Estates records held across MoJ

Records Retention and Disposition Schedule

# Introduction

1. This schedule has been drawn up following consultation between the Estates Function 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, the Data Protection Act 2018, Freedom of Information Act 2000 and amending legislation. The MoJ uses Records Retention and Disposition Schedules (RRDSs) to manage its compliance with its statutory obligation to identify what we hold, how long we keep it and what should happen to these records at the end of that time.
3. The Estates Function is governed by Construction (Design and Management) Regulations 2015[[1]](#footnote-2) and other legislation, which is mentioned below (where applicable).
4. MoJ’s Estates Function provides a shared service to other departments and will hold some records which relate to the running of other departments’ estates while undertaking relevant work. Those records are subject to the records retention and disposition policies of the parent department.
5. Some Estates’ records are selected for permanent preservation under the Public Records Act.[[2]](#footnote-3)
6. The records selected for permanent preservation are transferred to The National Archives (TNA) by the DRO’s team[[3]](#footnote-4). To avoid confusion, this process includes:
	1. Records are reviewed by the DRO’s staff prior to transfer to TNA, following criteria agreed between the two organisations.
	2. Where records meet the criteria, they are prepared and then transferred to TNA. Where records do not meet the criteria, they will be destroyed.
	3. The DRO makes the final decision about what is/is not transferred to TNA.
	4. We have included TNA’s classification of these records for convenience. To see other records with the same classification at TNA, you can search or browse TNA’s catalogue using this number.[[4]](#footnote-5)
7. With the exception of the records concerning the HMPPS estate including National Probation Service & HMPPS HQ sites, this schedule covers all records managed by the MoJ’s Estates Function. The schedule is split into two:
	1. Records unique to Estates Function
	2. Records held by various teams within the MoJ and its associated bodies and where a common retention and disposition policy is applied.
8. 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 destruction of relevant records until 20 working days after the request is resolved.
9. 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:
	1. documents which contain or may contain content pertaining directly or indirectly to the sexual abuse of children or to child protection and care
	2. 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)
	3. for the purposes of this instruction, the word “children” relates to any person under the age of 18
	4. 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>.
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

