



Ministry  
of Justice



HM Courts &  
Tribunals Service

# Gender Recognition Panel (HM Courts and Tribunals Service) Records Retention and Disposition Schedule

## Introduction

1. This schedule applies to the records that are held by the Gender Recognition Panel (GRP) of HM Courts & Tribunals Service (HMCTS). It has been drawn up following consultation between 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 (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 Gender Recognition Panel's work is governed by the Gender Recognition Act 2004 and amending legislation.

## More about this schedule

4. None of the records listed below are selected for permanent preservation and transfer to The National Archives (TNA).
5. The records described in this schedule are not selected for permanent preservation. This schedule is split into three sections:
  - a. Records unique to the Gender Recognition Panel
  - b. Records held by various teams within HMCTS where a common retention and disposition policy is applied.
  - c. Records held by various teams within the MoJ and its associated bodies and where a common retention and disposition policy is applied.

6. 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.<sup>1</sup>
  
7. 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:
  - a. documents which contain or may contain content pertaining directly or indirectly to the sexual abuse of children or to child protection and care
  - b. 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)
  - c. for the purposes of this instruction, the word “children” relates to any person under the age of 18
  - d. 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>.
  
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
<b>1. Unique records held by the Gender Recognition Panel</b>		
<b>1.</b>	Gender Recognition applications and certificates	Unless directed by a judge, keep until the <b>applicant is 100 years old or for five years after date of decision</b> whichever is the later.
<b>2.</b>	GRP records covering policy, legislation, development and expansion	Keep for <b>five years</b> from date of last action and then destroy.

<sup>1</sup> See rows 8 and 9 for maximum retention period

No.	Record type	Retention and disposition
<b>2. Records managed by a common retention and disposition policy across HMCTS (applies to all jurisdictions)</b>		
3.	Panel Decisions	Keep permanently
4.	Recordings of hearings	<p><b>Recordings held on the DARTS system:</b> Keep for <b>seven years</b> and then destroy</p> <p><b>Recordings held on any other legacy system:</b> Keep for the same period as the case papers (or case files) and then destroy</p>
5.	Judicial Panel bookings	Keep for <b>two years</b> from date of sitting and then destroy
6.	Records created as part of governance and assurance processes including: <ul style="list-style-type: none"> <li>• Key Control Check Sheets (KCCS)</li> <li>• Standard Operating Controls (SOC)</li> <li>• Previous equivalents</li> </ul>	Destroy in line with the HMCTS Governance and Assurance RRDS
7.	Case management system records needed for statistical purposes	Copied and transferred to MoJ Justice Statistics Analytical Services and/or HMCTS Analysts at regular intervals under the terms of the Data Privacy Impact Assessment
<b>3. Records managed by a common retention and disposition policy</b>		
8.	HR information (held by line managers)	Destroy in line with the <i>What to keep</i> <sup>2</sup> guidance
9.	Background information (held by business) for responses to information requests made under: <ul style="list-style-type: none"> <li>• Freedom of Information Act<sup>3</sup></li> <li>• Environmental Information Regulations</li> </ul> <p><b>NB.</b> See footnotes showing where the answers to these requests are held</p>	Keep for <b>one year</b> and then review: <ul style="list-style-type: none"> <li>• Where operationally relevant, keep for <b>another year</b> and then repeat the process until the item is no longer needed.</li> <li>• Where no longer needed, destroy immediately.</li> </ul>

<sup>2</sup> *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

<sup>3</sup> The answers to these requests are held by Disclosure (see row 40 of the MoJ HQ schedule)

No.	Record type	Retention and disposition
10.	Responses to Subject Access Requests	Keep for <b>nine months</b> and then destroy.
11.	Finance and risk management information	Keep for <b>seven years</b> and then destroy.
12.	All other types of record not specified above, including copies of records which are owned by other business areas <sup>4</sup>	Keep for <b>three years</b> and then destroy.

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**Signed: 30 June 2020**

Date of Original Issue of RRDS: July 2015

<sup>4</sup> If the business identifies record types which need a new retention period, they should contact the DRO's team.