



Ministry  
of Justice



HM Courts &  
Tribunals Service

# Court of Appeal, Civil Division HM Courts and Tribunals Service Records Retention and Disposition Schedule

## Introduction

1. This schedule applies to the records<sup>1</sup> held by the Court of Appeal, Civil Division at the Royal Courts of Justice (RCJ). It has been drawn up following consultation between HM Courts & Tribunals Service (HMCTS) and staff working for the Departmental Records Officer (DRO) in the Ministry of Justice.
2. As a public body, the MoJ takes its responsibilities for managing information seriously. These responsibilities include compliance with the Public Records Act 1958, General Data Protection Regulation (GDPR), the Data Protection Act 2018, Freedom of Information Act 2000 (FoIA) and amending legislation. The MoJ uses Records Retention and Disposition Schedules (RRDS) to manage its compliance with statutory obligations to identify what information and records we hold, how long we keep it and what should happen to these records at the end of that time.
3. The court's work is governed by the Civil Procedure Rules and supporting rules.

## More about this schedule

4. Some of the records listed below are selected for permanent preservation under the Public Records Act<sup>2</sup> and are transferred to The National Archives (TNA). To help you to locate any records that have already been transferred, we have included TNA's classification<sup>3</sup> of these records.<sup>4</sup>

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<sup>1</sup> This applies to records in all formats, digital (including case management systems), audio (where relevant) and paper

<sup>2</sup> Public Records Act 1958 s.3(6)

<sup>3</sup> To search TNA's catalogue (Discovery), go to: <http://discovery.nationalarchives.gov.uk/> and put quotation marks - "" around the classification number. To browse Discovery, go to: <http://discovery.nationalarchives.gov.uk/browse> and click on the first letter of the classification scheme.

<sup>4</sup> Court of Appeal staff should contact the Departmental Records Officer's team to discuss arrangements for accessing historic records.

5. The National Archives (TNA) has set out details of case files that will be accepted for permanent preservation in its **Operational Selection Policy 48**. These records are covered by **Section 5.5: Other significant cases**. This is summarised in the schedule below, but the full guidance can be seen at:  
<http://www.nationalarchives.gov.uk/documents/information-management/osp48.pdf>.
6. Currently the age of the records being transferred to TNA is reducing from 30 years to 20 years.<sup>5</sup>
7. The DRO's team selects records for permanent preservation and transfer to TNA in line with the following process:
  - a. Records are reviewed by the DRO's team, following criteria set out in Annex A of TNA's *Best practice guide to appraising and selecting records for The National Archives*<sup>6</sup>.
  - b. Where records meet the criteria, they are prepared and then transferred to TNA.
  - c. Where records do not meet the criteria, they are destroyed.
  - d. The DRO makes the final decision about what is/is not transferred to TNA.
8. This schedule does not cover the records held in the CE-File system which has a separate schedule. It is split into three sections:
  - a. Records unique to the Court of Appeal, Civil Division.
  - b. Records unique to HMCTS but not held elsewhere in MoJ.
  - c. Records held by various teams within the MoJ and its associated bodies and where a common retention and disposition policy is applied.
9. If a Freedom of Information Act 2000 request or a subject access request under the General Data Protection Regulation and Data Protection Act 2018 is received, a hold must be put on the relevant records for at least **three months** after the request is resolved.

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<sup>5</sup> The timetable governing the transition to the 20-year rule is set out in The Public Records (Transfer to the Public Record Office) (Transitional and Saving Provisions) Order 2012:  
<http://www.legislation.gov.uk/ukxi/2012/3028/contents/made>

<sup>6</sup> This can be found at: <https://www.nationalarchives.gov.uk/documents/information-management/best-practice-guide-appraising-and-selecting.pdf>

