK GDPR states that:

1. Personal data shall be... (e) kept in a form which per is necessary for the purp personal data may be store be processed solely for an historical research purpose 89(1) [which addresses safe technical and organizational safeguard the rights and free

As will be explained below, this do deleted or destroyed in its entirety. of data subjects", meaning that it caproperly pseudonymized.

In the context of a SME, it is unlikely interest archiving, scientific or histo guidance notes do not cover this as

What will be most important from a personal data flowing in and out personal data relating to employee (certain retention periods are set reviewing retention regularly; and *personal* in a timely manner. As wi play an invaluable role in keeping tr

It must also be kept in mind th organization if you share personal retention periods will be important organization holding the personal da tes

limitation principle. In essence, this any longer than you need it. Article

subjects for no longer than sonal data are processed; far as the personal data will public interest, scientific or in accordance with Article mentation of the appropriate this Regulation in order to t ('storage limitation');

that the data in question must be a form which permits identification ata for longer if it is anonymized or

be retained on the grounds of public cal purposes. Consequently, these letail.

ensuring that you keep track of all such as customer information and you can or should keep this data the Data Protection Legislation<sup>1</sup>); or otherwise rendering data *non*on is particularly important and can

s may extend beyond your own In such cases, agreeing suitable t necessarily be the same if each in a different manner.

is in force from time to time regulating ations including, but not limited to, the ((EU) 2016/679) (the "UK GDPR"), as ern Ireland by virtue of section 3 of the Act 2018, the Privacy and Electronic pr legislation.

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<sup>&</sup>lt;sup>1</sup>"Data Protection Legislation" means a the use of personal data and the priva retained EU law version of the General it forms part of the law of England and European Union (Withdrawal) Act 20 Communications Regulations 2003 as a

### **Data Subject Rights**

When considering data retention, in the Data Protection Legislation (and of the individual data subject may d with.

Irrespective of your data retention the right to erasure, also known as t

Similarly, data subjects wishing to access request') must be provided that you hold about them, whether it



gations to abide by the principles of DPR), as detailed below, the rights always be respected and complied

mber that if an individual exercises you must comply with this.

cess (by means of a 'data subject ation concerning the personal data riod or not.

# Part 1. Purpose and Lawfu

Before you can collect, hold, or pr lawful basis for doing so. You may,

- With the consent of individu which you wish to use the period
- In order to enter into a cont request of the individual prio
- In order to fulfil a legal obl above);
- To protect someone's vital ir
- To perform a task with a cle of official functions;
- In a manner consistent with that the individual's own int them (this basis is the most)

Note that if you are collecting, h additional criteria must be satisfied.

The lawful basis or bases upon whic closely linked to the purpose or pur linked to data retention as you m actually require it. Holding onto pers than the original purposes require.

Fairness should also be considered personal data will have upon the ir only use the data in ways in which provide a justification if not), and er you collect their personal data.

Transparency is also essential here personal data usage. It is importa individual data subjects are told processing of their personal data, in or purposes, and - particularly relev will keep it.

When deciding what personal data given to the purpose or purposes linked to your lawful basis for proces documented, as well as included in subjects.

It is also important to regularly revie or purposes to ensure that you are s to use personal data for a new p purpose is compatible with the orig a at all, you must identify a proper al data:

ust explain the specific purpose for ing consent;

ata subject, or to take steps at the ct;

clude contractual obligations - see

neir life);

he public interest or in the exercise

or those of a third party, provided ghts and freedoms do not override en with care).

g special category personal data,

d, and process personal data will be it. These purposes will, in turn, be lata for as long as the purpose(s) not a valid reason to keep it longer

account the impact that your use of being used, ensuring that you will expect (or being able to explain and leceive or mislead individuals when

considered carefully in all areas of the *right to be informed* and that ngs) your collection, holding, and or bases for using it, your purpose se Guidance Notes - how long you

y, careful consideration should be ollected. This is, of course, closely sen purpose or purposes should be that you provide to individual data

tata in light of your chosen purpose ata for the right reasons. If you wish letermine whether or not that new ou may proceed, but if it is not, you

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will either need specific consent or requires the new processing in the p in the SME context.

