



Data Retention Policy

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Document Summary		
Review date	Annually and as required with changes to policies, procedures and legislation and to ensure compliance / best practice for EAAA	
Linked procedural documents	Data Privacy and Protection Statement Patient Record Policy	
Document applicable to	Charity and Trading Subsidiary All staff, Trustees and volunteers	

1. Overview

1.1. Introduction

- 1.1.1. This Data Retention, Archiving and Destruction Policy (the “policy”) has been adopted by East Anglian Air Ambulance (EAAA) in order to set out the principles for retaining, reviewing and destroying data. This Policy covers all staff and volunteers and, as appropriate, third party service providers.
- 1.1.2. This Policy covers all data retained or in EAAA’s custody or control in relation to its supporters, in whatever medium such data is contained – whether electronic or paper. For the purposes of convenience in this Policy, the medium which holds data is called a ‘Document’.
- 1.1.3. The definition of a ‘supporter’ is an individual who has shared their data with EAAA in respect of supporting the charity whether that is through financial, volunteer or pro bono support. This includes identifiable individuals at a company, volunteers and staff.
- 1.1.4. Third party consultants and goods and service providers are required to follow appropriate data retention practices and share with EAAA where required in accordance with relevant legislation.
- 1.1.5. This Policy should be read in conjunction with other policies regarding data such as our Data Protection and Privacy Statement and all relevant legislation.

1.2. Objectives

- 1.2.1. EAAA are bound by various obligations regarding the data we retain or that is in our custody or in our control. These obligations include how long we may retain data and when and how we can destroy it. These obligations may arise from legislation, contracts or promises we have made to our staff and/or supporters.
- 1.2.2. Specifically, this policy sets out how EAAA meets the legal requirements of data protection principle five ‘storage limitation’.
- 1.2.3. When the Document Retention Period is over, and there is no reason for its retention, we ought to destroy it in a proper manner. Our policy for continued contact, in respect of given and recorded permissions, is outlined in [Appendix II](#).

2. Retention policy

2.1. Definition

- 2.1.1. Retention is defined as the maintenance of documents which can be accessed by an authorised user in the ordinary course of business. The documents will be held according to the following clauses, according to the nature of the data specified below:

2.2. Gift Aid Declarations

2.2.1. Gift Aid declarations should be kept for a minimum of six (6) years after the end of the year or accounting period that includes the last donation to which they relate, or at least 12 months after we claim for the last donation to which the declaration relates if this is later. The Institute of Fundraising recommend that we keep for 'as long as we are able' (Institute of Fundraising, n.d.) in case of need to reference in a future audit. It is EAAA's policy, therefore, to retain such records for a further period in secure archives, referenced in [Appendix I](#). During this time, there should be no use of the data other than for reference purposes as and when required such as for audit, to respond to a subject access request or for other legal reasons.

2.2.2. In order to comply with this Policy, it is therefore necessary to retain such supporter records that contain a Gift Aid Declaration for the same period.

2.3. Supporter records with a gift

2.3.1. It is EAAA's policy to retain supporter data that includes a gift to the charity for a maximum of ten (10) years after the date of the last gift, unless they include information on a legacy pledge (see 2.4).

2.3.2. Where the supporter has provided a Gift Aid Declaration, their record will be retained in accordance with our Gift Aid policy (see 2.2)

2.3.3. Where the supporter has not provided a Gift Aid Declaration, their record will be retained in line with their given consent (see [Appendix II](#)) and according to any other communications preferences expressed.

2.4. Legacy pledges

2.4.1. Where a supporter has indicated (pledged) a potential gift in their Will to EAAA, it is our policy not to delete this data until such time as either a legacy notification is received, at which point the record should remain active until the matter is concluded, or up to three (3) years after the death of the supporter is notified. If neither of these occurs, the data should be destroyed.

2.5. Deceased supporters

2.5.1. We retain this information for a period of ten (10) years in case of need to reference for legacy gifts (see 2.4). If a supporter dies but there is ongoing fundraising activity in their memory then the record is retained and linked to the active supporter record.

2.6. Complaints

2.6.1. It is EAAA's Policy to retain data relating to complaints for a maximum of 10 years. After such time the data is not archived but data sets may be anonymised for record keeping purposes.

2.7. Other legal requirements

2.7.1. Where individual data is required to be retained for specific legal purposes as defined in UK law, where such law can be specifically referenced and the need met, data will be held in accordance with that legal requirement.

3. Archiving policy

3.1. Definitions

3.1.1. Archiving is defined as secure storage of documents such that they are rendered inaccessible by authorised users in the ordinary course of business, but which may be retrieved by an administrator as authorised by the Chief Executive of EAAA.

3.1.2. Paper records shall be archived in secured storage in an appropriate location and clearly labelled with who is responsible for the contents, and date of destruction.

3.1.3. Electronic records shall be archived and stored in a secure medium with controlled access.

3.2. Criteria for archiving

3.2.1. Documents will be deemed as requiring archiving if they relate to records which no longer need to be accessed but still require retaining due to the retention periods specified in this policy.

