Ministry of Justice Headquarters

Records Retention and Disposition Schedule

## Introduction

1. This schedule applies to the records that are created and managed by staff employed in the Ministry of Justice (MoJ) Headquarters (HQ). It can also be used by any agency or organisation associated with the MoJ where its records come under the overall responsibility of the MoJ’s Departmental Records Officer (DRO).
2. The retention periods for records of some functions, such as Estates, Finance, Human Resources and Private Office are listed in separate schedules.
3. 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.
4. Where the MoJ’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. Some of the records listed below are selected for permanent preservation under the Public Records Act[[1]](#footnote-1) 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 classification[[2]](#footnote-2) of these records.[[3]](#footnote-3)
2. Currently the age of the records being transferred to TNA is reducing from 30 years to 20 years.[[4]](#footnote-4)
3. The DRO’s team selects records for permanent preservation and transfer to TNA in line with the following process:
   1. 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]](#footnote-5).
   2. Where records meet the criteria, they are prepared and then transferred to TNA.
   3. Where records do not meet the criteria, they are destroyed.
   4. The DRO makes the final decision about what is/is not transferred to TNA.
4. This schedule is split into two sections:
   1. Records held by various teams within the MoJ HQ (and which share a common retention and disposition policy with other parts of the MoJ).
   2. Unique records managed by functions within one team within HQ
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.[[6]](#footnote-6)
6. 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:
   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. 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 MoJwill 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 | TNA Classification | Retention and disposition |
| --- | --- | --- | --- |
| 1. Records created and/or held by HQ teams | | | |
|  | **Policy and legislation**  All papers, submissions, and related activities which lead to:  a) the formulation and/or review of government policy  b) the formulation and drafting of legislation (including consultation papers, responses to consultations, draft bills, draft statutory instruments, parliamentary progress) | Various[[7]](#footnote-7) | Keep for **20 years** and then review:   * DRO’s team to assess records against TNA’s guidance and arrange for selected records to be permanently preserved. * Destroy all other records |
|  | Paper copies of records that have been digitised |  | Keep for no longer than **30 days** from date scanned (this allows for time to check that digital copies are usable) and then destroy. |
|  | a) Records and information held in open internet tools (e.g. YouTube videos, podcasts)[[8]](#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 |
|  | HR information (held by line managers) |  | Manage in line with the *What to keep*[[9]](#footnote-9)guidance |
|  | Responses to Subject Access Requests |  | Keep for **nine months** and then destroy. |
|  | Background information (held by business) for responses to:   1. Parliamentary Questions (PQs) 2. Correspondence (including Ministerial Correspondence (MCs)) 3. Information requests made under:  * Freedom of Information Act * Environmental Information Regulations * Reuse of Public Sector Information Regulations   **NB.** The answers to these requests are held by:  a) Ministers, Parliament, Strategy and Implementation (see row 37)  b) Ministerial Correspondence Unit (see row 4 of the Private Office schedule)  c) Disclosure (see row 40) |  | 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. |
|  | GDPR and Data Protection Act registration, notification, records (paper and electronic) |  | Keep for **two years** and then destroy |
|  | Data loss incident records (held by business) |  | Keep for **three years** from incident closure and then destroy |
|  | Correspondence between business and Press Office (held by business) |  | Keep for **three years** and then destroy |
|  | Business continuity plans (held by business) |  | Updated annually. Keep previous versions for **three years** and then destroy. |
|  | Invitations to ministers that is linked to advice provided to a minister |  | Keep for **five years** and then destroy. |
|  | Contracts (value up to £10,000): including, but not limited to: signed contracts, records of performance, meetings, complaints, changes to requirements, variations and extensions (up to £10,000) |  | Keep for **six years** after contract ends and then destroy.[[10]](#footnote-10) |
