



RECORD RETENTION

Standard Operating Procedure

Owning Department:	Records Management
Author/ Reviewer:	Claire Sturrock
Version number:	1.00
Date Published:	23/03/13
Due for review on:	01/04/14
EIA Completed:	Ongoing
ECHR compliant:	Yes
Data Protection compliant:	Yes
FOI compliant:	Yes
Health & Safety compliant:	Yes
GPMS compliant:	Yes
Records Management compliant:	Yes

CONTENTS

1. PURPOSE
2. PROCEDURE
3. ROLES AND RESPONSIBILITIES
4. ADMINISTRATION
5. COMMUNITY SAFETY
6. CRIME AND PRODUCTIONS
7. FINANCE
8. FIREARMS
9. FLEET
10. HEALTH AND SAFETY
11. INTELLIGENCE
12. LICENSING
13. MEDIA AND COMMUNICATIONS
14. OPERATIONAL SUPPORT SERVICES
15. OPERATIONS
16. PERSONNEL, TRAINING AND RECRUITMENT
17. PROFESSIONAL STANDARDS
18. PROJECTS
19. PROPERTY
20. PUBLIC PROTECTION
21. INDEX

APPENDICES

	In Use
Appendix 'A' – Central Scotland Police	N
Appendix 'B' – Dumfries and Galloway Constabulary	N
Appendix 'C' – Fife Constabulary	N
Appendix 'D' – Grampian Police	N
Appendix 'E' – Lothian and Borders	N
Appendix 'F' – Northern Constabulary	N
Appendix 'G' – Strathclyde Police	Y
Appendix 'H' – Tayside Police	N
Appendix 'I' – List of Associated Legislation	Y
Appendix 'J' – List of Associated Reference Documents	Y
Appendix 'K' – List of Associated Generic PSoS Forms	N
Appendix 'L' – Glossary of Terms	Y
Appendix 'M' - Retention of Information held Criminal History System (CHS)	Y

1. PURPOSE

- 1.1 The purpose of this Standard Operating Procedure (SOP) is to define specific retention rules for the records held by the Police Service of Scotland (PSoS).
- 1.2 The application of these rules will ensure good business practice and also compliance with the relevant legislation and standards including, but not limited to:
 - [The Public Records \(Scotland\) Act 2011](#)
 - [The Freedom of Information \(Scotland\) Act 2002](#)
 - [The Data Protection Act 1998](#)
- 1.3 The retention rules have been produced following consultation with the relevant business areas across Scotland and are based on either relevant legislation or existing good practice within and outwith the Scottish Police Service.
- 1.4 In particular, the objectives of the SOP are as follows:
 - To identify those records worth preserving
 - To identify vital records for business continuity
 - To prevent premature destruction of records
 - To prevent unnecessary retention of records
 - To ensure a consistent approach to record keeping where there are no statutory requirements
 - To contribute to good records management as part of a wider programme
 - To promote public confidence and understanding in records held by the Police Service of Scotland
- 1.5 Further guidance (including forms) is available for former Strathclyde Police staff in Appendix 'G'

2. PROCEDURE

2.1 DEVELOPMENT AND APPLICATION OF THE RETENTION RULES

- 2.1.1 Prior to the existence of this SOP, the relevant guidance with regard to record retention was the ACPOS Recommended Record Retention Schedule.
- 2.1.2 This document was either adopted in full by the former Scottish Forces or used as the basis for the development of a local, Retention Schedule. It is therefore recognised that pre-existing Force agreements and guidance may result in variations or deviations from the rules outlined in this SOP.
- 2.1.3 In such cases, this will be stipulated in the relevant geographical appendix to this document. Likewise, in cases where a local policy has been developed in the absence of any specific provision within these guidelines, this should also be stipulated in the relevant geographical appendix.

