

# **GOOD EASTER PARISH COUNCIL**



## **DISPOSAL AND RETENTION POLICY**

**ADOPTED ON 28<sup>TH</sup> NOVEMBER 2019**

**REVIEWED 26<sup>TH</sup> NOVEMBER 2020**

## **GOOD EASTER PARISH COUNCIL DISPOSAL AND RETENTION POLICY:**

**REVIEW DATE : NOVEMBER 2021**

### **1.0 Introduction**

**1.1** Good Easter Parish Council accumulates a significant 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.

**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.

### **2.0 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.

### **3.0 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 the General Data Protection Regulations.

**3.2** Councils should ensure that all employees are aware of the retention/disposal schedule.

### **4.0 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 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 stored securely or 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.

## **5.0 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 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 Chelmsford Record 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 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.

## **6.0 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 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.

## **7.0 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.

## **8.0 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, 910h 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

**9.0 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

**10. Archiving**

- 10.1** Council archives records at the Essex Records Office . A list of the documents accepted by the county archivists is attached to this policy

**Good Easter Parish Council**

**ADOPTED ON:** 28th November 2019      **Next Review date:** November 2021

GOOD EASTER PARISH COUNCIL. Appendix A: List of Documents for Retention or Disposal

Adopted 28<sup>th</sup> November 2019

Revised:

## Finance & Insurance

Document	Minimum Retention Period	Reason	Disposal
VAT Records	Six years with the exception of VAT on rents, which is twenty years	VAT & Audit	Shred
Asset Register	Indefinite	Management	
Bank Paying in Books	Six years	Audit	Shred
Bank Statements	Six years	Audit	Shred
Cheque Book Stubs	Six years	Audit	Shred
Quotations & Tenders	Six years	Limitation Act 1980 (as amended)	Shred
Receipt and Payment Accounts	Indefinite	Archive	N/A
Receipt Books of All Kind	Six years	VAT	Bin
Scales of Fees and Charges	Six years	Management	Bin
Investments	Indefinite	Audit Management	N/A
Paid Invoices	Six years	Audit / VAT	Shred
Grant Applications to and by the Parish Council	Six years	Audit / Management	Shred

## Insurance

Document	Minimum Retention Period	Reason	Disposal
Insurance Company Names and Policy Numbers	Indefinite	Management	N/A
Insurance Policies	While valid (but see above also)	Management	Bin
Accident / Incident Reports	Twenty years	Potential claims. <b>A list of documents will be kept of documents disposed of to meet the requirements of GDPR</b>	Shred.
Insurance certificates against Liability for Employees	Forty years from the date the insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations of 1998 (SI 2753) Management	Bin
Risk Assessments	Twenty five years	Public Liability	Shred

## Staffing

Document	Minimum Retention Period	Reason	Disposal
Payrolls	Twelve years	Superannuation	Shred
Interview Records	Six months	Management	Shred
Timesheets	Last completed audit year, plus three years	Audit Personal Injury	Deleted
Employee Records	Employment period plus six years	Management <b>A list will be kept of those documents disposed of to meet the requirements of GDPR</b>	Shredded.

## Meetings

Document	Minimum Retention Period	Reason	Disposal
Minutes	Indefinite	Archive	N/A
Agendas	Two years	Management	Bin
Minutes / Notes handwritten (including by members)	Until minutes agreed	Management	Bin

## Members

Document	Minimum Retention Period	Reason	Disposal
Members' Allowances Register	Six Years	Tax Limitation Act 1980 (as amended) <b>A list of documents will be kept of documents disposed of to meet the requirements of GDPR</b>	Shred.
Applications for Co-option	Term of office + one year	Management	Shred
Declarations of Acceptance of Office	Term of office + one year	Management	Shred
Members' register of interest	Term of office+ one year	Management	Shred
Gifts Received Register	Indefinite	Management	N/A

## General / Other

Document	Minimum Retention Period	Reason	Disposal
Street Furniture / Play Equipment Inspection Reports	Twenty-one years	In case of Insurance Claim	Bin
Title Deeds / Leases / Contracts	Indefinite	Audit, Management Management	N/A
Parish Magazine	(See reason)	The Legal Deposit Libraries Act requires a local council to deposit a copy of all 'works in print' published after 1st February 2004 with the British Library Board. Eg, pamphlets, charts magazines, plans, maps or tables	N/A
External magazines, journals and the like	One year or as long as they are useful	Management	Bin
Out of date Standing Orders & Policies	None	Management	Bin