



## **ALDERHOLT PARISH COUNCIL**

### **Document Retention and Disposal Policy**

#### **Introduction**

The 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 documents.

Records created and maintained by the 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 Council's transactions and are necessary to ensure it can demonstrate accountability.

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.

It is imperative that documents are retained for an adequate period of time. If documents are destroyed prematurely the Council and individual officers concerned 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 Council.

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.

#### **Scope and Objectives of the Policy**

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.

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

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

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

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



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#### **Document Retention Protocol**

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 to which they work.

Records of each activity should be complete and accurate enough to allow employees and their successors to undertake appropriate actions in the context of their responsibilities to:

- Facilitate an audit or examination of the business by anyone so authorised.
- Protect the legal and other rights of the Council, its clients and any other persons affected by its actions.
- Verify individual consent to record, manage and record disposal of their personal data.
- Provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.

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 need retaining should be placed at the Dorset History Centre.

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 Records Office, the Records Management Society of Great Britain and in accordance with relevant legislation.

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.

#### **Document Disposal Protocol**

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?



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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.

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

- Non-confidential records: place in waste paper 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.

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 also be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).

#### **Data Protection Act 2018 – Obligation to Dispose of Certain Data**

The Data Protection Act 2018 ('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 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 Council or other person in respect of the individual.

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.

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.



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- 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.

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

#### **Review of Document Retention**

It is planned 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).

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-Baker, 12th edition, Chapter 11
- NALC LTN 40 – Local Councils' Documents and Records, January 2013
- NALC LTN 37 – Freedom of Information, July 2009
- Lord Chancellor's Code of Practice on the Management of Records issued under Section 46 of the Freedom of Information Act 2000

#### **List of Documents**

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 and Disposal. This is updated regularly in accordance with any changes to legal requirements.



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### Appendix A: List of Documents for Retention and Disposal

DOCUMENT	MINIMUM RETENTION PERIOD	REASON	DISPOSAL
<ul style="list-style-type: none"> <li>Minute books</li> </ul>	Indefinite	Archive	Original signed paper copies of Council minutes of meetings must be kept indefinitely in safe storage. At regular intervals of not more than 5 years they must be archived and deposited with County archives.
<ul style="list-style-type: none"> <li>Agendas</li> </ul>	5 years	Management	Bin
<ul style="list-style-type: none"> <li>Accident/incident reports</li> </ul>	20 years	Potential claims	Shred (confidential waste). A list will be kept of those documents disposed of to meet the GDPR requirements.
<ul style="list-style-type: none"> <li>Scales of fees and charges</li> </ul>	6 years	Management	Bin
<ul style="list-style-type: none"> <li>Receipt and payment accounts</li> </ul>	Indefinite	Archive	N/A
<ul style="list-style-type: none"> <li>Receipt books of all kinds</li> </ul>	6 years	VAT	Bin
<ul style="list-style-type: none"> <li>Bank statements, including deposit/savings accounts</li> </ul>	Last completed audit year	Audit	Shred (confidential waste)
<ul style="list-style-type: none"> <li>Bank paying-in books</li> </ul>	Last completed audit year	Audit	Shred (confidential waste)
<ul style="list-style-type: none"> <li>Cheque book stubs</li> </ul>	Last completed audit year	Audit	Shred (confidential waste)
<ul style="list-style-type: none"> <li>Quotations and tenders</li> </ul>	6 years	Limitation Act 1980 (as amended)	Shred (confidential waste)
<ul style="list-style-type: none"> <li>Paid invoices</li> </ul>	6 years	VAT	Shred (confidential waste)
<ul style="list-style-type: none"> <li>Paid cheques</li> </ul>	6 years	Limitation Act 1980 (as amended)	Shred (confidential waste)



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▪ VAT records	6 years	VAT	Shred (confidential waste)
▪ Salary details	12 years	Superannuation	Shred (confidential waste)
▪ Insurance policies	While valid	Management	Bin
▪ Insurance company names and policy numbers	Indefinite	Management	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 (Sl. 2753), Management.	Bin
▪ Event Monitoring Forms	6 years unless required for claims, insurance or legal purposes	Management	Shred (confidential waste)
▪ Play equipment inspection reports	21 years	Management	Shred (confidential waste)
▪ Investments	Indefinite	Audit, Management	N/A
▪ Title deeds, leases, agreements, contracts	Indefinite	Audit, Management	N/A
▪ Allotment register and plans	Indefinite	Audit, Management	N/A
▪ Information from other bodies e.g circulars from county associations, NALC, principal authorities	Retained for as long as it is useful and relevant		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	



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		promote the use for such records (defined as materials in written or other form setting out facts or events or otherwise recording information).	
<b>Record Keeping</b>			
<p>To ensure records are easily accessible it is necessary to comply with the following:</p> <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 periodically on a portable hard drive and also in the cloud-based programme supplied by the Council's IT company.	Management	Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste.
General correspondence	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	Shred (confidential waste)
Correspondence relating to staff	If related to Audit, see relevant sections above. Should be kept securely and personal data in relation to	After an employment relationship has ended, a council	Shred (confidential waste)



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	<p>staff should not be kept for longer than is necessary for the purpose it was held. Likely time limits for tribunal claims between 3-6 months.</p> <p>Recommend this period be for 3 years.</p>	<p>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.</p>	
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### 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.

Negligence	6 years		Shred (confidential waste)
Defamation	1 year		Shred (confidential waste)
Contract	6 years		Shred (confidential waste)
Leases	12 years		Shred (confidential waste)
Sums recoverable by statute	6 years		Shred (confidential waste)
Personal injury	3 years		Shred (confidential waste)
To recover land	12 years		Shred (confidential waste)
Rent	6 years		Shred (confidential waste)
Beach of trust	None		Shred (confidential waste)
Trust deeds	Indefinite		N/A