

Payhembury Parish Council

Data Retention and Disposal Policy

Contents

| | |
|--|---|
| 1. Introduction | 1 |
| 2. Aims and Objectives..... | 1 |
| 3. Scope..... | 2 |
| 4. Standards | 2 |
| 5. Breach of Policy & Standards | 2 |
| 6. Roles and Responsibilities..... | 2 |
| 7. Confidential Waste..... | 3 |
| 8. Storage and Access | 3 |
| 9. Retention | 3 |
| 10. Documents from legal matters, negligence and other torts | 4 |
| 11. Disposal of Documentation..... | 4 |
| Appendix A – Retention Schedule..... | 5 |

1. Introduction

- 1.1. Payhembury Parish Council have set out guidelines in this document to support the Parish Council's Data Protection Policy and assist in compliance with the Freedom of Information Act 2000, the General Data Protection Regulation & The Data Protection Act 2018 and other associated legislation.
- 1.2. It is important that the Parish Council has in place arrangements for the retention and disposal of documents necessary for the adequate management of services in undertaking its responsibilities. This policy sets out the minimum requirements for the retention of documents and sets out the requirements for the disposal of documents.
- 1.3. The Parish Council will ensure that information is not kept for longer than is necessary and will retain the minimum amount of information that it requires to carry out its functions and the provision of services, whilst adhering to any legal or statutory requirements.

2. Aims and Objectives

- 2.1. It is recognised that up to date, reliable and accurate information is vital to support the work that the Parish Council do and the services that it provides to its residents. This document will help to:
 - Ensure the retention and availability of the minimum amount of relevant information that is necessary for the Parish Council to operate and provide services to the public.
 - Comply with legal and regulatory requirements, including the Freedom of Information Act 2000, the Data Protection Act 1998, the General Data Protection Regulation, the Data Protection Act 2018 and the Environmental Information Regulations 2004.

Payhembury Parish Council

Data Retention and Disposal Policy

- Save time and effort when retrieving information by reducing the amount of information that may be held unnecessarily. This will assist the Clerk in day-to-day activities, or if searching for information requested under the Freedom of Information Act.
- Ensure archival records that are of historical value are appropriately retained for the benefit of future generations.

3. Scope

- 3.1. For the purpose of this policy, 'documents' refers to records that may be created, received or maintained by the Parish Council and includes electronic, microfilm, microfiche and paper records.
- 3.2. Where storage is by means of paper records, originals rather than photocopies should be retained where possible.

4. Standards

- 4.1. The Parish Council will make every effort to ensure that it meets the following standards of good practice:
 - Adhere to legal requirements for the retention of information as specified in the Retention Schedule at Appendix A. This document provides a framework for good practice requirements for retaining information.
 - Retain all paper copies of personal information in a secure cabinet within the Clerk's Office, access to these documents will only be by authorised personnel.
 - Appropriately dispose of information that is no longer required.
 - Take appropriate measures to ensure that confidential and sensitive information is securely destroyed.
 - Information about unidentifiable individuals is permitted to be held indefinitely for historical, statistical or research purposes e.g. Equalities data.
 - Wherever possible only one copy of any personal information will be retained and that will be held within the Clerk's Office.

5. Breach of Policy & Standards

- 5.1. Knowingly or recklessly contravening any instruction contained in, or following from, this Policy and Standards may, depending on the circumstances of the case, result in disciplinary action, which could include dismissal.

6. Roles and Responsibilities

- 6.1. The Clerk has overall responsibility for the policy.
- 6.2. The Clerk is responsible for the maintenance and operation of this policy including ad-hoc checks to ensure compliance.
- 6.3. The Clerk is responsible for ensuring that the guidelines set out in this policy are adhered to and for ensuring that any documents disposed of are done so in accordance with their 'sensitivity' (i.e. whether they are normal waste or 'Confidential Waste')

Payhembury Parish Council

Data Retention and Disposal Policy

7. Confidential Waste

- 7.1. Fundamentally any information that is required to be produced under the Freedom of Information Act or Environmental Information Regulations, is available on the website or is open to public inspection should NOT be treated as confidential waste.
- 7.2. However, any information that is protected by the Data Protection Act or as Confidential under the Parish Council's constitution should be treated as confidential waste for disposal purposes.
- 7.3. Examples of what constitutes confidential waste:
 - Exempt information contained within reports.
 - Files containing the personal details of an individual and files that predominantly relate to a particular individual or their circumstances, eg completed application forms and letters.
 - Materials given to the Council on a 'confidential' or on a limited use basis e.g. material provided by contractors or the police.
- 7.4. Examples of what does not constitute confidential waste:
 - Documents that are available to the public via the Parish Council's website or by submitting an appropriate search request for general information.
 - All reports and background papers of matters taken to Parish Council in public session unless specifically exempt.

8. Storage and Access

- 8.1. In cases when data is stored on paper, it should be kept in a secure place where unauthorised personnel cannot access it.
- 8.2. Data stored on a computer should be protected by strong passwords that are changed regularly.
- 8.3. Data stored on CDs or memory sticks must be locked away securely when they are not being used.
- 8.4. Data should be regularly backed up in line with the Parish Council's backup procedures.