# Part 2. Data Minimization

A related principle set out in the U any personal data collected, held, a

- Adequate in that it is suffici have collected it;
- Relevant in that it has a purposes; and
- Limited to what is necessary

It is important, therefore, to conside to be clear about why you need i important to record these decisions can always come back and check y great care must be taken to ensure ultimately need.

In particular, you should periodicall that you still need it. This connects period in stone at the early stages project involving personal data is l retention be.

# Part 3. Keeping Data Accu

The requirement to keep personal which ties in closely with data reten that the personal data you hold is a actively keeping data up-to-date.

Where any personal data is inaccul quickly to correct it, erase it, or ot individual data subject's right to rea data must also be handled with care

The longer you keep personal data, the data protection principles enshri that falling foul of one means you r interests not to keep personal data t











cific legal provision which allows or ground is clearly less likely to apply

minimization. You must ensure that

ourpose or purposes for which you

nnection to that/those purpose or

purposes.

will need at the very beginning and f data protection compliance, it is istrate compliance and so that you end to evolve as they progress, and with more personal data than you

ta that you hold in order to ensure data retention. Setting a retention I rarely be sufficient. Just as your too should your approach to data

## e

er core principle of the UK GDPR, e all reasonable steps to make sure ding. In some cases, this will mean

out-of-date), you should take steps is also important to remember the ade as to the accuracy of personal verything.

nain accurate. The degree to which n Legislation are interlinked means rs. It is, therefore, in your own best sary.

# Part 4. Storage Limitation

Thus far, these Guidance Notes retention. When collecting, holding,

- Ensure that you have a lawf data in a fair and transparen
- Collect the personal data o that data only for those pu another ground such as the
- Ensure that the personal d actually necessary for your of
- Keep the personal data in a longer than is necessary in li
- Process the personal data in data.

It is the fourth point that will be our f

As noted above, by only keeping reducing the risks associated with associated with the holding of exces

Furthermore, not only do longer re with the Data Protection Legislation costs. Both physical and electronic with other data protection obligation become more burdensome, costly, a

## The Data Retention Policy

One of the easiest ways to keep to associated with it is to use a Data F of the key legal requirements relating type of personal data collected, he data for, the retention periods for the key information designed to help yo data in question.

Guidance from the Information ( undertaking low-risk personal data policy, however, it remains true tha make the process more efficient, ar long.

#### **Data Retention Periods**

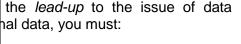
In some cases, the retention per Particular examples of this include key compliance information. In c











ect, hold, and process the personal

, and legitimate purposes and use poses are compatible or you have ata subject(s);

e, relevant, and limited to what is

dentification of data subjects for no e(s); and

appropriate security of the personal

these Guidance Notes.

g as you need it, you are actively the first place, particularly those accuracy.

n increased risk of non-compliance er efficiency and increase business n up unnecessarily, and complying o data subject access requests can

d the retention and review periods on to setting out a helpful summary ch a policy should document every ur organization, what you use that retention review periods, and other or not you should still be holding the

explains that small organizations eed a documented data retention ped out in one *go-to* document can pated with holding onto data for too

f data will be prescribed by law. tax and audit purposes, and other tries, there may also be agreed standards or guidelines. The Inforr credit reference agencies are allowe to be aware, however, that codes of They provide a useful starting point to hold the personal data in question

In many cases, there are no fixed make since you will know what you than anyone else.

What is important when determining be strict. For each type of personal the purpose or purposes for which t to the length of time you truly need must be able to justify your retentio personal data *just in case* you find goes against multiple principles of you will use the personal data, you not to keep the data if it is unlikely to

Deciding how long to keep persona are reviewing it at a later date, is ul do, given the absence of fixed peri that you still have a legitimate need obtained it). You may, for example, personal data about that customer be a justification for retaining some enough data to evidence the existe also need to retain enough data to a all, very difficult not to send market which documents their wish not to re

It may also be important to retain c keeping personal data for such purp long as a claim could be brought.

