



Ministry
of Justice



Legal Aid
Agency

Legal Aid Agency

Records Retention and Disposition Schedule

Introduction

1. This schedule applies to the records that are created and managed by staff employed in the Legal Aid Agency (LAA). It has been agreed following consultation between the LAA and the Departmental Records Officer's (DRO) team 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, UK 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 Legal Aid Agency's work is governed by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and supporting rules.

More about this schedule

4. None of the records listed below are selected for permanent preservation and transfer to The National Archives (TNA).
5. This schedule is split into four tables:
 - a. Records managed by MoJ's common retention and disposition policy
 - b. LAA Corporate Records
 - c. LAA Operational Records
 - d. Public Defender Service (PDS) records
6. If a Freedom of Information Act 2000 request or a subject access request under the UK 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.¹

¹ See rows 7 and 8 for maximum retention period

7. While the Independent Inquiry into Child Sexual Abuse (IICSA) continues its work, the moratorium on the destruction of records of potential interest remains in place.
8. While the Infected Blood Inquiry continues its investigations, LAA 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/>.
9. While the UK Covid-19 Inquiry continues its investigations, any records of potential interest to the Inquiry, as set out in published Terms of Reference, will be retained. Further information can be found at: <https://covid19.public-inquiry.uk/uk-covid-19-inquiry-terms-of-reference-2/>.
10. 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

Table A. Records managed by a common retention and disposition policy

No.	Record type	Retention and disposition
1.	Finance, including financial decisions, financial reports, and reporting documents	<p>Apart from the exceptions listed below, keep for seven years from the date of the last entry/update and then destroy.</p> <p>Exceptions</p> <ul style="list-style-type: none"> • Statement of Accounts and Reconciliation Summaries of Account Keep for two years from issue date and then destroy. • Financial (non-personal) data retained for developing financial models Once separated from personal data, keep for 10 years and then review: <ul style="list-style-type: none"> ○ Where no longer needed, destroy immediately. ○ Where still required, keep for another 10 years and repeat the process until the data is no longer needed.
2.	Contracts and the tendering process	<p>Apart from the exceptions listed below, keep for six years from the date that the contract ends and then destroy.²</p> <p>Exceptions</p> <ul style="list-style-type: none"> • Unsuccessful Tender Documents Keep for one year from rejection date and then destroy. • Unsuccessful Applications for contracts Keep for one year from refusal date and then destroy. • Contract Notices Keep for three years from end of contract notice and then destroy.

² Limitation Act 1980 s.5 sets the time limit for actions founded on simple contracts (signed under hand) at six years

No.	Record type	Retention and disposition
3.	Business continuity plans (held by business)	Updated annually. Keep previous versions for three years and then destroy.
4.	Risk management	Keep for seven years from end of financial year and then destroy.
5.	Litigation cases (against LAA)	Keep for six years from last action and then destroy
6.	HR information (held by line managers)	Destroy in line with the <i>What to keep</i> ³ guidance
7.	Responses to Subject Access Requests	Keep for nine months and then destroy.
8.	Background information (held by business) for responses to: a) Parliamentary Questions (PQs) ⁴ b) Correspondence (including Ministerial Correspondence (MCs)) ⁵ c) Information requests made under: <ul style="list-style-type: none"> Freedom of Information Act⁶ NB. See footnotes showing where the answers to these requests are held	Keep for one year and then review: <ul style="list-style-type: none"> Where operationally relevant, keep for another year and then repeat the process until the item is no longer needed. Where no longer needed, destroy immediately.
9.	Data loss and security incident records (held by business)	Keep for three years from incident closure and then destroy
10.	Submissions, briefings for ministers and policy team, other correspondence with Private Office, Chief Executives' Offices, etc including Ministerial responses to submissions and other documents	Keep for seven years and then destroy.
11.	a. Media Briefings b. Transcripts of Media Interviews c. Media Enquiries & Replies	Keep for three years and then destroy

