



**Law Society
of Ireland**

FILE RETENTION AND DESTRUCTION POLICY





FILE RETENTION AND DESTRUCTION POLICY



This policy sets out how **[Firm Name]** manages the retention, storage, review and destruction of client and business records, having regard to the professional and regulatory expectations of the Law Society of Ireland and the firm's obligations under data protection law, statute of limitation and professional indemnity insurance requirements.

1. Purpose

The purpose of this policy is to ensure that files are retained for an appropriate period to protect client interests, comply with professional obligations, and minimise legal and data protection risk.

It should be applied at file closing stage and as part of ongoing information management reviews. Solicitors responsible for each matter, together with the Records Manager and Data Protection Officer, are accountable for compliance.

The policy mitigates risks relating to data breaches, GDPR noncompliance, and improper recordkeeping.

After applying the policy, actions taken must be documented, and destruction must be carried out in a secure and auditable manner.

2. Scope

This policy applies to all

- Physical and electronic client files
- All practice areas
- All staff, partners, consultants and trainees

3. Governance (Inspection Focus: Firm Management)

Overall responsibility rests with the Managing Partner or Principal, supported by the Compliance or Risk Partner. Unless otherwise stated the firm retains files for a minimum of 7 years from the date the matter is closed.

Longer retention for certain Matters:

File Type	Minimum Retention Period
Conveyancing files	6–12 years
Litigation files	6–12 years
Probate / estate files	12 years or permanently
Family law files	6 years
Wills	Permanent or until collected by the client/testator
Deeds	Indefinitely unless returned to client
AML / CDD records	5

4. Data Protection & GDPR Compliance

4.1 Lawful Basis

Retention is based on:

- Legal obligation
- Contractual necessity
- Legitimate interest (defending legal claims)

4.2 Data Minimisation

Only information necessary for legal, regulatory or insurance purposes is retained.

4.3 Right to Erasure

Clients may request deletion of personal data only where no legal retention obligation applies.

5. File Storage & Security

5.1 Physical Files

- Stored in secure, access-controlled areas
- Archived off-site only with approved providers
- Files must be labelled with closure date and destruction date

5.2 Electronic Files

- Stored on secure servers or encrypted cloud systems
- Access restricted to authorized staff
- Backups maintained in line with IT policy

6. Destruction of Files

6.1 Files may only be destroyed when

- The retention period has expired
- No litigation, complaint, or investigation is pending
- No professional indemnity notification is outstanding

6.2 Method of destruction

- Paper files: shredded or securely pulped
- Electronic files: permanently deleted from all systems, including backup where feasible
- Deeds/Wills never destroyed unless authorised by client in writing

6.3 The firm must maintain a File Destruction Register to record:

- Client name
- File reference
- Matter type
- Date opened/closed
- Date destroyed
- Method of destruction
- Authorising solicitor

7. Client Notification

The firm may notify clients before destroying files, especially where:

- Original documents are held
- The file contains items the client may wish to retain

Clients may request return of documents before destruction.

8. Holds on Destruction

Files must not be destroyed if:

- A complaint has been made
- A claim or potential claim exists
- The insurer has been notified
- A regulatory investigation is ongoing
- A court order requires retention

9. Review

This policy is reviewed annually and following any Law Society inspection, GDPR or Insurer requirements change or material incident.

10. Approval

Approved by:
Date:
Next Review Date:



This resource was developed by Outsource in consultation with the Law Society of Ireland.

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