

# **RISBY PARISH COUNCIL**

## **DOCUMENT RETENTION AND DISPOSAL POLICY**

### **1. Introduction**

- 1.1 The Parish Council accumulates a vast amount of information and data during the course of its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in various different types of document.
- 1.2 Records created and maintained by the Parish Council are an important asset and as such measures need to be undertaken to safeguard this information. Properly managed records provide authentic and reliable evidence of the Parish Council's transactions and are necessary to ensure it can demonstrate accountability.
- 1.3 Documents may be retained in either 'hard' paper form or in electronic forms. For the purpose of this policy, 'document' and 'record' refers to both hard copy and electronic records.
- 1.4 It is imperative that documents are retained for an adequate period of time. If documents are destroyed prematurely, the Parish Council 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 Parish Council.
- 1.5 In contrast to the above, the Parish Council should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with current legislation so that personal information is not retained longer than necessary. 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 if so by what method.
  - Security of documents – methods for both the Parish Council and councillors.
- 2.2 There are some records which do not need to be kept at all or that are routinely destroyed in the course of business. This usually applies to information that is duplicated, unimportant or only of a short-term value. Unimportant records of information include:
  - 'with compliments' slips.
  - Catalogue 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- Out of date distribution lists.

2.3 Duplicated and superseded material such as stationary, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.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 disposed of under the General Data Protection Regulations.

### **3. Roles and Responsibilities for Document Retention and Disposal.**

3.1 Councils are responsible for determining whether to retain or dispose of documents and should undertake a review of documentation on an annual basis to ensure that any unnecessary documentation being held is disposed of under the General Data Protection Regulations.

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

### **4. Document Retention Protocol**

4.1. Councils are required to maintain their records in accordance with legislation and the clerk to the Parish Council is required to manage the Council's records in such a way as to promote compliance with this policy so that information will be retrieved easily, appropriately and in a timely manner.

4.2 Councils are required to maintain a retention schedule. The retention schedule below provides guidance on the recommended retention periods for specific classes of documents and records.

4.3 Whenever there is a possibility of litigation, the records and information which 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 should only be disposed of if reviewed in accordance with the following:

- Is retention required to fulfil statutory or other regulatory requirements?
- Is retention required to meet the operational needs of the service?
- Is retention required to evidence events in the case of dispute?
- Is retention required 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 to comply with the General Data Protection Regulations.

5.3 Documents can be disposed of by any of the following methods:

- Non-confidential records: place in wastepaper bin for disposal.
- Confidential records or records giving personal information: shred documents.
- Deletion of computer records.
- Transmission of records 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 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 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.
- Where documents are of historical interest it may be appropriate that they are transmitted to the County Records Office.
- Back-up copies of documents should be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).

5.5 Records should be maintained of appropriate disposal. These records should contain the following information:

- The name of the documents destroyed.
- The date the documents 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:*

*A) From the data, or*

*B) From those data and information which is in the possession of or is likely to come into the possession of the data controller.*

*It also includes any expression of opinion about the individual and any indication of the intentions of the Council or other person on 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 Councils are responsible for ensuring that they comply with the principles under the General Data Protection Regulations namely:

- 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 processed in a completable manner.
- Personal data shall be adequate, relevant, but not excessive.
- Personal data shall be accurate and up to date.
- Personal data shall not be kept for longer than is necessary.
- Personal data shall be processed in accordance with the rights of the data subject.
- Personal data shall be kept secure.

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

### 7. Scanning of Documents

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

7.2 As a general rule hard copies of scanned documents should be retained for three months after scanning.

7.3 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.

### 8. Review of Document Retention

8.1 It is planned to review, update and where appropriate amend this document annually.

### 9. List of Documents

9.1 The full list of the Council's documents and the procedures for retention or disposal can be found below. This is updated regularly in accordance with any changes to legal requirements.

| Document  | Minimum Retention Period | Reason     | Location Retained | Disposal Methods               |
|---|--------------------------|------------|-------------------|--------------------------------|
| Agendas   | 5 years                  | Management | Clerk's home      | Bin (shred confidential waste) |
| Bank paying in books/receipts                       | 6 years                  | Audit      | Clerk's home      | Confidential waste - shred     |
| Bank statements including deposit/ savings accounts | 6 years                  | Audit      | Clerk's home      | Confidential waste - shred     |

|  |  |  |                       |  |
|--|--|--|-----------------------|--|
| Certificates for insurance against liability for employees | 40 years from date on which insurance commenced or was renewed   | The Employer's Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management  | Clerk's home          | Bin  |
| Cheque book stubs  | 6 years  | Audit  | Clerk's home          | Confidential waste - shred   |
| Contracts of Employments                                   | Duration of employment plus 6 years  | Legislation  | Clerk's home          | Confidential waste - shred   |
| Correspondence – General                                   | 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   | Clerk's home/computer | Confidential waste/ bin<br>A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.    |
| Correspondence – staff                                     | 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 times limits for tribunal claims between 3-6 months.<br>6 years   | 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 | Clerk's home/computer | Confidential waste - shred<br>A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations. |

|  |  |  |                       |   |
|--|--|--|-----------------------|---|
|  |  | of any related legal claims made against the council.  |                       |   |
| SALC/SLCC/NALC circulars                   | 1 year or as long as useful                                | Management   | Clerk's home/computer | Bin   |
| Deeds, leases, contracts and agreements    | Indefinite   | Legislation, audit, management   | Clerk's home/computer | n/a   |
| Grant applications                         | 6 years  | Limitation Act 1980 ( as amended)  | Clerk's home/computer | Confidential waste – shred<br>A list will be kept of those documents disposed of to meet the requirements of the General Data Protection Regulations (GDPR) |
| Insurance company names and policy numbers | Indefinite   | Management   | Clerk's home/computer | n/a   |
| Insurance policies                         | While valid  | Management   | Clerk's home/computer | Bin   |
| Investments                                | Indefinite   | Audit, management  | Clerk's home/computer | n/a   |
| Local development plans                    | If in force  | Reference  | Clerk's home/computer | Bin   |
| 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 for such records (defined as materials in written or other form setting out facts or events or otherwise recording information) | Clerk's home/computer | n/a   |
| Magazines and journals                     | Council may wish to keep its own publications.             | The Legal Deposit Libraries Act 2003 ( the   | Clerk's home/computer | Bin   |

