

# **Buckland Parish Council**

## **Retention and Disposal Policy**

### **1. Introduction**

- 1.1 Buckland Parish Council ("Council") accumulates a significant amount of information and data during 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 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 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 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 Council.
- 1.5 In contrast to the above Council should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with the General Data Protection Regulations ("GDPR") 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    - Out of date distribution lists.
- 2.3 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.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 GDPR

### **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 GDPR.
- 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 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 GDPR
  - 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 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, in order to comply with GDPR.
- 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 Council being prosecuted under GDPR or 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 Surrey History Centre.
  - Back-up copies of documents should also be destroyed (including electronic or photographed documents unless specific provisions exist for the disposal of backups).

- 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 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 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 GDPR, 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 GDPR.

## **7. Scanning of Documents**

- 7.1 Generally, 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 HMRC.
- 7.2 Original documents required for VAT and tax purposes should be retained for six years unless a shorter period has been agreed with HMRC.

## **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, 11<sup>th</sup> edition, Chapter 11
  - Local Government Act 1972, sections 225 – 229, section 234
  - SLCC Advice Note 316 Retaining Important Documents
  - SLCC Clerks' Manual: Storing Books and Documents

- 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 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.

## **10. Archiving**

- 10.1 Council archives records at the Surrey History Centre. A copy of the current list of documents accepted by the county archivists can be requested from the Clerk.

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# **Buckland Parish Council: Appendix A: List of Documents for Retention or Disposal**

<b>Document</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Location Retained</b>	<b>Disposal</b>
Minutes	Indefinite	Archive	Pdf copy stored electronically. Hard copy is held in PC filing until lodged with Surrey History Centre	Original signed paper copies of Council minutes of meetings must be kept indefinitely in safe storage and archived at regular intervals (not more than 5ys)
Agendas	5 years	Management	Pdf copy stored electronically	Bin (shred confidential waste)
Accident/incident reports	20 years	Potential claims	Hard copy held in PC filing	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of GDPR.
Scales of fees and charges	6 years	Management	Pdf copy stored electronically	Bin
Receipt and payment accounts	Indefinite	Archive	Pdf copy stored electronically	Not applicable
Receipt books of all kinds	6 years	VAT	Hard copy held in PC filing	Bin
Bank statements including deposit/savings accounts	Last completed audit year	Audit	Hard copy held in PC filing	Confidential waste
Bank paying-in books	Last completed audit year	Audit	Hard copy held in PC filing	Confidential waste
Cheque book stubs	Last completed audit year	Audit	Hard copy held in PC filing	Confidential waste
Quotations and tenders	6 years	Limitation Act 1980 (as amended)	Hard copy held in PC filing	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of GDPR.
Paid invoices	6 years	VAT	Hard copy held in PC filing	Confidential waste
Paid cheques	6 years	Limitation Act 1980 (as amended)	No longer returned by bank	Confidential waste

<b>Document</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Location Retained</b>	<b>Disposal</b>
VAT records	6 years generally but 20 years for VAT on rents	VAT	Hard copy held in PC filing	Confidential waste
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)	Not currently applicable	Not applicable
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)	Pdf copy stored electronically	Bin
Wages books/payroll	12 years	Superannuation	Hard copy held in PC filing	Confidential waste
Insurance policies	While valid (but see next two items below)	Management	Pdf copy stored electronically	Bin
Insurance company names and policy numbers	Indefinite	Management	Pdf copy stored electronically	Not applicable
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) Management	Pdf copy stored electronically	Bin
Street furniture inspection reports	21 years		Held in hard copy form – book used to note inspections	Bin
Investments	Indefinite	Audit, Management	Not currently applicable. If applicable would be held in hard copy form in PC filing.	Not applicable
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management	Hard copy held in PC filing	Not applicable
Members' allowances register	6 years	Tax, Limitation Act 1980 (as amended)	Not currently applicable. If applicable hard copy in PC filing.	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of GDPR.
Information from other bodies e.g. circulars from NALC, SALC, SCC, MVDC	Retained for as long as it is useful and relevant		Hard copy held in PC filing	Bin

<b>Document</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Location Retained</b>	<b>Disposal</b>
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 to promote the use for such records. Records is defined as materials in written or other form setting out facts or events or otherwise recording information.	Information in hard copy or electronic form would be deposited with Surrey History Centre	Not applicable
Magazines and journals	Council may wish to keep its own publications  For others retain for as long as they are useful and relevant.	The Legal Deposit Libraries Act 2003 (the 2003 Act) requires a local council to deposit a copy of all “works in print” published after 1 <sup>st</sup> February 2004 with the British Library Board. (e.g. pamphlets, magazines, newspapers, maps, plans, charts or tables)	Hard copy held in PC filing  Parish Council booklet of walks deposited with British Library	Bin if applicable

