

Records retention policy

Records related to Competition Commission inquiries and appeals

Transfer of records to the National Archives

1. The records of the Competition Commission (CC) are public records by virtue of the [Public Records Act 1958 \(c.51\)](#), Schedule 1. This means the CC has to select and maintain records which ought to be permanently preserved. This process has to be supervised by a representative of the National Archives (TNA) (formerly the Public Records Office). In March 2008, TNA published a selection policy for records arising from inquiries and appeals conducted by the CC. For details see [Competition case files 1950–2008](#).
2. Before the Enterprise Act 2002 came into force, the CC was unable to release information obtained in the course of its inquiries to TNA without committing an offence. This is because of prohibitions on disclosure contained in the various Acts under which references are made to the CC. These prohibitions mean that, subject to exemptions, it is a criminal offence for any person to disclose private or commercially sensitive information obtained in the course of a CC inquiry.
3. Since the prohibition in Part 9 of the Enterprise Act came into force, the CC has been able to release records older than 29 years to TNA when they relate to references made under the following Acts only:
 - Fair Trading Act 1973.
 - Competition Act 1980.
 - Financial Services and Marketing Act 2000.
 - Enterprise Act 2002.
4. However, records transferred from the CC will contain information to which the new prohibition in Part 9 of the Enterprise Act applies. Further disclosure of this information would therefore be a criminal offence unless an exemption applied. TNA does not wish to accept these records unless they can be fully disclosed. Consequently, these records remain in the care of the CC.

Personal data

5. When conducting consumer surveys for its market and merger investigations, the CC may collect sensitive data about individuals, such as their bank account details. This data is stored separately from other inquiry records and destroyed as soon as the inquiry has reported and the period of appeal has elapsed.
6. Inquiry records will often contain less sensitive data about individuals, such as their email address. This data was not collected by the CC for the purpose of its inquiries but acquired by the CC as a by-product of its investigative process. The CC has agreed with the Lord Chancellor's Office that, as a general rule, this personal data will not be removed from the records of past inquiries but that these records will be used for research purposes only. If the data contained in these records is reused, it must become a new record in a current inquiry.

Records not related to inquiries and appeals

7. There are mandatory retention periods for certain categories of records, mainly related to the work of Human Resources, Finance and Procurement.

<i>Retention and action</i>	<i>Description of Record</i>
6 months then destroy	(a) Job applications.
1 year then destroy	(b) Unsuccessful tender documents and statements of interest in a tender.
7 years then review	(c) Accounting records: bank account; expenditure; ledger; receipts and revenue; salaries; stores and services; and other accountable financial records. (d) Audit records: audit reports and papers; undertakings; and other audit records.
7 years from end of contract then review	(e) Contractual records: initial proposals and tendering (except for documents in 7(b) above); contract operation and monitoring; and other records related to a contract.
12 years from date when staff member left the CC then destroy	(f) Staff related records: contracts of employment and related papers; payroll; pensions; job history; training; health.
12 years from date of lease then review	(g) Building records: all records relating to property occupied by the CC.

8. Retention periods of other records are directed by the business needs of the CC.

<i>Retention and action</i>	<i>Description of record</i>
1 year then destroy	(a) Ephemera: press cuttings and other documents of limited interest.
2 years then review	(b) Information requests not related to records in paragraph 7 or paragraph 8(g)).
5 years then review	(c) Administration and policy: minutes of meetings; policies, procedures and related papers. (d) External communications: correspondence with media and stakeholders; CC conferences and seminars; CC publications. (f) Complaints about the CC. (g) Information requests where provisions of FOI Act were applied.
5 years after end of project then review	(h) Project documents.