

Retention and Disposal Policy Lake Parish Council

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 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. Scope and Objectives of the Policy

2.1 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.

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- Out of date distribution lists.

2.3 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.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

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

4. Document Retention Protocol

4.1 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.

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.

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. 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 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. General Data Protection Act 2018 - Obligation to Dispose of Certain Data

6.1 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.

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 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.

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. 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. 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

Appendix A

Recommended Document Retention Timescales:

- The retention period should be the number of years specified plus the current financial period (i.e. three years plus the current period, therefore at least three years documentation will always be retained at any given point in time).
- This list is not exhaustive; if you are unsure about any document contact the Parish Clerk for clarification.

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 |
| BACS listings | 6 years |
| Goods received notes, advice notes and delivery notes | 3 years |
| Copy receipts | 6 years |
| Petty cash vouchers and reimbursement claims | 6 years |
| Debtors and rechargeable works records | 6 years |
| Expenses and travel allowance claims | 6 years |
| Asset Register for statutory accounting purposes | 10 years |
| Journal Sheets | 5 years |
| Ledger/Trial Balance | 10 years |
| Year-end ledger tabulations – ledger details and cost updates | 5 years |
| Published Budget Books | Indefinitely Medium Term |
| Financial Plan | Indefinitely |
| Budget Estimates – Detailed Working Papers and summaries | 3 years |
| Bank Statement (Disk Space) and Instructions to banks | 6 years |
| Bank Statements (Hardcopy) | 6 years |
| Banking Records including Giro cheques, bills of exchange and other negotiable instruments | 6 years |
| Prime evidence that money has been banked | 6 years |
| Refer to Drawer (RD) cheques | 2 years |
| Cancelled Expenditure cheques | 2 years |
| Bank Reconciliation | 3 years |
| Cheques presented / drawn on the Council bank accounts | 3 years |
| Prime records that money has been correctly recorded in the Councils financial systems | 3 years |
| Grant/Funding Applications & Claims | 5 years |
| Precept Forms | Indefinitely |
| Internal Audit Plans/ Reports | 3 years |
| Fees and Charges Schedules | 5 years |
| Time sheets and overtime claims | 6 years |

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|--|--------------------------------------|
| Payroll and tax information relating to employees | 6 years |
| Payroll costing analysis | 2 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 | Indefinitely |
| Loans and Investment Records; temporary loan receipts and loan tabulations | 6 years (after redemption of loan) |
| VAT, Income Tax and National Insurance Records | 6 years |
| Current and expired insurance contracts and policies indefinitely Insurance records and claims | 6 years |
| Capital and contracts register | Indefinitely |
| Final accounts of contracts executed under hand | 6 years from completion of contract |
| Final accounts of contracts executed under seal | 12 years from completion of contract |
| All Other reconciliations | 3 years |

PERSONNEL

| Document | Retention Period |
|--|--|
| Unsuccessful application forms | 6 months |
| Unsuccessful reference requests | 1 year |
| Successful application forms and CVs | For duration of employment + 5 years |
| References received | For duration of employment + 5 years |
| Statutory sick records, pay, calculations, certificates etc. | For duration of employment + 5 years |
| Annual leave records | For duration of employment + 5 years |
| Unpaid leave/special leave | For duration of employment + 5 years |
| Annual appraisal/assessment records | Current year and previous 2 years |
| Time Control Records | 2 years |
| Disclosure & Barring Service Checks | 6 months |
| Personnel files and training records | 5 years after employment ceases |
| Disciplinary or grievance investigations - proved - Verbal - Written - Final warning - Anything involving children | 6 months 1 year 18 months permanently |
| Disciplinary or grievance investigations - unproven | Destroy 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 |

CORPORATE

| Document | Retention Period |
|---|---|
| Minutes and reports of Council meetings | Indefinitely |
| Minutes and reports of Committee meetings | Indefinitely |
| Minutes and reports for Extraordinary meetings | Indefinitely |
| Minutes and reports of sub-committees | Indefinitely |
| Notes and reports of working groups | Indefinitely |
| Policies and procedures | Until updated or reviewed |
| Asset Management records | Indefinitely |
| Asset management reports | Indefinitely |
| Internal audit records | 3 years |
| Internal audit fraud investigation | 7 years from date of final outcome of investigation |
| Risk register | Indefinitely |
| Risk management reports | Indefinitely |
| Performance reports | Indefinitely |
| Equalities data | Indefinitely |
| Questionnaire data | Indefinitely |
| Drivers log books and mileage | 6 years |
| Vehicle maintenance and registration records (all necessary certificates, MOT certificates, test records and vehicle registration documents etc) | 2 years after vehicle disposed of |
| Fuel usage records | 3 years |
| Allotment application forms | Length of Tenancy + 2 years |
| Allotment agreements | Length of Tenancy + 2 years |
| Beach Hut Licenses | Length of Ownership + 2 years |
| Show health & safety statements | 2 Years |
| Show application including caterers, displays, competition entrants | 1 year |
| Services and equipment quotations – show | 1 year |
| Contacts for show | 1 year |
| Show stalls database including handcraft and horticulture entrants' details | 1 year |
| Trips tenders for coach hire | 1 year |
| Trip database of applicants Coach Tours | 1 year |
| Paper application | 1 year |
| Pre-tender qualification document Summary list of expression of interest received Company contacts A summary of any financial or technical evaluation supplied with the expressions of interest Initial application | 1 year |
| Successful tender documentation Life of contract | 6 years |
| Unsuccessful tender documentation | Until final payment is made |
| Deeds of land and property | Indefinitely |
| Land and property rental agreements | 6 years after expiry of the agreement |
| Property evaluation lists | Indefinitely |

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| Lease agreements, variation and valuation queries | 6 years after the expiry of the agreement |
| Documentation referring to externally funded projects | 6 years |
| Booking diaries | 3 years |
| Electronic booking information is held in the system indefinitely due to the need to gather statistical information | |
| Premises License applications | Indefinitely |

HEALTH & SAFETY

| Document | Retention Period |
|--|---|
| Health and Safety Accident books | 3 years after the date of the last entry (unless an accident involving chemicals 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 the date of the last entry |
| Medical examination certificates | 4 years from date of issue |
| Records relating to accidents person over 18 years | 3 years from date of accident |
| Records relating to accidents person under 18 years | Until 21st birthday |
| Asbestos records for premises/property including survey and removal records | 40 years |
| Parks and play area inspection reports | 5 years |
| All inspection certificates (Gas Safe, FENSA etc) | 2 years |
| Repairs job sheets | 2 years |
| Periodic machinery inspection tests (PAT, equipment calibration etc) | 2 years |
| Warranties | 10 years |
| Documents relating to the process of collecting, transporting and disposal of general waste | 3 years |
| Documents relating to the process of collecting, transporting and disposal of hazardous waste | 10 years |
| Plant and equipment testing | 2 years |
| Risk Assessment Forms | 2 years |
| Unusual Incident Forms | 3 years |
| Manual Handling Assessment Forms | 3 years |

ADDITIONAL ITEMS

| Document | Retention Period |
|------------------|-------------------------|
| Approved Minutes | Indefinite |
| CCTV | 180 day image retention |