

West Sussex County Council Trading Standards Retention Schedule

Introduction

The County Council's record retention and disposal schedule for Trading Standards has been developed by the Trading Standards department in collaboration with the Records Management Service. The schedule applies to both hard copy and electronic records.

This retention schedule identifies Trading Standards record types. Each of these record types has then been allocated a retention period based on legislation, business need, best practice, or a combination of these.

The schedule is a vital tool to ensure the council complies with the Data Protection Act 2018 and UK GDPR.

Why this schedule is important

Trading Standards produce many types of record. It is vital that these are organised in a manner that makes them retrievable and retained for a suitable period of time.

The council has a legal duty not to retain information longer than is necessary, as outlined in the [Principle \(c\): Data minimisation](#) of UK GDPR. It is also important that council resources are not being used to store records and data that are no longer required, whilst also ensuring these are not destroyed or deleted too soon. Having a fully implemented, comprehensive and regularly updated retention schedule enables the council to meet these legislative duties.

A further explanation as to why a retention schedule is important can be found on the Information Commissioner's Office website as part of [Principle \(e\): Storage Limitations](#) of UK GDPR.

Using the Record Retention and Disposal Schedule

The retention schedule is not based on the current directorates and business units of the council, but rather the overall functions and activities. This means it will remain relevant in the event of future re-structuring or renaming of directorates and business units.

- Definition of terms

Term	Definition
Function	The top-level function within the County Council, e.g. Children’s Services
Activity	The activity within the function, e.g. social care
Code	A unique code given to each record type
Record Type	The different types of record used to carry out the activity, e.g. case file
Retention Period	The number of years the record type should be retained before being reviewed for destruction or permanent archive
Retention Period Calculated From	The point at which the retention period begins. This may be the date of birth or the last contact with an individual, the end of a contract, or something else
Statutory Provision / Justification	The reason for the retention period. This is usually based on legislation, business need, best practice or a combination of these
Contains Personal Data?	Yes/No - Does the record type contain any of the following information about an individual: name, address, telephone number, email address or any other information that could identify the individual?
Action	A description of what happens once the retention period is up. This will usually be that the record will be reviewed for destruction or further retention, or appraised for permanent preservation in the County Archives
Additional Notes	Any additional information or caveats relating to the record type, the retention period or the action
Fileplan	List of functions, activities, and record types to form the main reference tool of the retention schedule

- When should information be retained beyond agreed retention schedule?

Information may occasionally be retained beyond the agreed retention period. The 'Retention Period Calculated From' date may begin again if:

- a case has been re-opened;
- a new case activity has occurred;
- it is felt there is an ongoing business or care need to retain the record; or
- an inquiry or police investigation require a record or group of records to be retained

Destruction process

Paper records authorised for destruction are confidentially destroyed. Electronic records are deleted from council systems.

What items go into permanent archive?

When a record has been designated for destruction or deletion it may be randomly selected or appraised by an archivist from the West Sussex Record Office to determine if it holds historical value. If this is the case, it may be retained permanently in the council's corporate archive.

Limitations

Many types of record do not have specified retention periods in law or in official local government guidance. To develop this schedule, departments have reviewed and provided updates for their areas to establish a 'best practice' retention period where there is not one in legislation. Further, a review of the best practices adopted by some other local authorities was conducted during the creation of the schedule.

Deleting information from a system is not always a straightforward matter. Where an IT system does not allow for part-deletion of a record, the Council will consider data protection legislation and guidance from the Information Commissioner's Office (ICO).

The Retention Schedule

Trading Standards

Code	Record Type	Retention Period	Retention Period Calculated From	Statutory Provision / Justification	Contains Personal Data?	Action	Additional Notes
<u>TS1 Trading Standards - Premises</u>							
TS1.1	Premises - General	6 years	The last TS intervention	Primary purpose for processing: law enforcement purposes as per section 31 of the DPA 2018	Yes	Review and confidential destruction	Arcus Global is the new East & West Sussex Trading Standards shared database (as of 20/9/2022). This is the agreed retention period for review and retention of documents on the related cloud based storage
TS1.2	Premises - HR Food	6 years	The last TS intervention	Primary purpose for processing: law enforcement purposes as per section 31 of the DPA 2018	Yes	Review and confidential destruction	See Above

Code	Record Type	Retention Period	Retention Period Calculated From	Statutory Provision / Justification	Contains Personal Data?	Action	Additional Notes
TS1.3	Premises - Registered feed businesses	6 years	The last TS intervention	Regulation (EC) No 1831/2003 laying down requirements for feed hygiene - requirement to maintain a register of feed businesses	Yes	Review and confidential destruction	See Above
TS1.4	Premises - Farms, Poultry Keepers and other Animal Health premises	6 years	The last TS intervention	Primary purpose for processing: law enforcement purposes as per section 31 of the DPA 2018	Yes	Review and confidential destruction	See Above
TS1.5	Premises - Primary Authority Premises	6 years	The last TS intervention	Primary purpose for processing: law enforcement purposes as per section 31 of the DPA 2018	Yes	Review and confidential destruction	See Above

