



CMA Data Retention Policy

Created July 2018
Last Reviewed March 2019

1. The data which the CMA creates, receives or maintains including data inherited from its predecessor organisations (the Office of Fair Trading and the Competition Commission) is subject to the requirements of this Data Retention Policy.

Data Retention Policy

2. CMA data should only be kept for as long as there is an administrative need to keep it to carry out its business or support functions, or for as long as it is required to demonstrate compliance for audit purposes or for legislative requirements. Legislative requirements include, but are not limited to, compliance with the Public Record Acts (selection and disposition of records), The National Archives Operational Selection Policies (OSP) No: 43 (selection of records relating to Competition Casework) and OSP No:34 (Selection of records relating to Restrictive Trade Practices), the Lord Chancellor's Code of Practice on Records Management contained in the Freedom of Information Act 2000, the Data Protection Act 2018 and the UK General Data Protection Regulation, which derives from the European General Data Protection Regulation 2016 and was carried forward into domestic law by the European Union (Withdrawal) Act 2018.

Data retention periods

3. To comply with the administrative and legislative requirements described above, a retention period for the data based on one of the options listed below needs to be agreed with the Information Access Team (the IAT). For hardcopy files, the retention period will generally be set at the level of the file series and for SharePoint EDRM the retention period will be set at the Site or Project level, although exceptions can be made at the Library level. Where relevant, hardcopy files will be recalled and destroyed by the IAT at the appropriate time, in SharePoint EDRM the IAT will apply the retention period and this will then be carried out automatically at the due time.

The retention period options are:

- **Destroy 8 Years after the last modification (EDRM) or file closure** – Ephemeral information which becomes out of date or no longer has an administrative need should be destroyed after 8 years after the last modified date e.g. most of the data held by Litigation, Finance, HR and Commercial etc
- **Destroy 15 Years after the last modification (EDRM) or file closure** – Most information held by the CMA will not be required to be kept for longer than 15 years. As information ages, it has less value especially as staff leave the CMA, markets change and information becomes out-dated.
- **Destroy 20 years after the last modification (EDRM) or file closure** – This is the maximum period to retain data unless required by The National Archives under an Operational Selection Policy (See Permanent Preservation below) or data that can be considered to be an Exception (See below). There are costs involved in storing information for this amount of time and there needs to be good justification that it needs to be kept for 20 years. It should

be noted that any information whether electronic or paper that needs to be kept for longer than 20 years needs to be approved by the Lord Chancellors Office on an annual basis. Submissions are made through the IAT and The National Archives.

- **Permanent Preservation** – In accordance with The National Archives Operational Selection Policy 43 which relates to Competition Casework (currently under review) the CMA is required to select for permanent preservation and eventual transfer to The National Archives (Subject to the Restrictions on Disclosure contained in the Enterprise Act 2002) significant Competition Casework such as Competition Act Investigations, Super Complaints, Phase 2 Markets or Mergers Inquiries and the related Phase 1 inquiries, court cases and cases where undertakings have been given.
- **Exceptions** - Inevitably there will be a few exceptions where the retention requirement does not fall into the above timescales. In these circumstances, the IAT can apply a unique disposition date to the SharePoint EDRM Site/Library. These exceptions are often found in the support areas of the Office such as HR where for example staff pension records need to be kept for 100 years from a person's date of birth.

Retention of Personal Data

4. Any personal data processed by the CMA, for example as part of a project or case etc or for managing staff should only be kept for as long as there is a business need, otherwise it should be destroyed at the earliest opportunity.

Data protection law requires that '**Personal data shall be 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**'.

'Personal data' is any information relating to a living individual who can be identified, directly or indirectly from it, in particular by reference to a name, an identification number, location data, an online identifier or to factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that individual.

'Processing' is anything we do to personal data e.g. collecting, receiving, storing, viewing, accessing, disclosing, sharing, profiling, deleting, redacting.

Examples of where personal data might be held and what needs to be done with the personal data to ensure compliance with data protection law are listed below:

- At the end of a project/case it is the Project Director's/Case Manager's responsibility to decide whether there is a continuing need to keep the personal data that has been collected, including that contained in Public Folders, or whether it can be securely deleted. Consideration should be given to redacting or anonymising the personal data. Where it is decided that the

personal data should be securely deleted, the relevant SharePoint EDRM Site Administrator should carry this out. In the case of hardcopy or physical material a nominated person from the project team should do this.

- Outlook accounts - Emails containing personal data that is no longer required should be deleted as soon as possible. Outlook accounts will be deleted when a member of staff leaves the CMA.
- OneDrive – Documents containing personal data that is no longer required should be deleted as soon as possible. OneDrive accounts will be deleted when a member of staff leaves the CMA.

If you have any questions on this policy, please contact the CMA's Departmental Records Officer or a member of the IAT.

Departmental Records Officer

This policy document will be kept under review and amended as appropriate.