



# SOMERSHAM PARISH COUNCIL

## **RECORD RETENTION AND DISPOSAL POLICY**

### **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. 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.

1.2 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.

1.3 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.

1.4 In contrast to the above, the council should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with Data Protection Regulations so that personal information is not retained longer than necessary.

### **Scope and Objectives**

2.1 The aim of this document is to provide a working framework to determine which documents are:

- 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.
- 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- Out of date distribution lists.



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2.3 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.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

## **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. This review will usually be undertaken by the Clerk.

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

## **Document Retention Protocol**

4.1 Councils should have in place an adequate system for documenting the activities of their service. This system should take in to 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 should be arranged in a system that will enable quick and easy retrieval of information under Data Protection Regulations.
- Documents that are no longer required for operational purposes but need retaining should be placed at Cambridgeshire County Archives.

4.4 The retention schedules in Appendix A: List of Documents for Retention or Disposal provide guidance on the recommended minimum retention periods for specific classes of documents and records. These schedules have been compiled from recommended best practice from the Public Records Office, the Records Management Society of Great Britain and in accordance with relevant legislation.

4.5 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.

## **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 wastepaper bin for disposal.
- Confidential records or records giving personal information should be shredded or disposed of through a confidential waste contractor
- 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.



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- The date the document was destroyed.
- The method of disposal.

## **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 compliance with 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, kept securely, and not for longer than necessary.
- Personal data shall be processed in accordance with the rights of the data subject.

## **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 legislation covering the format for which local government records are retained following electronic storage, except for those prescribed by HMRC (HM Revenue and Customs).

7.3 Original documents required for VAT and tax purposes should be kept for six years unless a shorter period has been agreed with HMRC.

## **Review of Document Retention**

8.1 It is planned to review, update and where appropriate amend this document annually.



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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 13<sup>th</sup> edition Chapter 11, NALC LTN 40 – Local Councils' Documents and Records, January 2013, NALC LTN 37 – Freedom of Information, July 2009, Lord Chancellor's Code of Practice on the Management of Records issued under Section 46 of the Freedom of Information Act 2000.

## **List of Documents**

9.1 The full list of the Council's documents and the procedures for retention or disposal can be found in Appendix A: List of Documents for Retention and Disposal.

## **Appendix A: List of Documents for Retention or Disposal**

Key: P = Preserve permanently    R = Review    D = Destroy    CW = Confidential Waste    OR = Ordinary Recycling

Record	Action	Minimum Retention Period	Reason	Disposal
<b>Administration</b>				
Signed Minutes of the Council, Committee and Sub-Committee meetings	P	Indefinite	Archives	N/A
Signed Minutes of Working Parties	R	5 years or whilst project is ongoing	Management	CW
Agendas	R	5 years	Management	OR
Draft Minutes	D	Destroy when Minutes approved		OR
Reports and other papers circulated with Agenda	R	6 months	Management	CW
Procedural Standing Orders, Financial Regulations and Terms of Reference	D	2 years	Management	OR
Councillors Declarations of Office	D	Destroy at the end of term of office	Management, Data Protection	CW



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Byelaws and Orders	P	Indefinite	Audit, Management	N/A
Policies & Procedures	D	Destroy on renewal/readoption	Management	OR
Title Deeds	P	Indefinite	Audit, Management	N/A
Property registers	P	Indefinite	Audit, Management	N/A
Maps, plans, planning permissions, installation certificates and surveys of property owned by the Parish Council	P	Indefinite	Archives	N/A
Correspondence and papers on important local issues or activities	R	1 year	Management	CW
Leases, Agreements, Contracts and Wayleaves	P	Indefinite	Archives	N/A
Quotations and tenders including unsuccessful tenders	D	6 years	Limitation Act 1980 (as amended).	CW
Routine correspondence, papers and emails	R	Retain as long as useful		CW
Personnel records	D	3 months after employment ends	Limitation period & Data Protection	CW
Scale of fees and charges	R	5 years	Management	OR
Insurance Policies	D	5 years	Management, Challenge	OR
Insurance company names and policy numbers	P	Indefinite	Management, Challenge	N/A
Certificates of Employers Liability Insurance	R	40 years	The Employers Liability (Compulsory Insurance) Regulations 1998.	OR
<b>Finance</b>				
Income & Expenditure Records	P	Indefinite	Archives	N/A

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Investments	P	Indefinite	Audit, Management	N/A
Financial Returns to External Auditor (if general accounts do not survive)	D	7 years	Audit	CW
Internal Auditor Reports	D	7 years	Audit	CW
Receipts for income received	D	7 years	VAT	CW
Postage records	D	6 years	VAT, Limitations Act 1980	CW
Bank Statements including deposit/savings accounts	D	6 years	Audit	CW
Bank Paying-in books	D	6 years	Audit	CW
Paid invoices	D	6 years	VAT	CW
Paid cheques (cheque book stub)	D	6 years	Limitations Act 1980	CW
VAT Records	D	6 years	VAT	CW
Salaries Records	D	12 years	Superannuation	CW
Precept & budget information	R	Retain as long as of value	Management	CW
Records relating to parish halls, centres and recreation grounds; applications to hire, lettings diaries, copies of bills to hirers other relevant records	R	7 years	Maintained by Management Committees	
<b>Property</b>				
Asset Register	P	Continuously updated	Management	N/A
Legal papers relating to acquisition or sale	P	Indefinite	Archives	N/A
Correspondence relating to maintenance/improvements	R	5 years	Management	CW

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Correspondence relating to rents	R	12 years or dependant upon terms of lease	Limitations Act 1980	CW
Plans, surveys, installation manuals, certificates of approval	P	Indefinite	Retained by Management Committees	N/A
Certificates for fire alarm, legionella and electrical testing (inc PAT)	R	5 Years	Management	CW
<b>Miscellaneous</b>				
Maps created under provision of the Rights of Way Act 1992	P	Indefinite	Archives	N/A
Monthly, Annual and Planning Reports	D	5 years	Management	OR
Photographs	P	Indefinite	Historical/Archives	N/A
Records of other bodies such as charities, local organisations and committees	P	7 years	Management	CW
Reports, guides, handbooks, etc., received by the Council from other bodies	R	Retain as long as useful	Management	OR
Planning applications and related papers	R	2 years	Management	OR
Electoral Rolls	D	Destroy when replaced	Management/Data Protection	CW
Neighbourhood Plan	P	Indefinite – final adopted version	Archives	N/A
Inspection reports and risk assessments	P	21 years	Audit /Archives	CW





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**Approved on: 31/7/25 at the Personnel and Governance Committee Meeting (Ratified at the following full council meeting)**

**Minute reference: 3.**

**Due for review: Annually**