



# Chesham Bois Parish Council

## Document Retention & Disposal Policy

### 1. Introduction

- 11 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.
- 12 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.
- 13 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.
- 14 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.
- 15 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 & Objectives of the Policy

- 21 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.
- 22 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  - Out of date distribution lists.
- 23 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.
- 24 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 Council 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 Council should ensure that all employees are aware of the retention/disposal schedule.

### 4. Document Retention Protocol

- 4.1 Council 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 County 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 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 wastepaper 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.

- 54 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).
- 55 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**

- 61 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 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.*
- 62 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.
- 63 Council is responsible for ensuring that it complies 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.
  - 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.
- 64 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*, August 2022
  - NALC LTN 37 – *Freedom of Information*, April 2021
  - *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 for Retention & Disposal

Document	Minimum Retention Period	Final Action	Notes
<b>Administration</b>			
Signed annual council and committee minutes	Indefinitely	Preserve	
Agendas	5 years	Destroy	
Councillors' declarations of office	2 years from end of term of office	Destroy	
Councillors' register of interests	18 months from end of appointment	Review	
Policies & Procedures	Until updated or renewed	Review	
Risk Assessments	6 years	Destroy	
Routine correspondence and papers	End of administrative use	Review	
Correspondence and papers on important local issues or activities	End of administrative use	Preserve	At the Clerk's discretion
Requests under the Freedom of Information Act	6 months after the matter has been dealt with	Destroy	
Burial records & associated documentation	Indefinitely	Preserve	Local Authorities Cemeteries Order 1977
Register of electors	End of administrative use (end of relevant year)	Destroy	
<b>Legal and Property</b>			
Byelaws and orders	Indefinitely	Preserve	Only one copy of each
Title deeds	Indefinitely	Preserve	
Lease agreements, variation and valuation queries	12 years after the expiry of the agreement	Destroy	
Land & Property rental agreements	6 years after expiry of agreement	Destroy	
Insurance policies	While valid	Destroy	
Insurance company names & policy numbers	Indefinite	Preserve	
Certificate for insurance against liability for employees	40 years from date on which insurance commenced or was renewed.		The employers' Liability (Compulsory Insurance) Regs 1998
Maps, plans and surveys of property owned by the Council	Permanent	Preserve	
Documentation referring to externally funded projects	6 years	Destroy	
Successful tenders and quotations for contracts	6 years after term of contract has expired	Destroy	To comply with Statute of Limitations
Unsuccessful tenders and quotations	1 years after start of contract	Destroy	

Document	Minimum Retention Period	Final Action	Notes
<b>Financial</b>			
Published Final Accounts	Indefinitely	Preserve	
Annual Governance & Accountability Return	Indefinitely	Preserve	
Final Account working papers.	6 years	Destroy	
Records of all accounting transactions held in the financial management system	At least 6 years	Destroy	
Cash books (records of monies paid out & received)	12 years	Destroy	
Receipt Books	6 years	Destroy	
Bank Statements (electronic and hard copies)	6 years	Destroy	
Bank paying -in books	Last completed audit year	Destroy	At the Clerk's discretion
Cheque book stubs	Last completed audit year	Destroy	At the Clerk's discretion
Vat records.	6 years generally but 20 years for VAT on rents	Destroy	
Loans & Investments	Indefinite	Preserve	
Payroll	12 years	Destroy	Tax, Vat, Limitation Act 1980
Timesheets	Last completed audit year	Destroy	
Fees & Charges Schedules	6 years	Destroy	
Grant Funding Applications/Claims	6 years	Destroy	
<b>Personnel/Employment</b>			
Unsuccessful application forms	1 year	Destroy	
Unsuccessful reference requests	1 year	Destroy	
Successful application forms & CVs	For duration of employment + 6 years	Destroy	
References received	For duration of employment + 6 years	Destroy	
Statutory sick records, pay, calculations, certs.	For duration of employment + 6 years	Destroy	
Annual leave/unpaid leave/special leave records	For duration of employment + 6 years	Destroy	
Annual appraisals/assessment records	Current year and previous 2 years	Destroy	
Disclosure & barring checks	6 months	Destroy	
Employee personnel files, training records, discipline and grievance records and working time records	6 years after employment ceases	Destroy	
Disciplinary or grievance investigations – unproven	Immediately after investigation or appeal	Destroy	
Statutory maternity/paternity records, calculation, certificates	3 years after the tax year in which the maternity/paternity period ended	Destroy	

Document	Minimum Retention Period	Final Action	Notes
<b>Personnel/Employment cont'd</b>			
Statutory end of year returns to Inland revenue & Pensions records	Indefinitely	Preserve	
Income Tax and National Insurance Records	Not less than 3 years after the end of the financial year to which they relate	Destroy	
Wages/salary records, overtime, bonuses, expenses.	6 years	Destroy	
Accident books, incident records and reports	20 years	Destroy	Potential Claims
Redundancy records	6 years from the date or redundancy	Destroy	
<b>Health &amp; Safety</b>			
Health & Safety accident books & Records	20 years	Destroy	Potential claims
Asbestos records for remises/property including survey and removal records	40 years	Destroy	
Parks & Play area inspection reports	21 years	Destroy	Potential claims
All inspection certificates	6 years	Destroy	
Periodic machinery & equipment testing (Pat, equipment, calibration etc.)	6 years	Destroy	
Documents relating to the process of collecting, transporting & disposal of general waste	3 years	Destroy	
Documents relating to the process of collecting, transporting & disposal of hazardous waste	10 years	Destroy	
<b>Planning</b>			
Applications & related papers where permission is granted	Retain until development completed	Destroy	
Applications and related papers where permission is refused	Retain until period for lodging an appeal is over	Destroy	
Appeals	1 year unless significant development	Destroy	
Local Plans	Retained as long as in force	Destroy	
Neighbourhood Plans	Indefinitely – final adopted plans	Preserve	
<b>Other</b>			
Community magazines or newsletters	Indefinitely	Preserve	One copy of every issue
Photographs	Indefinitely	Preserve	Photos should be dated.