Code	Record Type	Retention Period	Retention Period Calculated From	Statutory Provision / Justification	Contains Personal Data?	Action	Additional Notes
TS1.6	Premises - Public, WSCC Waste, and VOSA weighbridges	6 years	The last TS intervention	Primary purpose for processing: law enforcement purposes as per section 31 of the DPA 2018	Yes	Review and confidential destruction	See Above
TS1.7	Premises - Petroleum sites	100 years	Closure	Primary purpose for processing: law enforcement purposes as per section 31 of the DPA 2018. It is also in the public interest to archive this information for future environmental searches.	Yes	Review and confidential destruction	See Above

Code	Record Type	Retention Period	Retention Period Calculated From	Statutory Provision / Justification	Contains Personal Data?	Action	Additional Notes
TS1.8	Premises - Threats of violence from individuals	15 years	Date of last threatening incident	Health and Safety at Work Act 1974 (HASAWA) requires you to take reasonable care for the health and safety of our employees	Yes	Review and confidential destruction	See Above
<u>TS2 Trading Standards - Workflows & linked documentation</u>							
TS2.1	Service Requests	6 years	Closure of service request	Primary purpose for processing: law enforcement purposes as per section 31 of the DPA 2018	Yes	Review and confidential destruction	Arcus Global is the new East & West Sussex Trading Standards shared database (as of 20/9/2022). This is the agreed retention period for review and retention of documents on the related cloud based storage

Code	Record Type	Retention Period	Retention Period Calculated From	Statutory Provision / Justification	Contains Personal Data?	Action	Additional Notes
TS2.2	Samples - Satisfactory/ Unsatisfactory	6 years	Closure of sample	Primary purpose for processing: law enforcement purposes as per section 31 of the DPA 2018	Yes	Review and confidential destruction	<u>n/a</u>
TS2.3	Prosecutions Database	6 years	Date of case closure/ conviction/end of sentence	Governed by the retention requirements of Criminal Procedure and Investigations Act 1996 (section 23(1)) Code of Practice	Yes	Review and confidential destruction	<u>n/a</u>
TS2.4	Inspections	6 years	Closure of visit	Primary purpose for processing: law enforcement purposes as per section 31 of the DPA 2018	Yes	Review and confidential destruction	n/a

Code	Record Type	Retention Period	Retention Period Calculated From	Statutory Provision / Justification	Contains Personal Data?	Action	Additional Notes
TS2.5	Licences - Explosives	6 years (Up to e.g. 5 year - licence)	Duration of the licence plus 1	Primary purpose for processing: law enforcement purposes as per section 31 of the DPA 2018	Yes	Review and confidential destruction	n/a
TS2.6	Licences - Petroleum	100 years	Date of licence	Primary purpose for processing: law enforcement purposes as per section 31 of the DPA 2018. It is also in the public interest to archive this information for future environmental searches.	Yes	Review and confidential destruction	n/a

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Code	Record Type	Retention Period	Retention Period Calculated From	Statutory Provision / Justification	Contains Personal Data?	Action	Additional Notes
TS2.7	Registrations - Feed	6 years	The last TS intervention	Regulation (EC) No 1831/2003 laying down requirements for feed hygiene - requirement to maintain a register of feed businesses	Yes	Review and confidential destruction	n/a
TS2.8	Documents linked to FLARE/APP	6 years	Date of document	Primary purpose for processing: law enforcement purposes as per section 31 of the DPA 2018.	Yes	Review and confidential destruction	On 1/4/2023 the CIVICA/APP database ends. These are the linked documents.

Code	Record Type	Retention Period	Retention Period Calculated From	Statutory Provision / Justification	Contains Personal Data?	Action	Additional Notes
TS2.9	Covert surveillance authorisations	6 years	The application or renewal	Regulation of Investigatory Powers Act 2000- Covert Human Intelligence Sources Revised Code of Practice August 2018 - retain records for at least 5 years.	Yes	Review and confidential destruction	n/a
TS2.10	Financial Investigation	6 years	Date of satisfaction of a POCA order	Governed by the retention requirements of Criminal Procedure and Investigations Act 1996 (section 23(1)) Code of Practice and Proceeds of Crime Act 2002	Yes	Review and confidential destruction	Nominal POCA orders can last indefinitely allowing a convicted person to be pursued for wealth acquired at a later date.

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Code	Record Type	Retention Period	Retention Period Calculated From	Statutory Provision / Justification	Contains Personal Data?	Action	Additional Notes
TS2.11	Intel Reports	6 years	The application	Primary purpose for processing: law enforcement purposes as per section 31 of the DPA 2018	Yes	Review and confidential destruction	n/a
<u>TS3 Trading Standards - Staff</u>							
TS3.1	Staff emergency contact details	Until staff leave the service	Until staff leave the service	Health and Safety at Work Act 1974 (HASAWA) requires you to take reasonable care for the health and safety of our employees	Yes	Confidential Destruction	n/a
<u>TS4 Trading Standards - Notebooks</u>							
TS4.1	Officer Notebooks	6 years	Last entry	Primary purpose for processing: law enforcement purposes as per section 31 of the DPA 2018	Yes	Review and confidential destruction	n/a