



Document And Electronic Data Retention And Disposal Policy

1. Introduction

1.1 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 documents. This Retention Policy applies to Whatley and Chantry Parish Council (WPC) and covers all records and documentation, whether analogue or digital and are subject to the retention requirements of this Policy.

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. This Policy will thus aid paper records and electronic data storage issues identified and will eliminate the need to retain paper and electronic records unnecessarily.

1.6 Any such system or policies relating to record management will include a review of council documentation on an annual basis, unless otherwise stated.

1.7 Anything that is no longer of use or value can be destroyed but if the council is in any doubt, it will seek advice from Somerset Association of Local Councils Ltd (SALC) and retain that document until that advice has been received.

1.8 Documents of historical importance, if not retained by the council, will be offered first to the county record office.

2. Scope and Objectives

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 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. 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 placed at the records office, Taunton.

4.4 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.

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.

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 Councils are responsible for ensuring that they comply with the principles of the 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.

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. Retention of Documents

7.1 Appendix 1 indicates the appropriate retention period for audit and other purposes and the reasons for retention.

7.2 Appendix 2 indicates the appropriate retention period for documentation relating to information technology.

7.3 In respect of the retention of documents in case of a legal dispute, Council's policy is set out under the Section titled 'Retention of Documents for Legal Purposes'.

7.4 Other documents not mentioned in the Appendices will be treated as follows:

7.5 Planning Papers

- Where planning permission is granted, the planning application, any plans and the decision letter will be retained until the development has been completed, so that, if necessary, the Clerk can check that the development proceeds in accordance with the terms and conditions of the permission.
- Where planning permission is granted on appeal, a copy of the appeal decision will also be retained likewise.
- Where planning permission is refused, the papers will be retained until the period within which an appeal can be made has expired. If an appeal is made, and dismissed, the decision letter will be retained against further applications relating to that site.
- Copies of Structure Plans, Local Plans and similar documents will be retained as long as they are in force.

7.6 Insurance Policies

- Insurance policies and significant correspondence will be kept for as long as it is possible to make a claim under the policy.
- Article 4 of the Employers Liability (Compulsory Insurance) Regulations 1998 (SI 2753) requires that local councils, as employers, retain certificates of insurance against liability for injury or disease to their employees arising out of their employment for a period of 40 years from the date on which the insurance is commenced or renewed.
- Circulars and legal topic notes from SALC, NALC and other bodies such as principal authorities will be retained for as long as the information contained therein is useful and relevant.

7.7 Correspondence

- If related to audit matters, correspondence will be kept for the appropriate period specified in the Annex thereto.
- In planning matters correspondence will be retained for the same period as suggested for other planning papers.
- All other correspondence will be kept for as long as the matter contained therein is still of interest or use to the council and or the parish.

7.8 Personnel matters

- Article 5 of GDPR provides "personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed". This Policy will ensure that necessary records, documents and electronic data of WPC are adequately protected, archived and disposed of at the correct retention period, and to provide all staff with clear instructions regarding the appropriate retention and disposal of such Documentation.
- Appendix 5 lists the retention timescales for Documents relating to Personnel.

8. Retention of Documents for Legal Purposes

8.1 Most legal proceedings are governed by 'the Limitation Acts' which state that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question.

8.2 The table in Appendix 3 sets out the limitation periods for the different categories of claim.

8.3 If a type of legal proceeding falls into two or more categories, the documentation will be kept for the longer of the limitation period.

8.4 As there is no limitation period in respect of trust, the council will retain all trust deeds and schemes and other similar documentation.

9. Scanning of Documents

9.1 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.

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

9.3 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.

10. Retention of Encrypted Data

10.1 For any information retained under this Policy that is in an encrypted format, consideration must be taken for the secure storage of any encryption keys. Encryption keys must be retained for as long as the data that the keys decrypt is retained.

11. Disposal of Documents or Documentation

11.1 Disposal can be achieved by a range of processes:

- Any record containing confidential information must either be disposed of in a confidential waste bin or shredded using a cross-cut shredder.
- Disposal of documents that do not contain confidential information may be disposed of in the normal way or recycled.
- Deletion – where computer files are concerned.
- Transfer of documents to external body - this method of disposal will be relevant where documents or records are of historic interest and/or have intrinsic value. Such a third party could be the County Archivist or a local Museum.

