

**Equality and Human Rights Impact Assessment (EqHRIA)**

# Summary of Results

## Policy/Practice Name:

Records Retention SOP v7.00

## Owning Department:

Chief Data Office / Information Assurance

## Date EqHRIA Completed:

14/07/2023

## Purpose of Policy/Practice:

The purpose of this Standard Operating Procedure (SOP) is to define specific retention rules for the records held by the Police Service of Scotland (PSoS).

The application of these rules will ensure good business practice and also compliance with the relevant legislation and standards including, but not limited to:

* The Public Records (Scotland) Act 2011
* The Freedom of Information (Scotland) Act 2002
* The General Data Protection Regulations
* The Data Protection Act 2018

In particular, the objectives of the SOP are as follows:

* To identify those records worth preserving
* To identify vital records for business continuity
* To prevent premature destruction of records
* To prevent unnecessary retention of records
* To ensure a consistent approach to record keeping where there are no statutory requirements
* To contribute to good records management as part of a wider programme
* To promote public confidence and understanding in records held by the Police Service of Scotland

## Summary of Analysis / Decisions:

### What the assessment found, and actions already taken.

* The assessment found that the practice outlined in the SOP is likely to affect Police Officers, Special Constables / Cadets, SPA / Police Staff, Communities and Partnerships. This is because the SOP outlines practice to be followed for the retention of personal information relating to all of these groups of people.
* The likely impact to all of these groups across all protected characteristics was found to be positive.
* This SOP provides the basis for how long information must be retained according to legislative obligations and operational requirements.
* It defines the minimum period for retention of records and it ensures that information is not retained for longer than necessary, which is a requirement under Data Protection legislation (particularly with regard to personal information.)
* There is particular need to ensure that special category data defined under data protection legislation as information about racial or ethnic origin; political opinions; religious or philosophical beliefs; trade union memberships; genetic data; biometric data; health data; data about sex life or sexual orientation is not retained for longer than necessary for the purposes for which it is gathered and this SOP sets clear and justified time periods for records to mitigate against the risk of over retention of this data.
* This requirement overlaps with protected characteristics as listed under the Equality Act 2010 and the positive impact of this SOP in relation to each characteristic has been recorded in the EqHRIA.
* The requirement to ensure that protected characteristics and special category data under the Equalities Act 2010 and data protection legislation respectively have informed the development of retention rules – particularly those updated in this version of the SOP to ensure that a balanced consideration has been given to the rights of individuals vs the operational/organisational need to retain information to fulfil its statutory purposes.

## Summary of Mitigation Actions:

### What the assessment found, and actions already taken.

* No mitigation actions were identified by the EqHRIA.