

Independent Monitoring Boards and Lay Observers

Records Retention and Disposition Schedule

Introduction

1. This schedule has been drawn up by staff working for the Independent Monitoring Boards and Lay Observers (IMB and LO) Secretariat in consultation with the Departmental Records Officer (DRO) in the Ministry of Justice (MoJ).
2. As a public body, the MoJ, and its associated bodies, takes its responsibilities for managing information seriously. These responsibilities include compliance with the Public Records Act 1958, General Data Protection Regulation, the Data Protection Act 2018, Freedom of Information Act 2000 and amending legislation. The MoJ uses Records Retention and Disposition Schedules (RRDSs) to manage its compliance with its statutory obligation to identify what we hold, how long we keep it and what should happen to these records at the end of that time.
3. The work of IMBs is governed by the Prison Act 1952 and the Immigration and Asylum Act 1999, which require the Secretary of State for Justice and Home Secretary to appoint IMBs to monitor prisons and places of immigration detention. The work of LOs is governed by the Criminal Justice Act 1991, which requires the Secretary of State for Justice to appoint independent monitors to inspect the conditions in which detained persons are transported or held by escort and custody contractors.
4. The main changes to the schedule are a simplification in the length of time that some records are held following a review of the information that is necessary to the work of IMBs and LOs.
5. The definition of what constitutes a 'record' for the purposes of this schedule is made express in the *What to Keep* guidance¹.
6. Destruction of records are subject to relevant provisions of the Freedom of Information Act (FOIA) 2000, the General Data Protection Regulations, and the Data Protection Act 2018. If processing FOIA requests or Subject Access Requests, a hold must be placed on the destruction of records relevant to these requests until 20 working days after the respective requests are resolved.
7. Both IMBs and LOs will comply with any moratoriums on the destruction of records as advised, with the data retention schedule being amended to expressly identify the scope of restrictions.
8. Records that might be of interest to the public inquiry into the COVID-19 pandemic should be retained until the Inquiry has published its terms of reference. Once the Inquiry has published its terms of reference, these records should be reviewed against the criteria to identify any that no longer need to be retained.

¹ [Information Wise — What to keep \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

9. As part of our commitment to transparency, this schedule will be published at the bottom of the home screens on the IMB and LO webpages, respectively: [Prison volunteers doing extraordinary jobs - Independent Monitoring Boards \(imb.org.uk\)](https://www.imb.org.uk) and [Lay Observers - monitoring the welfare of people brought to court](https://www.layobservers.org).

The schedule

No.	Record type	Retention and disposition
1. Records held by IMBs, LOs, and the Secretariat		
1.	Member records (excluding vetting documents)	Keep until tenure of member has ended, and then retain for seven years.
2.	Employee HR records	Destroy in line with the <i>What to Keep</i> guidance.
3.	Vetting documents	Keep for one year and then destroy.
4.	All other records ²	Keep for seven years and then destroy unless required to save for the corporate memory in line with the <i>What to Keep</i> guidance.

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² The DRO should be contacted in instances when the business identifies record types which require a separate retention period to those listed.