

39 Retention of records

This chapter is split into two parts:

Part 1: Directive. This part provides the direction that **must** be followed to help you comply with (keep to) health and safety law, Defence policy and Government policy.

Part 2: Guidance. This part provides the guidance and good practice that **should** be followed and will help you to keep to this policy.

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Amendment record

This chapter has been reviewed by the Directorate of Defence Safety (DDS) together with relevant subject matter experts and key safety stakeholders. Any suggestions for amendments **should** be sent to COO-DDS-GroupMailbox@mod.gov.uk.

| Version No | Date of publication | Text Affected | Authority |
|------------|---------------------|---|-----------|
| 1.2 | Oct 2022 | Interim update post-handover of policy from DSA to D HS&EP. | Dir HSEP |
| 1.3 | 17 April 2024 | Review, update and release of two-part structure. | DDS |

Terms and definitions

The following table sets out definitions of some of the terms used in this chapter. General safety terms and definitions are provided in the [Master Glossary of Safety Terms and Definitions](#) which can also be accessed on the [Gov.UK](#) website.

| | |
|-------------------------|--|
| Accountable Person (AP) | The person whose terms of reference state that they are responsible for making sure there are suitable and sufficient systems in place to control health and safety risks in their unit, estate (site) or platform. This term is used in place of CO, HoE, OC, Station Commander and so on, or as decreed by the Defence organisations. |
| Commander | Generally a military person responsible for planning activities, supervising activities, and making sure that personnel under their area of responsibility are safe. This term refers to a role rather than the rank of Commander, and it can be a permanent or temporary role (for example, lasting for the duration of a training exercise). In parts of Defence this person could be referred to as a 'responsible person'. |
| Competent person | A person who has the training, skills, experience, and knowledge necessary to perform a task safely, and is able to apply them. Other factors, such as attitude and physical ability, can also affect someone's competence. See www.hse.gov.uk/competence/what-is-competence.htm for information on competence. |
| Manager | A person responsible for managing or supervising staff, planning activities and making sure that personnel under their area of responsibility are safe. This could be a permanent or temporary role, and in parts of Defence this person could be referred to as a 'line manager', a 'responsible person' or a 'delivery manager'. |

Must and should

Where this chapter says '**must**', this means that the action is a compulsory requirement.

Where this chapter says '**should**', this means that the action is not a compulsory requirement but is considered good practice.

Scope

The policy contained within this chapter:

- a. applies to all those employed by Defence (military and civilian) including those under the age of 18 (for example recruits and apprentices);
- b. applies to all those working on behalf of, or under the supervision of Defence (for example, contractors or visitors);

- c. applies to all Defence activities carried out in any location (UK or overseas) and at all times of the year; and
- d. is not written for young persons in the cadet forces, Defence-run schools, nurseries and so on; those organisations **must** maintain their own safety policies and governance and **must** provide statutory compliant infrastructure and appropriate safe systems of work. They may use material from this chapter as a reference point, but where appropriate their respective policies **should** be adapted to meet the needs of young persons and to follow any applicable Department for Education guidelines or legislation.

Assurance

The application of the policy contained within this Chapter **must** be assured (that is, its use **must** be guaranteed). As part of their overall assurance activity, the commander, manager, or accountable person (AP) **must** make sure that this policy is followed and put into practice effectively. Assurance **must** be carried out in accordance with [JSP 815 \(Defence Safety Management System\) Volume 2, Element 12 - Assurance](#).

Alternative acceptable means of compliance

This policy is mandatory across Defence and the only acceptable means of compliance (AMC) is attained by following the directive set out in this chapter. However, there may be circumstances where a small number of military units may be permanently unable to comply with (keep to) parts of the policy. In such circumstances an alternative AMC is set out in the [JSP 375 Directive and Guidance](#).

