



Judicial Office

Records Retention and Disposition Schedule

Introduction

1. This schedule applies to the records that are created and managed by staff employed in the Judicial Office. It has been agreed following consultation between the Judicial Office and the Departmental Records Officer's (DRO) team 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 Judicial Office is an Office of the Ministry of Justice (MoJ) which is made up of civil servants who together provide services for the Judiciary of England and Wales. It supports the judiciary across the courts of England and Wales, and the non-devolved tribunals across the UK and reports to the Lord Chief Justice and Senior President of Tribunals. Its work is governed by Constitutional Reform Act 2005 and supporting rules.

More about this schedule

4. Some of the records listed below are selected for permanent preservation under the Public Records Act¹ and are transferred to The National Archives (TNA). To help you to locate any records that have already been transferred, we have included TNA's classification² of these records.³
5. Currently the age of the records being transferred to TNA is reducing from 30 years to 20 years.⁴

¹ Public Records Act 1958 s.3(6)

² 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.

³ Judicial Office staff should contact the Departmental Records Officer's team to discuss arrangements for accessing historic records.

⁴ The timetable governing the transition to the 20-year rule is set out in The Public Records (Transfer to the Public Record Office) (Transitional and Saving Provisions) Order 2012: <http://www.legislation.gov.uk/uksi/2012/3028/contents/made>

6. The DRO's team selects records for permanent preservation and transfer to TNA in line with the following process:
 - a. Records are reviewed by the DRO's team, following criteria set out in Annex A of TNA's *Best practice guide to appraising and selecting records for The National Archives*⁵.
 - b. Where records meet the criteria, they are prepared and then transferred to TNA.
 - c. Where records do not meet the criteria, they are destroyed.
 - d. The DRO makes the final decision about what is/is not transferred to TNA.
7. This schedule is split into four sections:
 - a. Records unique to the Judicial Office, but held by more than one part of the organisation.
 - b. Records held by the Judicial Private Offices, some of which are unique to the Judicial Office and others which share a common retention policy with other private offices across the wider MoJ.
 - c. Records unique to one part of the Judicial Office.
 - d. Records held by various teams within the MoJ and its associated bodies and where a common retention and disposition policy is applied.
8. This schedule does not cover the three organisations which are sponsored by the Judicial Office: the Judicial Conduct Investigations Office, the Civil Justice Council and the Family Justice Council. Each of these organisations has its own schedule.
9. The main changes to this schedule are:
 - a. the inclusion of records held by the Judicial Private Offices which was absent from the previous iteration of the schedule.
 - b. the inclusion of records held by the Judicial Library and Information Service (JLIS) which were previously part of the "Library services" schedule. Some of the retention periods for these records have been updated.
10. 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.⁶
11. While the Independent Inquiry into Child Sexual Abuse (IICSA) continues its investigations, the moratorium on the destruction of records of potential interest 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

⁵ This can be found at: <https://www.nationalarchives.gov.uk/documents/information-management/best-practice-guide-appraising-and-selecting.pdf>

⁶ See rows 36 and 37 for maximum retention period

- 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>.

12. 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 more than one part of the Judicial Office			
1.	Judges' Council and its sub-committees: papers, minutes, etc Held by: - Private Offices - Business Support - jLIS	LCO 1/54 ⁷	All records except those concerning the preparation and implementation of the Constitutional Reform Act 2005: Keep for seven years then destroy. Records concerning the Constitutional Reform Act 2005: Keep for 20 years and then destroy.
2.	International relations and external communications, including training courses and events Held by: - Judicial College - Business Support		Close folders annually, keep for five years and then destroy
2. Judicial Private Offices⁸			
3.	Events Correspondence <ul style="list-style-type: none"> • Accepted Invitations • Declined Invitations 		Keep for one year from the date of last entry and then destroy.
4.	All other general correspondence (all formats: paper and electronic)		Keep for two years from date of last correspondence and then destroy.
5.	Private Secretary's notebooks		Keep for two years and then review. <ul style="list-style-type: none"> • 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.

⁷ The National Archives holds records for the following years: 1885 - 1889

⁸ These are the private offices which support the Lord Chief Justice, the Master of the Rolls, the President of the Queen's Bench Division, the President of the Family Division, the Chancellor of the High Court, the Senior President of Tribunals, Senior Presiding Judge, Chief Coroner and the Judge Advocate-General.

