

39 Retention of Records

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Introduction

1. This chapter sets out the procedures and guidance for the management and retention of health and safety records in Defence.
2. Health and safety records are required to fulfil some Statutory obligations but may also be required to demonstrate that the duty of care has been fulfilled by providing evidence on the steps taken to mitigate risk and provide evidence in a Defence against fraudulent claims or in support of a genuine claim.
3. JSP 441 provides guidance on how long to keep records, sets out the Defence Record Management Policy and defines the following areas:
 - a. MOD legal obligations under the Public Records Acts;
 - b. MOD policy for the retention of records;
 - c. how the task of managing the records produced are co-ordinated, and it identifies the role and responsibilities of branches; and
 - d. identifies effective methods of storing information in a coherent manner and of reviewing and disposing of information in an efficient and cost-effective way.
4. The Data Protection Act (DPA) also requires that personal information is retained for an appropriate period of time. Central MOD Guidance Note 5 (GN5) recommends the length of time certain categories of information should be retained.

Roles and Responsibilities

5. There is no generic answer as to who has overall responsibility for determining whether to retain or dispose of specific health and safety related documents, but TLBs / agencies are responsible for ensuring the effective and efficient operation of records management procedures; including the safe retention of records for as long as they are required, the transfer for long-term storage, and the timely destruction of records no longer required.

6. As a general rule, the responsibility to identify the records will rest with the owner of the risk that the record relates to:
- a. a site risk assessment will be owned by the Commanding Officer / Head of Establishment (CO / HoE); and
 - b. records of a process risk assessment will be owned by the manager responsible for that process.
 - c. however, records that relate to an individual may be the responsibility solely or a combination of:
 - (1) the individual themselves;
 - (2) the manager; and
 - (3) the holders of the personnel files (e.g. DBS, Service Manning Authorities, and the Service Personnel and Veterans Agency).

7. All Defence personnel need to keep appropriate records of health and safety training received and especially those required for specific work-related tasks; use of the Joint Personnel Administration (JPA), Human Resources Management System (HRMS) or other approved Human Resources Management Systems is the preferred method.

Record Management

8. Records of risk assessments, training and other health and safety documents should be retained, either in paper or electronic format; those kept in an electronic format should be stored with suitable backup systems to safeguard against computer / systems failure.

9. Some legislation defines very strict requirements for the minimum duration that specific records must be retained (e.g. 3 years for accident records); conversely, there is no specific legal requirement to retain some other records once they have been replaced or are no longer relevant (e.g. risk assessments where the assessment has been replaced or the activity is no longer performed).

10. Although there is no specific legal requirement to retain certain records, they should be retained for as long as they are needed and enable Defence to meet its legal and Statutory obligations. It may be required to demonstrate that there is a history of effective safety management within an establishment or unit, as part of a Defence against litigation, or for evaluating the validity of a claim etc.

What Should be Retained?

11. It is not possible to produce a comprehensive list of records that should be retained; examples of health and safety related records (for which guidance is given in JSP 375, Volume 1) that need to be retained include:

- a. organisation and arrangements statements, and locally produced health and safety manuals and plans;

- b. site and process risk assessments, their reviews and updates or amendments;
- c. maintenance, examination and testing records (including ventilation, respiratory and other personal protective equipment);
- d. exposure monitoring records;
- e. health surveillance and health monitoring records;
- f. health and safety training records;
- g. safety inspections, walk arounds, etc;
- h. safe operating procedures and Safe Systems of Work;
- i. personnel and work records – people, places, tasks;
- j. accident report forms;
- k. accident and incident investigations, including Service Inquiries, Boards of Inquiry and local investigations predominantly involving people; and
- l. annual reports of performance reviews.

12. There may be other JSPs and Defence publications that require records to be created that relate directly to health and safety. The minimum retention period of these records will be whichever is the greater between those specified in JSP 375 and those specified within the respective JSP or Defence Publication. The table in Annex A shows examples of where documents should be retained.

How Long and Where?

13. All current health and safety related records should be retained locally within the unit or establishment. When records have been replaced or are no longer valid, they can either be held locally or sent to archive (see JSP 441) and should be retained for a minimum of 3 years with the following exceptions:

- a. health surveillance, including medical reports – 60 years from the date of the last entry;
- b. health records – 60 years from date of last entry or 100 years from date of birth;
- c. where exposure may lead to a disease many years later – 60 years from date of last exposure;
- d. air monitoring – minimum of 5 years;

- e. examination and test of local exhaust ventilation – minimum of 5 years;
- f. examination of respiratory protective equipment – minimum of 5 years;
- g. accident records – whichever is the greater: 3 years from date that the record is created (or last record entered if in an accident book); or 3 years after the injured parties 18th birthday: and
- h. where host Nations legislation requires a longer retention period.

14. Where there is a Statutory requirement to keep records for a specified period, it is recommended that the latest edition of the relevant legislation is checked and / or local Health and Safety Advisers are consulted before disposing of other similar records. Examples of legislation with retention stipulations include:

- a. Control of Substances Hazardous to Health Regulations;
- b. Reporting of Injuries, Diseases and Dangerous Occurrences Regulations;
- c. Ionising Radiations Regulations;
- d. Control of Lead at Work Regulations;
- e. Control of Asbestos Regulations;
- f. Work in Compressed Air Regulations; and
- g. Social Security (Claims and Payments) Regulations.

Related Documents

15. The following documents should be consulted in conjunction with this chapter:

- a. MOD Publications;
 - (1) JSP 441 - Information, Knowledge, Digital and Data in Defence;
 - (2) JSP 832 Guide to Service Inquiries.
- b. Legislation and Guidance;
 - (1) [The Data Protection Act](#);
 - (2) [Public Records Acts](#).

Retention of Records Table

Note: this list is not exhaustive.

What	Retain Where
Site and process risk assessments, COSHH assessments, DSE assessments, manual handling assessments, etc. (including their reviews and updates) and details of any actions taken including associated training records.	Retain locally until they are replaced and no longer need to be accessed locally. Then archive in accordance with local procedures. NOTE: copy of relevant risk assessments are to be inserted in individual's personnel files following an accident.
Maintenance, examination and testing records (including ventilation, respiratory and other personal protective equipment tests). Records of local and site safety inspections etc.	Keep the previous calendar year's records locally until the current years' records are complete. Then archive the previous year's records in accordance with local procedures.
Exposure monitoring records. Health and safety training records. Safe Operating Procedures and Safe Systems of Work. Permits to work.	Keep accessible locally while the process is still being carried out. When the process is no longer used, and there is no future plan to resurrect the process, send them to archive in accordance with local procedures.
General health surveillance / health monitoring records.	Keep accessible locally while the process is still being carried out. When the process is no longer used, and there is no future plan to resurrect the process, send them to archive in accordance with local procedures. Where health surveillance relates to named individuals, copies should also be placed on their occupational health record, which forms a medical-in-confidence part of their personnel record.
Personnel and work records – people, places, tasks.	Retained locally while named individuals remain on site and then archived in accordance with local procedures. Personnel records should be maintained and retained as defined by the relevant Personnel Policy leads.
Accident and incident investigations.	Retain locally. See also relevant JSPs (e.g. JSP 832 Guide to Service Inquiries).