The Crown Court

Records Retention and Disposition Schedule

## Introduction

1. This schedule applies to the records that are created and managed by staff working in the Crown Court. It has been drawn up following consultation between HM Courts and Tribunals Service (HMCTS) and staff working for the Departmental Records Officer (DRO) 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 Crown Court’s work is governed by the Criminal Procedure Rules and supporting rules. The work of the Jury Central Summoning Bureau (JCSB) is governed by the Juries Act 1974 and supporting rules.

## More about this schedule

1. Some of the records listed below are selected for permanent preservation under the Public Records Act 1958 s3.6(6) 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[[1]](#footnote-2) of these records.

1. MoJ has agreed the criteria for selecting records for permanent preservation with The National Archives (TNA). These criteria are set out in TNA’s Operational Selection Policy 40 (OSP 40): Records of the Crown Court and Court of Appeal (Criminal Division): <https://www.nationalarchives.gov.uk/information-management/manage-information/selection-and-transfer/selecting-records/osp-number/>
2. Currently, the age of the records being transferred to TNA is reducing from 30 to 20 years.
3. The records selected for permanent preservation are transferred to TNA by the DRO’s team. To avoid confusion, this process includes:
   1. Records are reviewed by the DRO’s staff prior to transfer to TNA, following criteria agreed between the two organisations.
   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 four sections:
   1. Records unique to Crown Court
   2. Records unique to the Jury Central Summoning Bureau
   3. Records unique to HMCTS
   4. Records held by various teams within the MoJ and its associated bodies and where a common retention and disposition policy is applied.
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. While the Independent Inquiry into Child Sexual Abuse (IICSA) continues its investigations, the moratorium on the destruction of records of potential interest to IICSA 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. 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)
   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. 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 the Crown Court | | | |
| Trials on indictment | | | |
| 1 | * Indictment * Record sheet * Result of appeal to the Court of Appeal * Certificate under the Sex Offenders Act 1997 (if separate) * Certificate under the Sexual Offenders Act 2003 (if separate) | Various  J  classes[[2]](#footnote-3) | **Permanent** preservation.  Keep for **10 years** from the date of disposal then transfer to offsite storage |
| 2 | * Case documents, evidence & data (formerly the case file) | Various  J  classes | Keep for **7 years** from the date of disposal and review:   * All case types listed at a-j below:   **Permanent** preservation - transfer to long term storage   * All case types not listed below should be destroyed.  1. Official Secrets Act 2. Terrorism 3. Murder, Manslaughter, Infanticide 4. Case where a Life Sentence is imposed 5. Cases referred to in any Sex Offenders Acts or any Sex Offences Acts 6. Cases where the sentence is longer than 7 years 7. Cases where the defendant has been sentenced to a hospital order without time limit 8. Cases where the defendant is to be detained at Her Majesty's pleasure 9. Cases of media/public/social/legal interest: including those concerning well-known individuals or setting legal precedent. 10. Case related to any case which has been appealed at the Court of Appeal **and/or** which falls into one or more of the categories above |
| Committals for Sentence | | | |
| 3 | * Record sheet * Memorandum of conviction/ Magistrates’ Sending sheet * Result of appeal to the Court of Appeal * Certificate under the Sex Offenders Act 1977 (if separate) * Certificate under the Sexual Offenders Act 2003 (if separate) |  | Keep for **20 years** from the date of disposal and then destroy. |
| 4 | * Case documents, evidence & data (formerly the case file) |  | If not covered by the cases listed in row 2 (a-j) above, keep for **5 years** and then destroy. |
| Appeals from the Magistrates’ Court | | | |
| 5 | * Record Sheet * Court Register/   Memorandum of Conviction   * Notice of Appeal * Result of Appeal |  | Keep for **10 years** from the date of disposal and then destroy |
| 6 | * Case documents, evidence & data (formerly the case file) |  | If not covered by the cases listed in row 2 (a-j) above, keep for **3 years** and then destroy. |