Document	Minimum Retention Period	Reason	Location Retained	Disposal
<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 to the cloud and periodically to a portable hard drive	Management	<p>Hard copy filing held in PC filing.</p> <p>The portable hard drive is retained by the Clerk in a fire proof safe.</p> <p>Council will utilise a GDPR compliant cloud package.</p>	<p>Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste.</p> <p>A list will be kept of those documents disposed of to meet the requirements of GDPR.</p>
General correspondence	Records will 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	Hard copy and electronic form correspondence is retained by the Clerk.	Bin. (Shred confidential waste). A list will be kept of those documents disposed of to meet the requirements of GDPR.
Correspondence relating to staff	<p>If related to Audit, see relevant sections above.</p> <p>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.</p> <p>Likely time limits for tribunal claims between 3–6 months Recommend this period be for 3 years</p>	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.	Hard copy and electronic form correspondence is retained by the Clerk.	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of GDPR.



Document	Minimum Retention Period	Reason	Location Retained	Disposal
	<b>Documents from legal matters, negligence and other torts</b> 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 limitation periods.			
Negligence	6 years		Hard copy and electronic form correspondence is retained by Clerk.	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of GDPR.
Defamation	1 year			Confidential waste. A list will be kept of those documents disposed of to meet the requirements of GDPR.
Contract	6 years			Confidential waste. A list will be kept of those documents disposed of to meet the requirements of GDPR.
Leases	12 years			Confidential waste.
Sums recoverable by statute	6 years			Confidential waste.
Personal injury	3 years			Confidential waste.
To recover land	12 years			Confidential waste.
Rent	6 years			Confidential waste.
Breach of trust	None			Confidential waste.
Trust deeds	Indefinite			Not applicable
<b>For Halls, Centres, Recreation Grounds, Open Spaces</b>				
<ul style="list-style-type: none"><li>Application to hire</li><li>Invoices</li><li>Record of tickets issued</li></ul>	6 years	VAT	Not currently applicable. If applicable, correspondence retained by Clerk	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of GDPR.
Lettings diaries	Electronic files linked to accounts	VAT		Not applicable
Terms and Conditions	6 years	Management	Pdf copy stored electronically re: proposed use of Village Green	Bin. (Shred confidential waste). A list will be kept of those documents disposed of to meet the requirements of GDPR.

Document	Minimum Retention Period	Reason	Location Retained	Disposal
Event Monitoring Forms	6 years unless required for claims, insurance or legal purposes	Management	Hard copy Council completed risk assessments for Council led events. Pdf copy third party correspondence relating to use of Village Green	Bin. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
	<b>Planning Papers</b>			
Applications	1 year	Management	Pdf copy stored electronically	Bin
Appeals	1 year unless significant development	Management	Pdf copy stored electronically	Bin
Trees	1 year	Management	Pdf copy stored electronically	Bin
Local Development Plans	Retained as long as in force	Reference	Pdf copy stored electronically	Bin
Local Plans	Retained as long as in force	Reference	Pdf copy stored electronically	Bin
Village /Neighbourhood Plans	Indefinite – final adopted plans	Historical purposes	Pdf copy stored electronically	Not applicable
	<b>For Allotments</b>			
Register and plans	Indefinite	Audit, Management	No allotments – not currently applicable	Not applicable
Minutes	Indefinite	Audit, Management		Not applicable
Legal papers	Indefinite	Audit, Management		Not applicable

Document	Minimum Retention Period	Reason	Location Retained	Disposal
	<b>For Burial Grounds</b>			
<ul style="list-style-type: none"> <li>• Register of fees collected</li> <li>• Register of burials</li> <li>• Register of purchased graves</li> <li>• Register/plan of grave spaces</li> <li>• Register of memorials</li> <li>• Applications for interment</li> <li>• Applications for right to erect memorials</li> <li>• Disposal certificates</li> <li>• Copy certificates of grant of exclusive right of burial</li> </ul>	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (SI 204)	No burial grounds - not currently applicable	Not applicable
	<b>CCTV</b>			
Daily notes	Daily	Data protection	No CCTV - not currently applicable	Confidential waste
Radio rotas	1 week	Management		Confidential waste
Work rotas	1 month	Management		Confidential waste
Observation sheets	3 years	Data protection		Confidential waste
Stats	3 years	Data protection		Confidential waste
Signing in sheets	3 years	Management		Confidential waste
Review requests	3 years	Data protection		Confidential waste
Discs – master and working	For as long as required	Data protection		Confidential waste
Internal Operations Procedure Manual	Destroy on renewal Review annually	Management		Confidential waste
Code of Practice	Destroy on renewal Review annually	Management		Confidential waste
Photographs/digital prints	31 days	Data protection		Confidential waste

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