Part 1: Directive

Introduction

1. This chapter provides Defence policy and guidance for the retention of Defence health and safety records.
2. Some Health and safety records are required to be retained for a minimum period in order to meet statutory requirements (see below at para 5). Records provide documentary evidence which may be relevant in the event of personal injury claims against the Department. The records may demonstrate that the duty of care has been fulfilled and show what steps have been taken to mitigate risks. Without records it may be difficult to distinguish fraudulent claims from genuine ones and for the Department to defend itself in legal proceedings or a public inquiry.
3. [JSP 441](#) (Information, Knowledge, Digital and Data in Defence) provides Defence policy and guidance on how to keep records, sets out the Defence record management policy and defines the following areas:
 - a. Defence legal obligations under the [Public Records Act 1967](#);
 - b. Defence 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. Under the [Data Protection Act 2018](#) data controllers (for example Defence) are obliged to comply with the data protection principles set out in Article 5(1) of the UK General Data Protection Regulation (GDPR) when processing “personal data”, which is defined as any information from which a living individual can be identified. The data protection principles include the “accuracy principle”, Article 5(1)(d), which requires that data is accurate and kept up to date, where necessary, and the “storage limitation” principle, which requires that personal data shall be kept in a form that permits identification of data subjects for no longer than is necessary for which the personal data are processed.
5. Employers have a general duty under the [Health and Safety at Work etc. Act 1974](#) (HSWA) to maintain safe working arrangements for their employees. There is a further duty on employers under the [Management of Health and Safety at Work Regulations 1999](#) to carry out a risk assessment of the hazards to which their employees are exposed. Some health and safety regulations define the minimum duration that records **must** be retained for. These retention periods cannot be reduced but can be extended by Defence policy, see Annex A. Regulations that identify a minimum retention period include:

[The Control of Substances Hazardous to Health Regulations 2002](#)

[The Control of Asbestos Regulations 2012](#)

[The Work in Compressed Air Regulations 1996](#)

[The Ionising Radiations Regulations 2017](#)

[The Control of Lead at Work Regulations 2002](#)

[The Control of Noise at Work Regulations 2005](#)

[The Control of Vibration at Work Regulations 2005](#)

6. In accordance with the [Secretary of State for Defence policy statement on health, safety and environmental protection](#); overseas, we will comply with the laws of Host States, where they apply to us, and in circumstances where such requirements fall short of UK requirements, we will apply UK standards so far as is reasonably practicable to do so.

Policy statements

7. Defence has established the following policy statements to provide direction on the managing of health and safety record retention which **must** be followed.

- a. **Policy Statement 1.** Accountable persons **must** make sure a system or systems are in place for the retention of health and safety records. The system or systems **must** comply with Defence policy.
- b. **Policy Statement 2.** Accountable persons, commanders and managers **must** make sure the health and safety records, for which they are responsible, are retained for the duration required by Defence policy.
- c. **Policy Statement 3.** Accountable persons, commanders and managers **must** make sure that health and safety records remain accessible to all personnel or agencies that have a legitimate and justified reason for access.
- d. **Policy Statement 4.** Personnel **must** make sure that the information given and recorded to protect their health and safety is, to the best of their knowledge, accurate.

Policy Statement 1

Accountable persons **must** make sure a system or systems are in place for the retention of health and safety records. The system or systems **must** comply with Defence policy.

8. Information created or acquired by Defence staff in the course of their work, including health and safety records, **must** be held in accordance with JSP 441. Where information is of any lasting significance, it **should** be captured as a record on Defence systems. Once it has been recorded, the record **must** be actively managed through its lifecycle.

9. 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 or records, but Defence organisations, through their APs, **must** make sure their health and safety record management procedures are effective and efficient; 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 when they are no longer required.

10. The system or systems adopted by the AP **must** comply with the requirements of JSP 441. If the system for the retention of health and safety records is contracted out by the AP, the AP retains responsibility for the management of those records and maintaining their accessibility.

