

HUNTON PARISH COUNCIL

Document Retention & Disposal Policy

This policy was adopted by Hunton Parish Council at the meeting held on 19th July 2021.

1. Introduction

- 1.1 The 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 document.
- 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- Out of date distribution lists.

2.3 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.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

4. Document Retention Protocol

4.1 The Council should have in place an adequate system for documenting the activities of its service. This system should take into account the legislative and regulatory environments to which it works.

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, 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.

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.

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 paper recycling 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 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 The Council is responsible for ensuring that it complies with the principles of 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).

9. List of Documents

- 9.1 The full list of the Council's documents can be found in Appendix A: List of Documents for Retention and Disposal. This is updated in accordance with any changes to legal requirements.

Hunton Parish Council

Appendix A: List of Documents for Retention or Disposal

Document	Minimum Retention Period	Reason
Minutes of Full Council and Committee meetings	Indefinitely	Archive
Draft Minutes/Notes of Full Council and Committee meetings	Until the Minutes have been agreed and signed	Management
Agendas	5 years	Management
Policies/procedures	Until updated	Management
Fixed asset register	Indefinitely	Management
Risk assessment	Until updated	Management
Accident/incident reports	20 years	Potential claims
Financial Book	Indefinitely	Archive
Bank statements	6 years	Audit
Bank reconciliations	6 years	Audit
Bank paying-in books	6 years	Audit
Cheque book stubs	6 years	Audit
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act 1980 (as amended)
VAT records	6 years generally	VAT
Quotations and tenders	6 years	Limitation Act 1980 (as amended)
Final accounts	Indefinitely	Management
Audited accounts	Indefinitely	Management
Annual budget and working papers	Indefinitely	Management
Precept Forms	Indefinitely	Management
Internal audit reports	6 years	Management
Grant applications	6 years	Management
Payroll information	12 years	Superannuation
Personnel application forms/CVs	Duration of employment plus 6 years	Management
Personnel references	Duration of employment plus 6 years	Management
Personnel information, including contract	Duration of employment plus 6 years	Management
Employee bank details	Duration of employment plus 6 years	Management
Time Sheets	6 years	Management
Members' declarations of interest	Term of office plus 4 years	Legislative requirement
Members' personal contact details	Term of office plus 4 years	Legislative requirement

Document	Minimum Retention Period	Reason
Members' email addresses	Term of office plus 4 years	Legislative requirement
Members' allowances register	6 years	Tax, Limitation Act 1980 (as amended)
Insurance policies	6 years	Management
Insurance company names and policy numbers	Indefinitely	Management
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)
Play equipment inspection reports	21 years	
Title deeds, leases, agreements, contracts	Indefinitely	Audit, Management
Information from other bodies e.g. circulars from county associations, NALC, principal authorities	Retained for as long as useful and relevant	
Local/historical information	Indefinitely	For the benefit of the Parish
Magazines and journals	Retained for as long as they are useful and relevant.	
General correspondence	Unless it relates to specific categories outlined in the policy, correspondence, both paper and electronic, should 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
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	After an employment relationship has ended, a council may need to retain and access staff records for former staff for

Document	Minimum Retention Period	Reason
	limits for tribunal claims between 3–6 months Recommend this period be for 3 years.	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.
Trust deeds	Indefinitely	
Planning Applications	1 year for permitted applications. Until the appeal period has ended for refused applications. At Clerk's/Members' discretion for controversial applications.	Management
Planning Appeals	1 year unless significant development	Management
Local Plans	Retained as long as in force	Reference
Neighbourhood Plans	Indefinitely – final adopted plans	Historical purposes
Electoral Register	2 years	Management