

DOCUMENTS RETENTION POLICY

Adopted 2nd February 2021

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# INTRODUCTION

In the course of carrying out its various functions and activities, the Council collects information from individuals and external organisations and generates a wide range of data/information both electronically and in hard copy.

Retention of specific documents may be necessary to:

* fulfil statutory or other regulatory requirements
* Evidence events/agreements in the case of disputes
* Meet operational needs
* Ensure the preservation of documents of historic or other value

The untimely destruction of documents could cause the Council:

* Difficulty in defending litigious claims
* Operational problems
* Embarrassment
* Failure to comply with the Freedom of Information or Data Protection Acts
* A breach of a particular piece of legislation.

Conversely, the permanent retention of all documents is undesirable, and appropriate disposal is to be encouraged for the following reasons:

* There is a shortage of new storage space
* Disposal of existing documents can free up space for more productive activities
* Indefinite retention of personal data may be unlawful
* Reduction of fire risk (in case of paper records)
* There is evidence that the de-cluttering of office accommodation can be psychologically beneficial for many workers

Modern day records management philosophy emphasises the importance of organisations having in place systems for the timely and secure disposal of documents/records that are no longer required for business purposes. Additionally, the Freedom of Information Act makes it important that the Council has clearly defined policies and procedures in place for disposing of records, and that these are well documented.

# SCOPE & PURPOSE

The purpose of this policy is to provide a corporate policy framework to govern management decisions on whether a particular document (or set of documents) should either be:

* Retained – and if so in what format, and for what period; or
* Disposal of – and if so when and by what method

Additionally, this policy seeks to clarify the roles and responsibilities in the decision-making process.

This policy is not concerned with the disposal/retention of unused materials (e.g., stocks of paper, unused forms, duplicated documents).

# THE RETENTION/DISPOSAL PROTOCOL

Any decision whether to retain or dispose of a document should be taken in accordance with the following criteria:

* Has the document been appraised?
* Is retention required to fulfil statutory or other regulatory requirements?
* Is retention required to evidence events in the case of dispute?
* Is retention required to meet the operational needs of the Council?

Where a retention period has expired in relation to a particular document a review should always be carried out before a final decision is made to dispose of that document. Such reviews need not necessarily be detailed or time consuming. Where the Managing Officer is familiar with the contents of the document or where the contents are straightforward and easily apparent then such an exercise may only take a few minutes.

In the event that a decision is taken to dispose of a particular document or set of documents, then consideration should be given to the method of disposal.

# ROLES & RESPONSIBILITIES

## The Parish Clerk

Responsibility for determining (in accordance with the Retention/Disposal protocol mentioned above) whether to retain or dispose of specific documents rests with the Parish Clerk, in respect of those documents that properly fall within the remit or control of his/her responsibilities. The rationale for this is that it is reasonable to both assume and expect that the Parish Clerk should be broadly conversant with the types of documents received, generated and stored.

Because of the clear benefits resulting from the disposal of unnecessary documentation, the Parish Clerk is expected to be proactive in carrying out or instigating audits of existing documentation that may be suitable for disposal.

# DISPOSAL

Disposal can be achieved by a range of processes:

* Confidential waste – i.e., making available for collection by a designated refuse collection service.
* Physical destruction on site (paper records – shredding)
* Deletion – where computer files are concerned
* Migration of document to external body

Managing Officers should take in to account the following considerations when selecting any method of disposal:

* Under no circumstances should paper documents containing personal data or confidential information be simply binned or deposited in refuse tips. To do so could result in the unauthorised disclosure of such information to third parties and render the Council liable to prosecution or other enforcement action under the Data Protection Act. Such documents should be destroyed on site (e.g., by shredding) or placed in the specially marked “Confidential Waste” refuse bins.
* Deletion – the Information Commissioner has advised that if steps are taken to make data virtually impossible to retrieve, then this will be regarded as equivalent to deletion.
* Migration of documents to a third party (other than for destruction or recycling) is unlikely to be an option in most cases. However, this method of disposal will be relevant where documents or records are of historic interest and/or have intrinsic value. The third party here could well be the Public Record Office (“PRO”). “Migration” can, of course, include the sale of documents to a third party. The Information Manager is happy to be a point of reference in cases where migration to the PRO or other external archive is considered a possibility.
* Recycling – wherever practicable disposal should further recycling, in-line with the Council’s commitment to sustainable development and promoting an alternative waste disposal strategy.

Disposal should be documented by keeping a record of the document disposed of, the date and method of disposal, and the officer who authorised disposal. The documenting of disposal will be particularly important now that the Freedom of Information Act is in force.

