

ALDEBY PARISH COUNCIL

Document Retention and Disposal Policy

1. INTRODUCTION

- 1.1 Aldeby 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 Council are an important asset. As such, 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 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, the terms 'document' and 'record' refer 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 Council and individual officers could face prosecution for not complying with legislation, and it could cause operational difficulties, reputational damage, or difficulty in defending any claim brought against the Council.
- 1.5 In contrast to the above, the Council should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with the General Data Protection Regulations so that personal information is not retained longer than necessary. This will also ensure the most efficient use of limited storage space.

2. SCOPE & OBJECTIVES OF THE POLICY

- 2.1 The aim of this policy is to provide a working framework to help Aldeby Parish Council determine which documents should be retained (and for how long) and which should be disposed of (and by what method).
- 2.2 There are some records that 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. Such records of 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 - out of date distribution lists.
- 2.3 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may also be destroyed.

3. ROLES & RESPONSIBILITIES FOR DOCUMENT RETENTION & DISPOSAL

- 3.1 Aldeby Parish Council is responsible for determining whether to retain or dispose of documents and should undertake a review of its documentation at least on an annual basis to ensure that any unnecessary documentation being held is disposed of under the General Data Protection Regulations.
- 3.2 Aldeby Parish Council should ensure that all members and employees are aware of the retention/disposal schedule.

4. DOCUMENT RETENTION PROTOCOL

- 4.1 All councils should have in place an adequate system for documenting the activities of their service. This system should take into account the legislative and regulatory environments in which they work.
- 4.2 Records of activities should be complete and accurate enough to allow employees, members and their successors to undertake appropriate actions in the context of their responsibilities to:
 - facilitate an audit or examination of the business of the Council by anyone so authorised;
 - protect the legal and other rights of the Council, its employees, and any other persons affected by its actions;
 - verify individual consent to record, manage and dispose of personal data;
 - provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.
- 4.3 To facilitate this the following principles should be adopted:
 - records created and maintained should be arranged in a record-keeping system that will enable quick and easy retrieval of information under the General Data Protection Regulations;
 - documents that are no longer required for operational purposes but which need retaining should be placed at the County 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 Record Office (The National Archives), the Information & 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 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. Documents may be disposed of by any of the following methods:
- non-confidential records: place in waste paper bin for disposal;
 - confidential records/records giving personal information: shred documents;
 - deletion of computer records;
 - transmission of appropriate records to an external body, such as the County Record Office.
- 5.3 The following principles should be followed when disposing of records:
- all records containing personal/confidential information should be destroyed at the end of the retention period;
 - where computer records are deleted, steps should be taken to ensure that data is 'virtually impossible to retrieve', as advised by the Information Commissioner's Office;
 - where documents are of historical interest it may be appropriate that they are transmitted to the County Record Office;
 - back-up copies of documents should also be destroyed (including electronic/photographed documents unless specific provisions exist for their retention or disposal).
- 5.4 Records should be maintained of appropriate disposals. The scope of such records shall be determined by the Council in accordance with recommended best practice guidelines, but at a minimum these records should contain the following information:
- the name (or class of document) of the document(s) destroyed;
 - the date 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 data must not be retained for longer than is necessary for the purpose for which it was originally obtained. Section 1 of the Data Protection Act defines personal data as:
- Data that relates to a living individual who can be identified:
- a) from that data; or
 - b) from that data and other information which is in the possession of, or is 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 data controller or any 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 All councils are responsible for ensuring that they comply with the principles of the Data Protection Act 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 compatible 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 the General Data Protection Regulations.

7. SCANNING OF DOCUMENTS

- 7.1 In general, 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 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 Aldeby Parish Council plans to review, update, and where appropriate amend this document on a regular basis (at least every three years in accordance with the *Code of Practice on the Management of Records* issued by the Lord Chancellor).
- 8.2 This policy has been compiled from various sources of recommended best practice and with reference to the following documents and publications:
- *Local Council Administration*, Charles Arnold-Baker, 10th Edition, Chapter 11;
 - Local Government Act 1972, sections 225 – 229, section 234;
 - SLCC Advice Note 316: Retaining Important Documents;
 - SLCC Clerks' Manual: Storing Books and Documents;
 - *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 The full list of the Council's documents and the procedures for retention or disposal can be found in *Appendix A: List of Documents for Retention or Disposal*. This list is updated regularly in accordance with any changes to legal requirements.

Adopted by Aldeby Parish Council on 17 November 2018

APPENDIX A: LIST OF DOCUMENTS FOR RETENTION OR DISPOSAL

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

Document	Minimum Retention Period	Reason	Location Retained	Disposal
Paid cheques	6 years	Limitation Act 1980 (as amended)	Clerk's Residence	Confidential waste
VAT records	6 years generally but 20 years for VAT on rents	VAT	Clerk's Residence/ APC Laptop	Confidential waste
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)	Clerk's Residence/ APC Laptop	Confidential waste
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)	Clerk's Residence/ APC Laptop	Bin
Wages books (payroll)	6 years	Tax, Limitation Act 1980 (as amended)	Clerk's Residence/ APC Laptop	Confidential waste
Wages books (pensions)	12 years	Superannuation	Clerk's Residence/ APC Laptop	Confidential waste
Insurance policies	While valid (but see next two items below)	Management	Clerk's Residence/ APC Laptop	Bin
Insurance company names and policy numbers	Indefinite	Management	Clerk's Residence/ APC Laptop	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	Clerk's Residence/ APC Laptop	Bin
Investments	Indefinite	Audit, Management	Clerk's Residence/ APC Laptop	N/A
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management	Clerk's Residence/ APC Laptop	N/A
Members' allowances register	6 years	Tax, Limitation Act 1980 (as amended)	Clerk's Residence/ APC Laptop	Confidential waste (a list will be kept of those documents disposed of to meet the requirements of the GDPR regulations).

