

## DOCUMENTS RETENTION POLICY

### 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.

<b>DOCUMENT</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>REASON</b>
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

<b>DOCUMENT</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>REASON</b>
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

<b>ASSOCIATED DOCUMENTS</b>	<b>DESTROY AFTER ADMINISTRATIVE USE</b>	<b>REASON</b>
Petty Cash, Postage And Telephone Books	6 years	Tax, VAT, Limitation Act

<b>ASSOCIATED DOCUMENTS</b>	<b>DESTROY AFTER ADMINISTRATIVE USE</b>	<b>REASON</b>
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

<b>ASSOCIATED DOCUMENTS</b>	<b>DESTROY AFTER ADMINISTRATIVE USE</b>	<b>REASON</b>
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	Destroy 5 years after person leaves Authority (except 25 years for staff working with children)	Local choice & statutory
Recruitment & Interview Documents	1 Year	Equal opportunities claims
Equality Documents	Destroy 15 years after last action	Common practice

ASSOCIATED DOCUMENTS	DESTROY AFTER ADMINISTRATIVE USE	REASON
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	Permanent Archive after administration use Concluded	Common practice



<b>ASSOCIATED DOCUMENTS</b>	<b>DESTROY AFTER ADMINISTRATIVE USE</b>	<b>REASON</b>
Organising Documents	Destroy after 7 years	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