



# **DOCUMENT RETENTION POLICY**

*As adopted at a meeting of Meppershall Parish Council on 9<sup>th</sup> December 2019*

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## DOCUMENT CONTROL

<b>Organisation</b>	Meppershall Parish Council
<b>Title</b>	MPC Document Retention Policy
<b>Creator</b>	Alessandra Marabese - Clerk
<b>Source</b>	Procedures Working Group
<b>Approvals</b>	Monday 9 <sup>th</sup> December 2019
<b>Distribution</b>	Internal and External
<b>Filename</b>	MPC Document Retention Policy v1.0 2019©
<b>Owner</b>	Clerk
<b>Subject</b>	Standards
<b>Protective Marking</b>	None
<b>Review date</b>	Bi-annually after adoption or as required

## DOCUMENT AMENDMENT HISTORY

<b>Revision No.</b>	<b>Originator of change</b>	<b>Date of change</b>	<b>Change Description</b>
V1.0	Clerk	09/12/19	Policy creation

## 1. INTRODUCTION

- 1.1. The guidelines set out in this document supports Meppershall Parish Council (the Council's) Data Protection Policy and assists us 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 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. However, it is important to note that this is a live document and will be updated on a regular basis.
- 1.3. The 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 a vital to support the work that the Council do and the services that it provides to its residents. This document will help the Council to:
  - 2.1.1. Ensure the retention and availability of the minimum amount of relevant information that is necessary for the Council to operate and provide services to the public.
  - 2.1.2. 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.
  - 2.1.3. Save employees' time and effort when retrieving information by reducing the amount of information that may be held unnecessarily. This will assist them as they carry out their daily duties, or if searching for information requested under the Freedom of Information Act.
  - 2.1.4. 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' 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 Council will make every effort to ensure that it meets the following standards of good practice:
  - 4.1.1. Adhere to legal requirements for the retention of information as specified in the Retention Schedule at Annex A. This document provides a framework for good practice requirements for retaining information.
  - 4.1.2. Personal information will be retained in locked filing cabinets within the Clerk's Office and access to these documents will only be by authorised personnel.
  - 4.1.3. Disclosure information will be retained in a locked cabinet in the Clerk's Office.
  - 4.1.4. Appropriately dispose of information that is no longer required.
  - 4.1.5. Appropriate measures will be taken to ensure that confidential and sensitive information is securely destroyed.
  - 4.1.6. Information about unidentifiable individuals is permitted to be held indefinitely for historical, statistical or research purposes e.g. Equalities data.
  - 4.1.7. 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 OR STANDARDS**

- 5.1. Any councillor or employee who knowingly or recklessly contravenes any instruction contained in, or following from, this Policy and Standards may, depending on the circumstances of the case, have disciplinary action, which could include dismissal, taken against them.

## **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. Other delegated staff are responsible for ensuring their records are kept and destroyed in line with this policy.
- 6.4. The Clerk is responsible for ensuring that the guidelines set out in this policy are adhered to and to ensure that any documents disposed of are done so in accordance with their 'sensitivity' i.e. whether they are normal waste or 'Confidential Waste'.

## **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 Council's instructions should be treated as confidential waste for disposal purposes.
- 7.3. Examples of what constitutes confidential waste are:
- 7.3.1. Exempt information contained within committee reports.
  - 7.3.2. Files containing the personal details of an individual and files that predominantly relate to a particular individual or their circumstances. For example - completed application forms and letters.
  - 7.3.3. Materials given to us 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:
- 7.4.1. Documents that are available to the public via our web site or by submitting an appropriate search request to ourselves for general information.
  - 7.4.2. All reports and background papers of matters taken to Committee in public session unless specifically exempt.

## **8. DISPOSAL OF DOCUMENTATION**

- 8.1. Confidential waste which clearly shows any personal information or information which can be identified using the parameters set out in 7.3 should be securely destroyed
- 8.1.1. Paper records will be shredded within the Clerk's office or collected from the Clerk's office by a suitable contractor who will provide the appropriate destruction certification.
  - 8.1.2. Electronic records will require a two-step process for assured confidential destruction:
    - Deletion of the contents of digital files, and
    - The use of commercially available software applications to remove all residual data from the storage device. These processes may be outsourced to credible commercial companies who specialise in confidential destruction of records.

## **9. RETENTION**

- 9.1. Timeframes for retention of documents have been set using legislative requirements and the Chartered Institute of Personnel and Professional Development (CIPD) guidelines.
- 9.2. Throughout retention the conditions regarding safe storage and controlled access will remain in place.
- 9.3. The attached 'Appendix' shows the minimum requirements for the retention of documents as determined by the council. The Clerk should exercise judgement as to whether they can be disposed of at the end of those periods detailed in the attached Appendix A

## **10. LIMITATIONS ACT 1980 (as amended)**

10.1. The Limitations Act 1980 (as amended) provides that legal claims may not be commenced after a specified period. The different limitation periods for different categories of claim are currently:

- 10.1.1. Negligence (and other "Torts") 6 years
- 10.1.2. Defamation 1 year
- 10.1.3. Contract 6 years
- 10.1.4. Leases 12 years
- 10.1.5. Sums recoverable by statute 6 years
- 10.1.6. Personal injury 3 years
- 10.1.7. To recover land 12 years
- 10.1.8. Rent 6 years Breach of Trust None

## APPENDIX A – RECOMMENDED DOCUMENT RETENTION TIEMSCALES

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 unsure about any document contact the Parish Clerk for clarification.