|  | Litigation cases |  | Keep for **six years** from last action and then destroy |
|  | Finance and risk management information |  | Keep for **seven years** and then destroy. |
|  | Submissions, briefings for ministers and policy team, other correspondence with Private Office, Chief Executives’ Offices, etc **including Ministerial responses to submissions and other documents** |  | Routine: keep for **seven years** from date of last action and then review:   * Where operationally relevant, keep until **20 years** from last action and then transfer to the DRO’s team to consider for permanent preservation. * Where no longer needed, destroy immediately.   Development of government policy or legislation: keep with these records (see row 1) |
|  |  |  |  |
|  | Functional leadership (records about the functions and ways of working: Communications, Estates, Finance, HR, etc) |  | Keep for **seven years** from date of last action and then review:   * Where operationally relevant, keep until **20 years** from last action and then transfer to the DRO’s team to consider for permanent preservation. * Where no longer needed, destroy immediately. |
|  | All other types of record not specified above or below, **including copies of records which are owned by other business areas**[[11]](#footnote-11) |  | Keep for **three years** and then destroy. |
| 2. Unique records held by one HQ team[[12]](#footnote-12) | | | |
|  | **2a. Coroners, Burials, Cremations and Inquiries Policy** | | |
|  | Exhumation licences for England and Wales |  | Keep for **three years** from last dated document and then review:   * 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. |
|  | Archaeological licences for England and Wales |  | Keep for **five years** from last dated document and then review:   * Where operationally relevant keep for another five years and then repeat the process until the item is no longer needed. * Where no longer needed, destroy immediately. |
|  |  |  |  |
|  | Dispensing orders  a) Development of disused burial grounds  b) Copies of mission and pastoral measures |  | a) **Permanently retained** by the team  b) Keep for **three years** and then destroy[[13]](#footnote-13) |
|  | Closed Church of England churchyards |  | **Permanently retained** by the team |
|  | Coroners’ appointments |  | Keep for **three years** after the appointment ends and then destroy. |
|  | Prevention of future death reports (formerly known as Rule 43 reports) legacy records[[14]](#footnote-14) - historic collection up to 2013 |  | Currently retained on site pending discussions with TNA |
|  | Historical Coroners’ newsletters |  | Currently retained on site pending discussions with TNA |
|  | Children’s Funeral Fund |  | Keep for **seven years** and then destroy |
|  | **2b. Miscarriages of Justice** | | |
|  | Applications for Compensation for the Miscarriage of Justice and Information to support claim/quantum of compensation |  | Keep for **25 years** from date case closed and then destroy. |
|  | Royal Prerogative of Mercy cases | HO 188 and  HO 291 | Keep for **20 years** and then transfer to the DRO’s team to consider for permanent preservation and transfer to TNA. |
|  | **2c. Civil Procedure and Enforcement Reform[[15]](#footnote-15)** | | |
|  | **Accreditation for High Court Enforcement Officers (HCEOs)**[[16]](#footnote-16)  a) Register of HCEOs  b) Application packs – lifetime of the officer holder plus seven years and then destroy  c) Complaints |  | a) Permanently retained by the business  b) Keep for the **lifetime of the officer holder plus seven years** and then destroy  c) Keep for **five years** from the date of the decision and then destroy |
|  | **2d. Crown Dependencies** | | |
|  | All records (including correspondence) concerning the UK government’s relationship with the Crown Dependencies | HO 98, HO 99 and HO 284 | Permanently preserve on site pending further conversations with TNA |
|  | **2e. Domestic Human Rights** | | |
|  | European Court of Human Rights (ECHR) judgments including, but not limited to:  a) Implementation of adverse ECHR judgments  b) Progress reports to the Council of Europe’s Committee of Ministers  c) Correspondence |  | Permanent preservation on site pending further conversations with TNA |
|  | **2f. Operational Policy System Delivery and Reform** | | |
|  | a) Operational prison policies  b) HMPPS Board including, but not limited to: papers and reports, minutes and business cases |  | Keep for **20 years** and then review:   * DRO’s team to assess records against TNA’s guidance and arrange for selected records to be permanently preserved. * Destroy all other records |
|  | **2g. Sexual Violence Policy and Commissioning, Victim and Witness** | | |
|  | Grant management  a) Commission papers  b) End-Year monitoring data  b) All other records |  | a-b) Keep for **10 years** and review  c) Keep for **seven years** and then destroy |