³ *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

⁴ The answers to these requests are held by Ministers, Parliament, Strategy and Implementation (see row 37 of the MoJ HQ schedule)

⁵ The answers to these requests are held by Ministerial Correspondence Unit (see row 4 of the Private Office schedule)

⁶ The answers to these requests are held by Disclosure (see row 40 of the MoJ HQ schedule)

No.	Record type	Retention and disposition
12.	Records and information held on mobile phones (e.g. text messages, WhatsApp)	Keep for three months and then transfer to the corporate memory or destroy
13.	Recordings of meetings (including meetings on MS Teams/Slack/Google etc), all staff events, etc	Keep in line with the <i>Acceptable Use Protocol</i> ⁷
14.	Paper copies of records that have been digitised	Keep for no longer than 30 days from date scanned and then destroy ⁸ .
15.	Records confirming destruction of records	Keep for 99 years and then destroy. ⁹
16.	All other types of record not specified anywhere else on this schedule, including copies of records which are owned by other business areas ¹⁰	Keep for up to three years and then destroy.

Table B. LAA Corporate Records

No.	Record type	Retention and disposition
17.	Directorate and Former Regional Business plans	Keep for six years from date created and then destroy.
18.	Legal Aid Agency Executive Team papers	Keep for six years from date created and then destroy.
19.	Legal Aid Agency annual report	Keep for six years from date of report and then destroy

⁷ The Acceptable Use Protocol is published on the MoJ intranet at: <https://intranet.justice.gov.uk/documents/2021/04/acceptable-use-protocol-recording.pdf>

⁸ This allows for time to check that digital copies are usable before destruction

⁹ Personal data will only be kept where necessary to identify a specific record. This information retained as evidence of a record's destruction that can be provided to a Statutory Inquiry if requested.

¹⁰ If the business identifies record types which need a new retention period, they should contact the DRO's team.

No.	Record type	Retention and disposition
20.	Legal Aid Agency framework document	Keep for six years from the date it is superseded and then destroy
21.	Legal Aid Agency honours register	Keep for three years from the date of the last entry and then destroy
22.	Legal Aid Agency Committee papers	All committees: keep for six years and then destroy
23.	Legal Aid Agency Contract Review Body papers	Keep for six years from date of issue and then destroy
24.	a) Legal Aid Agency Code of Conduct b) Legal Aid Agency security guidance c) Security Training and Education d) Legal Aid Agency security policies	Keep for 12 months after superseded and then destroy
25.	Briefings for Non-Executive Directors of the Legal Aid Agency	Keep for three years from the date of the meeting and then destroy
26.	Statistical reports (quarterly returns and annual returns)	Keep for until year end and a further two years and then destroy
27.	Training Contract Grants Scheme	Apart from the exceptions listed below, keep for six years from expiry of agreement and then destroy Exceptions <ul style="list-style-type: none"> • Unsuccessful Applications Keep for one year from rejection date and then destroy
28.	Equality and diversity records unique to the Legal Aid Agency	Keep for three years from date of production and then destroy
29.	Ombudsman statistics	Keep for two years from the date of production and then destroy

Table C. LAA Operational Records

No.	Record type	Retention and disposition
30.	Criminal case files a) Granted b) Refused c) Does not progress	a) Keep for seven years from the date of final bill payment (including appeals) or date when any debt due is discharged, whichever is later and then destroy. Debt may include contribution debt or costs orders. b) Keep for three years from date of last action and then destroy c) Keep for two years from date of last action and then destroy
31.	Civil case files a) Granted b) Refused c) Does not progress	a) Keep for three years from the date of final bill payment (including appeals), date of certificate discharge or date when any debt due is discharged, whichever is later, and then destroy. Debt may include revocation debt, contribution debt, costs orders or the statutory charge b) Keep for three years from last action and then destroy c) Keep for two years from last action on file
32.	Appeal agenda papers	<ul style="list-style-type: none"> • Where appeal is heard by the Special Controls Review Panel (SCRP) or Committee, keep for two years from the date of decision and then destroy • All other appeals keep for one year from date of decision and then destroy
33.	Civil Legal Advice (CLA) Line	Keep for two years from date advice provided. If client goes on to claim Legal Aid then data is kept in accordance with policy for "Civil Case Files" (see row 32 above)