No.	Record type	TNA Classification	Retention and disposition
6.	Box notes		Destroy when no longer operationally relevant.
7.	Private Secretary email archives		Destroy after six months , or when no longer operationally relevant , whichever is the shorter.
8.	Copies of Judicial appointments information: a) Successful applicants b) Unsuccessful applicants		a) Keep for three years after the appointment ends and then destroy. b) Keep for two years from the end date of the recruitment campaign and then destroy.
9.	Information about Judicial Sittings		Keep for three years from date of last entry and then destroy
10.	Judicial statutory leave records		Destroy one year after departure of the judge
11.	a) Deployment information (judges who are posted out on circuit) including case bids, etc b) Deployment information held in the cross deployment tool, including the results of career conversations		a) Destroy after six months , or when no longer operationally relevant , whichever is the shorter. b) Destroy two years after latest appointment ends, or when no longer operationally relevant , whichever is the shorter.
12.	Legal advice and records pertaining to litigation		Keep for six years and then review: <ul style="list-style-type: none"> • 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.
13.	Master of the Rolls' records relating to The National Archives and the Advisory Council on National Records and Archives	LCO 2, subset: Public Records Act 1958	Keep for seven years and the review: <ul style="list-style-type: none"> • Items of potential interest for permanent preservation should be sent to the DRO's team who will manage the review process. • All other records should be destroyed.

No.	Record type	TNA Classification	Retention and disposition
14.	Personal information on current and previous Head of Division		Destroy two years after departure
3. Unique records held only by one part of the Judicial Office			
3a. Judicial Human Resources (HR)			
15.	Judicial HR records (main record – everything except items listed below)	LCO 33	<p>1. Records of special interest:</p> <ul style="list-style-type: none"> • Supreme Court • Heads of Division • Court of Appeal <p>Keep for seven years from date of leaving. Send to the DRO's team who will manage the review process.</p> <p>2. All other judicial HR records⁹: Keep for seven years from date of leaving and then destroy.</p>
16.	<p>Judicial HR records</p> <p>a) Records of career conversations held between individuals and their leadership judges.</p> <p>b) Records of appraisals of Recorders and Deputy High Court Judges</p>		<p>a) Keep for three years from date of conversation and then destroy</p> <p>b) Keep for three years from date of appraisal and then destroy.</p>
17.	<p>Magistrates' HR records</p> <p>a) Magistrates Appointments Fiats (Instruments)</p> <p>b) Magistrates and Advisory Committee Appointments:</p> <p>(i) Successful candidates</p> <p>(ii) Unsuccessful candidates</p> <p>(iii) Appeals that go to Employment Tribunal</p>	LCO 52 ¹⁰	<p>a) Keep until youngest person is 77 years old</p> <p>b) (i) Keep for as long as candidate is in post and then destroy.</p> <p>b) (ii) Keep for two years from date campaign ends (or if appealed from decision date) and then destroy.</p> <p>b) (iii) Keep for six years from date of last action and then destroy.</p>

⁹ This includes, but is not limited to, terms and conditions (including any changes); appointment letters; promotion letters; previous appointments; qualifications and references; Royal Warrants, Oaths of Office and Letters Patent; annual assessment reports; statutory maternity, adoption and paternity pay, calculations, certificates (MATB1s) or other medical evidence; statutory sick pay, calculations, certificates and self-certificates; delegated judicial functions

¹⁰ This classification concerns Magistrates Appointments Fiats (Instruments) which were deposited with TNA until 2008.

No.	Record type	TNA Classification	Retention and disposition
	<p>c) Diversity data</p> <p>d) Copies of Magistrates' application forms (Originals are kept by the Advisory Committees on Magistrates personal files.)</p> <p>e) All other HR records</p>		<p>c) Keep for three years and then destroy</p> <p>d) Keep for six months from date of appointment and then destroy</p> <p>e) Keep for seven years from date of leaving and then destroy.¹¹</p>
18.	Honours: nominations, correspondence etc		Keep for three years from date of last correspondence and then destroy
3b. Judicial College			
19.	Judicial Training Board ¹² , including papers, reports, strategy and planning		Keep for 20 years pending discussions with TNA about transferring these records.
20.	Judicial training publications		Close each folder when publication is superseded. Keep for three years and then destroy
21.	Judicial College (including the former Judicial Studies Board) Appointments		<p>Keep for five years after date folder closed or after last paper date and then review</p> <ul style="list-style-type: none"> • 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.
22.	Other information unique to the Judicial College, including the administration of courses and events		Close folders annually, keep for three years and then destroy

