

Haslington Parish Council

Data and Document Retention Policy

Scope and Purpose

The purpose of this policy is to provide a corporate policy framework to govern management decisions on whether a particular document (or set of documents) should either be:-

- Retained – and if so in what format, and for what period; or
- Disposed of – and if so when and by what method

Additionally, this policy seeks to clarify the roles and responsibilities in the decision-making process.

This policy is not concerned with the disposal/retention of unused materials (e.g. stocks of paper, unused forms, duplicated documents).

Introduction

In the course of carrying out its various functions and activities, the Council collects information from individuals and external organisations and generates a wide range of data/information both electronically and in hard copy.

Retention of specific documents may be necessary to:-

- Fulfil statutory or other regulatory requirements
- Evidence events/agreements in the case of disputes
- Meet operational needs
- Ensure the preservation of documents of historic or other value

The untimely destruction of documents could cause the Council:-

- Difficulty in defending litigious claims
- Operational problems
- Embarrassment
- Failure to comply with the Freedom of Information or Data Protection Acts
- A breach of a particular piece of legislation.

Conversely, the permanent retention of all documents is undesirable, and appropriate disposal is to be encouraged for the following reasons:-

- There is a shortage of new storage space
- Disposal of existing documents can free up space for more productive activities, even in digital form.
- Indefinite retention of personal data may be unlawful
- Reduction of fire risk (in case of paper records)
- There is evidence that the de-cluttering of office accommodation can be psychologically beneficial for many workers

Modern day records management philosophy emphasises the importance of organisations having in place systems for the timely and secure disposal of documents/records that are no longer required for business purposes. Additionally, both the Freedom of Information Act and new data protection legislation make it important for the Council to have clearly defined policies and procedures in place for disposing of records, and that these are well documented.

Document Handling

The Council will keep paper records to the absolute minimum and where ever possible hard copy information will be scanned and circulated by email. The email will be retained in line with policy and the hard copy recycled or shredded depending on its nature and level of confidentiality.

Documents will be filed (hard copy) or stored on Cloud based software, in this case on Dropbox (digitally). Where documents in either form contain confidential, personal or sensitive information, they will be stored securely with authorised access only on a “need” basis.

The Retention/Disposal Protocol

Any decision whether to retain or dispose of a document should be taken in accordance with the following criteria:-

- Has the document been appraised?
- Is retention required to fulfil statutory or other regulatory requirements?
- Is retention required to evidence events in the case of dispute?
- Is retention required to meet the operational needs of the Council?

Where a retention period has expired in relation to a particular document a review should always be carried out before a final decision is made to dispose of that document. Such reviews need not necessarily be detailed or

time consuming. Where the Clerk is familiar with the contents of the document or where the contents are straightforward and easily apparent then such an exercise may only take a few minutes.

In the event that a decision is taken to dispose of a particular document or set of documents, then consideration should be given to the method of disposal.

Roles and Responsibilities

Responsibility for determining (in accordance with the Retention/Disposal protocol mentioned above) whether to retain or dispose of specific documents rests with the Parish Clerk, in respect of those documents that properly fall within the remit or control of his/her responsibilities. The rationale for this is that it is reasonable to both assume and expect that the Parish Clerk should be broadly conversant with the types of documents received, generated and stored.

The Clerk is expected to make the decisions for disposing of routine documents and junk mail within their remit. With non-routine documents they should recommend a course of action and seek approval from the Parish Clerk. Similarly, individual officers are expected to cull their emails of unwanted documents, particularly those containing personal information.

Because of the clear benefits resulting from the disposal of unnecessary documentation, the Parish Clerk is expected to be proactive in carrying out or instigating audits of existing documentation that may be suitable for disposal.

Councillors are also encouraged to properly dispose of unnecessary council related documentation and emails.

Data Protection Act 2018 and General Data Protection Regulations

The Clerk is aware that under the data protection regulations, personal data processed for any purpose must not be kept for longer than is necessary for that purpose. In other words, retaining documents or records that contain personal data beyond the length of time necessary for the purpose for which that data was obtained is unlawful.

Disposal

Disposal can be achieved by a range of processes:-

- Confidential waste – i.e. making available for collection by a designated refuse collection service.
- Physical destruction on site (paper records – shredding)
- Deletion – where digital files are concerned. Deleted records must also be cleared
- Migration of document to external body

The Clerk should take in to account the following considerations when selecting any method of disposal:-

- Under no circumstances should paper documents containing personal data or confidential information be simply binned or deposited in refuse tips. To do so could result in the unauthorised disclosure of such information to third parties, and render the Council liable to prosecution or other enforcement action under the Data Protection Act. Such documents should be destroyed on site (e.g. by shredding) or placed in the specially marked “Confidential Waste” refuse bins for collection by a designated contractor.
- Deletion – the Information Commissioner has advised that if steps are taken to make data virtually impossible to retrieve, then this will be regarded as equivalent to deletion.
- Migration of documents to a third party (other than for destruction or recycling) is unlikely to be an option in most cases. However, this method of disposal will be relevant where documents or records are of historic interest and/or have intrinsic value. The third party here could well be the Cheshire Record Office. “Migration” can, of course, include the sale of documents to a third party.
- Recycling – wherever practicable disposal should further recycling, in-line with the Council’s commitment to sustainable development and promoting an alternative waste disposal strategy.