Document	Retention Period	Action	Reason
<b>Administrative</b>			
Minute Books	Indefinite	Preserve	Archive
Signed council and committee minutes	Indefinite - Transfer to local archive after 6 years	Preserve	Common practice
Draft minutes	Until the date of confirmation of the minutes	Destroy	Operational
Agendas	File with minutes	Preserve	Common practice
Reports and other documents with agendas	Until there is no longer an administrative requirement. Destroy if reports included within 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	Operational
Byelaws and orders	Preserve one of each copy Transfer to local archive once they become inactive	Preserve	Common practice
Policy documents	Until there is no longer an administrative requirement Destroy old versions	Review	Operational
Title deeds more than 100 years old	Indefinite Transfer to local archive once they become inactive	Preserve	Audit/Management Common practice
Title deeds less than 100 years old	Indefinite Transfer to local archive for review once they become inactive	Review	Audit/Management Common practice
Maps, plans and surveys of property owned by the Council	Indefinite Transfer to local archive 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
Village / Neighbourhood plans 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
Leases, agreements, contracts and wayleaves	Indefinite	Preserve	Audit/Management
Parish Council Newsletter	Indefinite Transfer one copy to local archive.	Preserve	Common practice
Mailing lists	Retain until consent withdrawn or following regular review consent no longer provided	Destroy	Operational
Routine internal correspondence and papers	Until there is no longer an administrative requirement	Review with the view to destroy	Operational
Risk Assessments	Once superseded by a new risk assessment or once inactive	Destroy	Operational
<b>Personnel</b>			
Personnel Files	6 years after termination of service	Destroy	Risk of investigation regarding any future litigation
Recruitment data Successful Unsuccessful	Add to personnel file 6 months after recruitment finalised plus current year	Destroy	Equalities Act
<b>Finance</b>			
Scales of fees and charges	6 years	Destroy	Operational
Receipt and payment books	Indefinite Transfer to local archive once they become inactive	Preserve	Council financial regulations
Annual audited accounts	6 years	Destroy but preserve if the receipt and payment books have not survived	Council financial regulations
Accounts and statements	6 years	Destroy	Council financial regulations
Bank statements including deposit / savings accounts	6 years	Destroy	Council financial regulations
Bank paying in books and cheque book stubs	Last completed audit year	Destroy	Council financial regulations
Paid invoices	6 years	Destroy	VAT Council financial regulations
Paid cheques	6 years	Destroy	Limitation Act 1980 (as amended)

			Council financial regulations
VAT records and claims	6 years	Destroy	VAT Act 1994
Time sheets	Last completed audit year	Destroy	Council financial regulations
Wage records	12 years	Destroy	Superannuation & Limitation Act 1980 (as amended)
Quotations and tenders (successful)	6 years after contract ends	Destroy	Limitation Act 1980
Insurance policies	While valid	Destroy	Operational
Employers liability insurance policies	40 years from the date on which the insurance commenced or was renewed	Preserve	Employers Liability Act 1969 Employers Liability Regulations 1998
Investments	Indefinite	Preserve	Audit / Management
<b>Parish Halls and Recreation Grounds</b>			
Records relating to: • Hire • Copies of bills	6 years	Review with view to destroy	VAT Council financial regulations
<b>Allotments</b>			
Register and plans	Indefinite	Preserve	Audit / Management
<b>Burial Grounds</b>			
Records relating to: • Register of fees collected • Register of burials • Register of purchased graves • Register / plan of grave spaces • Register of memorials • Applications for interment • Applications for right to erect memorials • Disposal certificates • Copy certificates of Grant of Exclusive right of burial	Indefinite	Preserve	Archives Local Authorities Cemetery Order 1977 s.204
<b>Miscellaneous</b>			
Papers concerning Rights of Way	Until there is no longer an administrative requirement	Destroy	Operational
Community magazine of newsletters (not created by the council)	Until there is no longer an administrative requirement	Review	Operational
Any records predating the establishment of Parish Councils (1894) e.g.: poor law,	Transfer to local archives as soon as possible	Preserve	Common Practice

surveyors of the highway, tithe maps and apportionments, enclosure awards etc.			
Records of other bodies such as burial boards, charities, fire brigades, Home Guard unit, local society of ad hoc committee	Transfer to local archive once they become inactive	Preserve	Common practice
Reports, guides, handbooks etc received from other organisations	Until there is no longer an administrative requirement	Review	Operational