¹¹ This includes, but is not limited to, copies of magistrates' appointments correspondence (e.g. advice to Lord Chief Justice and/or Lord Chancellor, appointment submissions to the Senior Presiding Judge, valedictory letters, archive appointments and Reappointments, end of appointment, casework, appeals and litigation, advisory committees' liaison, current appointments and reappointments); motoring offences correspondence and other general correspondence

¹² The Judicial Studies Board, which preceded the Judicial College, published this information in annual reports. Since 2011, information about the composition, decisions and activities of the Judicial Training Board has been held as records.

No.	Record type	TNA Classification	Retention and disposition
3c. Judicial Office Business Support			
23.	Judicial Office Management Board a) minutes, reports and other papers b) agendas		a) Keep for seven years and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for another three years and then repeat the process until the item is no longer needed. • Where no longer needed, destroy immediately b) Keep for up to one year and then destroy
24.	Annual Business plans, including annual bids, budget allocations, correspondence with the Ministry of Justice		Close folders annually, keep for three years and then destroy
25.	Business continuity plans – policy and strategy		Close folders annually, keep for three years and then destroy.
26.	Health and safety records including, but not limited to policy, registers, accident reports		Keep for three years from last update or action, then destroy.
3d. Judicial Library and Information Service (jLIS)			
27.	Publications supply: procedures and correspondence		Keep for two years from date of last correspondence / update and then destroy.
28.	Copies of contracts including, but not limited to, online, print and library management system contracts		Keep for the lifetime of the contract and then destroy. (The original contract will be kept for a further six years by Commercial and Contract Directorate.)

No.	Record type	TNA Classification	Retention and disposition
29.	RCJ Library enquiries		Keep for one year from date enquiry is answered and then destroy.
30.	Library accommodation, library moves and correspondence with Estates/Facilities Management		Keep for one year from the date of last correspondence / update and then destroy.
31.	Binding of RCJ Library collections		Keep for three years from date of last correspondence and then destroy
32.	Online services: <ul style="list-style-type: none"> • Registration/deletion of accounts • Enquiries • Administration and processes 		Close folders annually, keep for one year and then destroy.
33.	Copyright declaration forms <ul style="list-style-type: none"> • Satisfied requests • Unsatisfied requests 		Close folders annually <ul style="list-style-type: none"> • Destroy seven years • Destroy after one year
2. Records managed by a common retention and disposition policy			
34.	a) Records and information held in open internet tools (e.g. YouTube videos, podcasts) ¹³ b) Records and information held on mobile phones (e.g. text messages, WhatsApp) c) Instant Messages (Skype, Teams, etc)		Keep for three months and then transfer to the corporate memory or destroy
35.	HR information (held by line managers)		Destroy in line with the <i>What to keep</i> ¹⁴ guidance
36.	Responses to Subject Access Requests		Keep for nine months and then destroy.

¹³ Staff should check the intranet for more detailed guidance: *Guidance for using Open Internet Tools*

¹⁴ *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

No.	Record type	TNA Classification	Retention and disposition
37.	<p>Background information (held by business) for responses to:</p> <p>a) Parliamentary Questions (PQs)¹⁵</p> <p>b) Information requests made under:</p> <ul style="list-style-type: none"> • Freedom of Information Act¹⁶ • Environmental Information Regulations • Reuse of Public Sector Information Regulations <p>NB. See footnotes showing where the answers to these requests are held</p>		<p>Keep for one year and then review:</p> <ul style="list-style-type: none"> • 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.
38.	Management information		Keep for three years and then destroy
39.	Data loss incident records (held by business)		Keep for three years from incident closure and then destroy
40.	Business continuity plans (held by business)		Updated annually. Keep previous versions for three years and then destroy.
41.	Finance and risk management information		Keep for seven years and then destroy.
42.	All other types of record not specified above, including copies of records which are owned by other business areas ¹⁷		Keep for three years and then destroy.

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¹⁵ The answers to these requests are held by Ministers, Parliament, Strategy and Implementation (see row 37 of the MoJ HQ schedule)

¹⁶ The answers to these requests are held by Disclosure (see row 40 of the MoJ HQ schedule)

¹⁷ If the business identifies record types which need a new retention period, they should contact the DRO's team.