|                            |   |  |                       |   |
|----------------------------|---|--|-----------------------|---|
|                            | For others for as long as they are useful or relevant | 2003 Act) requires a local council which after 1 <sup>st</sup> 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 (which manages and controls the British Library) Printed works as defined by the 2003 Act published by a local council therefore constitutes materials which the British library holds. |                       |   |
| Members allowance register | 6 years   | Tax, Limitation Act 1980 (as amended)  |                       | Confidential waste – shred<br>A list will be kept of those documents disposed of to meet the requirements of the General Data Protection Regulations (GDPR)   |
| Minutes                    | Indefinite  | Legislation  | Clerk's home/computer | Original signed copies of Council minutes of meetings must be kept indefinitely in safe storage. At regular intervals of not more than 5 years, they can be archived and deposited with the higher authority. |
| Neighbourhood Plans        | Indefinite  | Reference  | Clerk's home/computer | n/a   |
| Paid cheques               | 6 years   | Limitation Act 1980 (as amended)   | Clerk's home/computer | Confidential waste - shred  |

|   |  |  |                       |  |
|---|--|--|-----------------------|--|
| Paid invoices   | 6 years  | VAT  | Clerk's home/computer | Confidential waste - shred   |
| Payroll   | 12 years   | Superannuation                             | Clerk's home/computer | Confidential waste - shred   |
| Petty cash, postage and telephone books   | 6 years  | Tax, VAT, Limitation Act 1980 (as amended) | Clerk's home/computer | Confidential waste - shred   |
| Quotations and tenders  | 6 years  | Limitation Act 1980 (as amended)           | Clerk's home/computer | Confidential waste – shred<br>A list will be kept of those documents disposed of to meet the requirements of the General Data Protection Regulations (GDPR)  |
| Receipts and payment accounts   | Indefinite                                       | Archive                                    | Clerk's home/computer | n/a  |
| Receipt books of all kinds  | 6 years  | VAT  | Clerk's home/computer | Bin  |
| Record Keeping –<br>To ensure records are easily accessible it is necessary to comply with the following:<br><ul style="list-style-type: none"> <li>• A list of files stored in cabinets will be kept.</li> <li>• Electronic files will be saved using relevant file names</li> </ul> | The electronic files will be backed up regularly | Management                                 | Clerk's home/computer | Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste. A list will be kept of these documents disposed of to meet the requirements if the GDPR regulations |
| Scale of fees and charges   | 6 years  | Management                                 | Clerk's home/computer | Bin  |
| Staff appraisals  | Duration of employment                           | Management                                 | Clerk's home/computer | Confidential waste - shred   |
| VAT records   | 6 years generally but 20 years for VAT on rents  | VAT  | Clerk's home/computer | Confidential waste - shred   |



**Documents from legal matters, negligence and other torts**

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. If in doubt, keep for the longest of the three limitation periods.

| Document                    | Minimum Retention Period | Reason | Location Retained     | Disposal Methods  |
|-----------------------------|--------------------------|--------|-----------------------|---|
| Negligence                  | 6 years                  |        | Clerk's home/computer | Confidential waste – shred<br>A list will be kept of those documents disposed of to meet the requirements of the General Data Protection Regulations (GDPR) |
| Defamation                  | 1 year                   |        | Clerk's home/computer | Confidential waste – shred<br>A list will be kept of those documents disposed of to meet the requirements of the General Data Protection Regulations (GDPR) |
| Contract                    | 6 years                  |        | Clerk's home/computer | Confidential waste – shred<br>A list will be kept of those documents disposed of to meet the requirements of the General Data Protection Regulations (GDPR) |
| Leases                      | 12 years                 |        | Clerk's home/computer | Confidential Waste  |
| Sums recoverable by statute | 6 years                  |        | Clerk's home/computer | Confidential waste  |
| Personal injury             | 3 years                  |        | Clerk's home/computer | Confidential waste  |
| To recover land             | 12 years                 |        | Clerk's home/computer | Confidential waste  |
| Rent                        | 6 years                  |        | Clerk's home/computer | Confidential waste  |
| Breach of trust             | None                     |        | Clerk's home/computer | Confidential waste  |
| Trust deeds                 | Indefinite               |        | Clerk's home/computer | n/a   |

## Planning Papers

| <b>Document</b>          | <b>Minimum Retention Period</b>       | <b>Reason</b>       | <b>Location Retained</b> | <b>Disposal Methods</b> |
|--------------------------|---------------------------------------|---------------------|--------------------------|-------------------------|
| Applications             | 1 years                               | Management          | Clerk's home/computer    | Bin                     |
| Appeals                  | 1 year unless significant development | Management          | Clerk's home/computer    | Bin                     |
| Trees                    | 1 years                               | Management          | Clerk's home/computer    | Bin                     |
| Local development plans  | Retained as long as in force          | Reference           | Clerk's home/computer    | Bin                     |
| Local plans              | Retained as long as in force          | Reference           | Clerk's home/computer    | Bin                     |
| Town/neighbourhood plans | Indefinite – final adoption plan      | Historical purposes | Clerk's home/computer    | n/a                     |