9. Retention

- 9.1. Timeframes for retention of documents have been set using legislative requirements and the National Association of Local Councils Legal Technical Note (LTN) 40 'Local Council Documents and Records' guidelines (3rd Aug 2022).
- 9.2. Throughout retention the conditions regarding safe storage and controlled access will remain in place.

Payhembury Parish Council

Data Retention and Disposal Policy

- 9.3. The attached Appendix A shows the minimum requirements for the retention of documents. At the end of the minimum period for retention the documents should be assessed to determine whether there is a justifiable reason to retain the documents for longer, otherwise they should be disposed of.

10. Documents from legal matters, negligence and other torts

- 10.1. Most legal proceedings are governed by the Limitation Act 1980 (as amended). The 1980 Act provides that legal claims may not be commenced after a specified period. Where the limitation periods are longer than other periods specified the documentation should be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories. If in doubt, keep for the longest of the limitation periods.

| Category | Limitation Period |
|-----------------------------|-------------------|
| Negligence | 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 |
| Trust deeds | Indefinite |

11. Disposal of Documentation

- 11.1. Paper copies of confidential waste which clearly shows any personal information or information which can be identified using the parameters set out in 7.3 will be shredded. Paper copies of non-confidential waste will be disposed of appropriately.
- 11.2. Electronic copies of documents will be deleted, with care taken to ensure all copies of the document have been deleted, eg backup copies, website versions etc.

Payhembury Parish Council

Data Retention and Disposal Policy

Appendix A – Retention Schedule

The retention period should be the number of years specified plus the current financial period. This list is not exhaustive; if you are unsure about any document, contact the Parish Clerk.

General correspondence, guides, handbooks etc will be retained for as long as is relevant, the minimum period is 1 year. An annual review of all documentation should be carried out and items deleted, destroyed, retained or archived as appropriate.

| Document | Minimum retention | Reason |
|--|--|---|
| Minutes and agendas | | |
| Agendas and meeting Documentation | 5 years | Archive/Management |
| Draft/rough/notes of Minutes taken at meetings | Until the date of confirmation of the minutes | Management |
| Minutes (signed) | Indefinite | Legislation/Archive |
| Finance & Insurance | | |
| Annual audited accounts | Indefinite | Legislation/Archive |
| Annual Return | Indefinite | Legislation/Archive |
| Precept requests | Indefinite | Audit/Management |
| Receipts & payments books | Indefinite | Archive/Management |
| Cheque book stubs | Last completed audit | Audit/Management |
| Paying in books | Last completed audit | Audit/Management |
| Bank statements | Last completed audit | Audit/Management |
| Grant applications | 6 years | Management |
| Quotations and tenders | 6 years | Limitation Act 1980 (as amended) |
| Paid invoices | 6 years | Audit/VAT |
| VAT records | 6 years | Audit/VAT |
| Salary records | 6 years | Audit/Management |
| Income Tax & NI records | 6 years | Audit/Management |
| Insurance policies | As long as it is possible for a claim to be made under it | Management/Legal |
| Cert. Employers Liability | 40 years from the date on which the insurance commenced or was renewed | Audit/Legal; The Employers' Liability (Compulsory Insurance Regulations 1998 SI 2753) |
| Cert. Public Liability | 40 years from the date on which the insurance commenced or was renewed | Audit/Legal |
| Insurance claims records | 7 years after conclusion | Audit/Legal |
| Policy renewal records | Whilst valid | Management |
| General Management | | |
| Assets Register | Indefinite | Audit |

Payhembury Parish Council

Data Retention and Disposal Policy

| | | |
|---|--|------------------------|
| Title deeds; leases; agreements; contracts | Indefinite | Audit/Legal/Management |
| Register of electors | Until updated register received | Management |
| Complaints | 2 years after closure | Management |
| Information requests | 2 years after closure | Management |
| Press releases | 5 years | Management |
| Public Consultations | 5 years | Management |
| Correspondence/papers on important local issues/activities | Indefinite | Archive |
| Routine correspondence, papers & emails | As long as is useful; minimum 6 months | Management |
| Councillor's 'Register of Interests' | 18 months after individual ceases to be a Councillor | Management |
| Declarations of Acceptance of Office | Term of Office + 1 year | Management |
| Councillors contact details | Whilst in office | Management |
| Parish Clerk contract | Term of employment +2 years | Management/Legal |
| Health & Safety | | |
| Accident books | 12 years from closure | Management; Legal |
| Asset inspection records | 12 years | Management; Legal |
| Risk Assessments | 3 years from last assessment | Management; Legal |
| Warranties | 12 years | Management; Legal |
| Miscellaneous | | |
| Governance, Policies, Procedures, etc | 3 years after retirement or replacement by updated version | Management |
| Information from other bodies, eg magazines, journals, newsletters, circulars from county associations, NALC, principal authorities etc | Retained for as long as it is useful and relevant | Management |
| Local/historical information (Councils may acquire records of local interest and accept gifts or records of general and local interest in order to promote the use of such records (defined as materials in written or other form setting out facts or events or otherwise recording Information) | Indefinite – to be securely kept for the benefit of the Parish | Local Interest |