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L LYNCH PLANT HIRE & HAULAGE LTD
UK - GENERAL DATA PROTECTION REGULATION (UK-GDPR)

DATA RETENTION POLICY – QP30

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1 PURPOSE

The purpose of this policy is to specify L Lynch Plant Hire & Haulage Ltd's guidelines for retaining different types of personal data.

2 SCOPE

The scope of this policy covers all L Lynch Plant Hire & Haulage Ltd personal data stored on company-owned, company-leased, and otherwise company-provided systems and media, regardless of location. These records may be created, received or maintained in hard copy or electronically.

3 POLICY STATEMENT

- 3.1 The need to retain personal data varies widely with the type of data. Some personal data can be immediately deleted and some must be retained until reasonable potential for future need no longer exists. This Data Retention Policy provides guidelines to ensure that all applicable regulations and L Lynch Plant Hire & Haulage Ltd's rules on personal data retention are consistently applied throughout the organisation.

Reasons for data retention

- 3.2 Some personal data must be retained in order to protect the company's interests, comply with regulatory requirements, preserve evidence, and generally conform to good business practices. Personal data may be retained for one or several of the following reasons:

- Business requirements
- Contractual requirements
- Regulatory requirements
- Possible litigation
- Accident investigation
- Security incident investigation
- Intellectual property preservation

Retention periods

- 3.3 Different types of data will be retained for different periods of time:
- Personal customer data: Personal data will be held for as long as the individual is a customer of the company plus 7 years.
 - Personal employee data: General employee data will be held for the duration of employment and then for 5 years after the last day of contractual employment. Employee contracts will be held for 5 years after last day of contractual employment.
 - Personal tax payments will be held for 7 years.
 - Records of leave will be held for 2 years.
 - Recruitment details: Interview notes of unsuccessful applicants will be held for 2 years after interview. This personal data will then be destroyed.
 - Health and Safety: 7 years for records of major accidents and dangerous occurrences.
 - Operational data: Most company data will fall in this category. Operational data will be retained for 7 years.
 - Critical data including Tax and VAT: Critical data must be retained for 7 years.

For more details, please refer to *Appendix 1 – Data Retention Schedule*

Retention of encrypted data

- 3.4 If any information retained under this policy is stored in an encrypted format, considerations must be taken for secure storage of the encryption keys. Encryption keys must be retained as long as the data that the keys decrypt is retained.

Data duplication

- 3.5 When identifying and classifying L Lynch Plant Hire & Haulage Ltd 's personal data, it is important to also understand where that data may be stored, particularly for duplicate copies, so that this policy may be applied to all duplicates of the information.

Data destruction

- 3.6 When the retention timeframe expires, L Lynch Plant Hire & Haulage Ltd will actively destroy the data covered by this policy. If a user feels that certain data should not be destroyed, he or she should identify the data to his or her supervisor so that an exception to the policy can be considered. Since this decision has long-term legal implications, exceptions will be approved only by a member or members of L Lynch Plant Hire & Haulage Ltd's senior management team.

The company specifically directs users not to destroy data in violation of this policy. Destroying data that a user may feel is harmful to himself or herself or destroying data in an attempt to cover up a violation of law or company policy is particularly forbidden.

4 RESPONSIBILITIES

Compliance, monitoring and review

- 4.1 The overall responsibility for ensuring compliance with the requirements of the related legislation at L Lynch Plant Hire & Haulage Ltd rests with the Head of Compliance.
- 4.2 All operating units' staff that deal with personal data are responsible for processing this data in full compliance with the relevant L Lynch Plant Hire & Haulage Ltd policies and procedures.

Reporting in case of a data breach

- 4.3 In the case of a possible data breach, the staff member(s) who first identifies the breach or incident, must immediately report all details of the incident to the Head of Compliance.
- 4.4 The Head of Compliance is **required** to report a personal data breach to the competent Data Protection Authority **not later than 72 hours** after becoming aware of it. The notification must include at least:
- a description of the nature of the breach, including, where possible, the categories and approximate number of data subjects and personal data records concerned;
 - the name and contact details of the contact point;
 - the likely consequences of the data breach; and
 - measures taken or proposed by the Head of Compliance to address the breach and/or mitigate its effects.
- 4.5 Where a personal data breach is likely to result in a high risk to the rights and freedoms of a data subject, the Head of Compliance must communicate the breach to the data subject(s) without undue delay. The communication must describe in clear and plain language, the nature of the breach and at least:

- the name and contact details of the relevant contact point;
- the likely consequences of the data breach; and
- measures taken or proposed by the Head of Compliance to address the breach and/or mitigate its effects.