### **Reviewing Data Retention**

As noted above, it is not sufficient data at the start and to stick to it unv should be deleted or disposed of e legally sound reason to keep it for important.

At the very least, the Information retention of a particular type of per however, they also note that it is go end of retention periods, particula personal data in question has po subjects concerned.



Office, for example, has stated that dit data for six years. It is important essarily a guarantee of compliance. b consider whether or not you need to.

ver, and it will be your decision to the personal data in question better

ersonal data is to be realistic and to g, serious thought must be given to d, held, and processed and, in turn, a for that purpose or purposes. You nd, at the risk of repetition, keeping th in the future is not justifiable and , if there is only a slim chance that lly how slim that chance is and opt

htinue keeping personal data if you cise. What you are not expected to erase or dispose of personal data purpose or purposes for which you a customer. Clearly, you will retain Afterwards, however, there may still n be helpful, for example, to retain and to document its end. You may 's marketing preferences. It is, after on't have personal data about them

he conduct of future legal claims. If uld ensure that it is only kept for as

fixed retention period for personal certain personal data that you hold on the other hand, you may have a ted. Regular reviews are therefore

recommends that you review your f the retention period for that data, ention at regular intervals before the s are lengthy or your use of the sequences for the individual data Not only should your review cover refer back to your original purpose personal data. You must carefully original justification.

## Part 5. After the Retention

Once the retention period for perso whether a review has determined the earlier than planned, there are variation are included for completeness and variations.

It is important to remember that d identification of individual data sul therefore, you may not need to g incorporate useful sales statistics a personal information that can ider justification to retain them, but this c

Similarly, some personal data car however, it is important to note tha way. Under the UK GDPR, persona someone if it can be combined with

Deletion or disposal will often be th will be important to ensure that back

## **Anonymizing Personal Data**

If you do not wish to data records however, to ensure that the data in combined with other data in order to

Two of the primary choices for generalization. Randomization refer the data and the individual. Genera individual data subjects. Aggregatio (and could be applied, for example, a great deal of risk of identifying) ind

Once data has been anonymized, connections can be made to re-iden

It is important to note that the very processing. Consequently, the purp be compatible with the original purp place unless you have another val data subjects.



Ir data retention, but it should also ing, holding, and/or processing the an still legitimately rely upon your

er that is the pre-planned period or otherwise dispose of personal data that certain options discussed here *ng* for a small business.

ta to the extent that it enables the the nature of the data you hold, stomer records, for example, may u will need to strip those records of mers once you no longer have a on-personal data has to go too.

lated option is pseudonymization; v still enables identification in some ta even if it does not directly identify

eleting data stored electronically, it deleted.

is a viable option. It is important, mized and cannot be subsequently ta subject to whom it relates.

al data are randomization and ssentially remove the link between the attributes that relate directly to tion which provides useful statistics data) without identifying (or carrying

a should still be deleted so that no

onal data constitutes personal data ss the newly-anonymized data must ch you acquired the data in the first ptained the consent of the affected While anonymization may seem information while disposing of the Data which may, on the face of it, data subjects. Anonymized data s under regular review.

#### **Deleting Electronic Data**

It is important to keep in mind that storage device such as a hard disk. the physical part of the disk is ove unchanged. Even once data has be be difficult without physically destr tools can be used to restore data e unless the personal data is highly so deleting the data in the normal way

Options for deleting data stored elec

- Physical destruction of stora and DVD ROMs, but for dev Extreme methods include ph be unnecessary for the types
- Secure deletion rather tha sectors of the disk on which are made, the more secure zeroes, to seven passes of this method of deletion is r SSDs and hybrid drives due own secure deletion softw available; however, if full and factor to keep in mind when
- Other methods include rest formatting the drive. It is imp combined with secure deletion the individual files concerned

Such methods are important for hig what is realistically important is p Information Commissioner's Office of