|  | | | |
| 7 | * Pardons | HO 188 | **Permanent** preservation.  Keep for **20 years** and then transfer to the Departmental Records Officer’s team who will arrange the transfer to the TNA. |
| 8 | * Files where a supplementary or ancillary order has effect for more than seven years |  | Retain until the order has expired, including indefinite orders. |
| 9 | * Outstanding Bench Warrant |  | Keep until a decision is made about the case and then add to case record |
|  |  |  |  |
| 10 | * Orders for disclosure under POCA (Proceeds of Crime Act) * Applications for warrants under Police and Criminal Evidence Act (PACE) * Production orders * Restraint Orders |  | Keep for **3 years** and then destroy |
| 11 | * Financial and accounting records: e.g. witnesses and jurors expense claims, cashbooks etc. |  | Keep for **7 years** and then destroy. |
| 12 | * Public Interest Immunity (PII) case materials (tape recordings, papers etc) |  | PII case materials (tape recordings, papers etc) to be returned to party who lodged them, at end of trial Recordings of PII hearings held on any medium, [tape/digital/disk/card etc] to be securely destroyed as part of the trial file selection process.  Retain trial file for **7** **years** and review (in accordance with section 2 above). |
| 13 | * Recordings of trials |  | Keep for **7 years** and then destroy |
| 2. Jury Central Summoning Bureau | | | |
|  | Returned Jury Summons:   * Responded * Excusal * Deferral |  | Keep for **1 year** from date of summons and then destroy |
|  | a) Yield Reports (performance against JCSB targets)  b) Summoning Monitor Reports |  | Keep for **7 years** and then destroy |
|  | a) Court Catchment List  b) Court Catchment Dispute cases |  | a) Updated annually. Keep **until superseded** and then destroy  b) Keep for **3 years** and then destroy |
|  | Recorded telephone calls |  | Keep for **30 months** and then destroy |
|  | Copies of electoral registers supplied by local authorities |  | Keep **until superseded** and then destroy |
|  | Correspondence |  | Keep for **1 year** and then destroy |
| 3. Records managed by a common retention and disposition policy across HMCTS | | | |
|  | Bundles |  | Court staff are required to retain and dispose of those bundles that have been lodged at court for the specific use of the judge/court.  It has been agreed between HMCTS, Bar Council and the Law Society that barristers/solicitors are responsible for removing their own bundles, (including witness bundles), as they are the Data Controllers of that information. |
|  | Correspondence (other than case related correspondence) |  | Keep for **1 year** and then destroy |
|  | Records created as part of governance and assurance processes including:   * Key Control Check Sheets (KCCS) * Standard Operating Controls (SOC) * Previous equivalents |  | Destroy in line with the HMCTS Governance and Assurance RRDS |
| 4. Records managed by a common retention and disposition policy | | | |
|  | HR information (held by line managers) |  | Destroy in line with the *What to keep*[[3]](#footnote-4)guidance |
|  | Finance and risk management information |  | Keep for **7 years** and then destroy. |
|  | Business Continuity Plans |  | Keep previous versions for **3 years** and then destroy. |
|  | Paper copies of records that have been digitised |  | Destroy once scan has been verified |
|  | All other types of record not specified above, including copies of records which are owned by other business areas[[4]](#footnote-5) |  | Keep for **three years** and then destroy. |

**If the business identifies record types which need a new retention period, they should**

**contact the MoJ Departmental Records Officer.**

Phillip Crowcroft

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**Signed: 19 August 2020**

Date of original RRDS: July 1999

Previous updates:

Crown Court RRDS: July 2015

Jury Central Summoning Bureau RRDS: July 2015

1. 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)
2. Each Crown Court’s indictments and each court’s files are given separate numbers within the ‘J’ classification, e.g. case files for Lincoln Crown Court are classified as “J 234” while indictments from Lincoln Crown Court are classified as “J 235”. The full list is available for browsing at: <http://discovery.nationalarchives.gov.uk/browse/r/h/C681> [↑](#footnote-ref-3)
3. *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules> [↑](#footnote-ref-4)
4. If the business identifies record types which need a new retention period, they should contact the DRO’s team. [↑](#footnote-ref-5)