



Department
of Health

Information Management Policy

Retention and Destruction Policy

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Information Management Policy

Retention and Destruction Policy

Prepared by Departmental Records Office, Estates and Information Services Directorate

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Executive Summary

The Department of Health creates and manages a wealth of information in a variety of formats. This document accompanies the Information Management Policy which outlines the principles for managing information through its lifecycle.

There is a significant overhead to holding, managing and maintaining access to more information than we need. This overhead not only relates to the direct costs of storing the information, but also to the indirect costs of having to search through information when its value has expired and it is no longer relevant. It also exposes us to additional burdens when dealing with information rights legislation, such as Data Protection and Freedom of Information.

This policy document explains the organisation, legal and administrative context to the retention and destruction schedule. It is used to inform the future development of the retention schedule, and to offer guiding principles for new scenarios where the retention schedule does not cover particular circumstances.

The general arrangements can be summarised as

- We have a duty to ensure that we only retain information of value to the organisation
- We have an obligation to ensure that information is securely deleted once the value has lapsed, and
- We balance these duties and obligations to ensure that material that is worthy of permanent preservation is identified; secured and legal obligations are fulfilled

In order to achieve this

- We publish a destruction/retention schedule which gives staff guidance on when material can be securely deleted
- We offer a route to staff to challenge the retention schedule and identify material that should be included as new types of information or new exceptions

The Records Management Team, part of the Estates and Information Services Directorate at the Department of Health, are the authority for the guidance and retention schedule.

Related Guidance

It is expected that systems that retain or hold information are capable of implementing the retention policy and retention schedule. Users of those systems should speak to the administrator or Information Asset Owner with questions about how those systems implement the policy.

The retention schedule should be consulted for specific information types and the period they need to be retained for.

Context and Background

Legal Context

Information and records created by the Department of Health are owned by the Crown. Records are not generally accessible by the public until they become 'historical records' once they reach 30 years old. However, the Constitutional Reform and Governance Act has amended the Public Records Act to progressively reduce the age at which records become 'historical' from 30 to 20 years.

The Department must transfer records to The National Archives (TNA) before they become historical records. TNA will only accept records for permanent preservation if they contribute to the history of the United Kingdom, and meet their selection criteria. Records that are not selected must be destroyed unless a case for their future retention is agreed by the Lord Chancellor.

Information rights legislation permits access to information before they become historical records, but these are subject to exceptions. The most commonly used information rights legislation are the Freedom of Information Act and Data Protection Act, for which separate guidance exists on the interpretation and implementation.

Administrative Context

The Information Management Policy requires us to actively manage information through to its destruction. We become more efficient as an organisation if we have robust processes for identifying information that is no longer of value, and can articulate which information needs to be retained and for how long.

The retention schedule is the key document which will give staff the confidence to carry out destruction at the right time. To support the transparency agenda, we make our retention schedule publicly available on the DH website. It articulates what information we hold, and how long it will be available for. If we receive a request for information that has been destroyed, we are able to respond that it has been destroyed in accordance with the published retention schedule.

Retention Periods

The Information Management Policy states that we must 'manage information through to its destruction'. In determining how long this period is, we have published a retention schedule which is based upon a combination of factors which include the context of the record (what it is about and who produced it) together with the information type (what kind of document or information it is).

The retention schedule identifies a default retention period for each records type, which will be one of

- Standard Administrative (Short)
- Operational (Medium)
- Historic (Long)

Short Retention – Standard Administrative

Applies to records that have value for a very limited time period. These records will be retained for three years, and then deleted. A record of the deletion will be retained.

Medium Retention - Operational

Applies to records that need to be kept for legal compliance (such as Finance Act), governance (such as contracts) or has a limited life as part of an operational activity.

These records will be retained for 8 years. A destruction review will then take place by the Records Management Team.

Long Retention - Historic

Applies to records that have the potential to be required for the national record, as they demonstrate a possible historical value.

These records will be subject to a permanence review at 15 years by the Records Management Team. They will be transferred to TNA or destroyed by the time they are 20 years of age.

