

## LMC Services Yorkshire CIC Record Retention and Disposal Policy

The aim of LMC Services Yorkshire CIC is to provide benefits to Local Medical Committees and their constituents, General Medical Practitioners and General Medical Practice Teams

### 1. PURPOSE

The purpose of this Record Retention and Disposal Policy is to ensure that LMC Services Yorkshire CIC ('The Company') with its registered office address at 87-89 Leeds Road, Harrogate, England, HG2 8BE, (Company number 13084683), retains its official records in accordance with the requirements of all applicable laws and to ensure that official records no longer needed by the Company are discarded securely and at the proper time. This Policy provides guidelines concerning the length of time official records (both physical and digital) should be retained under ordinary business circumstances. The Company's lawful basis for processing personal data is set out in our [Privacy Notice](#).

The Company provides benefits to, and holds information on:

- i. GP Constituents and practice contacts
- ii. Individuals and employees working within organisations
- iii. Directors and employees of the Company

### 2. COVERED RECORDS

This Policy applies to all official records generated in the course of the Company's business, including but not limited to:

Category of data held:	Period of retention
Mentees	Personal and contact details, plus the protected mentorship consultation notes, will be deleted 3 years after the date of the final mentoring session. This is in line with the time in which mentees can re-access the service without re-referring.
Mentors	Personal and contact details will be deleted 3 years after the Mentor informs LMC Services Yorkshire that they will cease to be a contractor, unless there is a legitimate reason to retain some or all of the details for longer. In any event information shall only be kept for a reasonable amount of time and only as required

Course attendees	Personal and contact details will be deleted when the Company is notified that the individual is leaving their practice, or wishes to be removed from the database
Other service users	Personal and contact details will be deleted when the Company is notified that the individual is leaving their practice, or wishes to be removed from the database
Individuals and employees working within other organisations	Contact details will be deleted within six months of the Company terminating any arrangements with those organisations unless there are specific circumstances, including potential litigation and or disputes, where those details may be kept for longer.
Directors and employees	<p>Recruitment records of any unsuccessful applicant shall be kept for 6 months from the date of their unsuccessful application unless there is a legitimate reason for keeping them longer.</p> <p>Personal information of directors and employees, including contact details, appraisals and reviews, shall be kept for 6 years following their departure unless there is a legitimate reason for keeping them longer.</p> <p>Director and employee records contain sensitive information so it is essential to ensure they are disposed of correctly. This includes the cross shredding of paper records and the secure disposal of hard drives which should be destroyed rather than re-formatted.</p> <p>Director and employees' financial information will be retained for 7 years following their departure unless there is a legitimate reason for keeping them longer.</p>
Data Processors	<p>Article 5(1)(e) of the UK GDPR states personal data shall be kept for no longer than is necessary for the purposes for which it is being processed.</p> <p>The Company will review the arrangements it has with all its data processors when the working relationship comes to an end and shall ensure any personal data is securely disposed of, as and when it is no longer necessary.</p>
Accounts	Accounts shall be retained in line with the '6+1 rule', inclusive of six years historic accounts plus the current year.

### 3. RECORD RETENTION

We will only use the information that you provide us and comply with standard retention periods wherever possible in accordance with the principles of the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) (“UK GDPR”), the Data Protection Act 2018 and any other relevant legislation, regulation, code of practice or guidance which governs how Local Medical Committees use personal data.

The company will specifically apply the principles as set out in Article 5(1)(e) of the UK GDPR which states:

‘Personal data shall be:

(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;’

All records shall (unless otherwise stated in the table set out in Clause 2 above) be maintained and stored for a period of 7 years. The Directors of the Company:

- i. Will be responsible for the administration of this policy and to ensure that the policy is implemented; and
- ii. May make modifications to the Policy from time to time to ensure that it complies with all applicable law.

Any challenges to the retention of personal data must be considered in accordance with UK GDPR Article 17 (Right to erasure). The right to erasure does not apply where the Company is legally obliged to process personal data or where the processing is necessary for performing its functions.

#### **4. RECORD STORAGE PROCEDURES**

In order to facilitate administration of this Policy, where practicable, the official records of the Company should be organised and stored according to general categories in a manner that best facilitates the efficient administration of the organisation’s operations. Records within each category should generally be organised and stored in chronological order by time period (e.g., by month or year).

Categories of records not required to be retained on a permanent basis should be maintained by date or conspicuously dated to enable such records to be easily identified for disposal at the end of the record retention period.

Records containing confidential information should be labelled and/or stored in a manner to limit access to those Directors, employees or other individuals with authorisation to view such records.

#### **5. SUSPENSION OF RECORD DISPOSAL IN EVENT OF LITIGATION OR CLAIMS**

In the event that the Company reasonably anticipates or becomes aware of a governmental investigation or audit concerning the Company or the commencement of any litigation against or concerning the Company, any further disposal of all forms of information relevant to the investigation, audit or litigation shall be suspended until such time as the Directors determine

otherwise. Following the closure of any investigation or audit or the end of any litigation, the Directors shall review the information to determine how long it needs to be retained.

## 6. CONFIDENTIALITY AND OWNERSHIP

All records are the property of the Company and the Directors and/or employees are expected to hold all business records in confidence and to treat them as Company assets. Records must be safeguarded and may not be disclosed to parties outside of the Company without proper authorisation. Any subpoena, court order or other request for documents received by the Company, or questions regarding the release of the Company's records, must be directed to the Directors prior to the release of such records. Any records of the Company in possession of a Director, employee or third party must be returned to Company upon termination of employment or other contractual arrangement which is not subject to clause 7.

This policy is not intended to and does not constitute or create contractual terms of employment, assure specific treatment under specific conditions and/or does not alter the at-will nature of any employment relationship with the Company.

## 7. EXCLUSIONS

For the avoidance of doubt, this Policy does not apply to any commissioned contracts or other contracts that the Company may hold where the requirements of record retention and disposal are part of the terms and conditions of that contract. Under those circumstances the relevant terms of those contracts shall prevail over this policy.

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Policy Approval Date:

<b>Date</b>	<b>Author</b>	<b>Document History</b>
October 2021	A Foulston	Agreed by Directors, CIC
October 2021	A Foulston	Copyright information added, pronouns updated
Feb 2022	As above	Copyright updated
Oct 2023	S Fielding	Service users by type defined
November 2024	J Burgess	LMC Law review