

# Bobbing Parish Council

## Data Retention and Disposal Policy

## **1 Introduction**

1.1 The guidelines set out in this document supports 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 us to:-

- 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.
- 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.
- 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.
- 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 Strategy, '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:

- 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.
- Personal information will be retained in locked filing cabinets within the Clerk's Office and/or the Senior Assistant's office, access to these documents will only be by authorised personnel.
- Disclosure information will be retained in a locked cabinet in the Clerk's Office.
- Appropriately dispose of information that is no longer required.

- Appropriate measures will be taken 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 or the Senior Assistant's Office.

## **5 Breach of Policy and Standards**

5.1 Any 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.

6.2 Other delegated staff are responsible for ensuring their records are kept and destroyed in line with this policy.

6.3 The Clerk 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 Councils Constitution should be treated as confidential waste for disposal purposes.

7.3 Examples of what constitutes confidential waste:

- Exempt information contained within committee reports.
- 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.
- 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:

- Documents that are available to the public via our web site or by submitting an appropriate search request to ourselves for general information.
- 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 will be shredded within the council buildings.

## **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 Disclosure information appertaining to Disclosure and Barring Checks must be kept securely in a locked cabinet. Only those entitled to see it in the course of their duties should have access. The security and confidentiality of all Disclosure information is closely registered under the Police Act 1997.

9.4 Disclosure information must not be retained for a period of more than six months and must be destroyed in a secure manner using the shredder in the Reception office.

9.5 Any unauthorised employee accessing or attempting to access Disclosures or Disclosure information or personnel records will be dealt with under the Council's disciplinary procedures.

9.6 The attached 'Appendix' shows the minimum requirements for the retention of documents as determined by those officers responsible for the management of these particular documentation types. Officers holding documents should exercise judgement as to whether they can be disposed of at the end of those periods detailed in the attached 'Appendix'

## **10 Storage and Access**

10.1 Disclosure information is kept separately from personnel files and in securely lockable, non-portable cabinet with access strictly controlled and limited to the Clerk, and/or the Senior Assistant.

## **11 Handling**

11.1 The Council complies with s124 of the Police Act 1997, so that Disclosure Information is only passed to those who are authorised to receive it in the course of their duties. The Council maintains a record of all those to who Disclosures or Disclosure Information has been revealed and recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

11.2 Personal information will only be available to those who are authorised officers.

11.3 Customers details and information will be kept up to date and reviewed annually by an authorised officer.

## **12 Usage**

12.1 Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's/employee's consent has been given. Disclosure Information will be shared between different areas of the Council, if necessary.

12.2 Where Disclosure information is shared with anyone other than the Clerk, the Senior Assistant and the direct Manager the employee must be given a reason why this information is being shared.

## APPENDIX A

### Recommended Document Retention Timescales

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 you are unsure about any document contact the Parish Clerk for clarification.

### Document Retention Period

#### Finance

Document	Retention Period
Asset Register for statutory accounting purposes	10 years
Bank Reconciliation	6 years
Bank Statements and instruction to banks	6 years
Budget Estimates – Detailed Working Papers and summaries	3 years
Cheque Payment Listings (Invoices received)	6 years
Cheque Stubbs, Refer to Drawer cheques and cancelled cheques	3 years
Copy receipts	6 years
Current and expired insurance contracts and policies indefinitely Insurance records and claims	6 years
Debtors and rechargeable works records	6 years
Expenses and travel allowance claims	6 years
Fees and Charges Schedules	5 years
Goods received notes, advice notes and delivery notes	3 years
Grant/Funding Applications & Claims	5 years
Internal Audit Reports	3 years
Payroll and tax information relating to employees	6 years
Petty cash vouchers and reimbursement claims	6 years
Prime evidence that money has been banked	6 years
Purchase Orders	6 years
Receipt and Payments Accounts	Indefinitely
Records of payment made to employees for salaries / wages	6 years
Signed Audited Accounts (Annual Return)	6 years
Statutory end of year returns to HMRC and Pensions Section	Indefinitely
Time sheets and overtime claims	6 years
VAT, Income Tax and National Insurance Records	6 years
All Other reconciliations	3 years

#### Personnel

Annual leave records	For duration of employment + 5 years
Criminal Records Bureau Checks	6 months
Disciplinary or grievance investigations - proved -Verbal -Written	6 months 1 year

-Final warning - Anything involving children	18 months permanently
Disciplinary or grievance investigations - unproven	Destroy immediately after investigation or appeal
Personnel files and training records	5 years after employment ceases
Statutory Maternity/Paternity records, calculations, certificates etc	3 years after the tax year in which the maternity period ended
Statutory sick records, pay, calculations, certificates etc.	For duration of employment + 5 years
Unpaid leave/special leave	For duration of employment + 5 years
Unsuccessful application forms	6 months
Wages/salary records, overtime, bonuses, expenses etc	6 years

## Corporate

Deeds of land and property	Indefinitely
Documentation referring to externally funded projects	6 years
Equalities data	Indefinitely
Internal audit fraud investigation	7 years from date of final outcome of investigation
Internal audit records	3 years
Minute Books	Indefinitely
Notes and reports of working groups	Indefinitely
Policies and procedures	Until updated or reviewed
Questionnaire data	6 years
Risk Assessments/Reports	Indefinitely

## Health & Safety

Documents relating to the process of collecting, transporting and disposal of general waste	3 years
Documents relating to the process of collecting, transporting and disposal of hazardous waste	10 years
Health and Safety Accident books	3 years after the date of the last entry unless an accident involving chemicals or asbestos is contained within
Medical examination certificates	4 years from date of issue
Medical records containing details of employee exposed to asbestos or as specified by the Control of Substances Hazardous to Health Regulations 1999	40 years from the date of the last entry
Parks and play area inspection reports	5 years
Records relating to accidents person over 18 years	3 years from date of accident
Records relating to accidents person under 18 years	Until 21st birthday
Risk Assessment Forms	2 years
Unusual Incident Forms	3 years

## Documents

Certificates for Insurance against liability for employees	40 years from date on which insurance commenced or was renewed
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Correspondence (not including Planning or Audit)	<p>For other correspondence (unless relating to staff) no firm guidelines can be laid down, apart from legal documents, below is the limitation period for the following claims:</p> <p>Negligence (and other 'Torts') - 6 years; Defamation - 1 year; Sums recoverable by statute - 6 years; Personal Injury - 3 years; To Recover Land - 12 years; Breach of Trust - None</p>
Insurance Policies	While Valid
Planning Papers	Shred after consideration as documents are on Planning Portal
Structure Plans, Local Plans	Retain as long as in force