3.2.2. After the retention period has expired, documents shall be destroyed in accordance with section 6.

3.2.3. For the purposes of enforcing archiving in accordance with this policy, the information asset owner is responsible for ensuring the appropriate destruction and communicating these periods to relevant staff members.

4. Archiving process

4.1. Physical data for archiving (paperwork etc) will be archived securely in an off-site location and records of the data's location and contents recorded and tracked by the charity. No financial personal data (e.g. credit card numbers) will be stored in accordance with EAAA's PCI / DSS security policy.

4.2. Electronic records will be archived on secure servers within EAAA or our cloud based information systems. They will be noted and flagged for review (due date for destruction).

5. Destruction Policy

5.1. Destruction is defined as physical or technical destruction enough to render the information contained in the document irretrievable by ordinary commercially available means.

5.2. All paper documentation will be destroyed through either the use of an official secure service or through sufficient secure shredding and appropriate disposal.

5.3. All technical data will be destroyed in a secure manner through the Charity's IT provider

6. Destruction process

6.1. Physical data (paper, card etc). All physical data scheduled for destruction will be treated in the following ways:

6.2. Financial data: shredded and disposed of by a registered secure documentation disposal supplier. All documentation and materials handled by the supplier will be certified.

6.3. Other personal data: disposed of in secure documentation bins and destroyed by a secure documentation disposal supplier. All documentation and materials handled by the supplier will be certified.

6.4. Electronic data (emails, database records etc). All electronic data scheduled for destruction will be deleted with certification from the charity's IT provider that such deletion is permanent and non-recoverable.

7. Exceptions to the retention policy

7.1. Exceptions may be requested under the following circumstances:

7.1.1. Documents that are requested to be held following a request for legal reasons

7.1.2. Documents that are requested to be held for a legitimate reason, as approved by the Chief Executive Officer, where this reason does not contravene any data subjects' rights

8. Responsibilities

8.1. The following functions will be responsible for implementing this Policy and ensuring that employees understand this Policy and that they perform the processes and procedures to execute this Policy, including but not exclusively:

8.1.1. Director of Finance

8.1.2. Director of Engagement & Income

8.1.3. Head of Individual Giving and Supporter Engagement

8.1.4. Head of Community Fundraising

8.1.5. Director of People and Culture

8.1.6. Caldicott Guardian

8.1.7. Director of Operations & Infrastructure

8.2. The owner of this Policy will be responsible for auditing compliance with this Policy and providing an audit report with recommendations to be reviewed by the Senior Leadership Team, with final approval from the Chief Executive Officer.

9. Enforcement and reporting breaches

- 9.1. Breaches of this Policy may have serious legal and reputational repercussions and could cause material damage to EAAA. Consequently, breaches can potentially lead to disciplinary action that could include summary dismissal and to legal sanctions including criminal penalties. From May 2018, the required period to inform the ICO is 72 hours from incidence. The charity has a breach notification process in place.
- 9.2. All employees and third-party processors are expected to promptly and fully report any breaches of the Policy. A report may be made to the employees' supervisor or to the Chief Executive Officer.

Appendix I – Retention Periods Summary

Description	Retention period	Legal basis for retention	Responsible
Gift Aid Declarations	6 years after last donation	Legal obligation	Director of Finance
Other financial transactional data that includes personal information	As required by UK legislation	Legal obligation	Director of Finance
Please refer to the separate patient record policy			Medical Director
Employee records	As required by UK Legislation	Legal obligation	Director of People and Culture
Applicant records	6 months	Legitimate interest	Director of People and Culture
Interviewed applicant records	6 months	Legitimate interest	Director of People and Culture
Supporter or other personal data shared with a third-party processor	Data to be destroyed immediately on completion of contract	Contract	Commissioner of the contract
Supporter data with a gift recorded	10 years	Legitimate interest	Head of Data & Insight (CRM Manager)
Supporter data with a purchase recorded	5 years – with annual service updates only	Legitimate interest	Head of Data & Insight (CRM Manager)
Volunteers	5 years – with annual service updates only	Legitimate interest	Head of Data & Insight (CRM Manager)
Supporter data with no gift recorded	5 years – with annual service updates only	Legitimate interest	Head of Data & Insight (CRM Manager)
Legacy pledges	10 years after supporter's death is notified	Legitimate interest	Head of Data & Insight (CRM Manager)
Lottery ¹ players – cancelled	5 years – with annual service updates only	Legitimate interest	Head of Data & Insight (CRM Manager) for EAAA CRM – Head of Individual Giving and Supporter Engagement for lottery systems.
Lottery ¹ players - deceased	10 years after supporter's death is notified	Legitimate interest ²	Head of Data & Insight (CRM Manager) for EAAA CRM – Head of Individual Giving and Supporter Engagement for lottery systems.
Deceased supporters	10 years after supporter's death is notified	Legitimate interest	Head of Data & Insight (CRM Manager)
Complaints	5 years	Legitimate interest	Head of Data & Insight (CRM Manager)
Complaints and incidents stored in Datix	Indefinitely	Legitimate interest Vital interest	Director of Operations & Infrastructure

¹ Lottery relates to any game that is reliant on the Trading Company's gambling licenses.

² 50% of legacies are from lottery players, so we have legitimate interest in an extended retention period for these individuals

Other legal documentation such as contracts	According to specific legislative requirements	Legal obligation	Chief Executive Officer or relevant Director
Corporate data	Indefinitely, unless it contains personally identifiable data	Legitimate interest	Chief Executive Officer or relevant Director
Incoming emails to charity staff	12 months after staff member has left	Legitimate interest	Head of IT & Insight
Charity accounts (eg info@, lottery@)	5 years	Legitimate interest	Head of IT & Insight
Incoming emails to charity associated individuals (eg Trustees, volunteers)	12 months after Trustee/ Volunteer has ceased service	Legitimate interest	Head of IT & Insight
Personal email accounts EAAA accounts (eg Trustees, volunteers)	Immediately deleted on resignation of Trustee/volunteer	Legitimate interest	Trustee/ Volunteer

Appendix II - EAAA GDPR Lawful Basis for processing

Data set	Purpose for processing	Source	Sensitive data ¹	Vital interests ²	Transactional ³	Consent ⁴	Legitimate interest ⁵	Legal ⁶	Comments
Fundraising data	Fundraising marketing	EAAA own data	Possibly	n/a	Yes	Yes	Yes	n/a	All DP rules applied.
Fundraising data	Fundraising marketing	Third party (cold) data	No	No	No	No	Yes	No	All DP rules applied. Data purchased must have full opt ins ⁵
Fundraising data	Event registration	Third party data	Sometimes	n/a	Yes	Yes	Yes	Sometimes	All DP rules applied.
Fundraising data	Outgoing calls	EAAA own data	No	No	No	Yes	Yes	No	PECR applies – opt in only. All data run through TPS
Purchaser data	Fulfilment of orders	Incoming existing EAAA and cold (new) data	No	No	Yes	No	Yes	Yes	All DP rules applied. Permissions sought for additional marketing at point of purchase
HR data	Employment records	EAAA own data	Yes	Possibly	Yes	Yes – for some (eg photo use in marketing)	Yes	Yes	HR legislation applies
Volunteer data	Volunteer management	EAAA own data	Sometimes	n/a	No	Yes	Yes	No	HR legislation also applies
Patient data	Response to incident	EAAA and NHS data	Yes	Yes	Possibly	Sometimes	Possibly	Possibly	Some consent may need to be sought for clinical trials
Patient data	After incident survey	EAAA data	Yes	No	No	No	Yes	No	Legitimate interest balance assessment completed. Consent sought for further contact/fundraising
Financial data	Operation of normal business	EAAA data	Yes	n/a	Yes	No	No	Yes	Financial legislation applies.
Incoming phone calls and emails	Operation of normal business	New data / known data	Possibly	Possibly	Possibly	Possibly	Yes	Possibly	If call recording systems used, this will be announced at commencement.
Outgoing phone calls and emails	Operation of normal business	EAAA data	Possibly	n/a	Possibly	Yes for marketing No for normal business	Yes	No	Advance consent only for marketing calls. Transactional/ response to enquiries etc would be legitimate interest

Table references

1. Sensitive data: processing of sensitive data needs additional considerations
2. Vital interests: only applies in cases of life or death, such as where an individual's medical history is disclosed to a hospital's A&E department treating them after a serious road accident.
3. Transactional indicates data that is processed as part of a transaction, such as a sale, donation, or signing up to an event etc, whereby you are obliged to respond to confirm the transaction
4. Consent: we will collect consent for fundraising to maximise opportunities for contact and to respond to individuals' preferences. Defined as: *"Any freely given, specific, informed and unambiguous indication of his or her wishes by which the data subject, either by a statement or by a clear affirmative action, signifies agreement to personal data relating to them being processed"* – ICO
In plain English, this means that at the point of data collection (through whatever channel), the individual must be given a statement that corresponds to what their information is being used for. This should detail out:
 - a. Who will be storing the data (Data Controller)
 - b. How the information will be used through a privacy policy
 - c. Any additional consents for contact via channels and specifying the purposes
5. Legitimate interest: we will use legitimate interest for fundraising based on set conditions (see Legitimate Interest Conditions, below) <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/legitimate-interests/> and ensure that any data purchased has
6. [proven opt in to receive third party marketing](#)
7. Legal: The processing is necessary because of a legal obligation that applies to you (except an obligation imposed by a contract).
8. Data retention, archiving and deletion policy covers all data segments
9. Withdrawal of consent: We do not penalise individuals who want to withdraw their consent

NOTE: please refer to the latest version of this document in the Compliance section, as this appendix may become outdated.