- 2.1.4 The ACPOS Recommended Record Retention Schedule was developed over a number of years and, prior to its creation in 2004, the various Scottish Forces/ Agencies/ geographical divisions had addressed record retention individually and had often adopted different retention criteria. This resulted in similar documents being retained for different time periods and, understandably, it may take some time before the effects of previous Force/ agency retention policies no longer apply.
- 2.1.5 This may however, result in records now recommended for retention having previously been destroyed. This is unavoidable however the creation of standard retention rules will ensure greater commonality of approach in the future.
- 2.1.6 The retention rules are separated into broad functional areas within this SOP. Activities may be structured differently in each Local Policing Area, but this should not prevent the application of the rules.
- 2.1.7 The retention rules are intended to be independent of any particular format or media of records and information and cover manual records including paper, microfilm, microfiche, DVDs, audio and video tapes as well as digital information including databases, SMS, mobile data (PDAs), spreadsheets, word processed documents and email. Generally, notwithstanding the method of recording information, the same retention policy should be applied.
- 2.1.8 Retention rules are for master sets of records only. Duplicate records may be destroyed at any point appropriate to the work of the organisation. However, heavily annotated records cannot be considered duplicates and must be maintained using the same rules as the master records.
- 2.1.9 Records whose disposal is recorded as "Archive" may be deposited with the appropriate local Archive Service when their operational and/or administrative usefulness has come to an end. To this end, PSoS will enter into agreements with appropriate Archive Services for the deposit of those records of permanent, ie historical value to the communities we serve.

2.2 RECORD DISPOSAL PROCESS

- 2.2.1 Unless subject to a review or an exemption, records must be disposed of as soon as practically possible once their retention period has ended and this includes backup copies stored on alternative media.
- 2.2.2 Failure to do so will bring the Service into conflict with legislative and regulatory requirements.
- 2.2.3 The rules defined in this SOP do not prevent the retention of individual records in the event of demonstrable ongoing activity - including, for example, requests in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998 among others.
- 2.2.4 Disposal methods will vary depending on the media on which the record is held.

- 2.2.5 The [s.61 Code of Practice under the Freedom of Information \(Scotland\) Act 2002](#) requires a list of destroyed records to be retained (refer to 'Administration 9.5' for further details).
- 2.2.6 This process will vary, depending on for example, whether the records are held within a Service system which automates the disposal process or whether the records are manually disposed of from a shared drive or paper filing system. As a minimum however, the Service must be able to provide evidence that as part of routine records management processes, disposal of a specified type of record of a specified age range took place in accordance with a specified provision of this SOP.
- 2.2.7 In the case of Service systems where the process is automated, the functionality and process should be detailed in the associated documentation. In the case of records manually disposed of, a list must be compiled.
- 2.2.8 When compiling such a list, an assessment must be made as to whether it is appropriate to maintain the record of destruction at file or at series level.
- 2.2.9 Whilst it is appropriate to record the destruction of individual policy files at file level, there are certain police records, for example intelligence files or crime recording data, where it is inappropriate to maintain a record of individual files (which are indexed by name) once they have been destroyed.
- 2.2.10 Consequently, series level descriptions will be used to record destruction of records, particularly in electronic format, where the file title is dependent upon persons' names.
- 2.2.11 Where the decision is to record series level only, the record of destruction should indicate the type of file or dataset, reason for destruction and date of destruction in accordance with [s.61 Code of Practice under the Freedom of Information \(Scotland\) Act 2002](#).
- 2.2.12 Where records that are subject to series level destruction are retained, an exception list will be noted.

2.3 RECORD REVIEW PROCESS

- 2.3.1 Whilst the majority of records listed in the guidelines are to be destroyed at the end of the specified period, others are instead scheduled for 'review'.
- 2.3.2 These records will be assessed for ongoing operational relevance or for historical significance. The review process will determine whether records should be destroyed, retained for a further period before being reviewed again, or preserved permanently.
- 2.3.3 It should be noted that in the case of Crime records and Public Protection records, particular criteria for review are specified in the guidelines.
- 2.3.4 The decision to retain records following a review will be recorded, and the reviewer will stipulate the period after which the records will be reviewed again. The method of recording review outcomes will vary according to record type, but includes:

NOT PROTECTIVELY MARKED

- Recording an action on the register/ inventory used to control the records (hard copy or electronic)
- Completing a relevant field within an electronic system
- Endorsing the exterior of a hard copy file

2.3.5 The following list of questions is intended to assist staff in the evaluation of records either marked as 'review' within this document or where no specific guidance is provided.

