Identification, storage and disposal of confidential waste

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Purpose
To define the University of Sheffield’s legal obligations and procedures associated with the management and disposal of confidential waste.

Scope
This procedure applies to all types of confidential waste generated by academic and administrative departments.

This procedure does not apply to medical records, which must be returned to the appropriate NHS Trust for disposal. Nor does it apply to confidential records held on computer hard drives which should be disposed of as WEEE.

Legal framework
Data Protection Act 1998
Environmental Protection Act 1990
Control of Pollution (Amendment) Act 1989
Freedom of Information Act 2000
Controlled Waste Regulations SI 1992/588
Duty of Care Regulations SI 1991/2839
Landfill Regulations SI 2002/1559
Waste Management Licensing Regulations SI 1994/1056

Responsibilities
Departments and employees – responsible for disposing of confidential waste in line with the University’s policies and this procedure.

Portering Services – responsible for collecting confidential waste, delivering it to the central collection point and for overseeing collections by the waste disposal contractor. The Portering Services Manager is also responsible for organising regular collections of confidential waste by the licensed contractor.

Campus Services Admin Team – responsible for record keeping.

Records Manager – responsible for developing the University’s archival policy and managing the archives.
Data Protection Manager – responsible for developing the University’s Data Protection Policy and procedures.

Energy and Environment Team – responsible for ensuring legal compliance and compliance to this procedure through regular audits at an organisational level.

Definitions

Confidential waste

Waste that needs to disposed of as confidential waste falls into one of three categories

- Records containing personal information,
- Records containing commercially sensitive information, or
- Records containing intellectual property rights.

Records containing personal information

Any record that contains personal information about a living individual must be disposed of as confidential waste. Examples of records containing personal information include

- Questionnaire or other data collected under an understanding of confidentiality.
- Correspondence or other documents that reveal the contact details or any financial details of a named living individual.
- Correspondence or other documents which reveal personal details or pass comments on a named living person.
- Staff personnel records
- Staff or student discipline or appeal records
- Admissions records
- Redundancy records
- Sick pay records
- Maternity pay records
- Income tax and National Insurance returns
- Wages and salary records
- Accident books and records
- Health records
- Medical records
- Student records
- Grant applications
- Job applications
- Interview notes

Records containing commercially sensitive information

Records that, if made public before a certain period, may breach commercial confidentiality should be disposed of as confidential waste. Examples of records containing commercially sensitive information include

- Contracts
- Tenders
- Purchasing records
- Unpublished committee minutes
- Maintenance records
- Insurance records
- Unpublished accounting records

Records containing intellectual property rights

Records which may breach intellectual property rights e.g. unpublished research material, drafts and manuscripts should be disposed of as confidential waste.
Records that do not need to be disposed of as confidential waste

Records and documents produced by the University that contain information that is already in the public domain do not need to be treated as confidential waste and can be disposed of through the paper recycling route. Examples of records already in the public domain include

- Mission statements
- Charters
- Constitutions
- Ordinances
- Statutes
- Regulations
- Published directories
- Internet websites
- Presentation materials
- Course guides and outlines
- Data which has been wholly anonymised
- Blank examination papers (post exam)
- Theses (accepted)
- Published surveys
- Magazines
- Published circulars
- Published minutes
- Published reports
- Press releases
- Timetables
- Prospectuses
- Published minutes
- Publicity material

Duty of Care

All waste is subject to a Duty of Care. The Duty of Care applies to anyone who produces, imports, carries, keeps, treats or disposes of controlled waste.

In particular, waste holders have a duty

a) to take steps to prevent offences involving waste; and to
b) prevent other people from disposing, treating or storing the waste without a licence, in a manner likely to cause pollution or harm to health or breaching conditions of their licence.

There are also particular requirements placed on those storing and transferring waste.

Storage of waste

To comply with the Duty of Care Regulations the University must ensure that all waste is stored in such a way as to prevent escape or leakage whilst on site, in transit or in storage. The University must act to keep stored waste safe against:

1. corrosion or wear of waste containers;
2. accidental spilling or leaking or inadvertent leaching from waste unprotected from rainfall;
3. accident or weather breaking contained waste open and allowing it to escape;
4. waste blowing away or falling while stored or transported; and
5. scavenging of waste by vandals, thieves, children, trespassers or animals.

Transfer notes and written descriptions

The Duty of Care regulations require written descriptions and transfer notes to be completed when waste is transferred between two parties.
On the transfer of controlled waste, both the University and the waste carrier must complete and sign a transfer note, which must be kept for two years. The transfer note must contain the information given below.

