

BODENHAM PARISH COUNCIL

DOCUMENT RETENTION AND DISPOSAL POLICY

INTRODUCTION

1. This Policy covers all records, regardless of their physical form, which are created, received and/ or maintained by the Parish Council, its staff and the volunteers acting for it. Records are vital assets which need careful management to enable the Council to conduct its business and comply with its statutory obligations. This Policy sets out the arrangements for records management.

2. The effective management of records in all formats depends as much on their efficient disposal as well as their long-term preservation. The untimely destruction of records may adversely affect the Council's work, but so will the unnecessary retention of outdated and potentially inaccurate records. Disposal is necessary not only to reduce administrative burdens, but also to ensure that information is not retained for longer than necessary or allowed by law and that accurate records are maintained for appropriate periods to satisfy applicable operational and legal requirements.

3. This Policy is important in helping the Parish Council to ensure that it complies with the Data Protection Act 2018 and with the Freedom of Information Act 2000.

4. Article 5 of the GDPR requires that personal data must be:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals;*
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;*
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;*
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;*
- e) 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; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and*
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures."*

5. Both the GDPR and the Freedom of Information Act 2000 provide outside organisations and individuals rights of access to information held by the Parish Council and the link between these two pieces of legislation and effective records management will be immediately apparent. The quality of this management will affect the Council's ability to respond to requests under the legislation. If records are not created and managed effectively then, at best, unnecessary time and effort will be wasted in finding them when needed and, at worst, they will not be found at all.

RETENTION PERIODS

6. The Retention Schedule which forms part of this Policy sets out the length of time that records should be retained, irrespective of the media on which they are created or held including:

- paper;
- electronic files (including databases, word-processed documents, spreadsheets, web pages and e-mails); and
- photographs and videotapes.

7. Retention periods are determined based upon the nature of the information held, not the medium in which it is maintained. For example, information which is held in electronic form should only be retained for the same period as it would be kept if it was in paper form. Unless there are specific reasons for doing so, duplicate copies of the same record should not be retained whether in the same format or in different formats, for example, as both paper and electronic versions. Retention arrangements for electronic records should ensure that they will remain complete, unaltered and secure, but accessible, throughout the retention period.

8. The value of information tends to decline over time, so the majority of records should only be retained for a limited period of time and eventually be destroyed. In the Schedule below a recommended minimum retention period, derived from operational or legal requirements, is provided for each category of record and applies to all records within that category.

9. During their retention period, it may be necessary for some records to be held in different locations and on different media, but they should always be properly managed in accordance with this Policy.

10. A small proportion of records which are considered to be of permanent local historical significance, but are not required to be transferred to the Herefordshire Council Records Office (HRO), may be preserved in the Parish Council archive. The Parish Clerk is responsible for the selection of records for permanent preservation and the maintenance of the this Parish archive.

11. No data file or record should be retained for more than six years after it is closed unless a good reason for longer retention can be demonstrated. It may well be appropriate having regard to the nature of the record to opt for a shorter period.

12. Reasons for longer retention will include the following:

- legislation requires retention for a longer period;
- the record contains information relevant to legal action which has been started or is in contemplation. 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 ;
- the record should be archived for historical or research purposes, for example. the record relates to an important policy development or relates to an event of local or national importance
- the record is retained for the purpose of retrospective comparison; and
- the record relates to individuals or contractors who are judged unsatisfactory. The individuals may include employees who have been the subject of serious disciplinary action

TEMPORARY RECORDS

13. Many records have no significant operational or evidential value and are not subject to retention under this Policy but may be destroyed once they have served their primary purpose. These include:

- requests for forms;
- compliment slips and similar items which accompany documents;
- superseded distribution or mailing lists;
- drafts of documents;
- working papers which are the basis of the content of other documents;
- notices of meetings and other events;
- invitations and notices of acceptance or apologies; and

STORAGE

14. All data and records must be stored as securely as possible in order to avoid potential misuse or loss. They should be stored in the most convenient and appropriate location having regard to the period of retention required and the frequency with which access will be made to the record.

15. The degree of security required for the storage of records, whether in electronic or paper form, must reflect the sensitivity and confidential nature of their contents.

16. Any data file or record which contains personal data in any form must be considered as confidential in nature.

DISPOSAL

17. Records should be reviewed as soon as possible after the expiry of the retention period. This need not be a detailed or time consuming exercise, but there must be a considered appraisal of the contents of the record.

18. A record should only be destroyed after verification that:

- no work is outstanding in respect of that record and that it is no longer required;
- the record does not relate to any current or pending complaint, investigation, dispute or litigation; or
- the record is unaffected by any current or pending request made under the Freedom of Information Act or the GDPR.

19. A record must be made of all disposal decisions and destruction should be carried out in a manner that preserves the confidentiality of the record. Confidential paper records must be shredded and electronic records must be either physically destroyed or completely erased to the current standard. Deletion of electronic files is not sufficient.

20. All copies of a record, in whatever format, should be destroyed at the earliest opportunity after the decision for their destruction.