Document	Minimum Retention Period	Reason	Location Retained	Disposal
Information from other bodies e.g. circulars from county associations, NALC, principal authorities	Retained for as long as it is useful and relevant	Information	Clerk's Residence/ APC Laptop	Bin
Local/historical information	Indefinite – to be securely kept for the 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).	Clerk's Residence/APC Laptop/County Record Office	N/A
Magazines and journals	Council may wish to keep its own publications. For others retain for as long as they are useful and relevant.	The Legal Deposit Libraries Act 2003 (the 2003 Act) requires a local council which after 1 st 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 constitute materials which the British Library holds.	Clerk's Residence	Bin if applicable

Document	Minimum Retention Period	Reason	Location Retained	Disposal
General correspondence	Unless it relates to specific categories outlined in this document, correspondence should only be kept for as long as it is needed for reference or accountability purposes, to comply with regulatory requirements, or to protect legal and other rights and interests.	Management	Clerk's Residence/ APC Laptop	Bin (shred confidential waste)
Correspondence and records relating to staff	If related to audit, see relevant sections above. Records 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.	Management (current staff) After an employment relationship has ended, a council may need to retain and access staff records for former staff for the purposes of giving references; payment of tax, national insurance contributions and pensions; and in respect of any related legal claims made against the council.	Clerk's Residence/ APC Laptop	Confidential waste (a list will be kept of those documents disposed of to meet the requirements of the GDPR regulations).
Correspondence and records relating to councillors	If related to audit, see relevant sections above. Records should be kept securely and personal data in relation to councillors should not be kept for longer than is necessary for the purpose it was held.	Management	Clerk's Residence/ APC Laptop	Confidential waste (a list will be kept of those documents disposed of to meet the requirements of the GDPR regulations).

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. The table below sets out the limitation periods for the different categories of claim (claims brought in respect of that category). Where the limitation periods below are longer than other periods specified in this document, the documentation should be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories. In these circumstances, the relevant documentation should be kept for the longest of the limitation periods.

Document	Minimum Retention Period	Reason	Location Retained	Disposal
Negligence	6 years	Limitation Act 1980 (as amended)	Clerk's Residence/ APC Laptop	Confidential waste (a list will be kept of those documents disposed of to meet the requirements of the GDPR regulations).
Defamation	6 years	Limitation Act 1980 (as amended)	Clerk's Residence/ APC Laptop	Confidential waste (a list will be kept of those documents disposed of to meet the requirements of the GDPR regulations).
Contract	6 years	Limitation Act 1980 (as amended)	Clerk's Residence/ APC Laptop	Confidential waste (a list will be kept of those documents disposed of to meet the requirements of the GDPR regulations).
Leases	12 years	Limitation Act 1980 (as amended)	Clerk's Residence/ APC Laptop	Confidential waste
Sums recoverable by statute	6 years	Limitation Act 1980 (as amended)	Clerk's Residence/ APC Laptop	Confidential waste
Personal injury	3 years	Limitation Act 1980 (as amended)	Clerk's Residence/ APC Laptop	Confidential waste
To recover land	12 years	Limitation Act 1980 (as amended)	Clerk's Residence/ APC Laptop	Confidential waste
Rent	6 years	Limitation Act 1980 (as amended)	Clerk's Residence/ APC Laptop	Confidential waste
Breach of trust	None	Limitation Act 1980 (as amended)	Clerk's Residence/ APC Laptop	Confidential waste
Trust deeds	Indefinite	Limitation Act 1980 (as amended)	Clerk's Residence/ APC Laptop	N/A

Planning Papers

Document	Minimum Retention Period	Reason	Location Retained	Disposal
Applications	1 year unless significant development	Management	Clerk's Residence/ APC Laptop	Bin
Appeals and decisions	1 year unless significant development	Management	Clerk's Residence/ APC Laptop	Bin
Trees	1 year	Management	Clerk's Residence/ APC Laptop	Bin
Local Development Plans	Retained as long as in force	Reference	Clerk's Residence/ APC Laptop	Bin
Local Plans	Retained as long as in force	Reference	Clerk's Residence/ APC Laptop	Bin
Neighbourhood Plans	Indefinite – final adopted plans	Historical Purposes	Clerk's Residence/APC Laptop/County Record Office	N/A

Record Keeping

Document	Minimum Retention Period	Reason	Location Retained	Disposal
<p>To ensure records are easily accessible it is necessary to comply with the following:</p> <p>1) a list of files stored in cabinets will be kept; 2) electronic files will be saved using relevant file names.</p>	The electronic files will be regularly backed up on a portable hard drive.	Management	Clerk's Residence/ APC Laptop	Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste.