

## **WOOTTON BRIDGE PARISH COUNCIL**

### **DOCUMENT RETENTION SCHEME**

#### **1. Introduction**

- 1.1 The council recognises the need to retain documentation for audit purposes, staff management, tax liabilities and the eventuality of legal disputes and proceedings.
- 1.2 In agreeing a document retention scheme, the council has addressed these needs, and taken into account its obligations under the Local Government Act 1972, the Audit Commission Act 1998, the Public Records Act 1958, the Data Protection Act 1998, the Employers' Liability (Compulsory Insurance) Regulations 1998, the Limitation Act 1980, the Employment Rights Act 1996, the Local Authorities Cemeteries Order 1977, the Local Government (Records) Act 1962, the Freedom of Information Act 2000, the Lord Chancellor's Code of Practice on the Management of Records Code 2002 and the General Data protection Act 2018.

#### **2. Retention of documents for legal purposes**

- 2.1 Most legal proceedings are governed by the Limitation Act 1980. The 1980 Act provides that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question. The table below sets out the limitation periods for the different categories of claim.

<b>Category</b>	<b>Limitation Period</b>
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

- 2.2 Some types of legal proceedings may fall into two or more categories. In these circumstances, the documentation should be kept for the longest of the differing limitation periods.
- 2.3 As there is no limitation period in respect of trusts, the council will never destroy trust deeds and schemes and other similar documentation.
- 2.4 Some limitation periods can be extended. Examples include:
- where individuals first become aware of damage caused at a later date (e.g. in the case of personal injury);
  - where damage is latent (e.g. to a building);
  - where a person suffers from a mental incapacity;
  - where there has been a mistake or where one party has defrauded another or concealed relevant facts.
- 2.5 In such circumstances, the council will weigh up (i) the costs of storing relevant documents and (ii) the risks of:
- claims being made;
  - the value of the claims; and
  - the inability to defend any claims made should relevant documents be destroyed.

### **3. Objectives and Scope of the Policy**

- 3.1 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 document.
- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 The aim of this document is to provide a working framework to determine which documents are:
- Adopted
  - Retained – and for how long; or
  - Disposed of – and if so by what method.
- 3.7 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.

- 3.8 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.
- 3.9 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

#### **4. Roles and Responsibilities for Document Retention and Disposal**

- 4.1 The Council is 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.
- 4.2 The Council should ensure that all employees are aware of the retention/disposal schedule.

#### **5. Document Retention Protocol**

- 5.1 The 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.
- 5.2 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.
- 5.3 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.
- 5.4 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.

#### **6. Document Disposal Protocol**

- 6.1 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?

6.2 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.

6.3 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 County Records Office.

6.4 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).

6.5 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.

## **7. General Data Protection Act 2018 – Obligation to Dispose of Certain Data**

7.1 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.

7.2 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.

7.3 The Council is 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.

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

## **8. Scanning of Documents**

- 8.1 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.
- 8.2 As a general rule hard copies of scanned documents should be retained for three months after scanning.
- 8.3 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.

## **9. Review of Document Retention**

- 9.1 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).
- 9.2 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, 13th 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

## **10. Document retention schedule**

- 10.1 The council has agreed a minimum document retention schedule, based on the obligations under the previously named acts, codes, orders and regulations.

DOCUMENT RETENTION POLICY			
RECORD	ACTION	MINIMUM RETENTION PERIOD	REASON
Accident Book	Preserve	20 years	Reporting of Injuries, Diseases and Dangerous Occurrences Act 2013
Agendas	Preserve	Indefinite	Archive
Asbestos and hazardous materials records	Preserve	Indefinite	Asbestos Regulations
Byelaws and orders	Preserve	Indefinite	Archive
Councillors Register of interest	Destroy	1 year after member leaves Council	
Correspondence and emails	Destroy	1 year	Limitation Act 1980
Draft minutes and recordings of meeting	Destroy	Destroy when minutes approved	Not required
Gifts and Hospitality Records	Preserve	Indefinite	Challenge
Health and Safety Records	Preserve	Indefinite	Challenge
Insurance policies	Preserve	While Valid	Management
Certificates for insurance against liability for employees	Preserve	40 years from date on which the insurance commenced or was renewed	Employers' Liability (Compulsory Insurance) Regulations 1998, Management
Title deeds, Leases, licenses and agreements.	Preserve	Indefinite.	Audit, management
Minutes (signed) of the Council, Committees, sub committees and working groups.	Preserve	Indefinite	Archive
Personnel – Job applications	Destroy	3 months after appointment for applicant feedback if requested	Limitation Act 1980
Employee records	Destroy	6 months after termination of contract	
Previous versions of policies, standing orders, schemes of delegation	Destroy	3 years	Data Protection Act 1998, 2018
Quotations and tenders for works	Destroy	6 years after completion of contract	Limitation Act 1980
Scales of fees and charges	Destroy	Six years	Management

