

COTHERSTONE PARISH COUNCIL

Document Retention and Disposal Policy

1. Introduction

- 1.1. The Parish Council accumulates a significant 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. This information is recorded in various different types of document.
- 1.2. Records created and maintained by the Parish 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 Parish Council's transactions and are necessary to ensure it can demonstrate accountability.
- 1.3. 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.
- 1.4. It is imperative that documents are retained for an adequate period of time. If documents are destroyed prematurely, the Parish 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 Parish Council.
- 1.5. In contrast to the above, the Parish Council should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with the Data Protection Act 1998 so that personal information is not retained longer than necessary. This will also ensure the most efficient use of limited storage space.

2. Scope and objectives of the policy

- 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 which 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.
 - Non-acceptance of invitations.
 - 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 - Out of date distribution lists.
- 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 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.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.

3. Responsibilities

- 3.1. The Parish Council has a corporate responsibility to maintain its records and record management systems in accordance with the regulator environment. The person with overall responsibility for the implementation of this policy is the Clerk to the Parish Council and he/she is required to manage the Council's records in such a way as to promote compliance with this policy so that information will be retrieved easily, appropriately and in a timely manner.

4. Document Retention Protocol

- 4.1. Councils should have in place an adequate system for documenting the activities of their service. This system should take into 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.
 - 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 created and maintained should be arranged in a record-keeping system that will enable quick and easy retrieval of information.
 - Documents that are no longer required for operational purposes but need retaining should be placed at the records office.
- 4.4. Whenever there is a possibility of litigation, the records and information which are likely to be affected should not be amended or disposed of until the threat of litigation has been removed.

5. Confidential Waste

- 5.1. 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.
- 5.2. However, any information that is protected by the General Data Protection Regulations Act or is confidential should be treated as confidential waste for disposal purposes.
- 5.3. Examples of what constitutes confidential waste:
 - 5.3.1. Exempt information contained in council meeting reports
 - 5.3.2. Files containing the personal details of an individual and files that predominantly relate to a particular individual or their circumstances, for example completed applications forms and letters
 - 5.3.3. Materials given to the Parish Council on a confidential or a limited use basis, for example materials provided by contractors or the police
- 5.4. Examples of what DOES NOT constitute confidential waste
 - 5.4.1. Documents that are available to the public via the Parish Council website or by submitting an appropriate search request to the Parish Council for general information
 - 5.4.2. All reports and background papers of matters taken to a Parish Council meeting in public session unless specifically exempt.

6. Document Disposal Protocol

- 6.1. 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?
- 6.2. When documents are scheduled for disposal the method of disposal should be appropriate to the nature and sensitivity of the documents concerned.
- 6.3. Documents can be disposed of by any of the following methods:
- Non-confidential records: place in waste paper bin for disposal.
 - Confidential records: shred documents.
 - Deletion of computer records.
 - Transmission of records to an external body such as the County Records Office.
- 6.4. 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.
 - 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).
- 6.5. Records should be maintained of appropriate disposals. These records should contain the following information:
- The name of the document destroyed.
 - The date the document was destroyed.
 - The method of disposal.

7. General Data Protection Regulation 2018 – obligation to dispose of certain data

- 7.1. The General Data Protection Regulation requires that personal information must not be retained longer than is necessary for the purpose for which it was originally obtained. Personal information is defined 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.
- 7.2. Councils are responsible for ensuring that they comply with the General Data Protection Regulation, 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.
 - Personal data shall not be kept for longer than is necessary.
 - Personal data shall be processed in accordance with the rights of the data subject.
 - Personal data shall be kept secure.
- 7.3. External storage providers or archivists that are holding Council documents must also comply with the above principles of the General Data Protection Regulation.

8. Scanning of Documents

- 8.1. In general once a document has been scanned on to a document image system the original becomes redundant. There is no specific legislation covering the format for which local

government records are retained following electronic storage, except for those prescribed by HM Revenue and Customs.

- 8.2. As a general rule hard copies of scanned documents should be retained for three months after scanning.
- 8.3. Original documents required for VAT and tax purposes should be retained for six years unless a shorter period has been agreed with HM Revenue and Customs.

9. Review of Document Retention

- 9.1. It is planned to review, update and where appropriate amend this document on a regular basis (at least every three years in accordance with the *Code of Practice on the Management of Records* issued by the Lord Chancellor).

10. List of Documents

- 10.1. 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. This is updated regularly in accordance with any changes to legal requirements.