Scope

The retention periods apply to all records created or stored by DH. It will also apply to Information Assets that the Records Management Team considers to be records systems, although the application may be slightly different.

How Retention is applied

Retention periods are set by the Records Management Team within Information WorkSpace (IWS) at the library, class and folder level. This will then be automatically cascaded to records within each folder. The retention applies when the Local Folder Manager closes the folder, and inserts the 'Trigger Date'. Anything that has not been declared as a record (i.e. they are non-records) will be deleted 3 years after the last modification date.

Default retention periods are set at the prefix level within the Management of Electronic Documents System (MEDS). The default will apply when the files belonging to that prefix are reviewed. Working Files do not contain records, and are marked for destruction three years after the oldest document on the file.

Information stored outside of records management systems should still be managed in accordance with the requirements of the Information Management Policy. This means that you should move information which is considered to be a record to a records management system, or delete it once the value of the information has expired. You may find the retention schedule to be helpful in determining when information should be deleted.

Copies of Information

As a general principle, we only need one set of information to be retained, but there will be examples where we consider one of these sets to be the 'primary' and all other instances to be 'secondary'. Copies should always be considered as having a short retention period.

Example:

You receive an invoice and take a copy before sending it to accounts payable to be processed. The original invoice will be processed and retained for a medium retention period. The copy you retain is for your own administrative need, and only needs to be kept for a short period of time. If there is a dispute raised, the copy held by accounts payable would be considered the primary record.

Exceptions

There are a small number of exceptions to the retention schedule

Exception: Legal Hold

There are occasions where we are obliged to prevent the destruction of information, even though the retention schedule indicates that it should be destroyed. This is usually where litigation has commenced, and the information is needed to support the legal case. In these circumstances, we place a legal hold on the relevant information. This does not change the destruction date on the information, but suppresses that action from taking place until the hold is released.

The Departmental Records Office are responsible for applying legal holds, and should be advised of any information which may fall within litigation.

Context and Background

Exception: Lord Chancellors Instrument

The Public Records Act specifies that we must delete information or transfer it to the National Archives for general access by the public before it becomes a “historical record”. In some circumstances this would not be appropriate, and we have the option of making a case to the Advisory Council of Records which covers

- Transferring records to the National Archives but making them unavailable to the public for a specified period of time. This is intended to cover records that hold primarily personal information
- Retaining the records within DH for a specified period of time to meet a strong administrative need

The Departmental Records Office are responsible for making these cases as part of the permanence review process. The creators of the information will be involved in helping us understand particular sensitivities about the information and submitting the case.

The Advisory Council issue a binding decision upon DH, and they do not issue a Lord Chancellors Instrument lightly. The main set of records which are currently covered by an LCI are civil servant staff records, where we are permitted to retain them until the staff member reaches 72 years of age.

Exception: National Archives Administrative Delay

Section 3(5) of the Public Records Act allows TNA to suspend the transfer of records for a temporary period, if there are strong administrative reasons for the records not to be transferred. This is intended to apply in very specific circumstances, and we are still expected to comply with the preparation of the records ready for them to be transferred.

Exception: Published Material

Information which is published is not considered to be a record and does not fall within the scope of the Public Records Act. The test for this exception is that the item must be publicly available in its entirety (for published works this might mean the British Library).

This exemption does not apply to material that was used to create information that has been published (for example original photographs used in a publication).

Exception: Interpretation of Records

This exception relates to information that must be retained to help us understand other records, or provides a legal context to understanding records that have a longer retention period.

This will apply to information that

- Is guidance or a statement of policy related to staff terms and conditions of employment
- Is a data dictionary which relates to a dataset that needs to be retained for a long period of time
- Are original documents relating to property which is owned by the Crown

This information will be held for a medium retention period. The retention period will start when the oldest information meets the retention period, rather than the last modification date of the information itself.

Example:

A policy was implemented in 1990 which changed the annual leave allowance for staff. The information needs to be kept for legal reasons, so would be appropriate for a medium retention period. If the date of the document were used, it would be destroyed in 1998. As the information relates to terms and conditions of employment, there will be HR records which have a much longer retention period. The information on a change to these terms would be needed to understand the context of these records for as long as they exist.

There is a HR file for a member of staff who joined in 1990, aged 16. The retention for HR files is to the 72nd birthday of the individual. The HR file would still be in existence in 2046, which means that the policy document would need to be retained until at least 2046. Therefore, the policy document would be set for medium retention, with a trigger date of 2046.

Review Processes

The Records Management Team undertakes a review process for any information that reaches the 'medium' or 'long' retention periods that are placed in the DH records management systems (IWS or MEDS), or in paper files in the file store.

The Records Management Team does not implement retention decisions on information assets (which should have processes to implement the destruction of records); or information held elsewhere (such as shared or personal drives).

Destruction Review

The Records Management Team will undertake a review of folder or file names for information set to a 'medium' retention period. The review will either endorse the destruction decision, or the retention period will be changed to permanence review.

Context and Background

Permanence Review

The Records Management Team will undertake permanence review, and propose to TNA any records which in their opinion is worthy of permanent preservation because it meets one or more of the following criteria

- The principal policies and actions of the UK Government:
 - Papers relating to formulation of White Paper
 - Working Group papers on policy formulation/implementation
 - Papers relating to drafting of new legislation or amendment to existing legislation
 - Significant project or programme where department/team was in lead
- The structures and decision-making processes in government:
 - Papers outlining organisational/machinery of government change
 - Key committee and or governance papers
 - Papers concerning privatisation or nationalisation
 - Papers of Public Inquiries or inquests
 - Submission to, or involvement of, Secretary of State
 - Papers relating to high level appointments
 - Cause Celebres
- The state's interaction with the lives of its citizens:
 - Case file which sets a precedent
 - Diverse histories (e.g. LGBT)
 - Cause Celebres
- The state's interaction with the physical environment:
 - Mapping
 - Construction
 - Emissions
 - Land ownership
 - Cause Celebres

The review process takes place once the information reaches 15 years of age. Records Management Team will undertake the review, and destroy the information or transfer it to TNA before it reaches 20 years of age.

Once information has been transferred to TNA, it becomes accessible to members of the public at their reading rooms in Kew. If a Lord Chancellors Instrument has been granted, it may be transferred closed (so the public cannot access the information until it has been 'opened'). TNA generally opens files twice per year (in January and June).

There may be selections of records that do not fall within the collection policies of TNA, and we may seek an alternative place of deposit for these records. We have previously transferred information to the British Film Institute and the Wellcome Institute for the History of Medicine.

Retention Schedule Development

The retention schedule has been informed by a number of sources to determine value, including

- The Records Management Team view of the likely public interest in the information in future years, based upon media reporting and subject areas previously transferred to TNA.
- Whether the information contributes to the overall understanding of the work of the Department in a national context, and
- Whether there are legal obligations to keep or destroy information for a specified period.

The Records Management Team have considered how legislation affects how long we retain information for – such as the Finance Acts, and the Limitation Act. There may be instances where there is information that is covered by specialist legislation, such as the Mental Health Act. Colleagues within these business areas should challenge the Records Management Team if they believe there is a conflict between the retention schedule and their specialist knowledge of the legislation. The contact details are provided within page 2 of this publication.

Proposals to Change the Retention Schedule

The Records Management Team are available to answer any questions about the retention schedule, and will seek advice from the business or solicitors if appropriate.

Changes to the retention schedule will only be made after careful consideration of supporting evidence, including any obligations under legislation. Retention periods in excess of twenty years will also need approval by the Advisory Council for Records which meets on a quarterly basis. The Advisory Council has a high threshold of evidence required to accept a case for continued retention of information.