Policy Statement 2

Accountable persons, commanders and managers **must** make sure the health and safety records, for which they are responsible, are retained for the duration required by Defence policy.

11. Some health and safety regulations define the requirements for the minimum duration that specific records **must** be retained. However, there is no specific legal requirement to retain some other records once they have been replaced or are no longer relevant. In these instances, Defence policy may prescribe a retention period. For example; the retention of training records is often not identified, but their retention can be very helpful in defending claims or identifying the effectiveness of the training provided. Therefore, Defence has set a minimum retention period for all health and safety training records (Annex A).

12. Defence health and safety records **must** be retained in accordance with this chapter. Annex A lists common health and safety records and their minimum retention period required by Defence. Records relating to a claim **must** be retained until the claim has been settled. This may extend the retention period beyond that identified in Annex A.

13. Health and safety records can be retained in electronic (preferred) or paper format. Whichever medium is used APs, commanders and managers **must** make sure that locally retained records remain accessible and not liable to deteriorate within the retention period. Those kept in an electronic format **must** be stored in accordance with JSP 441. Electronic records are not to be maintained on off-line media (such as CDs). Such material **should** be transferred to a controlled storage environment as soon as practicable.

Policy Statement 3

Accountable persons, commanders and managers **must** make sure that health and safety records remain accessible to all personnel or agencies that have a legitimate and justified reason for access.

14. Health and safety records can require retention for many years, during which time they may need to be accessed for different reasons and by different personnel, departments, organisations, and agencies.

15. APs, commanders, and managers **must** make sure there is an effective method of retrieving and reading health and safety records. If held in a digital format, hardware and software **must** be available to allow suitable access to the data held. APs, commanders, and managers **must** review their record retention systems as and when new software and hardware systems are introduced to make sure the records remain accessible.

16. Only persons with a genuine business need or other reason entitling them to access can be authorised to access health and safety records. APs, commanders and managers **must** make sure the system or systems they are using or have used can provide permitted / authorised access to the records in a timely and efficient manner. APs, commanders and managers **must** obtain legal advice before providing access if there is any uncertainty regarding a persons' need and authority to access health and safety records.

17. Before any information is released from a health and safety record they hold, APs, commanders and managers **must** make sure the personnel, department, organisation or agency requesting the information or record, have a legitimate and justified reason for access.

18. APs, commanders and managers **must** make sure the release of health and safety records is compliant with the [Data Protection Act 2018](#) and the [Freedom of Information Act 2000](#). If in doubt, advice **should** be sought from the local legal and / or health and safety advisers.

Policy Statement 4

Personnel **must** make sure that the information given and recorded to protect their health and safety is, to the best of their knowledge, accurate.

19. Health and safety records are only useful and effective if the information held is accurate, therefore, personnel **must** make sure that the information they provide is, to the best of their knowledge, accurate.

20. If personnel become aware that the information held has not been recorded accurately, they **must** inform the record holder so that corrections can be considered and where necessary amended.

21. Health and safety records also need to be kept up to date, therefore, personnel **must** make sure that their commander or manager is informed if the information held changes, for example, address, contact details and so on. This is a requirement of the “accuracy principle”, set out in Article 5(1)(d) of the UK GDPR (see paragraph 4 above).

Part 2: Guidance

This part provides the guidance and good practice that **should** be followed using the Plan, Do, Check, Act approach and will help you to keep to this policy.

PLAN – identify problems and opportunities

Policy Statement 1. Accountable persons **must** make sure a system or systems are in place for the retention of health and safety records. The system or systems **must** comply with Defence policy.

1. Defence policy and guidance for the retention of Defence records is contained in JSP 441. APs **should** make sure commanders and managers are aware of the requirements to retain health and safety records and the systems to be used, including archiving records once local retention is no longer necessary, desirable or effective.

DO – implement potential solutions

Policy Statement 2. Accountable persons, commanders and managers **must** make sure the health and safety records, for which they are responsible, are retained for the duration required by Defence policy.