12. Disposal of Electrical or Electronic Hardware

12.1 IT equipment and devices that have the ability and capability to store personal data include:

- PC's
- Laptops
- Mobile Phones
- Multi-Functional Devices – printers / scanners
- Servers
- USB Memory Sticks and external hard drives.

12.2 IT equipment disposal must be managed by the Chair of the Policy & Resources Committee in conjunction with the Proper Officer.

12.3 All computer equipment, recycling or refurbishing must be disposed of in accordance with the Waste Electrical and Electronic Equipment (WEEE) Regulations 2013.

13. Documenting Disposal

13.1 WPC will keep a record detailing the document disposed of, the date, and the officer who authorised disposal. In particular, the record should be able to demonstrate that the disposal was in accordance with this policy or set out the reasons for departing from it.

13.2 The table at Appendix 1 – Retention of Records Schedule sets out the limitation periods for the different categories of claim.

13.3 The table at Appendix 2 – Retention of Digital Records – provides the required retention periods for all digital Documents.

14. Review of Document Retention

14.1 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).

14.2 Recommended Document Retention Timescales are listed in the following appendices.

14.3 These appendices have been grouped – for clarity by:

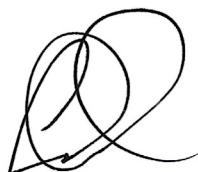
- 1. Audit of Parish Councils
- 2. Information Technology
- 3. Legal Purposes
- 4. Finance
- 5. Personnel
- 6. Corporate
- 7. Health and Safety
- 8. Additional Items

14.4 Therefore some items may appear in more than one appendix, however the retention policies should be consistent. This list is not exhaustive: if you are unsure about any documents contact the Parish Clerk

Future Monitoring

Review of Policy –
Last reviewed in

Adopted and Signed by:



Chair of Whatley and Chantry Parish Council:

Dated:

8-5-24

Correspondence should be sent to:
Clerk, Whatley and Chantry Parish Council, 30 Galingale Way, Portishead, Bristol BS20 7LU
or emailed to: clerk@whatleyandchantry.co.uk

Appendix 1 - Retention of Documents Required for the Audit of Parish Councils

Document	Minimum Retention Period	Reason
Minutes Books	Indefinite	Archive
Receipt and Account(s) payment	Indefinite	Archive
Receipt books	6 years	VAT
Bank Statements	Last year completed audit	Audit
Bank paying-in books	Last year completed audit	Audit
Cheque book stubs	Last year completed audit	Audit
Supplier Contracts	6 years	Limitation Act 1980 (as amended)
Quotations/tenders	12 years / indefinite	Limitation Act 1980 (as amended)
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act 1980 (as amended)
VAT records	6 years	VAT
Timesheets	Last year completed audit	Audit
Insurance policies	While valid	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), Management
Title deeds, leases, Agreements, contracts	Indefinite	Audit, Management
Staff attendance records	Indefinitely	Health & Safety Act 1974
Members Allowances Registers	6 years	Tax, Limitation Act 1980 (as amended)
Recreation Grounds 1. application to hire. 2. copies of bills to hires	6 years	VAT

Appendix 2 - Retention of Documents Required relating to Information Technology

A2.1. In all cases identify the documents that need to be retained in accordance with the Retention of records Schedule (attached at Appendix 1).

DOCUMENT	Minimum Retention Period	Reason
Email	2 years	To satisfy customer complaints
Electronic Back Up Tapes	12 months	To protect records from loss, destruction or falsification
Electronic files	3 years from date last used	To protect records from loss, destruction or falsification
All portable / removeable storage media	At end of work cycle / project	Data shall be copied or stored on removable media only by authorized users in the performance of official duties
Cryptographic keys - access limited to user/role	Encryption keys must be retained for as long as the data that the keys decrypt is retained.	

Appendix 3 - Retention of Documents Required for Legal Purposes

A3.1 The table below sets out the limitation periods for the different categories of claim.

Claims under category	Limitation period
Negligence (and other Torts)	6 years
Defamation	1 year
Contract	6 years
Leases	12 years
Sums recoverable by statute	6 years
Personal injury	3 years
To recover land	12 years
Rent	6 years
Breach of Trust	None

Appendix 4 - Retention timescales for Documents relating to Finance.