VARIATIONS TO THE POLICY

21. Information needs are dynamic and therefore this Policy is a “living document” which will be amended as the need arises.

22. Any review of retention periods should take account of relevant statutory and legal requirements and consideration of the overall operational value of records, including:

- on-going operational, accountability and audit needs;
- best practice in the local government field;
- the probability of future use;
- the long-term historical or research value of the record;
- the costs of retention or destruction; and
- the risks associated with retaining or destroying the record.

RETENTION SCHEDULE

23. The Schedule is not an exhaustive list but merely indicates the types of record which have no significant operational or evidential value and may be destroyed once their effective use has ended.

Records	Retention Period	Action	Reason
Administrative			
Parish Council and Sub-Committee Minutes	Transfer to Herefordshire Records Office (HRO) after 6 years or once they become inactive	Preserve	Common practice
Draft Minutes	Until the date of confirmation of the Minutes	Destroy	Operational
Agendas	Until there is no longer an administrative requirement	Destroy	Operational
Reports and other documents circulated with Agendas	Until there is no longer an administrative requirement. Destroy these reports if copies are already included with signed Minutes	Review	Common practice
Councillors' Declarations of Office	4 years or until they vacate office	Destroy	Operational
Register of Electors	Until there is no longer an administrative requirement	Destroy	Copies already in existence
Policy Documents	Until there is no longer an administrative requirement	Review	Operational
Title deeds less than 100 years old	Transfer to HRO for review once they become inactive. HRO will not accept deeds still needed to prove title	Review	Common practice
Property Registers	Transfer to HRO once they become inactive	Preserve	Common practice

Records	Retention Period	Action	Reason
Maps, Plans, and Surveys of Property owned by the Council	Transfer to HRO once they become inactive	Preserve	Common practice
General correspondence	6 Years after correspondence ends	Destroy	Operational
Complaints	6 Years after resolution of complaint	Destroy	Operational
Information Requests	6 Years after resolution of request	Destroy	Operational
Parish Appraisals, Plans, Millennium Projects and Supporting Papers	Until there is no longer an administrative requirement	Review	Operational
Planning Applications and Related Papers for Major Controversial Developments	Until there is no longer an administrative requirement	Review with the view to destroy	Operational
Planning Applications for Minor Works where Permission is Refused	6 years	Destroy	Limitation Act 1980
Leases, Agreements, Contracts and Wayleaves	Until there is no longer an administrative requirement	Review	Operational
Quotations and Tenders (Successful)	6 years after contract ends	Destroy	Limitation Act 1980
Quotations and Tenders (Unsuccessful)	2 years	Destroy	Operational
Routine Internal Correspondence and Papers	Until there is no longer an administrative requirement	Review with the view to destroy	Operational
Scale of Fees and Charges	Until superseded by new charges	Destroy	Operational
Employers' Liability Insurance Policies	40 years after expiry date	Destroy	Employers' Liability Act 1969 Employers' Liability Regulations 1998
Risk Assessments	Once superseded by a new risk assessment or once inactive	Destroy	Operational

Records	Retention Period	Action	Reason
Personnel Files	6 Years after termination of service	Destroy	Risk of investigation regarding any future litigation
Personnel Files - Recruitment data		Destroy	Equalities Act
Successful	Add to personnel file		
Unsuccessful	6 months after recruitment finalised plus current year	Destroy	
Records of Disposal Decisions	6 Years after disposal	Destroy	Operational
Financial			
Annual Audited Accounts	6 years.	Destroy, but preserve if the receipt and payment books have not survived.	Herefordshire Council financial regulations
Accounts and Statements	6 years	Destroy	Herefordshire Council financial regulations
Receipt Books of all kinds	6 years	Destroy	Herefordshire Council financial regulations
Postage and Telephone Books	6 years	Destroy	Herefordshire Council financial regulations
Bank Statements including deposit/saving accounts	6 years	Destroy	Herefordshire Council financial regulations
Bank Paying-in Books	Last completed Audit year	Destroy	Herefordshire Council financial regulations
Cheque Book stubs	Last completed Audit year	Destroy	Herefordshire Council financial regulations
Paid Invoices	6 years	Destroy	Herefordshire Council financial regulations

Records	Retention Period	Action	Reason
Paid Cheques	6 years	Destroy	Herefordshire Council financial regulations
VAT Records	6 years	Destroy	VAT Act 1994
VAT Claims	6 years	Destroy	VAT Act 1994
Miscellaneous			
Maps created under the provision of the Rights of Way Act 1932	Transfer to HRO once they become inactive	Preserve	Common practice
Papers concerning Rights of Way	Until there is no longer an administrative requirement	Destroy	Operational
Community Newsletters	Transfer to Parish Archive once no longer current	Preserve	Common practice
Charity Papers	Until there is no longer an administrative requirement	Review	Operational
Photographs	Until there is no longer an administrative requirement. If of local historical interest preserve in the Parish Archive; otherwise destroy	Review	Common practice
Reports, Guides, Handbooks etc received from other organisations	Until there is no longer an administrative requirement	Review	Operational

Adopted by the Parish Council on 6 August 2018