

CHEVAN BANDARA ILANGARATNE DATA RETENTION POLICY

Introduction

The UK GDPR requires that “personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed..”

As referenced in my Privacy Notice (which should be read in conjunction with this policy) I need to collect, use or otherwise process personal information about you for the purposes specified.

I need to retain this information in order to ensure the proper administration of my practice, enable me to defend or instigate legal actions, deal with complaints which may arise in respect of the services which I provide, to document agreements reached as regards the provision of legal services and to comply with statutory and regulatory requirements.

I am registered with the Information Commissioner’s Office as a Data Controller. My ICO Registration Number is ZB810840.

Purpose

This policy sets out the period(s) for which I retain personal data and the methods which I use to dispose of that data after expiry of the retention period.

Scope

This policy covers the personal data I hold either in paper files (including notebooks), electronic files, photographs, scanned images, CDs, DVDs, USB flash drives and video footage and may include (but is not limited to):

- Client files (including attendance notes at conferences or court).
- Records from third parties
- Contracts and invoices
- Legal advice
- Financial accounts
- Employee information
- Pleadings, advices and publications, and
- Documents and minutes of meetings of Chambers’ committees of which I am a member.
- Documentation collected in my role as a pupil supervisor.

Minimum Retention Period

Unless a record has been marked for ‘permanent preservation’, it should only be retained for a limited period. The retention periods stated below are provided for each category and apply to all records within that category.

- All physical papers, files, communications, CDs, USB flash drives, photos and other physical matter relating to any case shall be returned to the solicitors/and/or instructing client/government body within **28 days** after the end of the case.
- All electronic papers, files, communications, pleadings will be retained for up to **6 years** in the case of each client who is an adult and has capacity.
- All electronic papers, files, communications, pleadings will be retained for up to **21 years** in the case of each client who is a child or who does not have the capacity to litigate.

- Documentation provided to me by Chambers (for example minutes of committee meetings of which I may be a member) is retained centrally within Chambers hosted system (to which I have access) and will not be held or retained by me in any personal folder for longer than stipulated to me by Chambers in a Data Processing Agreement.
- Documentation about pupils collected in my role as a pupil supervisor will be deleted at the end of the respective pupillage.

The recommended minimum retention period is based on business need or legal, regulatory or insurance requirements.

In certain circumstances I may extend the retention period. If, for instance, legal or regulatory proceedings in relation to services which I have provided are ongoing after the expiry of the standard retention period I will extend the retention period until after those proceedings have been finally determined.

Disposal

I will ensure that I review my records at least annually to determine whether any records require disposal. By disposal I mean either destruction of the record, retention for a further period within my practice or some other alternative disposal, such as returning it to the instructing solicitor.

In determining whether to dispose of any particular record I will have regard to:

- Ongoing business and accountability needs (including audit);
- Current applicable legislation;
- Whether the record has any long-term historical or research value;
- Best practice in the legal industry;
- Costs associated with continued storage versus costs of destruction;
- The legal, political and reputational risks associated with keeping, destroying or losing control over the record; and
- Professional negligence claims.

Destruction

Destruction will be carried out in such a way that the confidentiality of the record will be preserved. Hard copy documentation will be disposed of in an appropriate confidential waste disposal service. All electronic records will need to be either physically destroyed or wiped.

Further information

If you would like this policy to be supplied to you in another format (for example audio, large print, braille) please contact me.