Language Services

Records Retention and Disposition Schedule

## Introduction

1. This schedule has been drawn up following consultation between Language Services in HM Courts and 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, 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. HMCTS Languages Services manage the contracts for translators working with the Ministry of Justice, the Crown Prosecution Service and the Salvation Army.
4. The services provided by the Language Services are governed by Article 6 of the European Convention on Human Rights (as set out in Schedule 1 of the Human Rights Act 1998): “Right to a fair trial”[[1]](#footnote-1).
5. None of the records listed below are selected for permanent preservation under the Public Records Act[[2]](#footnote-2).
6. This schedule is split into two sections:
	1. Records unique to the Language Services
	2. Records held by various teams within the MoJ and its associated bodies and where a common retention and disposition policy is applied.
7. 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.
8. 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>.
9. 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 – without TNA classifications

| No. | Record type | Retention and disposition |
| --- | --- | --- |
| 1. Unique records held by Language Services |
|  | MoJ Register of linguists | Keep for **six years after contract ends** and then destroy.[[3]](#footnote-3) |
|  | Contract management plan | Keep for **six years after contract ends** and then destroy.[[4]](#footnote-4) |
|  | Commissioning Bodies - user details | Keep for **six years after contract ends** and then destroy.[[5]](#footnote-5) |
|  | Assessment Results including:TLS (The Language Shop)Linguist assessment result sheets | Keep for **one year** from the start of the contract and then destroy |
|  | Complaints correspondence | Keep for **two years** from date of last correspondence and then destroy. |
|  | Audit reports and recommendations | Keep for **three years** after recommendations are closed and then destroy |
| 2. Records managed by a common retention and disposition policy |
|  | Signed contracts | Keep for **six years** after contract ends and then destroy.[[6]](#footnote-6) |
|  | Contracts: records of performance, meetings, complaints, changes to requirements, variations and extensions | Keep for **six years** after contract ends and then destroy.[[7]](#footnote-7) |
|  | HR information (held by line managers) | Destroy in line with the *What to keep* [[8]](#footnote-8)guidance |
|  | 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.
 |
|  | Data loss incident records | Keep for **three years** from incident 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. |
|  | Treat Official correspondence (TOs) | Keep for **two years** from date of last correspondence and then destroy. |
|  | Parliamentary Questions (PQs) | Store in folders by financial/calendar year which are closed annually.Keep for **one year** after closure 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. |
|  | Business continuity plans | Updated annually. Keep previous versions for **three years** and then destroy. |
|  | All other types of record not specified above, including copies of records which are owned by other business areas[[9]](#footnote-9) | Keep for **three years** and then destroy. |

Philip Dawkins

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

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1. The text of the EU Directive on the right to interpretation and translation in criminal proceedings can be read at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010L0064&from=EN> [↑](#footnote-ref-1)
2. Public Records Act 1958 s.3(6) [↑](#footnote-ref-2)
3. Limitation Act 1980 s.5 sets the time limit for actions founded on simple contracts (signed under hand) at six years [↑](#footnote-ref-3)
4. Limitation Act 1980 s.5 sets the time limit for actions founded on simple contracts (signed under hand) at six years [↑](#footnote-ref-4)
5. Limitation Act 1980 s.5 sets the time limit for actions founded on simple contracts (signed under hand) at six years [↑](#footnote-ref-5)
6. Limitation Act 1980 s.5 sets the time limit for actions founded on simple contracts (signed under hand) at six years [↑](#footnote-ref-6)
7. Limitation Act 1980 s.5 sets the time limit for actions founded on simple contracts (signed under hand) at six years [↑](#footnote-ref-7)
8. *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules> [↑](#footnote-ref-8)
9. If the business identifies record types which need a new retention period, they should contact the DRO’s team. [↑](#footnote-ref-9)