2. The responsibility to identify which health and safety records need retention will rest with the owner of the risk that the record relates to. A site risk assessment will be owned by the AP and records of a process risk assessment will be owned by the commander or manager responsible for that process. Records that relate to an individual may be the responsibility solely or a combination of:

- a. the individual themselves;
- b. the commander or manager; and / or
- c. the holders of personnel files (for example; Joint Personnel Administration (JPA), Defence Business Services (DBS), Service Manning Authorities, and the Service Personnel and Veterans Agency).

3. Where there is a Statutory requirement to keep records for a specified period, commanders and managers **should** consult with their local health and safety advisers before disposing of records to make sure they are being retained in accordance with the latest relevant legislation and Defence policy. Examples of legislation with retention requirements 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; and

f. Work in Compressed Air Regulations.

4. There may be other Defence publications and JSPs 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 this chapter and those specified within the respective JSP or Defence Publication.

5. Examples of health and safety related records 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. permits to work;
- e. health surveillance and health monitoring records;
- f. health and safety training records;
- g. safety inspections, walk arounds, and so on;
- h. safe operating procedures and Safe Systems of Work;
- i. occurrence report forms;
- j. occurrence investigations, including Service Inquiries, Boards of Inquiry and local investigations predominantly involving people; and
- k. annual reports and audits of performance reviews.

6. Annex A provides a list of common health and safety records that require retention for a specified period. If the retention period of the health and safety record is not identified in Annex A, the local health and safety adviser **should** be able to advise.

7. Health and safety related records **should** be retained locally within the unit or establishment whilst the work activity is ongoing and access to the records is still required. When records have been replaced, the work activity has ended, persons are no longer employed or the records are no longer valid, they can either be held locally or preferably sent to archive in accordance with local archive procedures and JSP 441.

Policy Statement 3. Accountable persons, commanders and managers **must** make sure that health and safety records remain accessible to all personnel or agencies that have a legitimate and justified reason for access.

8. Access to health and safety records can be required for a number of reasons and requests for access can be many years after the record was first produced. Methods of record retention are variable, changeable, and dependent on new technologies and ways of working.

9. Commanders and managers **should** make sure the systems of local record retention that they are using, are compliant with JSP 441. It is recommended that commanders and managers archive health and safety records in accordance with local archive procedures and JSP 441 at the earliest opportunity to make sure they are suitably managed.

10. Commanders and managers **should** make sure that their successors are aware of what health and safety records are held, in what format and where they are held.

Policy Statement 4. Personnel **must** make sure that the information given and recorded to protect their health and safety is, to the best of their knowledge, accurate.

11. The information held in health and safety records can be extremely useful and helpful to both the individual being reported on and Defence, as the employer. Records can provide the individual with information related to hazard exposure and health condition, often over a prolonged period of time. They can also help Defence recognise if control measures are being effective or help identify any trends in ill health.

12. It is important that all information held is accurate. If personnel are in any doubt about the information they have provided, or any of the other information held, the record holder **must** be informed. The commander or manager **should** also be informed at the earliest opportunity so that arrangements can be made to correct the record.

13. Defence personnel **should** keep appropriate records of health and safety training received and especially those required for specific work-related tasks. This can often be recorded on systems such as JPA and MyHR.

CHECK – assess the results

14. Health and safety records **should** be actively managed throughout their lifecycle, from start to disposal. Therefore, APs, commanders and managers **should** check all health and safety records and their retention systems on a regular basis to make sure they are effective and being operated correctly.

ACT – implement improved solutions

15. Where health and safety record retention improvements or problems are identified either through communication with those conducting the activity, inspection or following an occurrence, APs, commanders and managers **should** review and update their system or systems at the earliest opportunity.

