



# Lanreath Parish Council Document Retention and Disposals Policy

Draft

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## INTRODUCTION

Lanreath Parish Council has adopted a Document Retention and Disposals Policy to provide information about its process for retaining and disposing of records and documents that it keeps physically or electronically.

Under the Freedom of Information Act 2000, the Parish Council is required to maintain a retention schedule listing the records which it retains in the course of its business and the process for deleting or destroying records when they are no longer needed.

This document provides the policy framework through which this effective management can be achieved and audited. It covers:

- Scope
- Responsibilities
- Retention Schedule
- Document Disposal Protocol
- General Data Protection Regulations (GDPR)
- Review of Document Retention and Disposal Policy

## SCOPE

This policy applies to all records created, received or maintained by the Parish Council in the course of carrying out its functions. Records are defined as all those documents which facilitate the business carried out by the Parish Council and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically.

## RESPONSIBILITIES

The Parish Council has a corporate responsibility to maintain its records and record management system in accordance with the regulatory environment. The person with overall responsibility for the implementation of this policy and for the retention and disposal of all Parish Council documentation is the Clerk to the Parish Council. The Clerk to the Parish Council is required to manage the Council's records in such a way as to promote compliance with this policy so that information may be retrieved easily, appropriately and in a timely manner.

Individual Councillors may hold records in a hard copy format or electronically at home on their computers. Councillors are strongly advised to undertake 'housekeeping' on a regular basis in line with the retention schedule. On resigning from the Council, Councillors should delete all electronic records that they hold and either dispose of these in accordance with this policy or return all hard copy documents to the Parish Clerk. Resigning Councillors will be asked to sign a declaration to confirm compliance. Councillors should be aware that the records they hold may be subject to the provisions of the Data Protection Act 2018, the Freedom of Information Act 2000 and the GDPR.

## RETENTION SCHEDULED OF DOCUMENTS AND RECORDS

Under the Freedom of Information Act 2000 Publication Scheme, the Parish Council is required to maintain a retention schedule listing the record series which it creates in the course of its business. This policy has also been drawn up in the context of the Data Protection Act 2018 and with other legislation or regulations affecting Parish Councils in relation to audits and statutory limitation periods.

The Clerk is expected to manage the current record keeping systems using the retention schedule and to take account of the different retention periods when creating new record keeping systems. This retention schedule refers to document / record type regardless of the media on which they are stored.

| Document Type  | Minimum Retention Period                 | Reason               |
|--|--|----------------------|
| <b>Agendas and Minutes</b>   |  |                      |
| Approved minutes   | Indefinite                               | Archive              |
| Notes of minutes taken at meetings   | Until 2 years after minutes are approved | Management           |
| Agendas and supporting documentation   | 2 years                                  | Management           |
| <b>Finance</b>   |  |                      |
| Income and expenditure accounts  | Indefinite                               | Archive              |
| Annual return  | Indefinite                               | Archive              |
| Paid invoices  | 6 years                                  | VAT                  |
| VAT records  | 6 years                                  | VAT                  |
| Bank statements  | 6 years                                  | Audit/Management     |
| Paying in and receipt books  | 6 years                                  | Audit/Management/VAT |
| Cheque stubs   | 6 years                                  | Audit/Management     |
| Banking mandate  | Duration of the mandate plus 6 years     | Management           |
| <b>Insurance</b>   |  |                      |
| Insurance policies   | 5 years                                  | Management           |
| Certificates of employers' liability   | 40 years                                 | Limitation period    |
| <b>Employment (Staff)</b>  |  |                      |
| Major employment records e.g. application form (current postholder), letter of appointment, contract | 6 years after the period of employment   | Management           |
| Application forms (unsuccessful candidates)  | 6 months                                 | Management           |