Disposal of all but routine documents should be documented by keeping a record of the document disposed of, the date and method of disposal, and the officer who authorised disposal. The documenting of disposal will be particularly important to ensure compliance with the Freedom of Information Act.

Monitoring

Council will periodically monitor compliance with this Policy.

Photographs and Digital Images

This policy is applicable to all forms of visual media, including film, print, video, DVD and websites.

The Town Council use images and videos for a variety of purposes, publicity, records of events, training purposes, security, crime prevention and the website. Whilst we recognise the benefits of photography and videos to our work and the community, we also understand that these can have significant risks for those involved. Under the legal obligations of the Data Protection Act and GDPR, the council has specific

responsibilities in terms of how photos and videos are taken, stored and retained.

For the purpose of this policy we consider photographs and digital images as documents and have included a retention guide below.

Document	Minimum Period of Retention	Reason
Democracy		
Record of disposal records	Destroy after 12 years	Common practice
Approved Minutes Council and Committee/ Sub-Committee	Permanent archive after administrative use Copy available on website	Public Inspection/ Scrutiny
Council/Committee meetings Notices and agendas	Destroy 1 year after year end However, recommendation is to keep permanently	Local decision
Council/Committee meetings Reports and other documents	Electronic archive after administrative use	Local decision
Working party agendas, reports	Destroy after 5 years	Local decision
Minute taking notes	Destroy after minutes approved	Local decision
Record of Officer decisions under delegated authority and background documents	Destroy after 6 years However, recommendation is to keep permanently	Statutory (2014 Regulations)
Scales of Fees and Charges	5 years	Management
Elections Register and associated lists	Destroy after 4 years	Local decision
Lists of candidates	Destroy after 4 years	Local decision
Election results	Permanent	Local choice as permanent record kept with Cheshire East
Member contact and other details	Personal Details Review regularly and delete if retention can no longer be justified Other details Generally destroy when no longer a member of Council, except if ongoing issue, then destroy.	Data Protection Common practice and Data Protection
Representation List of members representing the Council on outside bodies	4 years However, recommendation is to keep permanently	Local choice

Finance		
Receipt and payment(s) accounts	6 years	VAT
Receipt books of all kinds	6 years	VAT
Bank statements, including deposit/savings accounts	Last completed audit year	Audit
Bank paying-in books/records	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Agreements between organisations and Partners	Destroy 6 years after expiry	Common practice
Quotations and tenders-successful	12 years	Limitation Act
Quotations and tenders-unsuccessful	Destroy after 3 years	Challenge
Contracts and Tendering-all documents	Destroy 6 years after last action except contract under seal (12 years)	Part Limitations Act
Correspondence and papers on important local issues or activities	Destroy 5 years after last activity or archive.	Local choice
Building contracts	Life of building + 15 years	Statutory
Licensing or lease Agreements. Rental/Hire Purchase Agreements	Indefinite-archive after end date	Limitations Act
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act
VAT records	6 years	VAT
PAYE returns and supporting documents	6 years	Income Tax
PAYE related records not needed by Revenue	3 years after end of tax year	Local choice
Budget and estimates	Permanent archive after 3 years	Statutory
Working papers	2 years	Local choice
Accounts and Audits	Permanent archive after administrative use concluded.	Common practice
Associated documents	Destroy after administrative use	
Postage and telephone records	6 years	Tax, VAT, and Limitation Act
Timesheets	Last completed audit year	Audit
Salaries and wages documents, Inland Revenues (tax and NI)	12 years	Superannuation Limitation Period
Record of Members allowances	6 years	Income Tax, Limitation Act
Insurance policies Claims	While valid and permanent archive Destroy after 7 years	Management
Insurance Certificates/Employers' Liability Certificates	Indefinite, archive after 5 years.	Management

Investments	Indefinite, archive 5 years after ended	Audit, Management
Loans	Permanent archive after 2 years	Common practice
Annual Return to external auditor	Destroy after 6 years	Audit
Internal and external audit reports	Destroy after 6 years	Audit
Grants and donations made.	Destroy after 6 years where personal data included, destroy this data once no longer needed unless written permission to retain	Audit and VAT