> The ICO will be sa not actually deleted

- is not able, or any decision in the individual in
- does not give a
  surrounds the organizational s
- commits to per becomes possi









which allows you to retain useful uld be undertaken with great care. s may in fact be used to re-identify y to minimize such risks and kept

Il not necessarily remove it from a s only at the software level, but until he magnetic storage itself remains electronic data beyond recovery can im, as sophisticated data recovery verwritten in some cases. However, degree that would not affect SMEs),

I for removable media such as CD s, this can be an expensive option. sks to dust; however, this is likely to s.

his method involves overwriting the n new data. The more 'passes' that ethods range from a single pass of portant to be aware, however, that h newer forms of storage such as y store data. Many SSDs have their there are third-party applications ething you wish to consider, this is a evices.

device to factory settings and/or ever, that unless such methods are more security than simply deleting

most cases, particularly for SMEs, 'beyond use'. Guidance from the pllows:

as been 'put beyond use', if controller holding it: the personal data to inform I or in a manner that affects

cess to the personal data; appropriate technical and

information if, or when, this

Clearly, then, the more permanen expected to take an angle grinder to the Information Commissioner's Off

> If you delete an item to you drive or perform a factory re However, data recovery exp deletion is generally an ac device in most situations.

In short, therefore, selecting the dat *Bin* or *Trash*, will generally be suffi personal data. Nevertheless, if then are many specialist service provider

### **Disposing of Physical Records**

While much information used in bu more so in some contexts than othe past few decades, it is yet to becom

With so much emphasis on secure e overlook paper records; however, v data, the same rules apply.

Even in cases where your primary for to keep track of printed copies and electronic counterparts are deleted. part of your broader data protection and/or Data Security Policy.

When the retention period is up for safely disposed of, taking care to avis, therefore, logical to assume that sufficient. At the very least, physical

When selecting a suitable shredd security are available, some in com to 6 with 1 being the least secure a strips a maximum of 12mm wide ar end of the scale, DIN 6 shredders v generally used for government ar shredders are generally more suitat there is any doubt.

#### **Retaining Personal Data for Archi**







the better; however, you are not or microwave your USB sticks. As clearly states (emphasis added):

*'quick format' of your hard yill be typically deleting data.* **. Even with that said, data yving personal data from a** 

eting it, and emptying your *Recycle* Es handling comparatively low-risk advice should be sought and there re services at a range of levels.

ctronically, paper records still exist, ions of the paperless office over the

bsequent deletion, it can be easy to s easily compromised as electronic

age is electronic, it will be important ies are destroyed safely when their sonal data should be considered as ded in your Data Protection Policy

rd, any hardcopies of it should be being recognizable after disposal. It ber into the recycling bin will not be rsonal data should be shredded.

ep in mind that different levels of IN security levels which run from 1 N 1, for example, shreds paper into suitable for home use. At the other rticle size of 0.8mm v 4mm and are DIN 2 at a minimum, or DIN 3 specialist advice should be sought if

#### istical Purposes

As noted above, in some cases, personal data indefinitely if you are interest; scientific or historical resea

Such data must still be protected including, if appropriate, pseudony retained on any of these grounds purpose.

# Part 6. Conclusions

The key to most areas of data prote reasons for using it. This is partic suitable records and data manager data for far longer than it is needed data is kept, the more likely it is th rendered inaccurate by the passage

Setting clear time limits for the ret limits is of paramount importance. It in case' it could be used in the futur

A Data Retention Policy which n processed by your business, but al longer need it. It is a valuable piece level, and in demonstrating compl Protection Legislation.





rotection law allows you to retain or archiving purposes in the public al purposes.

cal and organizational safeguards to stress that if personal data is o use it subsequently for another

ing track of personal data and your comes to data retention. Without all too easy to hold onto personal d not affect anyone, but the longer sed, lost, stolen, or even simply be

and regularly reviewing those time of the trap of hanging onto data 'just

ersonal data collected, held, and e done with that data when you no will be helpful at both the practical er and the principles of UK Data