| **No.** | **Record type** | **TNA Classification** | **Retention and disposition** |
| --- | --- | --- | --- |
| **1. Unique records held by Estates Function** |
| **1a. Buildings’ records: maps, plans & drawings** |
|  | a. Site Surveysb. Measured surveysc. Archaeological recordsd. Design drawingse. Perspective drawings | LCO 71 | Keep for **20 years** from the date of compilation and then review:* Where operationally relevant, keep for another 10 years and then repeat the process until the item is no longer needed.
* Where the records should be transferred to an archive, contact the DRO’s team
* Where no longer needed, destroy immediately.
 |
|  | Consultants’ and contractors’ drawings and associated records |  | Keep for **16 years** from the date of compilation and then review:* Where operationally relevant, keep for another seven years and then repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | ‘As built’ or ‘as installed’ drawings |  | Keep for **20 years** after settlement of contract and then review: * Where operationally relevant, keep for another 10 years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | Presentation records including drawings, photographs, models, etc. |  | Keep for **15 years** from the date of completion of project and then review:* Where operationally relevant, keep for another seven years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | Competition drawings |  | Keep for **10 years** after result is announced and then review:* Where operationally relevant, keep for another five years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | Feasibility studies, preliminary designs and other proposals not implemented |  | If the record is part of a project, keep for **six years** from contract end date and then destroy.[[5]](#footnote-6)Keep all other records for **three years** from date of contract end and then destroy. |
|  | Design standards |  | If the record is part of a project, keep for **six years** from contract end date and then destroy.[[6]](#footnote-7)Keep all other records for **three years** from date of contract end and then destroy. |
|  |
| **1b. Buildings’ records: maintenance records** |
|  | a. Maintenance schedulesb. Maintenance diaries or logsc. Maintenance programme d. Installation Surveys (plant and services) |  | a-b. Keep **until superseded, but for no more than 16 years,** and then destroy.c-d. Keep for **16 years** after programme superseded or survey date and then review:* Where operationally relevant, keep for another seven years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | Incident reports |  | If a claim is made, keep for **six years** from date claim is settled and then destroy.Otherwise keep for **seven years** from date of last action and then destroy. |
|  | Maintenance and operational manuals |  | Keep until equipment is no longer required.Either transfer to new owner or destroy |
|  | a) Plant and equipment condition surveysb) Asset condition surveys |  | Keep for **10 years** after survey date and then review:* Where operationally relevant, keep for another five years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  |  |  |  |
|  | Forward maintenance registers (FMR) |  | Keep for **16 years** from date of last entry and then destroy:* Where operationally relevant, keep for another seven years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | Asbestos registers, inspections and related papers[[7]](#footnote-8) |  | Keep for **40 years** from date of last entry and then review.* Where operationally relevant, keep for another ten years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | Asbestos incidents – correspondence, reports and papers |  | Keep for **30 years** from date of last entry and then destroy:* Where operationally relevant, keep for another ten years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
| **1c. Buildings’ records: legal & disposal** |
|  | Title deeds and all other documents relating to freehold property[[8]](#footnote-9) |  | Keep until freehold transfers to another party and then transfer records to new freeholder. |
|  | a. Leases (signed copies)b. Memoranda of termsc. Subletting agreementsd. Wayleave agreements |  | Keep for **20 years** from expiry date, or termination date, and then destroy. |
|  | Disposals, including, but not limited to:a. Solicitors’ instructionsb. Consultants’ instructionsc. Sales Pland. Transfer and/or drafte. Correspondence (offers, adjusting sales price, details of property sale and final sale price)f. Auction Packsg. Technical due-diligence surveysh. Disposal option appraisals i. Formal valuationsj. Planning agreements |  | Keep for **12 years** from date of disposal and then destroy |
|  | a. Landlords’ consentsb. Licences c. Schedules of known tenant alterations |  | Keep for **16 years** after surrender, expiry or termination of lease or memoranda of terms and then destroy |
|  | Register of records and documents in the Building Records Centre |  | Keep for **16 years** from date that the register ceases to be current and then destroy. |
|  | Tests and statutory certificates |  | Keep **until superseded, but for no more than** **12 years** after expiry and then destroy. |
|  | Fire certificates |  | Keep **until superseded, but for no more than** **five years** after expiry and then destroy. |
