Private Office

Records Retention and Disposition Schedule

## Introduction

1. This schedule has been drawn up following consultation between staff in the Private Office 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 MoJ uses Records Retention and Disposition Schedules (RRDSs) to manage its compliance with its statutory obligation to destroy records that are not selected for permanent preservation.[[1]](#footnote-2)
4. Where Private Office’s work is not subject to specific legislation (including GDPR or FoIA), it is governed by the Crown's common law powers, as limited by the restraints of public law and constitutional principle.

## More about this schedule

1. This schedule also follows The National Archives’ (TNA) *Guidance on the Management of Private Office Papers* which can be found at: <http://www.nationalarchives.gov.uk/documents/information-management/popapersguidance2009.pdf>
2. In line with this guidance, some of these records may be selected for permanent preservation.
3. The records selected for permanent preservation are transferred to TNA by the DRO’s team. 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. This schedule is split into two:
   1. Records unique to Private Office
   2. Records held by various teams within the MoJ and its associated bodies and where a common retention and disposition policy is applied.
5. 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.[[2]](#footnote-3)
6. 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>.
7. While the Infected Blood Inquiry continues its investigations, the Private Office 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/.](https://www.infectedbloodinquiry.org.uk/evidence/)
8. 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 | Retention and disposition |
| --- | --- | --- |
| 1. Unique records held by Private Office | | |
|  | Events Correspondence | If kept, destroy **one year** after last entry |
|  | Invitations | Where an invitation is linked to advice to ministers, transfer to the relevant business area.[[3]](#footnote-4)  All other invitations can be kept for up to **one year** and then destroyed |
|  | Interdepartmental correspondence | Keep for up to **one year** and then destroy |
|  | All other correspondence including, but is not limited to:   * Ministers’ Cases (MCs) (letters from MPs to the Lord Chancellor and Secretary of State or other ministers) * Parliamentary Secretaries * Chief Executive files (“CEC’s”) | All correspondence **except** for that marked as Treat Official:  Keep for **five years** from date of last correspondence and then destroy  **Treat Official**  Keep for **two years** from date of last correspondence and then destroy |
|  | Private Secretary email archives | Keep for **one year** and then destroy |
|  | Private Secretary notebooks | Keep for **six months** and then destroy |
|  | Ministers’ notebooks | At the end of the minister’s tenure, transfer to the DRO’s team to be considered for permanent preservation.[[4]](#footnote-5) |
|  | Ministers’ official diaries | Transfer annually during **summer recess, or a General Election is called**, (whichever is the sooner) to the DRO’s team to be considered for permanent preservation.[[5]](#footnote-6) |
|  |  |  |
|  | Box notes and accompanying documents | Keep in Private Office for **six months** and then review:   * Where comments remain significant, add notes to the shared corporate memory and then review annually until no longer significant. * Where the comments are not, or are no longer significant, destroy.   Transcribed comments should be sent to the relevant Business area for retention. |
|  | Documents relating to Ministerial Interests | Keep for **two years** from the date that the Minister leaves departmental office and then destroy[[6]](#footnote-7) |
|  | Transparency return and gifts register | After transfer to the Cabinet Office, keep for one month and then destroy |
| 2. Records managed by a common retention and disposition policy | | |
|  | a) Records and information held in open internet tools (e.g. YouTube videos, podcasts)[[7]](#footnote-8)  b) Records and information held on mobile phones (e.g. text messages, WhatsApp)  c) Instant Messages (Skype, Slack, Teams, etc) | Keep for no longer than **three months** and then transfer to the corporate memory or destroy |
|  | Responses to Subject Access Requests | Keep for **nine months** and then destroy. |
|  | Background information (held by business) for responses to information requests made under:   * Freedom of Information Act * Environmental Information Regulations   **NB.** The answers to these requests are held by Disclosure (see row 40 of the MoJ HQ RRDS) | Keep for **one year** and then review:   * 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. |
|  | HR information (held by line managers) | Destroy in line with the *What to keep* [[8]](#footnote-9)guidance |
|  | Finance and risk management information | Keep for **seven years** 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-10) | Keep for **three years** and then destroy. |

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1. Public Records Act 1958 s.3(6) [↑](#footnote-ref-2)
2. See rows 14 and 15 for maximum retention period [↑](#footnote-ref-3)
3. Business areas should keep the invitation with the advice for **five years** and then destroy. [↑](#footnote-ref-4)
4. See Annex A of *Guidance on the Management of Private Office Papers* [↑](#footnote-ref-5)
5. See Annex A of *Guidance on the Management of Private Office Papers* [↑](#footnote-ref-6)
6. Supports section 7.25 of the Ministerial Code: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/672633/2018-01-08\_MINISTERIAL\_CODE\_JANUARY\_2018\_\_FINAL\_\_\_3\_.pdf [↑](#footnote-ref-7)
7. Staff should check the intranet for more detailed guidance: *Guidance for using Open Internet Tools* [↑](#footnote-ref-8)
8. *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules> [↑](#footnote-ref-9)
9. If the business identifies record types which need a new retention period, they should contact the DRO’s team. [↑](#footnote-ref-10)