Retention of records

16. Health and safety records are to be retained in accordance with this chapter and any other JSP or Defence publications that relate directly to the health and safety record. Annex A provides a list of common health and safety records that require retention for a specified period. If the record is not listed in Annex A or in the relevant Defence publication, local health and safety advisers **should** be consulted.

Related documents

17. The following documents are related to this chapter:

a. **JSP 375, Volume 1;**

- (1) Chapter 5 – First aid;
- (2) Chapter 8 – Safety risk assessment and safe systems of work;
- (3) Chapter 10 – Manual handling;
- (4) Chapter 11 – Management of hazardous substances;
- (5) Chapter 12 – Display screen equipment (DSE);
- (6) Chapter 16 – Safety occurrence reporting and investigation;
- (7) Chapter 17 – Stress in the workplace;
- (8) Chapter 25 – Noise at work;
- (9) Chapter 26 – Vibration at work;
- (10) Chapter 27 – Preventing falls and falling objects;
- (11) Chapter 36 – Asbestos;
- (12) Chapter 41 – Heat illness prevention; and
- (13) Chapter 42 – Cold injury prevention.

b. **Other Defence Publications;**

- (1) JSP 441 – Information, Knowledge, Digital and Data in Defence;
- (2) JSP 832 – Guide to Service Inquiries.

c. **Legislation and Guidance;**

- (1) [Health and Safety at Work etc. Act 1974](#) ;
- (2) [Management of Health and Safety at Work Regulations 1999](#);
- (3) [The Control of Substances Hazardous to Health Regulations 2002](#)
- (4) [The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013](#)
- (5) [The Ionising Radiations Regulations 2017](#)
- (6) [The Control of Lead at Work Regulations 2002](#)
- (7) [The Control of Asbestos Regulations 2012](#)
- (8) [The Work in Compressed Air Regulations 1996](#)
- (9) [The Social Security \(Claims and Payments\) Regulations 1987](#)

- (10) [Data Protection Act 2018](#)
- (11) [Public Records Act 1967](#)
- (12) [Public Records \(Scotland\) Act 2011](#)
- (13) [Freedom of Information Act 2000](#)

Retention of Records Table

Note: this list is not exhaustive. Seek advice from your local health and safety adviser as required.

| Type of Record | Retention time |
|---|---|
| Risk assessments including those that have been replaced or are no longer valid. This includes all types of risk assessment covering both the work site and the processes being conducted and includes hazardous substances, manual handling, Display Screen Equipment and so on. | Minimum of 3 years after they expire. |
| Risk assessments associated with hazards, such as asbestos or noise and so on that might take many years for an illness to become evident. | Minimum of 40 years . |
| Safe Systems of Work. | Minimum of 3 years after they expire. |
| Health and safety training records. | 6 years |
| Health surveillance and health monitoring records. | Minimum of 40 years from the date of the last entry. |
| Respiratory Protective Equipment Fit Test Certificate. | Minimum of 5 years from date of test. |
| Examination of respiratory protective equipment including respiratory and other personal protective equipment tests. | Minimum of 5 years . |
| Records of safety inspections and so on. | Minimum of 3 years . |
| Maintenance, examination and testing records such as air monitoring, examination and test of local exhaust ventilation and so on. | Minimum of 5 years . |
| Permits to Work. | Minimum of 3 years . |
| Permits to Work Register. | Minimum of 3 years following the last entry, or as defined by maintenance records. |
| Occurrence reports, their investigations and associated documentation including, but not limited to, any work instructions, risk assessments, policy and guidance or JSP 375 chapters being used at the time. | Minimum of 3 years or 3 years after the injured parties 18th birthday. |
| Specified Injury reportable to the HSE and their investigations. | Minimum of 40 years . |
| Health and safety orders, organisation and arrangements statements, locally produced health and safety manuals and plans and annual health and safety performance reports and audits. | Minimum of 15 years . |
| Organisational Safety Assessment (OSA) and associated documents. | Minimum of 15 years . |

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 any records.