General Regulatory Chamber

(HM Courts and Tribunals Service)

Records Retention and Disposition Schedule

## Introduction

1. This schedule applies to the records that are held by the General Regulatory Chamber (GRC) of HM Courts & Tribunals Service (HMCTS). It has been drawn up following consultation between 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 GRC's statutory jurisdiction is derived from the Tribunals, Courts and Enforcement Act 2007 and the many pieces of legislation which create the appeal rights determined in the Chamber.
4. The GRC's procedure is governed by The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009, as amended from time to time.
5. The General Regulatory Chamber covers any jurisdiction governed by the GRC rules (and so change from time to time).

## More about this schedule

1. None of the records listed below are selected for permanent preservation and transfer to The National Archives (TNA).
2. This schedule is split into three sections:
	1. Records unique to the General Regulatory Chamber
	2. Records held by various teams within HMCTS where a common retention and disposition policy is applied.
	3. Records held by various teams within the MoJ and its associated bodies and where a common retention and disposition policy is applied.
3. 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.[[1]](#footnote-1)
4. 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>.
5. 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 | Retention and disposition |
| --- | --- | --- |
| 1. Unique records held by the General Regulatory Chamber |
|  | GRC cases, including:* Information Notice Appeals
* Enforcement Notice Appeals
* Possible appeals
 | Unless directed by a judge to keep the record for longer, keep for **two years** from date of disposal and then destroy. |
|  | Caseload management | Keep for **two years** from date of disposal and then destroy. |
|  | National Security Appeals Panel Cases transfers | Keep for **two years** from date of disposal and then destroy. |
|  | GRC records covering policy, legislation, development and expansion | Keep for **five years** from date of last action and then destroy. |
| 2. Records managed by a common retention and disposition policy across HMCTS (applies to all jurisdictions) |
|  | Tribunal Decisions[[2]](#footnote-2) | Keep permanently in the Chamber |
|  | Recordings of hearings | **Recordings held on the DARTS system**: Keep for **seven years** and then destroy**Recordings held on any other legacy system**: Keep for the same period as the case papers (or case files) and then destroy |
|  | Listings, bookings, and similar operational records | Keep for **two years** from date of disposal and then destroy |
|  | Bundles | Keep for **six months** from the date of disposal, unless the decision is appealed to Upper Tribunal (in which case the bundle is transferred) |
|  | 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 |
|  | Case management system records needed for statistical purposes | Copied and transferred to HMCTS Analysts at regular intervals under the terms of the Data Privacy Impact Assessment |
| 3. 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-3) guidance |
|  | Responses to Subject Access Requests | Keep for **nine months** and then destroy.  |
|  | Background information (held by business) for responses to information requests made under: * Freedom of Information Act[[4]](#footnote-4)
* Environmental Information Regulations

**NB.** See footnotes showing where the answers to these requests are held | 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.
 |
|  | Finance and risk management information | Keep for **seven years** and then destroy. |
|  | All other types of record not specified above, including copies of records which are owned by other business areas[[5]](#footnote-5) | Keep for **three years** and then destroy. |

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1. See rows 12 and 13 for maximum retention period [↑](#footnote-ref-1)
2. Some decisions are published. Links to the different decisions are found at: <https://www.gov.uk/guidance/general-regulatory-chamber-tribunal-hearings-and-decisions> [↑](#footnote-ref-2)
3. *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules> [↑](#footnote-ref-3)
4. The answers to these requests are held by Disclosure (see row 40 of the MoJ HQ schedule) [↑](#footnote-ref-4)
5. If the business identifies record types which need a new retention period, they should contact the DRO’s team. [↑](#footnote-ref-5)