1. the identification of the waste; and
   its quantity;
   whether it is loose or in a container;
   if it is in a container, the type of container;
   place and time of transfer;
   the appropriate six-figure code from the European Waste Catalogue.
2. the name and address of the transferor and transferee;
3. whether the transferor is the producer or importer of the waste;
4. if the transferee is authorised for transport purposes, which of those purposes apply;
5. the category of authorised person that the transferee (and the transferor, where applicable) comes under, or which exemption applies and why they are exempt.

The description of the waste should mention any special problems and should include the type of premises or business from which the waste comes, the name of the substances, the process that produced the waste, and chemical and physical analysis.

Procedure

1. Departmental responsibilities

1.1 Confidential information can be stored on variety of media – on paper, electronically on hard drives, computer disks and CDs and on audio and video tapes. Irrespective of how the information is held confidential waste must be disposed of securely.

2.2 Individuals handling or processing any confidential material are personally responsible for ensuring the proper disposal of the data.

1.3 Departments may wish to shred small quantities of very confidential material themselves, however all other confidential waste should be disposed of using the corporate system. Paper, once shredded, should be disposed of in the paper recycling scheme. Small quantities of CDs and floppy disks can be cut up and disposed of in the general waste.

1.4 Confidential waste paper bins – if in communal areas - must be lockable and kept locked at all times.

1.5 Black sacks can be used to dispose of all types of confidential waste. The bags must be clearly labeled ‘confidential waste’. Sacks must not be over filled – otherwise they become too heavy to lift and tear easily.

1.6 Confidential paper material should be removed from folders, plastic wallets, box files, etc before being bagged up, however staples and bindings do not need to be removed.

1.7 CDs, floppy disks, audio and video tapes that need to be disposed of as confidential waste should be bagged up separately from paper waste.

1.8 Confidential waste must be kept in a secure location pending collection by Portering Services. Sacks containing confidential waste must not be left in corridors, receptions, open plan offices or any other unattended area.
1.9 The University’s confidential waste disposal system should not be used to dispose of medical records, instead they should be returned to the appropriate NHS Trust for disposal.

1.10 Records that need to be kept indefinitely, because they will be needed in the future or because they provide a historical record, should be transferred to the University Archives. Departments are responsible for identifying which documents should be transferred to the archive rather than being disposed of and should contact the University Records Manager for assistance.

2. **Arrangements for collections of confidential waste**

2.1 Collections of confidential waste from across the campus can only be made by Portering Services who have a Waste Carrier’s Licence (Number CB/ZE5238ZH).

2.2 Different arrangements exist for buildings with a permanent porter presence to those that do not.

1. In portered buildings office staff should contact the porters lodge to arrange for the confidential waste to be collected and taken to a secure area ready for the Recycling Team to collect it.

2. In non portered buildings that generate significant quantities of confidential waste the Recycling Team provide a regular collection of confidential waste from an agreed collection point.

3. In non portered buildings that produce confidential waste infrequently ad hoc collections are booked with the Recycling Team by e-mailing waste@sheffield.ac.uk

3. **Bulk storage**

3.1 Confidential waste is stored centrally at North Campus prior to collection by a specialist contractor for shredding off site.

3.2 Confidential waste must be stored in the secure caged area – which must be padlocked at all times.

3.3 Confidential waste must be stored as set out in the S1 and S2 exemption - The volume of all waste stored the George Porter Building must not exceed 50 cubic meters, it must be separated from other waste, and must not be stored for more than three months. The waste must also be stored in line with the Duty of Care Regulations – see page 3.

4. **Transfer of waste**

4.1 Collections of confidential waste must be overseen by a member of University staff. All waste removed from University premises must be accompanied by a waste transfer note. Notes will be provided by the waste collectors and signed by a member of University staff.

4.2 Copies of waste transfer notes must be forwarded to the administration team in Campus Services for filing.

4.3 Certificates of destruction are posted to Campus Services by the contractor.
4.4 Certificates of destruction, waste transfer notes, copies of all relevant Waste Carriers Licences and Waste Management Licences will be filed by Campus Services for a period of three years.

**Associated Documentation**

- S1 and S2 Exemptions - Ref EPR/BE5830NA/A001
- UoS Data Protection Policy
- UoS Records Management Policy and Standards
- JISC Function Activity Model (FAM) and Record Retention Schedule (RRS)

**Appendices**