2.3.6 The guidance issued below cannot be substituted for retention periods stipulated in the Retention Schedule as 'Archive' or 'Destroy'. If you feel that the retention in the schedule is not appropriate for particular documents you must contact the Records Manager. If changes have occurred to the way information is collected and documented, resulting in a new set of records, this must be notified to the Records Manager for inclusion in the retention schedule. Therefore this list is not for use with new record series, datasets, etc.

1. Are there any outstanding enquiries about this subject?
Yes Records can be reviewed but under the Fol (2002) Act cannot be destroyed until the enquiry has been completed.
No Go to question 2
2. Is it listed in this Record Retention SOP?
Yes Destroy or archive as instructed by the SOP. If you are unhappy with this guidance or feel circumstances have changed that might affect retention, contact the records manager.
Review, go to question 3
No Go to question 3
3. Is the document the original copy? (i.e. master record, not held on any other format or in any other location)
Yes Go to question 4
No Destroy, the original can be referenced if necessary
4. Is this a new record series?
Yes Contact Records Manager to add to retention schedule
No Go to question 5
5. Does it reflect or impact on the employment of a member of staff
Yes Refer to personnel/complaints/absence/occupational health section of retention schedule
No Go to question 6
6. Does it refer to an accident or injury to either a member of staff or a member of the public? (Including possible insurance claim)
Yes Refer to health & safety section of retention schedule

NOT PROTECTIVELY MARKED

No [Go to question 7](#)

7. Is it required as evidence/case-related?

Yes Retain as per the remainder of the case

No Go to question 8

8. Are we legally obliged to keep the document for a specific time?

Yes Use the retention period stipulated in the legislation

No/Don't Know Go to question 9

9. Is there professional guidance or best practice to reference?

Yes Use the retention period stipulated in the guidance

No/Don't Know Go to question 10

10. Is it part of a financial audit trail?

Yes Retain for C + 6 years

No Go to question 11

11. Does it show a change in Service policy?

Yes Archive

No Go to question 12

12. Does it show a major decision or execution of an order?

Yes Retain for C + 5 years

No Go to question 13

13. Does it refer to a particular project?

Yes Destroy ephemera, working papers, duplicated information, basic administration, arrangements & housekeeping. Archive PID, final report, etc

No Go to question 14

14. Is it general correspondence to a member of the public or external agency?

Yes Destroy C + 3 years

No Go to question 15

15. Is the document regularly accessed for work purposes?

Yes Retain and review after 1 year

No Are there any upcoming projects that might use this project? If yes, go to question 16, if no destroy after current year + 2

16. Does it reflect significantly the history of the former Forces or Police Service of Scotland?

Yes Archive

No Go to 17

17. Are the related records and file destroyed?

Yes Destroy

No Go to question 18

18. Refer to supervisor and/or Records Manager for advice

3. ROLES AND RESPONSIBILITIES

- 3.1 Records Management are responsible for the regular review of this SOP and will incorporate new categories of records within the document as they emerge over time.
- 3.2 In particular, where records are referred to in a geographical appendix to this document but do not appear in the main document, efforts will be made to consult with the appropriate business areas with a view to agreeing an appropriate, national retention period suitable for inclusion in the SOP.
- 3.3 Officers and staff who identify anomalies or omissions should contact Records Management in the first instance, outlining the issue or their suggestions.
- 3.4 Records Management will consider any proposal, in terms of relevant legislation and best practice, and will update the SOP where appropriate.