No.	Record type	Retention and disposition
34.	Digital live call recordings – CLA, LAA Customer Service Team and Defence Solicitors Call Centre (DSCC)	Keep for six months from date of call and then destroy, unless retained as part of an investigation. If retained then keep in line with investigations/case files in lines 30 and 31.
35.	Customer services quality control records	Keep for one year and then destroy
36.	Customer Services team files a) Weekly statistics b) Compensation files	Keep for one year from the date of the last entry/update and then destroy. a/b) Keep for one year from the date of production and then destroy
37.	Counter Fraud & Investigations	All relevant case material used in support of an investigation, prosecution or recovery action. Keep for six years (plus an additional three years if recovery action is taken or if there is a conviction) from the conclusion of the investigation and then destroy.
38.	a) Recovery services – accepted offers b) Debts written off	Keep for seven years after debt has been discharged and then destroy
39.	Debit notes	Keep for seven years from the date that the debt is cleared and then destroy
40.	Recovery of Defence Cost Orders	Keep for seven years from date of last payment and then destroy

No.	Record type	Retention and disposition
41.	Legal Aid Agency internal audits (includes the auditing of legal aid providers) a) Audit Results b) Audit Reports c) Corrective action, audit results and correspondence following an audit d) NAO Audit results	a) Keep until next audit completed and then destroy b) Keep for three years from completion of audit and then destroy c) Keep until termination of contract and then destroy d) Keep for seven years from date of completion and then destroy
42.	Court Duty Scheme (CDS) Duty Solicitor rotas	Keep for seven years from date of issue and then destroy
43.	Duty Solicitor applications (CRM12)	Keep for seven years from date of issue and then destroy
44.	Legal Aid Agency correspondence (other than Ministerial Correspondence), including Court Duty, complaints and representations	Apart from the exceptions listed below, keep for the remainder of the current year and for one further year (from date of response or last correspondence) and then destroy Exceptions Where records are added to a case file relating to a legal aid client, records will be kept in line with the retention period for the case file.

Table D. PDS records

No.	Record type	Retention and disposition
45.	Public Defender Service business planning	Keep for three years from end date of plan and then destroy
46.	Public Defender Service solicitors' case files (all jurisdictions)	Keep for six years from date of closure and then destroy

No.	Record type	Retention and disposition
47.	PDS Advocacy team's files for Crown Court cases	Keep until case is closed. <ul style="list-style-type: none"> • Paper files to be returned to instructing solicitors at the end of the case (as is the standard practice for barristers) • Electronic or paper copies of case materials downloaded or printed from the Crown Court Digital Case System to be destroyed at the end of the case
48.	Public Defender Service Advocacy Team's case records held on Spitfire case management system (and any replacement systems)	Keep for six years from date of closure and then destroy
49.	Public Defender Service correspondence (other than Ministerial Correspondence)	Keep for the remainder of the current year and for one further year (from date of response or last correspondence) and then destroy
50.	Public Defender Service annual report	Keep for six years from date of report and then destroy
51.	Public Defender Service reference materials (including, but not limited to, client information brochures, best practice guides, training guides)	Keep until superseded and then destroy
52.	PDS records that are recorded within LAA Client and Cost Management System (CCMS) with the tag "CCMS EXTERNAL DEBT inv label-public defender service income".	Keep for six years after debt is paid

Robert Evans
 Departmental Records Officer
 Ministry of Justice
 102 Petty France
 London SW1H 9AJ

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