Personnel Records		
Personnel administration	Destroy 5 years after person leaves the Council (except staff working with children-25 years)	Local choice and statutory
Recruitment and interview documents	1 year for most documents Equality monitoring forms, immediately person not appointed	Equal opportunities claims
Volunteers e.g. marshalls for events, work experience	Destroy 1 year after volunteering completed, unless written permission to retain for future volunteering	Local choice Data Protection
Employers Liability Certificates	Retain for 40 years	Common Practice
Equality documents,	Destroy 15 years after last action	Common practice
Records with Personal or sensitive information	Review regularly. Destroy when no longer needed or cannot be justified for one of specified reasons	Data Protection
Health and Safety	Destroy 15 years after last action or after 6 years if superseded. 40 years for asbestos and other occupational health records	Statutory and common practice

Administration		
Title deeds, leases, agreements, contracts	Indefinite, archive after 5 years	Audit, Management
Maps, plans and surveys of property owned by Council	Indefinite. Archive after 5 years.	Common Practice
Planning lists, plans and observations	Destroy after 1 year.	Local choice
Statutory Development Plans	Destroy 5 years after expiry or when draft Superseded	Local choice
Observations	Same	
Consultations on statutory functions e.g. Licensing, Highways	Destroy after 1 year	Local choice
Corporate plans, Strategies, policies Business plans, annual reports, Asset register	Permanent archive after superseded	Common practice
Routine correspondence, papers and emails	Destroy when not current or no longer needed for operations. Where contains personal information, destroy as soon as matter resolved	Local choice and Data Protection
Complainants and enquirers about the council's own services, and	Destroy when not current or no longer needed for operations.	Local choice and Data Protection

enquiries about other third-party services e.g.) unitary authority and housing associations and allotment associations	Where contains personal information, destroy as soon as matter resolved. Do not pass on details without written permission	
Documents, and emails containing personal information- staff and councillors	Destroy as soon as possible. i.e. when retention no longer justified for one of the specified reasons.	Data Protection
Third party emails and contact Details containing personal data	Destroy, when retention no longer justified for one of the specified reasons.	Data Protection
Email account contents- former councillors	Review and permanently delete within 2 months of leaving council, except if relate to an ongoing issue then destroy when no longer needed	Common practice and Data Protection
Email account contents- former employees	Review and permanently delete within 2 months of leaving council, except if relate to an ongoing issue then destroy when no longer needed	Common practice and Data Protection
Statutory returns to Government etc.	7 years	Common practice
Operating procedures	1 year after superseded	Local choice
Consultations of public and staff	Destroy after 3 years from closure	Common practice
Record of complaints against Council	Destroy after 6 years Destroy personal information once matter resolved unless permission to retain.	Common practice Data Protection
Freedom of information- Reviewing the quality, efficiency, or performance of the Council	Destroy after 5 years	Common practice
Publicised work of the Council	One copy to Permanent Archive Destroy after administrative use	Common practice
Media Relations-records of interactions	Destroy after 3 years	Common practice
Marketing and promotions literature	Destroy after 6 years	Local choice
Civic and Royal events-records of Organising documents	Permanent Archive after administration use concluded Destroy after 7 years	Common practice Common practice
Making local byelaws, copies and procedures	Permanent archive after administrative use ended	Common practice
Administration and enforcement of Local byelaws	Destroy 2 years after conclusion of action	Common practice
Emergency planning and Environmental issues	Destroy 7 years after administration concluded	Common practice
Town Newsletters, press cuttings and Photographs not containing Personal information.	Archive after no longer current	Historic value
Ancient and historical records	Record and Archive or to Cheshire Records	Historic value
Reports, Guides, handbooks etc from bodies	Destroy when no longer current or useful	Local choice
Consultees-details of persons responding to consultations by hard Copy, email, online or social media	Destroy once information taken for statistical Purposes. Only attribute comments with written	Data Protection and Good practice

Competition entrants	Destroy once competition over. Require written permission to use personal details for publicity. e.g. winners	Data Protection and Good practice
Civic and ball list of attendees	Destroy once event over. Require written permission to use personal details for publicity or future invitations	Data Protection
Community safety and vulnerable adults information received through community engagement.	Destroy, when retention no longer justified for one of the specified reasons.	Data Protection

Photographs and Digital Images

Photographs/images without personal data, including from CCTV	Destroy when no longer of use Indefinite archive if required as permanent Record or required for historical record	Local choice
Photographs/images considered to contain personal data, including from CCTV	Destroy as soon as possible. i.e. when retention no longer justified for one of the specified reasons. Retain only if positive consent of data subject, and for the period of the consent only.	Data Protection Data Protection