6. CRIME AND PRODUCTIONS

Crime and Productions			
Ref.	Function Description	Retention Action	Examples of Records
1.0	The process of Recording and Investigating the incidence of Crimes & Offences made known to the police		
	Serious Crime Enquiry (unresolved)	Retain until case is resolved	Arrest/ Detention Forms Casualty Surgeon Examination Report Crime Report Disclosure Schedules Financial Investigation/ disclosures Hate Crime Records Identity Parade Forms Interview Tapes/ DVDs Major Enquiry Forms Major Enquiry HOLMES tapes Notebooks Police and Civilian Statements Police Reports to Fiscal Policy Files Prisoner Processing Record Production Register Q & A Interviews Record of Statement Scenes of Crime Examination Solicitor Access Forms Surveillance Authorisations/ Logs Voluntary Attendance Forms Voluntary Statement by Accused Witness Protection Authorisations/ Files
	Serious Crime Enquiry (resolved)	From date made known to Police: - Current Year + 12 (Case assessment may initiate further retention) (Where accused is detected more than 12 months after date made known, retention period to be calculated from date case is reported to Crown)	Unless otherwise directed by Crown Office or Procurator Fiscal Service or subject to an order under the Criminal Procedure (Scotland) Act 1995 Section 194A in respect of the Scottish Criminal Cases Review Commission. In addition, where there is a requirement for a convicted person to register on the Sex Offenders Register, the registration does not take place until after the completion of a custodial sentence. Police forces and law enforcement agencies must ensure that where the custodial sentence exceeds the retention periods (6 & 12 years), appropriate records should be retained to facilitate risk assessments which require to be undertaken
1.1	The process of retaining productions relating to a Crime or Offence made known to the Police:		
	Serious Crime Enquiry (unresolved) Serious Crime Enquiry (resolved) & Standard Crime Enquiry (resolved) Standard Crime Enquiry (unresolved)	Retain until case is resolved Dispose of at conclusion of criminal proceedings unless instructed otherwise by Court or Crown Current Year + 2 from date made known to Police (or, in minor cases, 6 months) (Case assessment may initiate further retention)	Productions

6.1 RETENTION, REVIEW AND DISPOSAL OF CRIME RECORDS

6.1.1 Based on the definitions below, every case will fall into one of three general categories:

- **Serious unresolved cases** - retain until case is resolved
- **Serious resolved cases** - retain for current year + 12 years from the date made known to the police
- **Standard cases (resolved & unresolved)** - retain for current year + 6 years from the date made known to the police

(Where a case is resolved more than 12 months after the date made known to the police, substitute this date with the date on which the matter was reported to the relevant prosecuting authority)

6.1.2 Where appropriate however, as defined further in this document, a case may be subject to review based on certain criteria and retention may then be extended as appropriate.

6.1.3 Furthermore, where a case is the subject of a notified appeal, dispute, complaint or civil litigation or where notification to preserve records has been received from the Scottish Criminal Cases Review Commission (SCCRC), disposal must be suspended until the outcome is known.

6.1.4 Resolved cases include all detected cases and those where it has been established that no crime has taken place as well as, for example, those cases which either result in a not proven or not guilty verdict but where enquiries have been concluded to the satisfaction of the investigating Force.

6.1.5 Unresolved cases include all undetected cases as well as, for example, those where the case is detected but the offender has absconded or cannot yet be brought to justice. Additionally, homicide cases that result in a not guilty verdict or acquittal must be treated as 'unresolved' as a result of the [Double Jeopardy \(Scotland\) Act 2011](#).

6.2 SERIOUS CRIME ENQUIRIES

6.2.1 Investigations into any of the crimes listed below will be classed as 'Serious Crime Enquiries'. Unresolved cases will be retained until the case is resolved and resolved cases are subject to a retention period of current plus 12 years.

