

## **Pleasley Parish Council Document Retention and Disposal Policy**

Document Retention and Disposal Policy.

### 1. Introduction.

1.1 Pleasley Parish Council accumulates 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 documents.

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 hard copy, electronic and digital 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:

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- 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- Out of date distribution lists.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 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 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

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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.

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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 and digital 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).

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:

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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.

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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 copy 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 every two years.

8.2 This document has been compiled from various sources of recommended best practice and with reference to the following documents and publications:

- Local Council Administration, Charles Arnold-Barker, 14th edition
- NALC LTN 40 – Local Councils’ Documents and Records, January 2013.
- NALC LTN 37 – Freedom of Information, July 2009.
- Local Government Act 1972, sections 225 – 229, section 234
- SLCC Advice Note 316 Retaining Important Documents
- SLCC Clerks’ Manual: Storing Books and Documents
- Lord Chancellors’ Code of Practice on the Management of Records issued under Section 46 of the Freedom of Information Act 2000.

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- Regarding recording of meetings and webcasting - compliance with the Council's obligations under the Data Protection Act 2018, the General Data Protection Regulation, and the Human Rights Act 1998

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.

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Document	Minimum Retention Period	Reason	Location Retained	Disposal Methods
Accident/incident report	20 years	Potential Claims	Office/Kitchen	Shred – a list will be kept of those documents disposed of to meet the requirements of the General Data Protection Regulations (GDPR)
Agendas	5 years	Management	Office/computer/ website	Bin (shred confidential waste)
Bank paying in books/receipts	6 years	Audit	Office	Shred
Bank statements including deposit/ savings accounts	6 years	Audit	Office	Shred
Certificates for insurance against liability for employees	Indefinite	The Employer's Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management	Office/Computer/ archive	Shred
Cheque book stubs	6 years	Audit	Office	Shred
Contracts of Employments	Duration of employment plus 6 years	Legislation	Office	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,	Management	Office/computer	Shred/ bin

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	to comply with regulatory requirements or to protect legal and other rights and interests.			
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. 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 of any related legal claims made against the council.	Office/ computer	Shred
SLCC/NALC/DALC circulars	1 year or as long as useful	Management	Office/computer/ archive	Bin
Deeds, leases, contracts and agreements	Indefinite	Legislation, audit, management	Office/computer/ archive	n/a
Grant applications	6 years	Limitation Act 1980 ( as amended)	Office/computer	Shred – 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	Office/computer	n/a
Insurance Policies	As long as it is possible for a claim to be made under it.	Management	Office/computer	Shred
Investments	Indefinite	Audit, management	Office/ computer/ archive	n/a
Local development plans	If in force	Reference	Office/computer	Shred
Minutes	Indefinite	Legislation	Office/computer/ website/ archive	Original signed copies of Council minutes of meetings must be kept indefinitely in safe storage. At regular intervals, they can be archived and deposited with the higher authority.

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Cheque stubs	6 years	Limitation Act 1980 (as amended)	Office	Shred
Paid invoices	6 years	VAT	Office	Shred
Payroll	12 years	Tax/N.I.	Office/computer	Shred
Playground equipment inspection reports	Indefinite	Legal	Office/computer	n/a
Quotations and tenders	6 years	Limitation Act 1980 (as amended)	Office	Shred
Receipts and payment accounts	Indefinite	Archive	Office/ computer / archive	n/a
Receipt books of all kinds	Indefinite	VAT	Office/computer/ archive	n/a
Record Keeping – To ensure records are easily accessible it is necessary to comply with the following: <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 weekly	Management	Office/computer	Documentation no longer required will be disposed of, ensuring any confidential documents are shredded.
Scale of fees and charges	6 years	Management	Office/computer/ website	Shred
Staff appraisals	Duration of employment	Management	Office/computer	Shred
VAT records	6 years	VAT	Office/computer	Confidential waste

### 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.

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Negligence	6 years		Office/computer	Shred
Defamation	1 year		Office/computer	Shred
Contract	6 years		Office/computer	Shred
Leases	12 years		Office/computer	Shred
Sums recoverable by statute	6 years		Office/computer	Shred
Personal injury	3 years		Office/computer	Shred
To recover land	12 years		Office/computer	Shred
Rent	6 years		Office/computer	Shred

### For Allotments

Document	Minimum Retention Period	Reason	Location Retained	Disposal Methods
Register and Plans	Indefinite	Audit, management	Office/computer	n/a
Minutes	Indefinite	Audit, management	Office/computer	n/a
Legal papers	Indefinite	Audit, management	Office/computer	n/a

### Planning Papers

Document	Minimum Retention Period	Reason	Location Retained	Disposal Methods
Applications	1 years	Management	Office/computer	Shred
Appeals	1 year unless significant development	Management	Office/computer	Shred
Trees	1 years	Management	Office/computer	Shred
Local development plans	Retained as long as in force	Reference	Office/computer	Shred
Local plans	Retained as long as in force	Reference	Office/computer	Shred