Annex A: Retention Schedule

Record Class	Record / Document Type	Default value	Default retention period (years)	Action at end of retention period	Trigger date for retention period to start	Final Location	Exceptions	Notes
Board, Committee or Advisory Panel	Agenda	L	15	Permanence review	date of meeting	MEDS or IWS / DRO		
	Paper	L	15	Permanence review	date of meeting	MEDS or IWS / DRO		
	Minutes	L	15	Permanence review	date of meeting	MEDS or IWS / DRO		
	Email evidencing decision	L	15	Permanence review	date declared	MEDS or IWS / DRO		
Communications, Press and Marketing	Newsletter / Bulletin	S	3	Disposal	date released	Quickr equivalent or Corporate document store		If these are published on the DH website, they will be captured for the record there. If not, they must be kept for 'M'

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Record Class	Record / Document Type	Default value	Default retention period (years)	Action at end of retention period	Trigger date for retention period to start	Final Location	Exceptions	Notes
	Press Release	S	3	Disposal	date released	Quickr equivalent or Corporate document store		Website holds the record; local copies are for administrative use only.
	Official Publication	S	3	Disposal	date released	Quickr equivalent or Corporate document store	Hard Copy documents are not records, and must follow copyright and legal deposit legislation.	Hard copy to be deposited with Knowledge Centre
	Marketing campaign materials	M	8	Destruction Review	Publication Date	Corporate document store	Originally commissioned media needs special handling.	
	Email evidencing decision	S	3	Disposal	date declared	Quickr equivalent or Corporate document store		

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Record Class	Record / Document Type	Default value	Default retention period (years)	Action at end of retention period	Trigger date for retention period to start	Final Location	Exceptions	Notes
Corporate governance, policy and performance	Business plan	S	3	Disposal	end date of temporal coverage period (e.g. 31/12/yyyy)	Quickr equivalent or Corporate document store		
	Annual report	S	3	Disposal	end date of temporal coverage period (e.g. 31/12/yyyy)	Quickr equivalent or Corporate document store		
	Corporate policy	S	3	Disposal	last modified date	Quickr equivalent or Corporate document store		
	Operating procedure	S	3	Disposal	last modified date	Quickr equivalent or Corporate document store		
	Risk Register	S	3	Disposal	last modified date	Quickr equivalent or Corporate document store		

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Record Class	Record / Document Type	Default value	Default retention period (years)	Action at end of retention period	Trigger date for retention period to start	Final Location	Exceptions	Notes
	Memorandum of Understanding (MoU)	S	3	Disposal	end date	Quickr equivalent or Corporate document store		
	Framework agreement	S	3	Disposal	end date	Quickr equivalent or Corporate document store		
	Email evidencing decision	S	3	Disposal	date declared	Quickr equivalent or Corporate document store		
Estates and Facilities	Service level agreement	M	8	Destruction Review	end date	MEDS or IWS / DRO		
	Lease	L	15	Permanence Review	Lease End Date	MEDS or IWS / DRO		
	Deeds	L	15	Permanence Review	end date	MEDS or IWS / DRO		

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Record Class	Record / Document Type	Default value	Default retention period (years)	Action at end of retention period	Trigger date for retention period to start	Final Location	Exceptions	Notes
	Accident Book	L	15	Permanence Review	end date	DRO		
	Visitors Book	S	0.4	Disposal	end date	Quickr equivalent		Hard copy retention only
	Email evidencing decision	M	8	Review	date declared	Quickr equivalent		
Finance and Accounting	Audit	M	8	Disposal	date of audit	MEDS or IWS / DRO	Legal hold may apply e.g. for Serious fraud investigation	
	Expenditure Records	M	8	Disposal	end of FY	MEDS or IWS / DRO		
	Invoices & Receipts	M	8	Disposal	end of FY	BMS		
	Staff Salaries	M	8	Disposal	end of FY	BMS		
	Investigations	M	8	Disposal	date of investigation	MEDS or IWS / DRO		
	Employee	M	8	Destroy	date of claim	BMS		

