

Mary Tavy Parish Council

Document Retention and Disposal Policy

1. Introduction

- 1.1 The Council accumulates a vast 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 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 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 form. 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 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 Council.
- 1.5 In contrast to the above, the Council should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with the UK General Data Protection Regulation (UK GDPR) 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 that 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 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 - Out of date distribution lists.
- 2.3 Duplicated and superseded material such as stationary, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.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. If destroyed, the disposal needs to be disposed of under the UK General Data Protection Regulation (UK GDPR).

3. Roles and Responsibilities for Document Retention and Disposal

- 3.1 Councils are responsible for determining whether to retain or dispose of documents and should undertake a review of documentation at least on an annual basis to ensure that any

unnecessary documentation being held is disposed of under the UK General Data Protection Regulation (UK GDPR).

- 3.2 Councils should ensure that all employees and councillors are aware of the retention/disposal schedule.

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.
 - Verify individual consent to record, manage and record disposal of their personal data.
 - 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 under the UK General Data Protection Regulation (UK GDPR).
 - Documents that are no longer required for operational purposes but need retaining should be placed at the County Records Office or deposited with the Higher Authority.
- 4.4 The retention schedule in Appendix A: List of Documents for Retention or Disposal, provides guidance on the recommended minimum retention periods for specific classes of documents and records. These schedules have been compiled from recommended best practice from the Public Records Office, the Records Management Society of Great Britain and in accordance with relevant legislation.
- 4.5 Whenever there is a possibility of litigation, the records and information that are likely to be affected should not be amended or disposed of until the threat of litigation has been removed.

5. Document Disposal Protocol

- 5.1 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?
- 5.2 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 UK General Data Protection Regulation (UK GDPR).
- 5.3 Documents can be disposed of by any of the following methods:
- Non-confidential records: place in 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 the County Records Office.

- 5.4 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. Failure to do so could lead to the Council being prosecuted under the UK General Data Protection Regulation (UK GDPR).
 - The Freedom of Information Act 2000 or 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 County Records Office.
 - Back-up copies of documents should also be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).
- 5.5 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.

The UK General Data Protection Regulation Article 5(1)(e) – Storage Limitation

- 5.6 Article 5(1)(e) of the UK GDPR requires that personal data shall be:
- "kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; 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')."
- 5.7 The UK GDPR defines personal data as:
- Information that relates to a living individual who can be identified:
- a) directly from the information in question, or
 - b) indirectly from that information in combination with other information.
- 5.8 Councils are responsible for ensuring that they comply with the key principles of the UK General Data Protection Regulation (UK GDPR) 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.
- 6.4 External storage providers or archivists that are holding council documents must also comply with the above principles of the UK General Data Protection Regulation (UK GDPR).

7. Scanning of Documents

- 7.1 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.
- 7.2 As a general rule, hard copies of scanned documents should be retained for three months after scanning.
- 7.3 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.

8. Review of Document Retention

- 8.1 It is planned to review, update and, where appropriate, amend this document on an annual basis.
- 8.2 This document has been compiled from various sources of recommended best practice and with reference to the following documents and publications:
 - Local Council Administration, Charles Arnold-Baker, 10th edition, Chapter 11
 - Local Government Act 1972, sections 225 – 229, section 234
 - SLCC Advice Note 316: Retaining Important Documents
 - SLCC Clerks' Manual: Storing Books and Documents
 - *Lord Chancellor's Code of Practice on the Management of Records* issued under Section 46 of the Freedom of Information Act 2000
 - Information Commission Office (ICO): Guide to the General Data Protection Regulation (GDPR)
 - NALC Legal Topic Note 40: Local Council's Documents and Records.

9. List of Documents

- 9.1 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 or Disposal. This is updated regularly in accordance with any changes to legal requirements.

This Document Retention & Disposal Policy was reviewed and readopted by Mary Tavy Parish Council at the full council meeting held on Tuesday 14th March 2023.

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Next review due: May 2024