|  | a) Planning consents alteration to buildings and/or new buildingsb) Listed buildings consents |  | Keep for **20 years** from the date of issues and then review:* Where operationally relevant, keep for another ten years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | a) Record of details of all accidents on premisesb) Accident reports |  | If a claim is made, keep for **6 years** from date claim is settled and then destroy.Otherwise keep for **seven years** from date of last action and then destroy. |
|  | Claim and arbitration |  | Keep for **20 years** from the date of issues and then review:* Where operationally relevant, keep for another ten years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | Health & safety management, building compliance and compliance statements |  | Keep for **three years** and then destroy |
|  | Accident books |  | Keep for **three years** from date of issue and then review:* Where operationally relevant, keep for another year and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
| **1d. Buildings’ records: all other records** |
|  | a. Consultants and contractorsb. Utility and communication companies |  | Keep for **16 years** from the date of last paper and then review:* Where operationally relevant, keep for another seven years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | Statutory authorities |  | Keep for **20 years** from the date of last paper and then review:* Where operationally relevant, keep for another ten years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | a. Albumsb. Site photographs |  | Keep for **10 years** from date of compilation and then review:* Where operationally relevant, keep for another three years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | a. Catalogues of photographsb. Photographs of work in progress and completed worksc. Publicity photographs |  | a-d. Keep for **20 years** from the date of last entry, event or date of project end and then review:* Where operationally relevant, keep for another 10 years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | Historical narratives | LCO 71 | Keep for 20 years from the date of issue then review:* Where operationally relevant, keep for another 10 years and repeat the process until the item is no longer needed.
* Where the records should be transferred to an archive, contact the DRO’s team
* Where no longer needed, destroy immediately.
 |
|  | Publicity literature including, but not limited to, ceremonial, official openings and dedications |  | Keep for **five years** from the date of issue then review:* Where operationally relevant, keep for one year and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | HM Inspectorate of Prison and Independent Monitoring Board reports: factual accuracy and responses to recommendations |  | Folders closed annually.Keep for **three years** from closure and then destroy |
|  | Correspondence with the Ministry of Housing, Communities and Local Government  |  | Folders closed annually.Keep for **one year** from closure and then destroy |
|  | Any records relating to buildings not otherwise referred to in the schedules (including staff work diaries) |  | Keep for **three years** from the date of issue, closure or last entry then review:* Where operationally relevant, keep for another year and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  |
| **1e. Specialist reports[[9]](#footnote-10)** |
|  | a. Architectural reportsb. Building condition surveysc. Quadrennial inspectionsd. Timber structurese. Archaeological featuresf. Conservation (Historic and listed buildings) |  | Keep for **20 years** from the date of issue then review:* Where operationally relevant, keep for another 10 years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | a. Structural engineeringb. Mechanical and electrical engineeringc. Drainage services |  | Keep for **15 years** from the date of issue then review:* Where operationally relevant, keep for another seven years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | Fire precautions and services |  | Keep for **five years** from date of issue and then review:* Where operationally relevant, keep for another three years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | Health and safety inspection reports |  | Keep for **12 years** from date of issue and then review:* Where operationally relevant, keep for another seven years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | a. Property Performance reportsb. All other specialist reports not specified above |  | Keep for **seven years** from date of issue and then review:* Where operationally relevant, keep for another three years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
| **1f. Building projects[[10]](#footnote-11)** |
|  | Project specification |  | Keep for **20 years** from the date of issue then review:* Where operationally relevant, keep for another 10 years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | a. Bills of quantityb. Successful tendersc. Agreements with contractors and consultantsd. Unsuccessful tenders |  | a-c. Keep for **16 years** from the date of issue then review:* Where operationally relevant, keep for another 10 years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.

