

Tetsworth Parish Council

Document Retention and Disposal Policy

1. INTRODUCTION.

1.1 The Council accumulates a large amount of information and data during the course of its everyday activities, both generated internally and obtained from individuals and external organisations. This information is recorded in various different types of document.

1.2 Records created and maintained by the Council are an important asset and measures need to be undertaken to safeguard this information. Properly managed records provide authentic and reliable evidence of the Council's transactions and are necessary to ensure that it can demonstrate accountability.

1.3 Documents may be retained in either 'hard' paper form or in 'soft' electronic form. For the purpose of this policy, 'document' and 'record' refer to both hard and soft copies.

1.4 Documents must be retained for an adequate period of time. If documents are destroyed prematurely the Council, individual officers concerned could face prosecution for not complying with legislation and it could cause operational difficulties, reputational damage and difficulty in defending any claim brought against the Council.

1.5 The Council should not, however, retain documents for longer than is necessary. Timely disposal should be undertaken to ensure compliance with the General Data Protection Regulations. This will also ensure the most efficient use of limited storage space.

2. SCOPE AND OBJECTIVES OF THE POLICY.

2.1 The aim of this document is to provide a working framework to determine which documents are retained, and for how long, or disposed of, and by what method.

2.2 Some records do not need to be kept at all or are routinely destroyed in the course of business. This usually applies to information that is duplicated, unimportant or only of short-term value. Unimportant records or information include:

- 'With compliments' slips.
- Catalogues and trade journals.
- Non-acceptance of invitations.
- Trivial electronic mail messages that are not related to Council business.
- Requests for information such as maps, plans or advertising material.
- Out of date distribution lists.

2.3 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.

2.4 Records should not be destroyed if the information can be used as evidence to prove that something has happened. If destroyed, the disposal needs to be carried out in accordance with the General Data Protection Regulations.

3. ROLES AND RESPONSIBILITIES FOR DOCUMENT RETENTION AND DISPOSAL.

3.1 The Council is responsible for determining whether to retain or dispose of documents and should undertake a review, at least on an annual basis, to ensure that any unnecessary documentation is disposed of under the General Data Protection Regulations.

3.2 The Council should ensure that all employees are aware of the retention/disposal schedule.

4. DOCUMENT RETENTION PROTOCOL.

4.1 The Councils should have an adequate system for documenting its activities. This system should take into account the legislative and regulatory environments in which it works.

4.2 Records of each activity should be complete and accurate, so that:

Employees and their successors may undertake appropriate actions in the context of their responsibilities and to facilitate an audit or examination of the business by anyone so authorised.

The legal and other rights of the Council, its clients and any other persons affected by its actions are protected.

Individuals' consent to record, manage and record disposal of their personal data can be verified.

Authenticity of the records is provided to allow the evidence derived from them to be shown to be credible and authoritative.

4.3 To facilitate this the following principles should be adopted:

Records should be kept in a system that enables quick and easy retrieval of information in accordance with the General Data Protection Regulations.

Documents that are no longer required for operational purposes but need to be retained should be placed at the records office.

4.4 The retention schedules in Appendix A: List of Documents for Retention or Disposal provide guidance on the recommended minimum retention periods for specific classes of documents and records. These schedules have been compiled from recommended best practice from the Public Records Office, the Records Management Society of Great Britain and in accordance with relevant legislation.

4.5 Whenever there is a possibility of litigation, the records and information that are likely to be affected should not be amended or disposed of until the threat of litigation has been removed.

5. DOCUMENT DISPOSAL PROTOCOL.

5.1 Documents may only be disposed of if their retention is *not* required to:

Fulfil statutory or other regulatory requirements,
Meet the operational needs of the Council,
Provide evidence of events in the case of dispute,

or because the document or record is of historic interest or intrinsic value.

5.2 When documents are scheduled for disposal the method of disposal should be appropriate to the nature and sensitivity of the documents concerned. A record of the disposal will be kept in accordance with the General Data Protection Regulations.

5.3 Methods of disposal for different types of record are as follows:

Non-confidential records may be placed in a wastepaper bin for disposal.
Confidential records or records giving personal information must be shredded.
Computer records may be deleted.

Records may also be transferred to an external body such as the County Records Office.

5.4 The following principles should be followed when disposing of records:

All records containing personal or confidential information should be destroyed at the end of the agreed retention period. Failure to do so could lead to the Council being prosecuted under the General Data Protection Regulations, the Freedom of Information Act or could cause reputational damage.

Where computer records are deleted, steps should be taken to ensure that data is 'virtually impossible to retrieve' as advised by the Information Commissioner.

Back-up copies of documents should also be destroyed, including electronic or photographed documents, unless specific alternative provisions exist for their disposal.

Where documents are of historical interest it may be appropriate that they are transmitted to the County Records office.

