

Sancton Parish Council

Document and Electronic Data Retention Policy

Introduction

Sancton Parish Council recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the Parish Council.

This document provides the policy framework through which this effective management can be achieved and audited. It covers: -

- Scope
- Responsibilities
- Retention Schedule

Scope of the Policy

This policy applies to all records created, received or maintained by the Parish Council in the course of carrying out its functions. Records are defined as all those documents which facilitate the business carried out by the Parish Council and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically.

Responsibilities

The Parish Council has a corporate responsibility to maintain its records and record management systems in accordance with the regulatory environment. The person with overall responsibility for the implementation of this policy is the Clerk to the Parish Council, and they are required to manage the Council's records in such a way as to promote compliance with this policy so that information will be retrieved easily, appropriately and in a timely manner.

The Parish Council will ensure that information is not kept longer than is necessary and will retain the minimum amount of information that it is required to hold to meet its statutory functions and the provision of its services.

Any document deemed to be no longer of use or value can be destroyed but if the Clerk is any doubt, they will seek advice from ERNLLCA.

Documents of historical importance, if not retained by the Parish Council will be offered to the local authority archive.

Retention of Documents

1. Appendix 1 indicates the appropriate retention period for audit and other purposes as well as the reasons for retention.
2. Appendix 2 indicates the appropriate retention period for documentation relating to information technology.
3. In respect of the retention of documents in case of a legal dispute the Parish Council's policy is set out under Retention of Documents for Legal Purposes.
4. Documents not mentioned in the appendices will be treated as follows: -

a) 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 planning consent.

- 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.

b) 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) required 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.

c) Circulars and Legal Topic Notes

- Items from ERNLLCA, NALC and other bodies such as the local authority will be retained for as long as the information contained therein is relevant.

d) Correspondence

- If related to audit matters, correspondence will be kept for the appropriate period specified for the retention of audit documentation.
- In planning matters correspondence will be kept for the same period as suggested for 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.

e) Personnel Matters

- Article 5 of the General Data Protection regulation (GDPR) provides that '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 Sancton Parish Council 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.

Retention of Documents for Legal Purposes

1. Most legal proceedings are governed by the Limitation Acts which state that legal claims may not be commenced after a specific period of time. The specified period varies depending upon the type of claim in question.
2. The table below sets out the limitation periods for the different categories of claim.

Category of Claim	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

3. If a type of legal proceeding falls into 2 or more categories, the documentation will be kept for the longer of the limitation period.
4. As there is no limitation period in respect of Trust the Parish Council will retain all Trust Deeds and Schemes and other similar documentation.

Disposal of Documents or Documentation

Disposal can be carried out by a range of processes:

1. Any record containing confidential information must either be disposed of in a confidential waste bin or shredded.
2. Disposal of documents that do not contain confidential information may be disposed of in the normal way or recycled.
3. Deletion – where computer files are concerned.
4. Transfer of the document to an external body or third party if the document is of intrinsic value, e.g. County Archive, Museum etc.

Disposal of Electrical Hardware

1. IT equipment and devices that have the ability to store personal data include: -
 - Personal Computers
 - Laptops
 - Mobile Phones
 - Multi-functional devices e.g. printers & scanners
 - Server
 - USB memory sticks and external hard drives.
2. IT equipment disposal must be managed by the Chair and the Clerk.
3. All computer equipment, recycling or refurbishing must be disposed of in accordance with the Waste Electronic and Electronic Equipment Regulations 2013.

Documenting Disposal

The Parish Council will keep a record detailing the document disposed of and the date of disposal.

Appendix 1 – Retention of documents required for the Audit of Parish Councils

Document	Minimum Retention Period	Reason
Minute books	Indefinite	Archive
Receipt & Payment Accounts	Indefinite	Archive
Receipt Books	6 years	VAT
Bank Statements	Last completed audit year	Audit
Bank Paying-in Books	Last completed audit year	Audit
Cheque Book Stubs	Last completed audit year	Audit
Supplier Contracts	6 years	Limitation Act 1980 (as amended)
Quotations & Tenders	6 years	Limitation Act 1980 (as amended)
Paid Invoices	6 years	VAT
Paid Cheques	6 years	Limitation Act 1980 (as amended)
VAT Records	6 years	VAT
Scales of fees and charges	6 years	VAT, Audit
Timesheets	Last completed audit year and the current year	Audit
Wages Books	12 years	Audit, HMRC
Insurance Policies	While valid	Management
Certificates for insurance against liability for employees	40 years from the date on which insurance was commenced or renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management
Title Deeds, Leases, Agreements, Contracts	Indefinite	Audit, Management
Staff Attendance Records	Indefinite	Health & Safety Act 1974
Members Allowances & Registers	6 years	Tax, Limitation Act 1980 (as amended)
Declarations of Acceptance of Office	Term of Office plus 1 year	Management
Members' Register of Interests	Term of Office plus 1 year	Management
Project/topic-based Information	Length of project plus 1 year	Management

Appendix 2 – Retention of Documents Required Relating to Information Technology

In all cases identify the documents that need to be retained in accordance with the Retention of Records Schedule (Appendix 1)

Document	Minimum Retention Period	Reason
Email	2 years	To satisfy complaints
Electronic Back-up	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/removable Storage Media	At end of work cycle/project	Data shall be copied or stored on removable media only by authorised users in the performance of official duties