

# 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.

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### 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 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.

### 5. Breach of Policy and Standards

5.1 Any employee or councillor 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.

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6.2 The Clerk is responsible for the maintenance and operation of this policy including ad-hoc checks to ensure compliance.

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

6.4 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 Clerk's office.

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### 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 a shredder.

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 and councillors responsible for the management of these particular documentation types. Officers and councillors 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, nonportable cabinet with access strictly controlled and limited to the Clerk.

### 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.

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### 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 or councillors the employee must be given a reason why this information is being shared.

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### 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
Financial Published Final Accounts	Indefinitely
Signed Audited Accounts	Indefinitely
Final Account working papers	7 years
Records of all accounting transactions held by the Financial Management System	At least 7 years
Purchase orders	7 years
BACS Listings	7 years
Asset register for statutory accounting purposes	10 years
Copy receipts	7 years
Ledger/Trial Balance	10 years
Financial Plan	Indefinitely
Budget estimates – Detailed working papers and summaries	7 years
Bank Statements (Hardcopy)	7 years
Banking records	7 years
Bank Reconciliations	7 years
Grant/Funding Applications & Claims	7 years
Precept Forms	Indefinitely
Internal Audit Plans/Reports	7 years
Time sheets and Overtime Claims	7 years
Payroll and tax information relating to employees	7 years
Records of payment made to employees for salaries /wages	7 years
VAT, Income Tax and National Insurance Records	7 years
Current and expired insurance contracts and policies indefinitely Insurance records and claims	7 years
Capital and contracts register	Indefinitely

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### Personnel

Unsuccessful application forms	6 months
Unsuccessful reference requests	1 years
Successful application forms and CVS	For duration of employment + 5 years
References received	For duration of employment + 5 years
Statutory sick records, pay, calculations, certificates, etc	For duration of employment + 5 years
Annual leave records	For duration of employment + 5 years
Unpaid leave/special leave	For duration of employment + 5 years
Annual appraisal/assessment records	Current year and previous 2 years
Criminal Records Bureau Checks	6 months
Personnel files and training records	5 years after employment ceases
Disciplinary or grievance investigations – proved. - Verbal - Written - Final Warning - Anything involving children	6 months 1 year 18 months Permanently
Statutory maternity/paternity records, calculations, certificates	3 years after the tax year in which the period ended
Wages/Salary records, overtime, bonuses, expenses	6 years

### Corporate

Minutes and reports of Committee meetings	Indefinitely
Minutes and reports for Special Committee meetings	Indefinitely
Notes and reports of working groups	Indefinitely
Policies and procedures	Until updated or reviewed
Asset Management records	Indefinitely
Internal audit records	3 years
Internal audit fraud investigation	7 years from date of final outcome of investigation
Risk register	Indefinitely
Risk management reports	Indefinitely
Performance reports	Indefinitely
Questionnaire data	Indefinitely

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Vehicle maintenance and registration records (all necessary certificates, MOT certificates , test records and vehicle registration documents etc)	2 years after vehicle disposed of
Services and equipment quotations	1 year
Pre-tender qualification document Summary list of expression of interest received Company contacts A summary of any financial or technical evaluation supplied with the expressions of interest Initial application	1 year
Successful tender documentation Life of contract	6 years
Unsuccessful tender documentation	Until final payment is made
Deeds of land and property	Indefinitely
Property evaluation lists	6 years
Lease agreements, variation and valuation queries	6 years after the expiry of the agreement
Documentation referring to externally funded projects	6 years

### Health & Safety

Health and Safety Accident books	21 years
Parks and play area inspection reports	21 years
All inspection certificates (Gas Safe, FENSA etc)	2 years
Periodic machinery inspection tests (PAT, equipment calibration etc	2 years
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
Risk Assessment Forms	21 years

### Additional Items

Approved Minutes	Indefinite
Draft/Rough notes taken at meetings	Until minutes are approved
Agendas	5 years
Email (Where not covered elsewhere)	3 years
Letter/Paper correspondence	3 years