Murder, Culpable Homicide (including statutory) & Drug Related Deaths

- Any contravention of Sections 1 or 3A of the Road Traffic Act 1988
- Any Drug Related Death as defined in the 1994 Scottish Office Ministerial Drugs Task Force Report

Serious & Series Sexual Offences

The following crimes and offences in all circumstances:

The Sexual Offences (Scotland) Act 2009:¹

- Section 1 (rape)
- Section 18 (rape of a young child)
- Section 19 (sexual assault on a young child by penetration)
- Section 20 (sexual assault on a young child)
- Section 21 (causing a young child to participate in a sexual activity)
- Section 22 (causing a young child to be present during a sexual activity)
- Section 23 (causing a young child to look at a sexual image)
- Section 24 (communicating indecently with a young child etc.)
- Section 25 (sexual exposure to a young child)
- Section 26 (voyeurism towards a young child)
- Section 28 (having intercourse with an older child) Section 29 (engaging in penetrative sexual activity with or towards an older child)
- Section 30 (engaging in sexual activity with or towards an older child)
- Section 31 (causing an older child to participate in a sexual activity)
- Section 32 (causing an older child to be present during a sexual activity)
- Section 33 (causing an older child to look at a sexual image)
- Section 34 (communicating indecently with an older child etc.)
- Section 35 (sexual exposure to an older child)
- Section 36 (voyeurism towards an older child)
- Section 42 (Sexual abuse of trust)
- Section 46 (Sexual abuse of trust of a mentally disordered person)

The Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005

- Section 1 (meeting a child following certain preliminary contact)
- Section 9 (paying for sexual services of a child)
- Section 10 (Causing or inciting provision by child of sexual services or child pornography)
- Section 11 (Controlling a child providing sexual services or involved in pornography)
- Section 12 (Arranging or facilitating provision by child of sexual services or child pornography)

The Criminal Law (Consolidation) (Scotland) Act 1995:

- Section 8 (abduction of girl under 18 for the purposes of unlawful intercourse)
- Section 10 (person having parental responsibilities causing or encouraging sexual activity in relation to girl under 16)

¹ The following crimes and offences abolished under the Sexual Offences (Scotland) Act 2009 are categorised as serious: rape at common law; clandestine injury to women; sodomy; indecent assault (when committed against a child); lewd, indecent or libidinous practice or behaviour (when committed against a child); Section 3 of the Sexual Offences (Amendment) Act 2000 (c.44) (abuse of position in trust) (where the offender was 20 or over); Section 311(1) (non-consensual acts) and Section 313(1) (persons providing care services: sexual offences) of the Mental Health (Care and Treatment) (Scotland) Act 2003.

The Mental Health (Scotland) Act 1984:

- Section 106(1) (protection of mentally handicapped females)
- Section 107(1) (protection of patients)

The Civic Government (Scotland) Act 1982

- Section 52 (taking and distribution of indecent images of children)
- Section 52A (possession of indecent images of children)

The following crimes and offences when committed against a child:

The Sexual Offences (Scotland) Act 2009:

- Section 2 (sexual assault by penetration)
- Section 3 (sexual assault)
- Section 10 (administering a substance for sexual purposes)

The Criminal Law (Consolidation) (Scotland) Act 1995:

- Section 1 (incest) (excluding circumstances where all parties are children and willing participants)
- Section 2 (intercourse with a step child)

Abduction of a woman or girl with intent to rape

Assault with intent to rape or ravish.

Serious Violence

Any serious assault where:

- There is involvement of a firearm or imitation
- A victim suffers significant permanent impairment or disfigurement
- There has been endangerment to life

Abduction Involving Extortion

Including cases where the abduction is resolved prior to any demand being issued but evidence or intelligence exists to suggest the motive was extortion

Any Act of Terrorism

High Value Acquisitive Crime

This category includes:

- Robberies involving cash or property to the value of £50,000 or more
- Non-violent acquisitive crime and cases of seizure or restraints under the Proceeds of Crime Act 2002 involving cash or property to the value of £100,000 or more

This category does not normally include acquisitive crimes involving clandestine possession (eg Section 178 Road Traffic Act 1988)

Major Drug Trafficking

This category includes:

- Enquiries involving the importation or exportation of controlled drugs (including offences under Customs and Excise Management Act 1979)
- Any case of domestic (UK) drug trafficking involving a monetary street value of £100,000 or more

6.2.2 On conclusion of a case or at any point during the retention period however, the retention of a serious case record may be extended by a further six years followed by review, where the case meets any of the following criteria:

- Do the records contain information necessary for the prevention and detection of crime or apprehension and prosecution of offenders which is not otherwise available, eg on CHS or PNC
- Did the case involve a custodial sentence in excess of twelve years?
- Did the case involve as yet unidentified forensic evidence?

6.2.3 All cases where a decision has been made either to destroy the case records or extend the retention period, the decision-maker's details, the reason(s) for the decision and date of the decision must be recorded.

6.3 STANDARD CRIME ENQUIRIES

6.3.1 All other criminal investigations not listed above will be classed as 'Standard Crime Enquiries' and are therefore subject to a retention period of current year plus 6 years.

6.3.2 On conclusion of the case, or at any point during this period however, a standard crime enquiry may be reclassified as serious, thereby extending the retention to current year plus 12 years, where the case meets any of the following criteria:

- Does other information/ intelligence exist which suggests that the crime may be part of a sequence of escalating violent and/ or sexual offending behaviour?
- Does the case record indicate that the accused is likely to pose a continuing risk to either children or vulnerable adults?
- Did the case involve a custodial sentence in excess of six years?
- Did the case involve as yet unidentified forensic evidence?
- Does the case involve ongoing operational issues?
- Does the case involve significant witness protection issues?
- Did the case involve serious damage (£100,000 or more) to property?

6.3.3 In all of the above cases, the decision-maker's details, the reason(s) for re-designation and date of the decision must be recorded.

6.4 RECORDS WITH HISTORICAL VALUE

6.4.1 Certain criminal investigations are of intrinsic historical interest to society, whether on a national or local scale. Once there are no longer operational policing reasons to retain investigative material, consideration may be given to retain these records as historical archives. Such further retention will however be the exception rather than the rule and the following aspects must be considered:

- Did the case have a significant impact on policing strategy?
- Did the case cause grave public concern or have a significant impact on the community/ society?
- Did the case involve substantial police resources?
- Did the case involve landmark developments in policing methods (eg new forensic techniques, case law)?
- Did the case attract or is it likely to attract significant media or external scrutiny?

6.5 RETENTION, REVIEW AND DISPOSAL OF PRODUCTIONS

6.5.1 Productions are items seized in the course of a criminal and/or deaths investigation into an incident which may give rise to criminal proceedings or a fatal accident inquiry, and which have evidential value in terms of the investigation and possible subsequent court proceedings.

6.5.2 The disposal of productions will be conducted as follows:

Unresolved Serious Case productions will be retained until the case is resolved. Notwithstanding this, where issues of health and safety, security or best value arise, permission should be sought from the Procurator Fiscal regarding earlier disposal. The same applies where the Senior Investigating Officer (SIO) determines that certain productions no longer require to be retained. In these cases, the decision-maker's details, the reason(s) for the decision and date of the decision must be recorded.

Unresolved Standard Case productions will be retained for current year + 2 years from the date made known to the police except where the case has been identified for exceptional retention during a review. In such circumstances, the productions will be retained in line with the case records

Unresolved Minor Case productions may be retained for a lesser period of 6 months from the date made known to the Police in the following circumstances:

- Cases where there are no injuries or minor injuries
- Cases where property damaged/ stolen is of low value
- Cases where there are no aggravations
- Cases where there is no available evidence/ intelligence to suggest that the crime is part of a sequence of offending behaviour

All Resolved Case productions, both Serious & Standard and death related productions, will be disposed of following notification from the Procurator Fiscal that criminal proceedings are concluded.