|   |                                    |  |
|---|------------------------------------|--|
| Disciplinary records                                      | Period of employment plus 6 months | Management                                       |
| Appraisals  | Period of employment plus 6 months | Management                                       |
| Time sheets   | Last completed audit year          | Audit  |
| PAYE records (payroll)                                    | 12 years                           | Superannuation                                   |
| <b>Councillor Records</b>                                 |                                    |  |
| Declarations of acceptance of office                      | Term of office                     | Management                                       |
| Members register of interests                             | Term of office                     | Management                                       |
| <b>Miscellaneous</b>                                      |                                    |  |
| Quotations and tenders                                    | 12 years                           | Limitation period                                |
| Title deeds, agreements and contracts                     | Indefinite                         | Audit/Management                                 |
| Asset register  | Indefinite                         | Audit/Management                                 |
| Accident report forms                                     | 6 years                            | Management/Limitation period                     |
| Complaints  | 2 years after closure              | Management                                       |
| Equipment / Asset Inspection Records                      | 3 years                            | Management, / Personal Injury, Limitation Period |
| <b>Documentation for Legal purposes (unless extended)</b> |                                    |  |
| Negligence  | 6 years                            | Limitation Act 1980 (as amended)                 |
| Defamation  | 6 years                            | Limitation Act 1980 (as amended)                 |
| Contract  | 6 years                            | Limitation Act 1980 (as amended)                 |
| Sums recoverable  | 6 years                            | Limitation Act 1980 (as amended)                 |
| Leases  | 12 years                           | Limitation Act 1980 (as amended)                 |
| Personal injury   | 6 years                            | Limitation Act 1980 (as amended)                 |
| To recover land   | 12 years                           | Limitation Act 1980 (as amended)                 |
| Rent  | 6 years                            | Limitation Act 1980 (as amended)                 |
| Breach of Trust   | Not applicable                     | Limitation Act 1980 (as amended)                 |

### **General correspondence:**

This will be retained for as long as is relevant, the minimum period is 1 year. An annual review will be carried out and items that have reached their destruction date will be destroyed or considered for archiving.

### **Planning applications:**

These are available at Cornwall Council <https://www.cornwall.gov.uk/planning-and-building-control/planning-applications/online-planning-register/>. There is no requirement to retain duplicates at parish level. All Parish Council recommendations in connection with these applications are recorded in the Parish Council minutes which are retained indefinitely. Correspondence received in connection with applications will be retained until the Parish Council has submitted consultees comments to Cornwall Council.

### **Scanned Copies:**

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.

As a general rule, hard copies of scanned documents should be retained for three months after scanning.

### **Electronic printouts and wet signatures:**

An electronic printout of information will count as a hard copy unless a wet signature is required (e.g. as is the case with council minutes). For documents where wet signatures are not required, electronic records are acceptable. As such, if historic records have been copied into electronic form then the original documents are not required and the Council may offer the original documents to local archivists.

## **DOCUMENT DISPOSAL PROTOCOL**

The Parish Clerk shall regularly prepare a list of documents for disposal under this policy for consideration and approval by the Parish Council.

Documents should only be disposed after they have been reviewed against the following criteria:

- Is retention required to fulfil statutory or other regulatory requirements?
- Is retention required to meet the operational needs of the Parish Council?
- 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?

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 GDPR.]

Documents can be disposed of by any of the following methods:

- Non-confidential records: place in waste paper bin / recycling bin for disposal.
- Confidential records or records giving personal information: shred documents.
- Deletion of computer records.
- Transmission of records to an external body such as Cornwall's Archive Centre, Kresen Kernow.

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 GDPR or the Freedom of Information Act 2000 or otherwise 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 Cornwall Archive Centre, Kresen Kernow .

Back-up copies of documents should also be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).

## **GENERAL DATA PROTECTION REGULATIONS (GDPR)**

Article 5(1)(e) of GDPR specifies that an organisation must not keep personal data for longer than it needs it. Personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ('storage limitation');

Personal data as defined under GDPR means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such

as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

The Parish Council is responsible for ensuring that it complies with the principles of the GDPR and the associated Data Protection Act 2018. In determining how personal data should be processed, stored or disposed of the Parish Council shall take into consideration the following:

- Personal data shall be 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.

External storage providers, archivists and third party data processors that are holding Parish Council documents must also comply with the above principles of the GDPR.

## **REVIEW OF DOCUMENT RETENTION AND DISPOSAL POLICY**

This policy shall be reviewed on a regular basis but at intervals no greater than three years.