Records management

- 4.6 Staff must maintain all records relevant to administering this policy and procedure in electronic form in a recognised L Lynch Plant Hire & Haulage Ltd recordkeeping system.
- 4.7 All records relevant to administering this policy and procedure will be maintained for a period of 5 years.

5 TERMS AND DEFINITIONS

General Data Protection Regulation (UK-GDPR): the General Data Protection Regulation (UK-GDPR) (Regulation (EU) 2016/679) is a regulation by which the European Parliament, the Council of the European Union and the European Commission intend to strengthen and unify data protection for all individuals within the European Union (EU). It also addresses the export of personal data outside the EU.

Data Controller: the entity that determines the purposes, conditions and means of the processing of personal data

Data Processor: the entity that processes data on behalf of the Data Controller

Data Protection Authority: national authorities tasked with the protection of data and privacy as well as monitoring and enforcement of the data protection regulations within the Union

Data Subject: a natural person whose personal data is processed by a controller or processor

Personal Data: any information related to a natural person or 'Data Subject', which can be used to directly or indirectly identify the person

Processing: any operation performed on personal data, whether or not by automated means, including collection, use, recording, etc.

Data Backup: data copied to a second location, solely for the purpose of safe keeping of that data

Data Encryption: the process of encoding data with an algorithm so that it is unintelligible and secure without the key. Used to protect data during transmission or while stored

Data Encryption Key: an alphanumeric series of characters that enables data to be encrypted and decrypted

Regulation: a binding legislative act that must be applied in its entirety across the Union

Subject Access Right: also known as the Right to Access, it entitles the data subject to have access to and information about the personal data that a controller has concerning them

6 RELATED LEGISLATION AND DOCUMENTS

- [Regulation \(EU\) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC \(General Data Protection Regulation\)](#)
- L Lynch Plant Hire & Haulage Ltd Data Protection Policy

7 FEEDBACK AND SUGGESTIONS

- 7.1 L Lynch Plant Hire & Haulage Ltd employees may provide feedback and suggestions about this document by emailing UK-GDPR@l-lynch.com

8 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	MDs & Senior Management Team
Responsible Persons	Head of HSQE and Digital IT Director
Next Review Date	15/10/2026

Approval and Amendment History	Details
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V2 Amendment Authority and Date	Change to UK-GDPR & document classification included - Head of HSQE – 26/10/23
V3 – annual review -18/10/24	Change of signatory
V4 – annual review – 15/10/25	

10 APPENDIX 1 – Data Retention Schedule

Statutory retention periods

1. Accident books, accident records/reports

Statutory retention period: 3 years from the date of the last entry (or, if the accident involves a child/ young adult, then until that person reaches the age of 21). (See below for accidents involving chemicals or asbestos).

Statutory authority: The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163) as amended, and Limitation Act 1980. Special rules apply concerning incidents involving hazardous substances (see below).

2. Accounting records

Statutory retention period: 3 years for private companies, 6 years for public limited companies.

Statutory authority: Section 221 of the Companies Act 1985 as modified by the Companies Acts 1989 and 2006.

3. Income tax and NI returns, income tax records and correspondence with HMRC

Statutory retention period: not less than 3 years after the end of the financial year to which they relate.

Statutory authority: The Income Tax (Employments) Regulations 1993 (SI 1993/744) as amended, for example by The Income Tax (Employments) (Amendment No. 6) Regulations 1996 (SI 1996/2631).

4. Medical records and details of biological tests under the Control of Lead at Work Regulations

Statutory retention period: 40 years from the date of the last entry.

Statutory authority: The Control of Lead at Work Regulations 1998 (SI 1998/543) as amended by the Control of Lead at Work Regulations 2002 (SI 2002/2676).

5. Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)

Statutory retention period: 40 years from the date of the last entry.

Statutory authority: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677).

6. Medical records under the Control of Asbestos at Work Regulations: medical records containing details of employees exposed to asbestos and medical examination certificates

Statutory retention period: (medical records) 40 years from the date of the last entry; (medical examination certificates) 4 years from the date of issue.