|  | **2h. Data and Analytical Services** | | |
|  | Background to publications[[17]](#footnote-17) |  | Keep for **seven years** and then destroy. |
|  | a) Historical snapshots of data held that has to be retained for legal reasons  b) Records (including data sets) which are used by the business on a regular basis, but which are not required for permanent preservation |  | Keep for **seven years** and then review:   * Where operationally relevant, keep for another **seven years** and review. * Where no longer needed, destroy immediately. |
|  | Operational datasets |  | Keep for **seven years** and then review:   * Where operationally relevant, keep for another **seven years** and review. * Where no longer needed, destroy immediately.   NB. Personal copies of operational datasets should be **destroyed within three years** of completion of task. |
|  | Data collected jointly with other departments |  | Retention period will be agreed between departments, and recorded on the Information Asset Register. |
|  |  |  |  |
|  | Data collected for research purposes, including, but not limited to:   * Responses to surveys * Responses to consultations |  | Data collected by MoJ only:  Keep for **seven years** and then destroy. |
|  | Records of advice, evidence, analysis, etc provided to policy teams to support proposals to ministers |  | Keep for **20 years** and then review:   * DRO’s team to assess records against TNA’s guidance and arrange for selected records to be permanently preserved. * Destroy all other records |
|  | **2i. Ministers, Parliament, Strategy and Implementation[[18]](#footnote-18)** | | |
|  | All records concerning the MoJ’s relationship with Parliament (including answers to PQs) |  | Keep for **three years** and then destroy |
|  | **2j. Communications Directorate (including Design 102)** | | |
|  | Databases of customer records |  | Reviewed regularly (but at least annually) and obsolete information removed |
|  | Permission forms (reuse of personal data) |  | Keep for **three years** longer than the image |
|  | **2k. Information Services** | | |
|  | Management of responses to FoI and EIR requests and including correspondence, case management, etc)  [Held by Disclosure] |  | Unless senior managers direct that a request should be marked for longer retention, keep for **two years** from date closed (whether routine or ICO).  Requests marked for longer retention should be destroyed **five years** after date closed. |
|  | Listings of records held at or transferred to Branston Registry or to offsite storage  [Held by Branston Operations] |  | **Permanently held** at Branston Registry so that the location of records can be traced |
|  | Offender Subject Access Requests (SAR) – correspondence  [Held by Branston Operations] |  | Keep for **two years** and then destroy |
|  | Records review including, but not limited to, Review Sheets and Review listings  [Held by Departmental Library and Records Management Services] |  | **Permanently retained** by the DRO’s team so that location, retention or destruction of records can be traced |
|  | Trust Corporation Status Issued Certificates  [Held by Departmental Library and Records Management Services] |  | **Permanently retained** by the DRO’s team so that copies can be provided if required[[19]](#footnote-19) |
|  | Records Retention and Disposition Schedules (including superseded and obsolete RRDS)  [Held by Departmental Library and Records Management Services] |  | **Permanently preserved** by DRO’s team so that changes to schedules can be traced.  Correspondence about changes/updates to RRDS is kept for **three years** and then destroyed. |
|  | Privileged Access Agreements [PAA] (including supporting correspondence)  a) Research Access Requests  b) Individual Case Access Requests  [Held by Departmental Library and Records Management Services] |  | Keep for **three years** from the date that access ends and then destroy.[[20]](#footnote-20) |
|  |  |  |  |
|  | Disregarded Convictions  [Held by Departmental Library and Records Management Services] |  | Keep for **six years** from date DRO letter sent to applicant and then destroy |
|  | Correspondence with the Advisory Council on National Records and Archives   * Closure Applications * Advisory Council reports   [Held by Departmental Library and Records Management Services] |  | Keep for **lifetime of records’ closure** and then destroy |
|  | Offsite storage supplier  a) Special project contract forms  b) New customer accounts  c) New collation requests  d) Authorisation to destroy  e) Quarterly meetings  [Held by Departmental Library and Records Management Services] |  | a-d) **Keep for lifetime of contract plus one year**  e) Keep for **seven years** and then destroy |