10. While the Independent Inquiry into Child Sexual Abuse (IICSA) continues its investigations, the moratorium on the destruction of records of potential interest to IICSA remains in place. All government departments and their associated bodies (in common with other public sector bodies) are required to comply with the moratorium. All business areas should apply the moratorium to any records covered by the following criteria:
- a. documents which contain or may contain content pertaining directly or indirectly to the sexual abuse of children or to child protection and care
  - b. the document types include, but are not limited to, correspondence, notes, emails, and case files, regardless of the format in which they are stored (digital, paper, CDs, etc)
  - c. for the purposes of this instruction, the word “children” relates to any person under the age of 18
  - d. further information about the moratorium is available on IICSA’s website at: <https://www.iicsa.org.uk/news/chair-of-the-inquiry-issues-guidance-on-destruction-of-documents>.
11. While the Infected Blood Inquiry continues its investigations, the Court of Appeal, Civil Division will comply with the moratorium on the destruction of records relevant to this Inquiry. Further information about the Inquiry’s requirements can be found on its website: <https://www.infectedbloodinquiry.org.uk/evidence/>.
12. As part of its commitment to transparency, this schedule will be published on the MoJ’s webpage: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>.

## The schedule

No.	Record type	TNA Classification	Retention and disposition
<b>1. Unique records held by the Court of Appeal, Civil Division</b>			
1.	Civil Appeals case papers	J 157	Keep for <b>three years</b> from date of last action and then review: <ul style="list-style-type: none"> <li>• Cases which a) set legal precedent, b) are long running or c) are considered as having special interest (e.g. receive a lot of media coverage), should be sent to the DRO's team who will liaise with TNA before deciding which cases will be permanently preserved as part of the Public Record.</li> <li>• All other cases should be destroyed.</li> </ul>
2.	Case log <sup>7</sup>		Kept permanently by the Court
3.	Fee Copies of Notices of Appeal		Keep for <b>seven years</b> and then destroy
4.	Court of Appeal orders		Kept permanently by the Court
5.	Judgments (including case transcripts)		Kept permanently by the Court <sup>8</sup>
6.	Pre-appeal correspondence		Keep for <b>one year from last action</b> and then destroy
<b>2. Records managed by a common retention and disposition policy across HMCTS</b>			
7.	Cause Lists		Keep for <b>one year from last action</b> and then destroy

<sup>7</sup> Includes case number, outcome, etc

<sup>8</sup> Judges' clerks are now transferring judgments to The National Archives for publication at: [https://caselaw.nationalarchives.gov.uk/judgments/advanced\\_search?court=ewca/civ](https://caselaw.nationalarchives.gov.uk/judgments/advanced_search?court=ewca/civ)

No.	Record type	TNA Classification	Retention and disposition
8.	Bundles		Court staff are required to retain and dispose those bundles that have been lodged at court for the specific use of the judge / court in accordance with HMCTS guidance issued on April 2019. ( <b>The court bundle</b> ) <sup>9</sup>
9.	Records created as part of governance and assurance processes including: <ul style="list-style-type: none"> <li>• Key Control Check Sheets (KCCS)</li> <li>• Standard Operating Controls (SOC)</li> <li>• Previous equivalents</li> </ul>		Destroy in line with the HMCTS Governance and Assurance RRDS
<b>3. Records managed by a common retention and disposition policy</b>			
10.	HR information (held by line managers)		Destroy in line with the <i>What to keep</i> <sup>10</sup> guidance
11.	Finance and risk management information		Keep for <b>seven years</b> and then destroy.
12.	Business continuity plans		Updated annually. Keep previous versions for <b>three years</b> and then destroy.
13.	All other types of record not specified above, including copies of records which are owned by other business areas <sup>11</sup>		Keep for <b>three years</b> and then destroy.

<sup>9</sup> It has been agreed between HMCTS, Bar Council and the Law Society that barristers/solicitors are responsible for removing their own bundles, (including witness bundles), as they are the Data Controllers of that information

<sup>10</sup> *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

<sup>11</sup> If the business identifies record types which need a new retention period, they should contact the DRO's team.

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**Signed: 22 June 2022**

Previously amended: July 2015