5.5 A record should be maintained of document disposals. This record should contain the following information:

The name of the document destroyed.
The date on which the document was destroyed.
The method of disposal.

6. DATA PROTECTION ACT 1998 – OBLIGATION TO DISPOSE OF CERTAIN DATA.

6.1 The Data Protection Act 1998 ('Fifth Principle') requires that personal information must not be retained longer than is necessary for the purpose for which it was originally obtained. Section 1 of the Data Protection Act defines personal information as:

Data that relates to a living individual who can be identified from that data, or from data and other information in the possession of, or likely to come into the possession of the data controller. It includes any expression of opinion about the individual and any indication of the intentions of the Council or other person in respect of the individual.

6.2 The Data Protection Act provides an exemption for information about identifiable living individuals that is held for research, statistical or historical purposes to be held indefinitely provided that the specific requirements are met.

6.3 The Council is responsible for its compliance with the principles of the General Data Protection Regulations, by ensuring that:

Personal data is processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.

Personal data shall only be obtained for specific purposes and be processed in a compatible manner.

Personal data held is adequate, relevant, but not excessive.

Personal data is accurate and up to date.

Personal data is not kept for longer than is necessary.

Personal data is processed in accordance with the rights of the data subject.

Personal data is kept secure.

6.4 External storage providers or archivists that are holding Council documents must also comply with the above principles of the General Data Protection Regulations.

7. SCANNING DOCUMENTS.

7.1 In most cases, once a document has been scanned on to a document image system the original becomes redundant. There is no specific legislation covering the format in which local government records should be retained following electronic storage, except for those prescribed by HM Revenue and Customs.

7.2 Original documents required for VAT and tax purposes should be retained for six years unless a shorter period has been agreed with HM Revenue and Customs.

7.3 Hard copies of other scanned documents should be retained for three months after scanning.

8. REVIEW OF DOCUMENT RETENTION.

8.1 This document should be reviewed, updated and, where appropriate, amended at least every three years in accordance with the *Code of Practice on the Management of Records* issued by the Lord Chancellor.

8.2 References:

Local Council Administration, Charles Arnold-Baker, 910^h edition, Chapter 11
NALC LTN 40 – *Local Councils' Documents and Records*, January 2013
NALC LTN 37 – *Freedom of Information*, July 2009
Lord Chancellor's Code of Practice on the Management of Records issued under Section 46 of the *Freedom of Information Act 2000*.

9. LIST OF DOCUMENTS.

9.1 A full list of Council documents and the procedures for retention or disposal is at Appendix A. Whilst not all are used by or applicable to Tetsworth Parish Council, the list is complete to account for past use and for any variation in the future. This list will be updated regularly in accordance with any changes to legal requirements.

Document	Minimum Retention Period	Reason	Disposal
Minutes	Indefinite	Archive	Original signed paper copies of Council minutes of meetings must be kept indefinitely in safe storage. At regular intervals of not more than 5 years they must be archived and deposited with the Higher Authority.
Agendas	5 years	Management	Bin (shred confidential waste)
Accident/incident reports	20 years	Potential claims	Confidential waste. A list will be kept of those documents disposed of to comply with GDPR regulations.
Scales of fees and charges	6 years	Management	Bin
Receipt and payment accounts	Indefinite	Archive	N/A
Receipt books of all kinds	6 years	VAT	Bin
Bank statements including deposit/savings accounts	Last completed audit year	Audit	Confidential waste
Bank paying-in books	Last completed audit year	Audit	Confidential waste
Cheque book stubs	Last completed audit year	Audit	Confidential waste
Quotations and tenders	6 years	Limitation Act 1980 (as amended)	Confidential waste. A list will be kept of those documents disposed of to comply with GDPR regulations.
Paid invoices	6 years	VAT	Confidential waste
Paid cheques	6 years	Limitation Act 1980 (as amended)	Confidential waste

Document	Minimum Retention Period	Reason	Disposal
VAT records	6 years generally but 20 years for VAT on rents	VAT	Confidential waste
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)	Confidential waste
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)	Bin
Wages books/payroll	12 years	Superannuation	Confidential waste
Insurance policies	While valid (but see next two items below)	Management	Bin
Insurance company names and policy numbers	Indefinite	Management	N/A
Certificates for insurance against liability for employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management	Bin
Park equipment inspection reports	21 years		
Investments	Indefinite	Audit, Management	N/A
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management	N/A
Members' allowances register	6 years	Tax, Limitation Act 1980 (as amended)	Confidential waste. A list will be kept of those documents disposed of to comply with GDPR regulations.
Information from other bodies e.g. circulars from county associations, NALC, principal authorities	Retained for as long as it is useful and relevant		Bin

Document	Minimum Retention Period	Reason	Disposal
Local/historical information	Indefinite – to be securely kept for benefit of the Parish	Councils may acquire records of local interest and accept gifts or records of general and local interest in order to promote the use of such records (defined as materials in written or other form setting out facts or events or otherwise recording information).	N/A
Magazines and journals	<p>Council may wish to keep its own publications</p> <p>For others retain for as long as they are useful and relevant.</p>	The Legal Deposit Libraries Act 2003 requires a local council which after 1st February 2004 has published works in print (this includes a pamphlet, magazine or newspaper, a map, plan, chart or table) to deliver, at its own expense, a copy of them to the British Library Board. Printed works as defined by the 2003 Act published by a local council therefore constitute materials which the British Library holds.	Bin if applicable
Record-keeping			
<p>To ensure records are easily accessible:</p> <ul style="list-style-type: none"> • A list of files stored in cabinets will be kept • Electronic files will be saved using relevant file names 	The electronic files will be backed up periodically on a portable hard drive and also in the cloud-based program.	Management	Documentation no longer required will be disposed of. Confidential documents must be destroyed as confidential waste. A list will be kept of those documents disposed of to comply with GDPR regulations.

Document	Minimum Retention Period	Reason	Disposal
General correspondence	Unless it relates to specific categories outlined in the policy, correspondence, both paper and electronic, should be kept. Records should be kept for as long as they are needed for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests.	Management	Bin (shred confidential waste) A list will be kept of those documents disposed of to comply with GDPR regulations.
Correspondence relating to staff	If related to Audit, see relevant sections above. Should be kept securely and personal data in relation to staff should not be kept for longer than is necessary for the purpose it was held. Likely time limits for tribunal claims between 3–6 months Recommend this period be for 3 years. That all recruitment documents be retained for a maximum period of six months.	After an employment relationship has ended, a council may need to retain and access staff records for former staff for the purpose of giving references, payment of tax, national insurance contributions and pensions, and in respect of any related legal claims made against the council.	Confidential waste A list will be kept of those documents disposed of to comply with GDPR regulations.
<p>Documents from legal matters, negligence and other torts</p> <p>Most legal proceedings are governed by the Limitation Act 1980 (as amended). The 1980 Act provides that legal claims may not be commenced after a specified period. Where the limitation periods are longer than other periods specified the documentation should be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories.</p>			
Negligence	6 years		Confidential waste. A list will be kept of those documents disposed of to comply with GDPR regulations.

Document	Minimum Retention Period	Reason	Disposal
Defamation	1 year		Confidential waste. A list will be kept of those documents disposed of to comply with GDPR regulations.
Contract	6 years		Confidential waste. A list will be kept of those documents disposed of to comply with GDPR regulations.
Leases	12 years		Confidential waste.
Sums recoverable by statute	6 years		Confidential waste.
Personal injury	3 years		Confidential waste.
To recover land	12 years		Confidential waste.
Rent	6 years		Confidential waste.
Breach of trust	None		Confidential waste.
Trust deeds	Indefinite		N/A
For Halls, Centres, Recreation Grounds			
<ul style="list-style-type: none"> • Application to hire • Invoices • Record of tickets issued 	6 years	VAT	Confidential waste A list will be kept of those documents disposed of to comply with GDPR regulations.
Lettings diaries	Electronic files linked to accounts	VAT	N/A
Terms and Conditions	6 years	Management	Bin
Event Monitoring Forms	6 years unless required for claims, insurance or legal purposes	Management	Bin. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.

Document	Minimum Retention Period	Reason	Disposal
For Allotments			
Register and plans	Indefinite	Audit, Management	N/A
Minutes	Indefinite	Audit, Management	N/A
Legal papers	Indefinite	Audit, Management	N/A
For Burial Grounds			
Register of fees collected Register of burials Register of purchased graves Register/plan of grave spaces Register of memorials Applications for interment Applications for right to erect memorials Disposal certificates Copy certificates of grant of exclusive right of burial	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (SI 204)	N/A
Planning Papers			
Applications	1 year	Management	Bin
Appeals	1 year unless significant development	Management	Bin
Trees	1 year	Management	Bin
Local Development Plans	Retained as long as in force	Reference	Bin
Local Plans	Retained as long as in force	Reference	Bin
Neighbourhood Plans	Indefinite – final adopted plans	Historical purposes	N/A
CCTV			
Daily notes	Daily	Data protection	Confidential waste
Radio rotas	1 week	Management	Confidential waste
Work rotas	1 month	Management	Confidential waste
Observation sheets	3 years	Data protection	Confidential waste
Stats	3 years	Data protection	Confidential waste
Signing in sheets	3 years	Management	Confidential waste

Document	Minimum Retention Period	Reason	Disposal
Review requests	3 years	Data protection	Confidential waste
Discs – master and working	For as long as required	Data protection	Confidential waste
Internal Operations Procedure Manual	Destroy on renewal Review annually	Management	Confidential waste
Code of Practice	Destroy on renewal Review annually	Management	Confidential waste
Photographs/digital prints	31 days	Data protection	Confidential waste