



THE FACULTY OFFICE OF THE ARCHBISHOP OF CANTERBURY

Guidance for Inspectors on Data Protection and Document Retention

1. Overview

Inspectors are receiving additional personal and sometimes sensitive data. Personal data is information about an individual from which that individual can be identified. There are also special categories of more sensitive personal data, which require a higher level of protection: refer to the ICO Guide to UK GDPR ("Guide") page 10ff.

This guidance has been produced in line with the data protection principles.

The overriding principle in section 5(1)(e) of the UK GDPR is that "personal data shall be kept in a form which permits identification of data subjects for no longer than is **necessary** for the purposes for which the personal data are processed". The Faculty Office's lawful basis for processing data is established in its Data Security Policy. The role of the Inspectors is set out in The Notaries (Inspections) Regulations 2014, having force under Rule 25 of the Notaries Practice Rules 2019 and Rule 12 of the Notaries Accounts Rules 1989 (as amended) and Rule 11 of the Notaries Trust Accounts Rules 1989.

2. Scope

The guidance sets out the procedure for the retention and disposal of documents and personal data for Inspectors on completion of a notarial inspection.

Exclusions apply in cases where:

- The inspector submits a suspicious activity report
- There is evidence of serious non-compliance or notarial misconduct
- Original data must be returned to the notary
- The Faculty Office requires retention of specific records

3. Types of data and documents collected

Typically, the following data is collected and retained by the Inspectors:

- Correspondence with the Notary prior to Inspection and copies of documents provided by the Notary to the Inspector
- Pages from the Notary's website such as their Terms and Conditions, Complaints Procedure; and GDPR documents
- Inspectors notes taken at the Inspection
- Inspection Report
- Post Inspection email correspondence with the Notary
- Correspondence with third parties such as Companies House or the ICO

Additionally, documents collected may include client ledgers, client papers and other sensitive data. Appendix 1 contains a detailed summary with more defined retention and disposal timeframes.

4. Custody of personal data

The Inspectors gather, hold and process personal data in performance of their official role under the Notaries Inspection Regulations 2014 and not under their personal or business capacity.

Inspectors should hold, transmit, process and destroy personal data in accordance with section 5(1)(e) of the UK GDPR and otherwise in line with best practice to minimise the potential for data to be disclosed in an unauthorised manner either by mistake or by reason of cybercrime.

Inspectors are separately registered with the ICO, although when fulfilling the purposes of the Notaries Inspection Regulations 2014, they are acting under the auspices of the Faculty Office. Any breach by the Inspector of Data Protection Law should be notified to the Faculty Office as soon as practicable after the Inspector is made aware of the breach. The Faculty Office and the Inspector will then work together to implement a plan to mitigate the breach and to notify the ICO if appropriate.

Appendix 1

Document Categories, Retention Periods and Disposal actions

(All records, including (but not limited to) email, paper, scanned images, spreadsheets, and webpages)

| Category of Document | Contains... | Retain for | And then... |
|--------------------------------------|----------------------------------|---------------------------|----------------|
| Inspection <i>AML</i> | CDD – client ID documents | 6 months after inspection | Destroy |
| | CDD - client risk assessment | 6 months after inspection | Destroy |
| | CDD - policy document | 6 months after inspection | Destroy |
| | Copy annual compliance review | 6 months after inspection | Destroy |
| | Firm wide risk assessment | 6 months after inspection | Destroy |
| | Beneficial owner details | 6 months after inspection | Destroy |
| | Suspicious Activity Reports | 6 months after inspection | Destroy |
| Inspection <i>Client Care</i> | Professional Indemnity documents | 6 months after inspection | Destroy |
| | Letters of engagement | 6 months after inspection | Destroy |
| | Publicity material | 6 months after inspection | Destroy |
| | Data protection documents | 6 months after inspection | Destroy |

| Category of Document | Contains... | Retain until | And then... |
|--|--------------------------------------|---------------------------|----------------|
| Inspection <i>Client Care</i> | Fee calculations | 6 months after inspection | Destroy |
| | Client feedback | 6 months after inspection | Destroy |
| | Complaints procedure | 6 months after inspection | Destroy |
| Inspection <i>Notarial Acts</i> | Notarial advice | 6 months after inspection | Destroy |
| | ID documents | 6 months after inspection | Destroy |
| | Notarial documents | 6 months after inspection | Destroy |
| Continuing Professional Education (CPE) | CPE certificates | 6 months after inspection | Destroy |
| | CPE record | 6 months after inspection | Destroy |
| Financial information | Notarial Office Bank Account details | 6 months after inspection | Destroy |
| | Client Bank Account | 6 months after inspection | Destroy |
| | Client ledgers | 6 months after inspection | Destroy |

| Category of Document | Contains... | Retain until | And then... |
|--------------------------------------|---|---------------------------|----------------|
| Inspection <i>report</i> | Inspectors notes during inspection | 6 months after inspection | Destroy |
| | Report and drafts of the report | 6 months after inspection | Destroy |
| | FO email confirming receipt of report | 6 months after inspection | Destroy |
| Correspondence <i>general</i> | Information exchange with the Faculty Office | 6 months after inspection | Destroy |
| | Information exchange with third parties e.g Companies House | 6 months after inspection | Destroy |
| | Information exchange with Notary | 6 months after inspection | Destroy |