A4.1 The table below sets out the retention timescales relating to Finance.

Document	Retention Period
Financial Published Final Accounts	Indefinitely
Signed Audited Accounts	Indefinitely
Final Account working papers	5 years
Records of all accounting transactions held by the Financial Management System	At least 5 years
Cash Books (records of monies paid out and received)	6 years
Purchase Orders	6 years
Cheque Payment Listings (Invoices received)	6 years
Payment Vouchers Capital and Revenue (copy invoices)	6 years
Copy receipts	6 years
Expenses and travel allowance claims	6 years
Asset Register for statutory accounting purposes	10 years
Budget Estimates	3 years
Bank Statements (Hardcopy)	6 years
Prime evidence that money has been banked	6 years
Bank Reconciliation	6 years
Grant/Funding Applications & Claims	5 years
Precept Forms	Indefinitely
Internal Audit Plans/ Reports	3 years
Time sheets and overtime claims	6 years
Payroll and tax information relating to employees	6 years
Records of payment made to employees for salaries / wages (including intermediate payslips)	6 years
Statutory end of year returns to Inland Revenue and Pensions Section	6 years
VAT, Income Tax and National Insurance Records	6 years
Current and expired insurance contracts and policies indefinitely Insurance records and claims	6 years

Appendix 5 - Retention timescales for Documents relating to Personnel.

A5.1 The table below sets out the retention timescales relating to Personnel.

Document	Retention
Unsuccessful application forms	6 months
Unsuccessful reference requests	1 year
Successful applications forms and CVs	For duration of employment plus 5 years
References received	For duration of employment plus 5 years
Statutory sick records, pay, calculations, certificates etc	For duration of employment plus 5 years
Annual leave records	For duration of employment plus 5 years
Unpaid leave/special leave	For duration of employment plus 5 years
Annual appraisal/assessment records	Current year and previous 2 years
Criminal Records Bureau Checks	6 months
Personnel files and training records	For duration of employment plus 5 years
Disciplinary or grievance investigations – Proved – Verbal – Written – Final warning –	6 months 1 year 18 months Permanently
Disciplinary or grievance investigations - unproven	Destroyed immediately after investigation or appeal
Statutory Maternity/Paternity records, calculations, certificates etc	3 years after the tax year in which the maternity period ended
Wages/salary records, overtime, bonuses, expenses etc	6 years

Appendix 6 - Retention timescales for Documents relating to Corporate.

A6.1 The table below sets out the retention timescales relating to Corporate.

Document	Retention
Approved Minutes Council minutes	Indefinitely
Notes and reports of working groups	Indefinitely
Policies and procedures	Until updated or reviewed
Internal audit records	Indefinitely
Internal audit fraud investigation	7 years from date of final outcome of investigation
Risk register	Indefinitely
Equalities data	Indefinitely
Questionnaire data	5 years
Details regarding burials	Indefinitely
Allotment agreements	Length of tenancy plus 2 years
All emails and correspondence	1 year unless deemed important
Successful tender documentation Life of contract	6 years
Unsuccessful tender documentation	6 months
Deeds of land and property	Indefinitely
Land and property rental agreements	Indefinitely
Draft/Rough notes taken at meeting	Until minutes are approved

Appendix 7 - Retention timescales for Documents relating to Health and Safety.

A7.1 The table below sets out the retention timescales relating to Health and Safety.

Document	Retention
Health and Safety Accident books	3 years after the date of the last entry (unless an accident involving chemical, or asbestos is contained within
Medical records containing details of employee exposed to asbestos or as specified by the Control of Substances Hazardous to Health Regulations 1999	40 years from date of the last entry
Records relating to accidents person over 18 years	3 years from date of accident
Records relating to accidents person under 18 years	Until 21 st birthday
Parks and play area inspection reports	5 years
Warranties	5 years
Risk Assessment Forms	5 years

Appendix 8 - Retention timescales for Documents relating to Additional Items.

A8.1 The table below sets out the retention timescales relating to Additional Items.

Document	Retention
Recording of meeting's	2 years
Zoom Records of meetings	2 years