Retention of productions for longer periods can only be achieved through formal representation to or from the Procurator Fiscal and such retention will be reviewed annually unless the Procurator Fiscal has stipulated a longer retention period. In such cases, the reason for further retention, together with details of the decision-maker and date of the decision should be recorded.

Deterioration of Productions - Productions should be stored in conditions which preserve their evidential value however, due to their very nature, some productions will deteriorate over time to the point where they have no evidential value - for example forensic evidence such as gel foot and fingerprint lifts and some DNA evidence. Any such productions may be destroyed. In such cases, the reason for the destruction, together with details of the decision-maker and date of the decision should be recorded.

Valuable/ Sentimental Items - None of the above prevents best practice of returning valuable or sentimental items to owners. If this course of action is taken the item may be photographed, replaced by a signed label, together with a supporting corroborative statement from the owner.

Notebooks/ Personal Digital Assistants (PDA) - Where a Police Notebook or equivalent PDA record has been lodged as a production it should be regarded as such until the conclusion of criminal proceedings at which time it will be retained in accordance with the general rules on notebook management.

Scottish Criminal Cases Review Commission (SCCRC) - Productions must not be destroyed in instances where notification to preserve them has been received from the SCCRC.

RETENTION OF INFORMATION HELD ON SCOTTISH CRIMINAL HISTORY SYSTEM (CHS)

Disposals which are convictions (findings of guilt) or alternatives to prosecution not referred to specifically below (including admonishment and absolute discharge) will be retained as follows:

- For the life of the offender (until the subject has attained 100 years of age) where any of the following criteria apply:
 - a sentence of life imprisonment has been imposed
 - subject is detained during Her Majesty's pleasure
 - subject is detained without limit of time
 - the offence is a sexual or sexually aggravated offence, or
- In accordance with the 70/30 rule (until the subject has attained 70 years of age and the conviction is 30 years old) where any of the following criteria apply:
 - the conviction is on indictment (solemn procedure)
 - the disposal is a ruling under the Mental Health Acts
 - a custodial sentence has been imposed, or
 - In accordance with the 40/20 rule (until the subject has attained 40 years of age and the conviction is 20 years old)

The following records which relate to other offending and non-conviction disposals will be retained for 2 years:

- Warnings to prostitutes (except where a second warning has been recorded in the same period - in which case the 40/20 rule applies)
- Police and Senior Police Officer's warnings
- Police fixed penalty notices
- Fiscal warnings
- Fiscal disposals (fines, compensation orders, combined orders and work orders) for non-sexual and non-violent offences *
- Children's Hearing disposals (grounds accepted and grounds established) for non-sexual and non-violent offences **

The following disposals will be retained for 3 years:

- Fiscal disposals (fines, compensation orders, combined orders and work orders) for sexual and violent offences *
- Non findings of guilt, cases not called at Court, cases deserted and Fiscal decisions of no further proceedings for sexual and violent offences *

(This period may however be extended by up to two years where a Sheriff has ruled to extend the retention of the associated forensic samples. Further extensions may be applied for at the end of each extension period.)

Children's Hearing disposals (grounds accepted and grounds established) for sexual and violent offences** will be retained for 3 years and then reviewed, as per the requirement to review the associated fingerprint and DNA retention.

* *Offences prescribed by legislation in Criminal Justice and Licensing (Scotland) Act 2010 Sections 77 to 82 which amends sections 18 and 19 of the Criminal Justice and Licensing Act 1995 (as amended 2007).*

** *Offences prescribed by legislation in "Children's Hearings act 2012 and amendments to ROA"*

Records marked as temporary retention - i.e. non findings of guilt such as no proceedings, no further proceedings, grounds not established etc - will be retained for 6 months except where case is sexual or violent (see above).

Historical records of bail granted and bail conditions will be retained for 6 months from the end of the bail order.

