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Public Health  
Wales

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## INTERIM GUIDANCE ON RETENTION OF DOCUMENTS AND OTHER RECORDS

### Introduction and Aim

This document provides guidance on the retention of documentation and other records, following the announcement by the UK Government that a full independent Public Inquiry will be held in the Spring of 2022.

### Linked Policies, Procedures and Written Control Documents

All Wales Information Governance Policy  
Guidance on Records Retention

### Scope

This guidance applies to all staff in Public Health Wales.

### Equality and Health Impact Assessment

This guidance is covered by the Equality and Health Impact Assessment submitted for the All Wales Information Governance Policy

### Approved by

Business Executive Team

### Approval Date

20<sup>th</sup> December 2021

### Review Date

20<sup>th</sup> December 2024

### Date of Publication:

20<sup>th</sup> January 2022

### Accountable Executive Director/Director

Executive Director Quality, Nursing and Allied Health Professionals

### Author

Chief Risk Officer

### [Disclaimer](#)

**If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or the [Corporate Governance](#).**

**Summary of reviews/amendments**

<b>Version number</b>	<b>Date of Review</b>	<b>Date of Approval</b>	<b>Date published</b>	<b>Summary of Amendments</b>
1.0		20/12/2021		New document as approved by BET

## **Scope of this guidance**

This guidance relates to the following:

- All documents and other records, regardless of age, subject matter or perceived relevance and includes drafts of papers in production or already published.
- All documents and other records that are created from this point forward, until the organisation issues guidance to the contrary.
- All recordings (audio or video) made of meetings and training sessions.

This guidance applies to all documents and other records wherever they are stored and retained, including (amongst other locations) server files, groupware, Sharepoint and MS Teams and documents stored in hardcopy.

Managers must ensure that this guidance is adhered to and is brought to the attention of new starters to the organisation.

## **Deletion / destruction of records**

All staff are reminded that the organisation has a Retention and Destruction schedule published on the Intranet. Records should only be destroyed or deleted in accordance with that schedule, with the exception that any records relating to the organisations response to the pandemic should not be destroyed or deleted. In the event that records exist which may be considered relevant to any future public inquiry, they should be retained and advice sought from the Programme Manager for the Organisational Learning Programme Board.

## **Confidential waste**

There is currently no change to the arrangements for the destruction of confidential waste. All staff are reminded however that any hardcopy records that may be considered relevant to any future public inquiry should not be destroyed in confidential waste, but again advice should be sought as above.

## **'Personal' documents**

All staff who maintain personal notebooks and diaries that are used to take notes in meetings and for work purposes may need at some point in the future to refer back to notes made some time ago. All staff holding such books then should make a list of the books that they hold and the

dates to which they apply (including all such completed books) and be prepared to submit them to their managers if and when they are required. At this time, there is no need for staff to hand in these notebooks and they should be retained by staff and kept secure until a decision is made about what is to be done with them.

Staff working from home should ensure that all documents are stored and kept confidential in line with the Remote Working Procedure.

## **Staff leaving the organisation**

All staff are reminded that any documents and other records stored on Public Health Wales systems are the property of Public Health Wales and there is no automatic right for staff to take such documents with them when they leave. This applies whether they are going to other NHS organisations, moving out of the Health sector or retiring.

Any requirement to remove documents or other records must be referred to the line manager, who will be required to assess any such request and each will be considered on its own merits. Where it is deemed appropriate for any documents or other records to be removed, copies will be made for the person in question but all originals will be retained on Public Health Wales systems until they are deemed as being no longer required.

If there is any doubt over whether or not a document or other record should be released, advice should be sought from the Programme Manager for the Organisational Learning Programme Board.

## **Email**

Staff should continue to use Outlook as normal, and delete emails from their inbox as required.

When colleagues now leave Public Health Wales they will no longer be permitted to take their Public Health Wales email address with them to other Health Boards. You will instead be given a new account and email address.<sup>1</sup>

This is being implemented to ensure Public Health Wales can retain information and data in the possible event of it being required in the future.

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<sup>1</sup> Planned transfers of staff to other organisations will be dealt with as part of the project planning for the move.

If you have any questions please contact either the Office 365 Project Team on [phw.office365@wales.nhs.uk](mailto:phw.office365@wales.nhs.uk) or the Information Governance Team on [phw.informationgovernance@wales.nhs.uk](mailto:phw.informationgovernance@wales.nhs.uk)

## **Documents containing legal advice**

Any document received from solicitors or lawyers that constitutes legal advice may be subject to legal privilege. In order to ensure that this position is not compromised, it is essential that any such document is clearly marked as such and stored securely, so that litigation privilege is not waived inadvertently.

If there is any doubt about whether or not a document is subject to legal privilege advice can be sought from the Public Health Wales Claims Manager.

## **Data Protection**

It is quite likely that many documents and other records retained under this guidance will contain personal data and be subject to the provisions of the General Data Protection Regulation and the Data Protection Act. Public Health Wales has the following legal bases for retention of documents and other records under this guidance.

Article 6 (1)(c) Processing is necessary for compliance with a legal obligation to which (Public Health Wales) is subject.

Article 9 (2)(f) Processing is necessary for the establishment, exercise or defence of legal claims, or whenever Courts are acting in their judicial capacity.

Article 9 (2)(g) Processing is necessary for reasons of substantial public interest (...)