Retention and Disposal Policy Bodfari Community Council

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1 Introduction

1.1 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.

1.2 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.

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 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 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.

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 and Objectives of the Policy

2.1 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.

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. Unimportant 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- Out of date distribution lists.

2.3 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.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 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 Councils should ensure that all employees are aware of the retention/disposal schedule.

4. Document Retention Protocol

4.1 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.

4.2 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.

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 need retaining should be placed at the records office or Denbighshire County Council's archive.

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 Records Office, the 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. A record of the disposal will be kept to comply with the General Data Protection Regulations.

5.3 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.

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

5.5 Records should be maintained of appropriate disposals. These records should contain the following information:

- The name of the document destroyed.
- The date the document was destroyed.
- The method of disposal.

6. Data Protection Act 2018 – Obligation to Dispose of Certain Data

6.1 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.

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 of the 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 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 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 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).

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-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*

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

APPENDIX A – LIST OF DOCUMENTS TO BE RETAINED/DISPOSED			
Document	**Minimum Retention period**	**Reason**	**Disposal**
Minutes	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 DCC Archives.
Agendas	5 years	Management	Bin (shred confidential waste)
Accident/Incident Reports	20 years	Potential Claims	Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Receipt and Payment Accounts	Indefinite	Archive	N/A
Receipt Books of all kinds	6 years	VAT	Bin
Bank statements including deposit/savings accounts	Last completed Audit year	Audit	Confidential waste
Bank paying-in books	Last completed Audit year	Audit	Confidential waste
Cheque book stubs	Last completed Audit year	Audit	Confidential waste
Quotations and tenders	6 years	Limitation Act 1980 (as amended)	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	Confidential waste
Paid Cheques	6 years	Limitation Act 1980 (as amended)	Confidential waste
VAT records	6 years generally but 20 years for VAT on rents	VAT	Confidential waste
Petty Cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)	Confidential waste

Document	Minimum Retention Period	Reason	Disposal
Wages books/payroll	12 years	Superannuation	Confidential waste
Insurance policies	While valid (but see next 2 items below).	Management	Bin
Insurance company names and policy nos.	Indefinite	Management	N/A
Certificates for Insurance against liability for employees	40 years from the date on which the insurance commenced or was renewed.	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management	Bin
Recreation Ground Inspection reports	21 years		
Investments	Indefinite	Audit, Management	N/A
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management	N/A
Members allowances register	6 years	Tax, Limitation Act 1980 (as amended)	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR.
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 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 for such records (defined as materials in written or other form setting out facts or events or otherwise recording information).	N/A

Document	Minimum Retention Period	Reason	Disposal
Magazines and journals	Council may wish to keep its own publications	The Legal Deposit Libraries Act 2003 (the 2003 Act) requires a local council which after 1st 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	Bin if applicable.
Record Keeping			
To ensure records are easily accessible it is necessary to comply with the following: • A list of files stored in cabinets will be kept • Electronic files will be saved using relevant file names	The electronic files will be backed up by Clerk onto an external hard drive weekly.	Management	Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as 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	Disposal
General Correspondence	General correspondence 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	Bin (shred confidential waste) A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Correspondence Relating to staff	If related to Audit, see relevant sections above. 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 time limits for tribunal claims between 3–6 months Recommend this period be for 3 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.	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. 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		Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Defamation	1 year		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	Disposal
Contract	6 years		Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Personal injury	3 years		Confidential waste
Breach of trust	None		Confidential waste
Leases	12 years		Confidential waste
Sums recoverable by statute	6 years		Confidential waste
To recover land	12 years		Confidential waste
Trust Deeds	Indefinite		N/A
For Halls, Centres, Recreation Grounds			
• Application to hire • Invoices	6 years	VAT	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Lettings and diaries	Electronic files linked to accounts	VAT	N/A
Terms and Conditions	6 years	Management	Bin
Event monitoring forms	6 years unless required for claims, insurance or legal purposes	Management	Bin. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Planning Papers			
Applications	1 year	Management	Bin
Appeals	1 year unless significant development	Management	Bin
Trees	1 year	Management	Bin
Local Development Plans	Retained as long as in force	Reference	Bin
Local Plans	Retained as long as in force	Reference	Bin
Town/Neighbourhood Plans	Indefinite final adopted plans	Historical purposes	N/A
CCTV			
Photographs/digital prints	31 days	Data protection	Confidential waste