

HERITAGE AND INFORMATION GOVERNANCE
Records Retention Schedule for Legal Affairs

This category covers the management of the institution's legal affairs and the provision of legal expertise to the institution by both internal and external legal advisers.

This retention schedule is based on the recommendations made by the Joint Information Systems Committee. The letter indicates the final disposition of each type of record, and applies to original records. Where copies of originals are kept locally, these can be destroyed when these are no longer required.:

A = 1 copy to be transferred to the University Archive. See Retention Schedule Guidelines for further details.

D = Destroyed.

The number following the letter code indicates the period (in years) after which records may be destroyed, and is the minimum retention period required by best practice or legislation. It assumes a new file is opened at the start of each academic, calendar or financial year, and is **always** calculated from the date of the last record in the file.

FOLDER STRUCTURE	Examples of Types of Record	Retention Period	Legislative Authority
LEGAL/POLICY - identifying requirements for new/revised policy - undertaking research - developing policy proposals - consulting on policy proposals - reviewing and revising policy proposals in the light of comments received - drafting policy documents - consulting on policy documents - reviewing draft policy documents in the light of comments received - producing final policy documents - submitting final policy documents for formal approval - formally approving policy documents - disseminating policy documents - reviewing policy	Key records documenting the development and establishment of the institution's policies on the management of legal affairs. Working papers documenting development and establishment of the institution's policies on the management of legal affairs .	A: Superseded + 5 years Copy to the University Archive after approval for permanent retention. D: Issue of policy + 1 year	

Records Retention Schedule for Legal Affairs (2)

LEGAL/PROCEDURES • identifying needs for new/revised procedure • undertaking research • analysing work processes • drafting procedure documents • consulting on procedure documents • reviewing draft procedure documents in the light of comments received • trialling procedure • refining procedure as a result of trials • submitting final procedure documents for formal approval • formally approving procedure documents • disseminating procedure documents • reviewing procedure.	Master copies of procedures relating to the management of legal affairs. Development of the institution's procedures relating to the management of legal affairs.	A: Superseded + 5 years Copy to the University Archive after approval for permanent retention. D: Issue of procedures + 1 year	
LEGAL/ADVICE • providing legal opinions and advice to the institution.	Legal advice requested by, and provided to, the institution concerning e.g.: - interpretation of legislation affecting the institution's legal framework, governance, responsibilities or operations - proposals for new legislation affecting the institution's legal framework, governance, responsibilities or operations - the institution's relationships with government bodies and HE regulators - industrial relations issues - health, safety and environmental issues Legal advice on other matters requested by, and provided to, the institution.	A: Life of institution D: Superseded + 5 years	

Records Retention Schedule for Legal Affairs (3)

LEGAL/CLAIMS handling claims by or against the institution which do not proceed to litigation or settlement by an agreement.	Provision of legal support and representation for the institution in dealing with claims by or against the institution which do not proceed to litigation or settlement by an agreement.	D: Settlement of claim + 6 years OR Withdrawal of claim + 6 years	Limitation Act 1980 c.58 ss2, 5 Prescription and Limitation (Scotland) Act 1973 c.52 s6
LEGAL/CONTRACTS managing the legal aspects of negotiating, establishing, maintaining and reviewing contracts and agreements	Negotiation, establishment and review of contracts and agreements between the institution and third parties : agreements and contracts under seal (by deed). Negotiation, establishment and review of contracts and agreements between the institution and third parties : other contracts and agreements.	D: Termination of contract + 12 years D: Termination of contract + 6 year	Limitation Act 1980 c.58 s8 Prescription and Limitation (Scotland) Act 1973 c.52 s6 Limitation Act 1980 c.58 s5 Prescription and Limitation (Scotland) Act 1973 c.52 s6
LEGAL/LITIGATION - briefing counsel - providing documents required by a court - consulting with other agencies.	Litigation between the institution and third parties where legal precedents are set. Litigation between the institution and third parties which does not set legal precedents.	A: Life of institution D: Settlement of case + 6 years	Limitation Act 1980 c.58 ss2, 5 Prescription and Limitation (Scotland) Act 1973 c.52 s6