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Record Class	Record / Document Type	Default value	Default retention period (years)	Action at end of retention period	Trigger date for retention period to start	Final Location	Exceptions	Notes
	Expenses Claims							
	Email evidencing decision	M	8	Destruction Review	date declared	MEDS or IWS / DRO		
HR: Central Records	Contract of Employment	L	72	Permanence Review	Date of Birth	BMS (Summary) / DRO		
	Summary of Service	L	72	Permanence Review	Date of Birth	BMS (Summary) / DRO		
	Summary of Sickness Absence	L	72	Permanence Review	Date of Birth	BMS (Summary) / DRO		
	Annual Appraisal	S	8	Destroy	Date of Final Document	BMS		
	Sickness Absences	S	8	Destroy	Absence End Date	BMS	If related to injury at work	
	Working Time Directive Opt-Out	S	3	Destroy	Expiry of Opt-Out			

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Record Class	Record / Document Type	Default value	Default retention period (years)	Action at end of retention period	Trigger date for retention period to start	Final Location	Exceptions	Notes
	Current Address Details	S	3	Destroy	Last date of Service			
	Health Declaration	L	72	Permanence Review	Date of Birth	BMS (Summary) / DRO		
	Medical Reports	L	72	Permanence Review	Date of Birth	BMS (Summary) / DRO	Retain for 50 years after report date if for: Lead (Control of Lead at Work Regulations 1980); Asbestos (Control of Asbestos at Work Regulations 1996); Compressed Air (Work in Compressed Air Regulations 1996); Radiation (Ionising	

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Record Class	Record / Document Type	Default value	Default retention period (years)	Action at end of retention period	Trigger date for retention period to start	Final Location	Exceptions	Notes
							Radiation Regulations 1985)	
HR: Local Records	Flexible working timesheet (Flexisheet)	S	3	Disposal	end date of temporal coverage period (e.g.	Quickr equivalent or Corporate document		

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Record Class	Record / Document Type	Default value	Default retention period (years)	Action at end of retention period	Trigger date for retention period to start	Final Location	Exceptions	Notes
					31/12/yyyy)	store		
	Annual Leave Chart	S	3	Disposal	end date of temporal coverage period (e.g. 31/12/yyyy)	Quickr equivalent or Corporate document store		
	Performance Related Pay Form (Signed)	S	3	Disposal	end date of temporal coverage period (e.g. 31/12/yyyy)	Quickr equivalent or Corporate document store	or to end of line management whichever is sooner	
	Appraisal (Signed)	S	3	Disposal	end date of temporal coverage period (e.g. 31/12/yyyy)	Quickr equivalent or Corporate document store	or to end of line management whichever is sooner	
IT and Security	Operating procedure	S	3	Disposal	last modified date	Quickr equivalent or Corporate document store		

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Record Class	Record / Document Type	Default value	Default retention period (years)	Action at end of retention period	Trigger date for retention period to start	Final Location	Exceptions	Notes
Legal	Witness or other Statement	M	8	Destruction Review	date received	MEDS or IWS / DRO		
	Instructions	M	8	Destruction Review	date received	MEDS or IWS / DRO		
	Draft Legislation (Primary or Secondary)	M	8	Destruction Review	date declared	MEDS or IWS / DRO		
	Opinion	M	8	Destruction Review	date received	MEDS or IWS / DRO		Should be declared a record with the subject to which it relates, and will be legally privileged.
Meeting	Agenda	S	3	Disposal	date of meeting	Quickr equivalent or Corporate document store		
	Paper	S	3	Disposal	date of meeting	Quickr equivalent or Corporate document		

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Record Class	Record / Document Type	Default value	Default retention period (years)	Action at end of retention period	Trigger date for retention period to start	Final Location	Exceptions	Notes
						store		
	Minutes	S	3	Disposal	date of meeting	Quickr equivalent or Corporate document store		
	Email evidencing decision	S	3	Disposal	date declared	Quickr equivalent or Corporate document store		
Parliamentary Business & Correspondence	PQ	S	3	Disposal	date approved	Contact		Master Record in Hansard
	FOI Request Response	S	3	Disposal	date approved	Contact		
	PMQ	S	3	Disposal	date approved	Contact		Master Record in Hansard