d. Keep for **one year and then destroy** |
|  |  |  |  |
|  | Survey reports |  | Keep for **20 years** from the date of issue then review:* Where operationally relevant, keep for another 10 years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | Standing instructions |  | Keep for **two years** from the date of last revision or cancellation:* Where operationally relevant, keep for another year and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | Client Project Board papers, including tender and evaluation board papers |  | Keep for **seven years** from project end and then destroy |
|  | Project delivery programme management | LCO 71 | Keep for **seven years** from the date of Board meeting then review:* Where operationally relevant, keep for another year and repeat the process until the item is no longer needed.
* Where the records should be transferred to an archive, contact the DRO’s team
* Where no longer needed, destroy immediately.
 |
|  | Project business cases |  | Building programmes:Keep for **20 years** from programme end and then destroy All other projectsKeep for **seven years** from project end and then destroy |
|  | a) Approved project proposalsb) Project Initiation Documentsc) Feasibility studiesd) Project Plans and specifications, including variationse) Project reportsf) Rejected project proposalsg) Project correspondenceh) Product descriptionsi) Project operating manualsj) Interim project reportsk) Performance reports |  | a-e) Keep for **20 years** from the date of issue then review:* Where operationally relevant, keep for another 10 years and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.

f-k) Keep for **five years** from project end and then destroy. |
|  | Strategic Asset Review |  | Keep for **16 years** after last entry and then destroy |
|  | Strategy, including plans and capital investment |  | Keep for **10 years** from strategy completion and then destroy |
|  | a) MoJ Locking Management (Custodial)b) Estates metrics |  | Keep for **one year** and then review: * Where operationally relevant, keep for another year and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
|  | Meetings with contractorsa) Minutes, reports and papersb) Agendas, room bookings and other house-keeping |  | a) Keep for **five years** from meeting date and then destroyb) Keep for **one year** from meeting date and then destroy |
|  | MoJ (Statutory Instruments) | tbc | Keep for **seven years** after Royal Assent granted, or SI removed from Parliamentary process: * Contact DRO’s team to assess whether records should be selected for permanent preservation or destroyed.
 |
|  | a) Palace of Westminster passesb) Pass access information |  | Keep for **seven years** and then destroy |
|  | Sustainability data |  | Keep for **seven years** from date of last action and then review:* Where operationally relevant, keep for another year and repeat the process until the item is no longer needed.
* Where no longer needed, destroy immediately.
 |
| **2. Records managed by a common retention and disposition policy** |
|  | Signed contracts Functional leadership (all aspects) |  | Keep for **six years** after contract ends and then destroy.[[11]](#footnote-12) |
|  | Contracts: records of performance, meetings, complaints, changes to requirements, variations and extensions |  | Keep for **six years** after contract ends and then destroy.[[12]](#footnote-13) |
|  | HR information (held by line managers) |  | Destroy in line with the *What to keep*[[13]](#footnote-14) guidance |
|  | Functional leadership (all aspects) |  | Keep for **seven years** from date of last action and then review: * Where operationally relevant, keep until **20 years** from last action and then transfer to the DRO’s team to consider for permanent preservation.
* Where no longer needed, destroy immediately.
 |
|  | Submissions, policy briefings, briefings for ministers and other correspondence with Private Office, Chief Executives’ Offices, etc |  | Keep for **seven years** from date of last action and then review: * Where operationally relevant, keep until **20 years** from last action and then transfer to the DRO’s team to consider for permanent preservation.
* Where no longer needed, destroy immediately.
 |
|  | Correspondence with Press Office |  | Folders are closed annually. Keep for **two years** from closure and then destroy. |
|  | Freedom of Information Act and Data Protection Act responses |  | Folders are closed annually. * ICO investigations should be kept for **four years** from the date of the last correspondence and then destroyed.
* All other responses should be kept for **three years** after the date of the last correspondence and then destroyed.
 |
|  | Parliamentary Questions (PQs) |  | Store in folders by financial/calendar year which are closed annually.Keep for **one year** after closure and then destroy. |
|  | Ministerial Cases (MCs) |  | Destroy **five years** after date of response unless there is ongoing correspondence, in which case keep until five years from the date of the last correspondence and then destroy. |
|  |  |  |  |
|  | Finance and risk management |  | Store in folders by financial year which are closed annually.Keep for **seven years** after closure and then destroy. |
|  | a) Business continuity plansb) Facilities Management (FM) team’s records of staff and business continuity |  | a) Updated annually. Keep previous versions for **three years** and then destroy.b) Records are reviewed every **three months** and obsolete information is immediately deleted |
|  | CCTV records |  | Keep for **30 days** and then overwrite (except where the record has been provided as evidence in criminal justice proceedings or is being redacted for a Subject Access Request) |
|  | All other types of record not specified above, including copies of records which are owned by other business areas[[14]](#footnote-15) |  | Keep for **three years** and then destroy. |

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1. Available at: http://www.legislation.gov.uk/uksi/2015/51/contents/made [↑](#footnote-ref-2)
2. Public Records Act 1958 s.3(6) [↑](#footnote-ref-3)
3. Occasionally records might be transferred to local archives. [↑](#footnote-ref-4)
4. 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. [↑](#footnote-ref-5)
5. Limitation Act 1980 s.5 sets the time limit for actions founded on simple contracts (signed under hand) at six years [↑](#footnote-ref-6)
6. Limitation Act 1980 s.5 sets the time limit for actions founded on simple contracts (signed under hand) at six years [↑](#footnote-ref-7)
7. In compliance with The Control of Asbestos at Work (Amendment) Regulations 1992 (SI 1992, No 3068) which be read at: <http://www.legislation.gov.uk/uksi/1992/3068/contents/made> [↑](#footnote-ref-8)
8. These records are held in offsite storage [↑](#footnote-ref-9)
9. Staff should consult EDS004 – Estates Function’s Retention and Archiving policy for guidance on transferring records to the Buildings Records Centre [↑](#footnote-ref-10)
10. Staff should consult EDS004 – Estates Function’s Retention and Archiving policy for guidance on transferring records to the Buildings Records Centre [↑](#footnote-ref-11)
11. Limitation Act 1980 s.5 sets the time limit for actions founded on simple contracts (signed under hand) at six years [↑](#footnote-ref-12)
12. Limitation Act 1980 s.5 sets the time limit for actions founded on simple contracts (signed under hand) at six years [↑](#footnote-ref-13)
13. *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules> [↑](#footnote-ref-14)
14. If the business identifies record types which need a new retention period, they should contact the DRO’s team. [↑](#footnote-ref-15)