



Document Retention & Disposal Policy

INTRODUCTION

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 document.

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.

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.

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.

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.

POLICY

This Policy is to provide a working framework to determine which documents are:

- retained (for how long);
- disposed of (by what method).

AIM

The aim of this Policy is to ensure that all documents are regularly reviewed, archived appropriately and correctly disposed of at the end of the retention period set out by this Policy.

SCOPE

The Policy is restricted to records which:

- form part of the Council's everyday activities;
- could be used as evidence to prove that something has happened



The following documents are excluded, do not need to be kept and should be routinely destroyed in the course of business:

- 'with complements' slips;
- catalogues and trade journals;
- non-acceptance of invitations;
- unsolicited mail that is not related to Council business;
- requests for information such as maps, plans or advertising material;
- out of date distribution lists.

Exclusions also apply to information that is duplicated, of short-term value or superseded, ie stationery, manuals, drafts, forms, address books and reference copies of annual reports.

ROLES & RESPONSIBILITIES

The Council is responsible for determining whether to retain or dispose of documents and should undertake a review of documentation at least annually to ensure that any unnecessary documentation being held is disposed of under the General Data Protection Regulations.

The Council should ensure that all staff are aware of the retention/disposal schedule.

DOCUMENT RETENTION PROTOCOL

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.

Records of each activity should be complete and accurate enough to allow staff 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.

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 archived.



The retention schedules at the end of this document 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.

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

DOCUMENT DISPOSAL PROTOCOL

Documents should only be disposed of only when retention is not required to:

- fulfil statutory or other regulatory requirements;
- meet the operational needs of the service;
- evidence events in the case of dispute;
- be of historic interest or intrinsic value.

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.

Documents can be disposed of by any of the following methods:

- non-confidential records – general waste;
- confidential records or records giving personal information – shred;
- deletion of electronic records;
- transmission of records to an external body such as the County Records Office.

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;
- where electronic 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).

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

- name of the document destroyed;
- date the document was destroyed;



- method of disposal.

DATA PROTECTION ACT 2018: OBLIGATION TO DISPOSE OF CERTAIN DATA

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.”

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.

The Council is responsible for ensuring that it complies with the principles of the General Data Protection Regulations, ie that Personal Data shall be:

- processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met;
- only be obtained for specific purposes and processed in a compatible manner;
- adequate, relevant, but not excessive;
- accurate and up to date;
- not be kept for longer than is necessary;
- processed in accordance with the rights of the data subject;
- kept secure.

External storage providers or archivists that are holding Council documents must also comply with the principles of the General Data Protection Regulations.

SCANNING OF DOCUMENTS

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. As a general rule, hard copies of scanned documents should be retained for three months after scanning.

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.

LIST OF DOCUMENTS FOR RETENTION OR DISPOSAL

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 five years, they must be archived and deposited with the higher authority
Agendas	Five Years	Management	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
Scales of Fees & Charges	6 Years	Management	General Waste
Receipt & Payment Accounts	Indefinite	Archive	N/A
Receipt Books	6 Years	VAT	General Waste
Bank Statements	Last Completed Audit Year	Audit	Confidential Waste
Bank Paying-In Books	Last Completed Audit Year	Audit	Confidential Waste
Cheque Book Stubs	6 Years	Audit	Confidential Waste
Quotations & 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	VAT	Confidential Waste



Belper Town Council

DOCUMENT	MINIMUM RETENTION PERIOD	REASON	DISPOSAL
VAT records	6 Years	VAT	Confidential Waste
Petty Cash, Postage & Telephone Books	6 Years	Tax, VAT, Limitation Act 1980 (as amended)	Confidential Waste
Timesheets	Last Completed Audit Year	Audit (requirement) Personal Injury (best practice)	Confidential Waste
Payroll Records	12 Years	Pensions	Confidential Waste
Insurance Policies	Indefinite	Management	N/A
Certificates of Insurance	40 Years from date on which insurance commenced or was renewed	The employers' Liability (Compulsory Insurance) Regulations 10998 (SI 2753) Management	Confidential Waste
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 regulations
Information from Other Bodies, ie circulars from DALC, NALC, Principal Authorities	Retained as long as useful and relevant	Management	General Waste
Local/Historical Records	Indefinite – to be securely kept for the benefit of the Town	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)	



DOCUMENT	MINIMUM RETENTION PERIOD	REASON	DISPOSAL
Magazines & Journals	Retained as long as useful and relevant	The Legal Deposit Libraries Act 2003 (the 2003 Act) requires a local council which after 1 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.	General Waste
RECORD KEEPING			
To ensure records are easily accessible it is necessary to keep a list of files stored in cabinets and save electronic files using relevant names.	The electronic files will be backed up periodically on a portable hard drive and also in the cloud-based programme supplied by the Council's IT company.	Management	The electronic files will be backed up periodically on a portable hard drive and also in the cloud-based programme supplied by the Council's IT company.
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 reference or accountability purposes to comply with regulatory requirements or to protect legal and other rights and interests	Management	Confidential Waste – a list will be kept of those documents disposed of to meet the requirements of the GDPR regulations
Correspondence	If related to Audit, see	After an employment	Confidential Waste – a



DOCUMENT	MINIMUM RETENTION PERIOD	REASON	DISPOSAL
relating to Staff	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. Recommended this period be for 3 Years	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	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			
<p>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 the other periods specified, the document 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.</p>			
Negligence	6 Years	Advice above	Confidential Waste – a list will be kept of those documents disposed of to meet the requirements of the GDPR regulations
Defamation	1 Year	Advice above	Confidential Waste – a list will be kept of those documents disposed of to meet the requirements of the GDPR regulations
Contract	6 Years	Advice above	Confidential Waste – a list will be kept of those documents disposed of to meet the requirements of the GDPR regulations
Leases	12 Years	Advice above	Confidential Waste
Sums recoverable by Statute	6 Years	Advice above	Confidential Waste
Personal Injury	3 Years	Advice above	Confidential Waste
To Recover Land	12 Years	Advice above	Confidential Waste
Rent	6 Years	Advice above	Confidential Waste
Breach of Trust	None	Advice above	Confidential Waste



Belper Town Council

DOCUMENT	MINIMUM RETENTION PERIOD	REASON	DISPOSAL
Trust Deeds	Indefinite	Advice above	Confidential Waste
ALLOTMENTS			
Register and Plans	Indefinite	Audit, Management	N/A
Minutes	Indefinite	Audit, Management	N/A
Legal Papers	Indefinite	Audit, Management	N/A
PLANNING PAPERS			
Applications	1 Year	Management	Confidential Waste
Appeals	1 Year unless significant development	Management	Confidential Waste
Trees	1 Year	Management	Confidential Waste
Local Development Plans	Retained as long as in force	Reference	Confidential Waste
Local Plans	Retained for as long as in force	Reference	Confidential Waste
Town/Neighbourhood Plans	Indefinite – final adopted plans	Historical Purposes	N/A
CCTV			
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 & 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