|  | a) Library orders (books, subscriptions, etc)  b) MoJ Library management information  c) Complex library enquiries, including copyright enquiries  d) Digitisation of departmental publications  e) Training and marketing materials  [Held by Departmental Library and Records Management Services] |  | Keep for **10 years** and then review:   * Where operationally relevant, keep for a further 10 years and then review. * Where no longer needed, destroy immediately. |
|  | Records about contracts managed by Library and Information Services (jLIS) up to 31 March 2016.  [Held by Departmental Library and Records Management Services] |  | Keep for **six years** from the date of contract end and then destroy |
|  | Lists of items deposited with Legal Deposit Libraries in compliance with legislation  [Held by Departmental Library and Records Management Services] |  | **Permanently retained** by MoJ Library team as evidence which may be required by the Legal Deposit Libraries |
|  | Copyright declaration forms   1. Satisfied requests 2. Unsatisfied requests   [Held by Departmental Library and Records Management Services] |  | a) Keep for **seven years** and then destroy  b) Keep for **one year** and then destroy |
|  | Copyright collection agencies  [Held by Departmental Library and Records Management Services] |  | Keep for **three years** from end of the licence and then destroy. |

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1. Public Records Act 1958 s.3(6) [↑](#footnote-ref-1)
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. [↑](#footnote-ref-2)
3. MoJ staff should contact the Departmental Records Officer’s team to discuss arrangements for accessing historic records. [↑](#footnote-ref-3)
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> [↑](#footnote-ref-4)
5. This can be found at: <https://www.nationalarchives.gov.uk/documents/information-management/best-practice-guide-appraising-and-selecting.pdf> [↑](#footnote-ref-5)
6. See rows 5 and 6 for maximum retention period [↑](#footnote-ref-6)
7. Records for policies and legislation from the former Lord Chancellor’s Department (LCD) can be found at LCO 1 to LCO 69, while records for policies and legislation formerly owned by the Home Office can be found at various HO classifications. More detailed information about LCD records is available at: <https://discovery.nationalarchives.gov.uk/browse/r/h/C198> and more detailed information about former Home Office records is available at: <https://discovery.nationalarchives.gov.uk/browse/r/h/C150> [↑](#footnote-ref-7)
8. Staff should check the intranet for more detailed guidance: *Guidance for using Open Internet Tools* [↑](#footnote-ref-8)
9. *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules> [↑](#footnote-ref-9)
10. Limitation Act 1980 s.5 sets the time limit for actions founded on simple contracts (signed under hand) at six years [↑](#footnote-ref-10)
11. If the business identifies record types which need a new retention period, they should contact the DRO’s team. [↑](#footnote-ref-11)
12. The team names are correct at time of publication. The retention periods will continue to apply to the records if they are transferred to other teams. [↑](#footnote-ref-12)
13. Original copies of these records are managed by each Diocesan Records Office. Each Diocese has a separate website which can be accessed from: <https://www.churchofengland.org/about/dioceses> [↑](#footnote-ref-13)
14. From 25 July 2013, these reports are published on the Chief Coroner’s website at: <https://www.judiciary.uk/related-offices-and-bodies/office-chief-coroner/pfd-reports/>. These records were submitted to the Lord Chancellor prior to the establishment of the Chief Coroner’s Office in 2013. [↑](#footnote-ref-14)
15. This section does not include the records of the Civil Procedure Rules Committee Secretariat. Schedules for all Rules Committees are under consideration [↑](#footnote-ref-15)
16. The responsibilities of the Lord Chancellor are set out in the High Court Enforcement Officers’ Regulations 2004: <https://www.legislation.gov.uk/uksi/2004/400/contents/made> [↑](#footnote-ref-16)
17. The MoJ’s research and statistics publications are available at: https://www.gov.uk/search/research-and-statistics?organisations%5B%5D=ministry-of-justice&parent=ministry-of-justice [↑](#footnote-ref-17)
18. This excludes the records managed by Private Office and the Crown Office which have separate schedules [↑](#footnote-ref-18)
19. A copy may be required to prove the Lord Chancellor has granted an organisation Trust Corporation status under the Law of Property (Amendment) Act 1926. [↑](#footnote-ref-19)
20. Original personal documents are returned to enquirer and copies are destroyed within 10 working days of completion of the request. [↑](#footnote-ref-20)