

OLD WESTON PARISH COUNCIL

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Document Retention and Disposal Policy

1. Introduction

- 1.1. The Parish Council accumulates significant amounts 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 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 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 Parish 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 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 the Data Protection Act 1998 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 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.
 - 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 - Out of date distribution lists.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 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.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.

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.

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 the Clerk, Councillors 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.
 - 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.
 - Documents that are no longer required for operational purposes but need retaining should be placed at the records office.
- 4.4. The retention schedules in Appendix A: "List of Document Types 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 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

2. 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?
3. When documents are scheduled for disposal the method of disposal should be appropriate to the nature and sensitivity of the documents concerned.
 4. Documents can be disposed of by any of the following methods:
 - Non-confidential records: place in waste paper bin for disposal.
 - Confidential records: shred documents.
 - Deletion of computer records.
 - Transmission of records to an external body such as the County Records Office.
 5. 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 Data Protection Act 1998, the Freedom of Information Act or cause reputational damage.
 - Where confidential records are deleted from computer hard-drives 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 photocopied documents unless specific provisions exist for their disposal).
 6. 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 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:
 - 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 Data Protection Act 1998, 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 Data Protection Act 1998.

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.

This policy was approved at the Parish Council meeting of 16th January 2023 and adopted with immediate effect.

It is planned to review, update and where appropriate amend this policy on a regular basis (at least every three years in accordance with guidance provided by NALC).

Next review: January 2026

Appendix A: List of Document Types for Retention or Disposal

Document	Minimum Retention Period	Reason	Disposal
Minutes	PDFs of signed paper copies of Council minutes of meetings must be	Archive	N/A
Draft minutes	Until the minutes have been accepted	Management	Bin
Agendas	Until there is no longer an administrative	Management	Bin
Accident/incident	20 years	Potential claims	Confidential waste
Scales of fees and	6 years	Management	Bin
Receipt and	Indefinite	Archive	N/A
Receipt books of	6 years	VAT	Bin
Bank statements including deposit/	Last completed audit year	Audit	Confidential waste
Bank paying-in	Last completed	Audit	Confidential waste
Cheque book	Last completed	Audit	Confidential waste
Quotations and	6 years	Limitation Act 1980	Confidential waste
Paid invoices	6 years	VAT	Confidential waste
Paid cheques	6 years	Limitation Act 1980	Confidential waste
VAT records	6 years	VAT	Confidential waste
Timesheets	Last completed audit year.	Audit (requirement) HMRC	Bin
Wages books/	12 years	Superannuation	Confidential waste
Insurance policies	While valid (but see next two items)	Management	Bin
Insurance company names	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 (SI	Bin
Investments	Indefinite	Audit, Management	N/A

Document	Minimum Retention Period	Reason	Disposal
Title deeds, leases, agreements,	Indefinite	Audit, Management	N/A
Information from other bodies e.g. circulars from county	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 promote the use for such records	N/A
Record-keeping			
To ensure records are easily accessible it is necessary to comply with the following: • A list of files	The electronic files will be stored on a cloud-based secure shared server, and also backed up daily on a hard drive.	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	Management	Bin (shred confidential waste)

Document	Minimum Retention Period	Reason	Disposal
Correspondence and contact details 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	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	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			
Negligence	6 years		Confidential waste
Defamation	1 year		Confidential waste
Contract	6 years		Confidential waste
Leases	12 years		Confidential waste
Sums recoverable	6 years		Confidential waste
Personal injury	3 years		Confidential waste
To recover land	12 years		Confidential waste
Breach of trust	None		Confidential waste
For Halls & Recreation Grounds			
Trust deeds	Indefinite		N/A
• Application to hire	6 years	VAT	Confidential waste
Terms and	6 years	Management	Bin
Register and plans	Indefinite	Audit, Management	N/A
Minutes	Indefinite	Audit, Management	N/A
Legal papers	Indefinite	Audit, Management	N/A
Playground equipment	21 years		
Planning Papers			
Planning application correspondence	1 year after grant/refusal or appeal	Management	Bin (shred confidential waste)

Document	Minimum Retention Period	Reason	Disposal
Planning Applications	All planning applications and relevant documents and decision notices	Management	Bin
Parish and Neighbourhood	Indefinite – final adopted plans	Management, Historical purposes	N/A
Health and Safety			
Accident records	3 years from date of	Statutory	Bin (shred
Risk assessment	3 years	Management	Bin

Notes:

1. For “Bin” read delete for electronic copies.
2. For “Confidential waste” read securely delete for electronic copies.
3. Emailed agendas, reports etc., do not need to be deleted.