# DATA PROTECTION ACT 2018 & GENERAL DATA PROTECTION REGULATIONS

Managing Officers need to be aware that under the data protection regulation, personal data processed for any purpose must not be kept for longer than is necessary for that purpose. In other words, retaining documents or records that contain personal data beyond the length of time necessary for the purpose for which that data was obtained is unlawful.

| **DOCUMENT** | **MINIMUM RETENTION PERIOD** | **REASON** |
| --- | --- | --- |
| Record Of Disposal Records | Destroy after 12 years | Common practice |
| Minute Books -Council, Committee & Sub-Committee | Permanent archive after administrative use | Public Inspection/Scrutiny |
| Council/Committee Meetings Notices, Agendas, Reports & Documents | Electronic archive after administrative use | Local decision |
| Working Party Agendas, Reports | Destroy after 5 years | Local decision |
| Record Of Officer Decisions Under Delegated Authority & Background Documents | Destroy after 6 years | Statutory (2014 Regulations) |
| Scales Of Fees And Charges | 5 years | Management |
| Receipt And Payment(S) Accounts | Indefinite, archive hard copy or electronic after 2 years | Archive |
| Receipt Books Of All Kinds | 6 years | VAT |
| Bank Statements, Including Deposit/Savings Accounts | Last completed audit year | Audit |
| Bank Paying-In Books | Last completed audit year | Audit |
| Cheque Book Stubs | Last completed audit year | Audit |
| Agreements Between Organisations & Partners | Destroy 6 years after expiry | Common practice |
| Quotations And Tenders | 12 years | Limitation Act |
| Contracts & Tendering-All Documents | Destroy 6 years after last action except contract under seal (12 years) | Part statutory |
| Building Contracts | Life of building + 15 years | Statutory |
| Paid Invoices | 6 years | VAT |
| Paid Cheques | 6 years | Limitation Act |
| VAT Records | 6 years | VAT |
| Budget & Estimates | Permanent archive after 3 years | Statutory |
| Working Papers | 2 years | Local choice |
| Accounts & Audits | Permanent archive after administrative use Concluded. | Common practice |

| **ASSOCIATED DOCUMENTS** | **DESTROY AFTER ADMINISTRATIVE USE** | **REASON** |
| --- | --- | --- |
| Petty Cash, Postage And Telephone Books | 6 years | Tax, VAT, Limitation Act |
| Timesheets | Last completed audit year | Audit |
| Salaries And Wages Documents, Inland Revenues (Tax & NI) | 12 years | Superannuation |
| Insurance Policies Claims | While valid & permanent archive Destroy after 7 years | Management |
| Insurance Certificates/Employers’ Liability Certificates | Indefinite, archive after 5 years. | Management |
| Investments | Indefinite, archive after 5 years | Audit, Management |
| Loans | Destroy 7 years after loan repaid | Common practice |
| Title Deeds, Leases, Agreements, Contracts | Indefinite, archive after 5 years | Audit, Management |
| Register/File Of Members Allowances | 6 years | Income Tax, Limitation Act |
| For Halls, Centres, Recreation Grounds  Applications To Hire  Lettings Diaries  Copies Of Bills To Hirers  Record Of Tickets Issued | 6 years | VAT |
| Planning Lists, Plans & Observations | Destroy after 2 years | Local choice |
| Statutory Development Plans & Observations | Destroy 5 years after expiry or when draft superseded | Local choice |
| Consultations On Statutory Functions E.G. Licensing, Highways | Destroy after 2 years | Local choice |
| Elections- Register & Associated Lists | Destroy after 4 years | Local choice (ESBC permanent copy) |
| Election Results | Permanent | Local choice (ESBC permanent copy) |
| Member Contact Details | As long as they are a member of the Council | Common practice |
| Representation- List Of Members Representing The Council On Outside Bodies | 6 years | Local choice |
| Corporate Plans, Strategies, Policies Business Plans, Annual Reports, Asset Register | Permanent archive after superseded | Common practice |
| Personnel Administration  Recruitment & Interview Documents | Destroy 5 years after person leaves Authority (except 25 years for staff working with children)  1 Year | Local choice & statutory  Equal opportunities claims |
| Equality Documents | Destroy 15 years after last action | Common practice |
| Health & Safety  to include  All Routine Inspection Reports  Accident Books | Destroy 15 years after last action or after  6 years if superseded  40 years for asbestos & other occupational health records | Statutory & Common practice |
| Statutory Returns To Government Etc. | 7 years | Common practice |
| Operating Procedures | 2 years after superseded | Local choice |
| Consultations Of Public & Staff | Destroy after 5 years from closure | Common practice |
| Record Of Complaints Against Council | Destroy after 6 years | Common practice |
| Freedom Of Information- Reviewing The Quality, Efficiency, Or Performance Of The Council | Destroy after 5 years | Common practice |
| Publicised Work Of The Council | One copy to Permanent Archive  Destroy after administrative use | Common practice |
| Media Relations - Records Of Interactions | Destroy after 3 years | Common practice |
| Marketing & Promotions Literature | Destroy after 6 years | Local choice |
| Civic & Royal Events-Records Of  Organising Documents | Permanent Archive after administration use Concluded  Destroy after 7 years | Common practice  Common practice |
| Making Local Byelaws, Copies & Procedures | Permanent archive after administrative use ended | Common practice |
| Administration & Enforcement Of Local Byelaws | Destroy 2 years after conclusion of action | Common practice |
| Emergency Planning & Environmental Issues | Destroy 7 years after Administration concluded | Common practice |