FINANCIAL			
RECORD	ACTION	MINIMUM RETENTION PERIOD	REASON
Annual accounts and asset register	Preserve	Indefinite	Archive
Audit returns to external auditor	Preserve	Indefinite	Archive
Bank Statements	Destroy	6 years	Tax, VAT, Limitation Act 1980
Bank paying in book and cheque book stubs	Destroy	6 years	Tax, VAT, Limitation Act 1980
Borrowing	Preserve	Indefinite	Audit management
Hiring records of properties	Destroy	6 years	VAT
Internal Audit Management	Preserve	Indefinite	Audit Management
Investments	Preserve	Indefinite	Audit Management
Members allowances register	Destroy	6 years	Tax, Limitation Act 1980
Paid invoices	Destroy	6 years	VAT
Paid cheques	Destroy	6 years	Limitation Act 1980
Pension Contribution Records	Destroy	6 years	Pensions Act 2014
Petty Cash records	Destroy	6 years	Tax, VAT, Limitation Act 1980
Project management records	Preserve	Indefinite	Archive /Audit/ grant funding
Receipt books of all kinds	Destroy	6 years	VAT
Receipts and Payments records	Preserve	Indefinite	Archived
Salary records including P60s & P45s	Destroy	12 years	Superannuation
Staff time sheets	Destroy	Last completed audit	Audit
VAT records	Destroy	6 years	VAT, Tax

OTHER INCLUDING PLANNING			
RECORD	ACTION	MINIMUM RETENTION PERIOD	REASON
General historic information relating to Wootton bridge	Preserve	Indefinite	Archive
Legal papers	Preserve	Indefinite	Archive
Planning documents relating to Wootton Bridge generally	Destroy	After comment made by Parish Council	Available on IWC website
Planning documents relating to Wootton Bridge <ul style="list-style-type: none"> <li>• Town Plans</li> <li>• Design Statements</li> <li>• Policies</li> </ul>	Preserve	Indefinite	Archive

OTHER			
RECORD	ACTION	MINIMUM RETENTION PERIOD	REASON
<b>For halls, centre, recreation grounds</b> <ul style="list-style-type: none"> <li>• Application for hire</li> <li>• Lettings diaries</li> <li>• Copies of bills to hirers</li> </ul> Record of tickets issued	Destroy	6years	VAT
<b>For allotments</b> Register and plans	Preserve	Indefinite	Audit, Management
<b>For burial grounds</b> <ul style="list-style-type: none"> <li>• Register of fees collected</li> <li>• Register of burials</li> <li>• Register of purchased graves</li> <li>• Register/plan of grave spaces</li> <li>• Register of memorials</li> <li>• Application for internment</li> <li>• Application for rights to erect memorials</li> <li>• Disposal certificates</li> </ul> Copy certificates of grant of exclusive right of burial	Preserve	Indefinite	Archives, Local Authorities Cemeteries Order 1977



10.2 The need to retain any documents not included in the above schedule should be considered on an individual basis. As a guide, and in the absence of any prevailing act, code, order or regulation to the contrary, documents may be destroyed if they are no longer of use or relevant. If in any doubt, advice should be sought from the Clerk.

This Document Retention Scheme was approved by the Parish Council on the 15<sup>th</sup> May 2018.  
Reviewed May 2023