Statutory authority: The Control of Asbestos at Work Regulations 2002 (SI 2002/ 2675). Also see the Control of Asbestos Regulations 2006 (SI 2006/2739) and the Control of Asbestos Regulations 2012 (SI 2012/632)

7. Medical records under the Ionising Radiations Regulations 1999

Statutory retention period: until the person reaches 75 years of age, but in any event for at least 50 years.

Statutory authority: The Ionising Radiations Regulations 1999 (SI 1999/3232).

8. Records of tests and examinations of control systems and protective equipment under the Control of Substances Hazardous to Health Regulations (COSHH)

Statutory retention period: 5 years from the date on which the tests were carried out.

Statutory authority: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677).

9. Records relating to children and young adults

Statutory retention period: until the child/young adult reaches the age of 21.

Statutory authority: Limitation Act 1980.

10. Retirement Benefits Schemes – records of notifiable events, for example, relating to incapacity

Statutory retention period: 6 years from the end of the scheme year in which the event took place.

Statutory authority: The Retirement Benefits Schemes (Information Powers) Regulations 1995 (SI 1995/3103)

11. Statutory Maternity Pay records, calculations, certificates (Mat B1s) or other medical evidence

Statutory retention period: 3 years after the end of the tax year in which the maternity period ends.

Statutory authority: The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) as amended.

12. **Wage/salary records (also overtime, bonuses, expenses)**

Statutory retention period: 6 years.

Statutory authority: Taxes Management Act 1970.

13. **National minimum wage records**

Statutory retention period: 3 years after the end of the pay reference period following the one that the records cover.

Statutory authority: National Minimum Wage Act 1998.

14. **Records relating to working time**

Statutory retention period: 2 years from date on which they were made.

Statutory authority: The Working Time Regulations 1998 (SI 1998/1833).

Recommended (non-statutory) retention periods

As there is no definitive retention period for many types of HR records, L Lynch have decided taken the advice below which is based on the time limits for potential tribunal or civil claims. These are often a question of judgement rather than there being any definitive right and wrong.

Where the recommended retention period is 6 years, this is based on the 6-year time limit within which legal proceedings must be commenced under the Limitation Act 1980. So where documents may be relevant to a contractual claim, L Lynch will keep the records for at least the corresponding 6-year limitation period.

Record types

1. Application forms and interview notes (for unsuccessful candidates)

Recommended retention period: 6 months to a year. (Because of the time limits in the various discrimination Acts, minimum retention periods for records relating to advertising of vacancies and job applications should be at least 6 months. A year may be more advisable as the time limits for bringing claims can be extended. Successful job applicants documents will be transferred to the personnel file in any event.

2. Assessments under health and safety regulations and records of consultations with safety representatives and committees

Recommended retention period: permanently.

3. Inland Revenue/HMRC approvals

Recommended retention period: permanently.

4. Money purchase details

Recommended retention period: 6 years after transfer or value taken.

5. Parental leave

Recommended retention period: 5 years from birth/adoption of the child or 18 years if the child receives a disability allowance.

6. Pension scheme investment policies

Recommended retention period: 12 years from the ending of any benefit payable under the policy.

7. Pensioners' records

Recommended retention period: 12 years after benefit ceases.

8. Personnel files and training records (including disciplinary records and working time records)

Recommended retention period: 6 years after employment ceases.

9. Redundancy details, calculations of payments, refunds, notification to the Secretary of State

Recommended retention period: 6 years from the date of redundancy

10. Senior executives' records (that is, those on a senior management team or their equivalents)

Recommended retention period: permanently for historical purposes.

11. Statutory Sick Pay records, calculations, certificates, self-certificates

Recommended retention period: The Statutory Sick Pay (Maintenance of Records) (Revocation) Regulations 2014 (SI 2014/55) abolished the former obligation on employers to keep these records. Although there is no longer a specific statutory retention period, employers still have to keep sickness records to best suit their business needs. It is advisable to keep records for at least 3 months after the end of the period of sick leave in case of a disability discrimination claim. However if there were to be a contractual claim for breach of an employment contract it may be safer to keep records for 6 years after the employment ceases.

12. Time cards

Recommended retention period: 2 years after audit.

- 13. **Trust deeds and rules**
Recommended retention period: permanently.

- 14. **Trustees' minute books**
Recommended retention period: permanently.