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Record Class	Record / Document Type	Default value	Default retention period (years)	Action at end of retention period	Trigger date for retention period to start	Final Location	Exceptions	Notes
	TO	S	3	Disposal	date approved	Contact		
	DE	S	3	Disposal	date approved	Contact		
	Complaint	M	8	Destruction Review	date received	Contact		
Policy: Health and Social Care	Proposal	M	8	Destruction Review	date approved	MEDS or IWS / DRO		
	Research	M	8	Destruction Review	last modified	MEDS or IWS / DRO		
	Stakeholder Analysis	M	8	Destruction Review	last modified	MEDS or IWS / DRO		
	Development	M	8	Destruction Review	last modified	MEDS or IWS / DRO		
	Legal Advice and Opinion	M	8	Destruction Review	date received	MEDS or IWS / DRO		
	Submission	M	8	Destruction Review	date approved	MEDS or IWS / DRO		
	Response to	M	8	Destruction	date received	MEDS or		

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Record Class	Record / Document Type	Default value	Default retention period (years)	Action at end of retention period	Trigger date for retention period to start	Final Location	Exceptions	Notes
	submission			Review		IWS / DRO		
	Implementation	M	8	Destruction Review	last modified	MEDS or IWS / DRO		
	Consultation / White Paper	L	15	Permanence Review	date approved	MEDS or IWS / DRO		
	Bill / Green Paper	L	15	Permanence Review	date approved	MEDS or IWS / DRO		
	Impact Assessment	L	15	Permanence Review	last modified	MEDS or IWS / DRO		
	Email evidencing decision	M	8	Destruction Review	date declared	MEDS or IWS / DRO		
Procurement and Purchasing	Business Case	M	8	Destruction Review	date approved	MEDS or IWS / DRO		
	Legal Advice and Opinion	M	8	Destruction Review	date received	MEDS or IWS / DRO		
	Invitation to tender	M	8	Disposal	date released	MEDS or IWS / DRO		
	Contract	M	8	Destruction	end date	BMS		

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Record Class	Record / Document Type	Default value	Default retention period (years)	Action at end of retention period	Trigger date for retention period to start	Final Location	Exceptions	Notes
				Review				
	Purchase Order	M	8	Disposal	date raised	BMS		
	Invoice	M	8	Disposal	date received	BMS		
	Service Management Report	M	8	Disposal	date declared	MEDS or IWS / DRO		
	Email evidencing decision	M	8	Destruction Review	date declared	MEDS or IWS / DRO		
Programmes and Projects	Requirements	M	8	Destruction Review	date declared	MEDS or IWS / DRO		
	PID	M	8	Destruction Review	date declared	MEDS or IWS / DRO		
	Business Case	M	8	Destruction Review	date declared	MEDS or IWS / DRO		
	Highlight Report	M	8	Destruction	date declared	MEDS or		

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Record Class	Record / Document Type	Default value	Default retention period (years)	Action at end of retention period	Trigger date for retention period to start	Final Location	Exceptions	Notes
				Review		IWS / DRO		
	Project Plan	M	8	Destruction Review	date declared	MEDS or IWS / DRO		
	Risk Register	M	8	Destruction Review	date declared	MEDS or IWS / DRO		
	Stakeholder Analysis	M	8	Destruction Review	date declared	MEDS or IWS / DRO		
	Closure Report	M	8	Destruction Review	date declared	MEDS or IWS / DRO		
	Legal Advice and Opinion	M	8	Destruction Review	date received	MEDS or IWS / DRO	PCoE - S	
	Email evidencing decision	M	8	Destruction Review	date declared	MEDS or IWS / DRO		
Research and Development	Grant Application	M	8	Disposal	date of decision	MEDS or IWS / DRO		

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Record Class	Record / Document Type	Default value	Default retention period (years)	Action at end of retention period	Trigger date for retention period to start	Final Location	Exceptions	Notes
	Commissioned Research	M	8	Disposal	date of report	MEDS or IWS / DRO		Associated documentation relating to the procurement of research should be maintained in the finance/procurement areas
	Datasets	N/A	N/A	N/A	N/A			Seek advice
Statistics	Datasets	N/A	N/A	N/A	N/A			Seek advice