

Llangollen Town Council.

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| Title: | Document retention and disposals policy. |
| Purpose: | To detail the Council's commitment to records management, advising on the policy and procedures to be adopted regarding document retention and disposals. |
| Owner: | Town Clerk |
| Approved by: | Town Council |
| Date: | 2013 |
| Version Number: | 1.0 |
| Status: | Draft |
| Review Frequency: | Every 3 year |
| Next review date: | 2016 |

1. INTRODUCTION

1.1 In the course of carrying out its various functions and activities, the Council collects information from individuals and external organisations and generates a wide range of data/information which is recorded. These records can take many different forms e.g.

- Letters received from third parties
- Copy letters which have been sent out
- File attendance notes
- Invoices
- Completed application forms
- Plans/drawings
- Financial records
- Registers
- Contracts/deeds
- e-mail communications (and any attachments)
- Photographs
- Tape Recordings

1.2 Many of the above documents can be retained as 'hard' paper records or in electronic form.

1.3 Retention of specific documents may be necessary to:

- Fulfil statutory or other regulatory requirements.
- Evidence events/agreements in the case of disputes.
- Meet operational needs.
- Ensure the preservation of documents of historic or other value.

1.4 The untimely destruction of documents could cause the Council:

- Difficulty in defending litigious claims.
- Operational problems.
- Embarrassment.
- Failure to comply with the Freedom of Information or Data Protection Acts

- 1.5 Conversely, the permanent retention of all documents is undesirable, and appropriate disposal is to be encouraged for the following reasons:
- There is a shortage of new storage space.
 - Disposal of existing documents can free up space for more productive activities.
 - Indefinite retention of personal data may be unlawful.
 - Reduction of fire risk (in the case of paper records).
 - There is evidence that the de-cluttering of office accommodation can be psychologically beneficial for many workers.
- 1.6 Modern day records management philosophy emphasises the importance of organisations having in place systems for the timely and secure disposal of documents/records that are no longer required for business purposes. Additionally, the Freedom of Information Act will make it important that the Council has clearly defined policies and procedures in place for disposing of records, and that these are well documented.
2. SCOPE & PURPOSE
- 2.1 The purpose of this policy is to provide a corporate policy framework to govern management decisions on whether a particular document (or set of documents) should either be:
- Retained – and if so in what format, and for what period; or
 - Disposed of - and if so when and by what method.
- 2.2 This policy is not concerned with the disposal /retention of unused materials (e.g. stocks of paper, unused forms and duplicated documents)
3. THE RETENTION/DISPOSAL PROTOCOL
- 3.1 Any decision whether to retain or dispose of a document should be taken in accordance with the retention/disposal protocol., set out in the Retention Schedules (taken from the Records Management Society) contained in Appendix 2. These provide guidance on recommended and mandatory minimum retention periods for specific classes of documents/records.
- 3.2 Where a retention period has expired in relation to a particular document a review should always be carried out before a final decision is made to dispose of that document. Such reviews need not necessarily be detailed or time consuming.
- 3.3. In the event that a decision is taken to dispose of a particular document or set of documents, then consideration should be given to the method of disposal (paragraph 5 below).
4. ROLES & RESPONSIBILITIES
- 4.1 Responsibility for determining (in accordance with the Retention/Disposal protocol mentioned above) whether to retain or dispose of specific documents rests with the Town Clerk, in respect of those documents that properly fall within the remit or control of his/her Service. The rationale for this is that it is reasonable to both assume and expect that Town Clerk should be broadly conversant with the types of documents received, generated and stored by the Council

5. DISPOSAL

5.1 Disposal can be achieved by a range of processes:

- Confidential waste' – i.e. making available for collection by a designated refuse collection service or use of the red bin service within the civic offices.
- Physical destruction on site (paper records - shredding)
- Deletion – where computer files are concerned
- Migration of document to external body.
- Whenever there is a possibility of litigation, the records and information should not be amended or disposed of until the threat of litigation has been removed
- Records which are duplicated, unimportant or only of a short-term value should be destroyed in the normal course of business

5.2 The Town Clerk should take into account the following considerations when selecting any method of disposal:

- Under no circumstances should paper documents containing personal data or confidential information be simply binned or deposited in refuse tips. To do so could result in the unauthorised disclosure of such information to third parties, and render the Council liable to prosecution or other enforcement action under the Data Protection Act. Such documents should be destroyed on site (e.g. by shredding) or placed in the specially marked "Confidential Waste" refuse bins.
- Deletion – the Information Commissioner has advised that if steps are taken to make data virtually impossible to retrieve, then this will be regarded as equivalent to deletion.
- Migration of documents to a third party (other than for destruction or recycling) is unlikely to be an option in most cases. However, this method of disposal will be relevant where documents or records are of historic interest and/or have intrinsic value. The third party here could well be the Public Record Office ("PRO"). "Migration" can, of course, include the sale of documents to a third party.
- Recycling – wherever practicable disposal should further recycling, in-line with the Council's commitment to sustainable development and promoting an alternative waste disposal strategy.

5.3 Disposal should be documented by keeping a record of the document disposed of, the date and method of disposal, and the officer who authorised disposal. The documenting of disposal is particularly important due to the Freedom of Information Act.

6. DATA PROTECTION ACT 1998

6.1 The Town Clerk need to be aware that under the Data Protection Act personal data processed for any purpose must not be kept for longer than is necessary for that purpose. In other words, retaining documents or records that contain personal data beyond the length of time necessary for the purpose for which that data was obtained is unlawful. The Data Protection Legislation contains no interpretive provisions on this provision. It is a matter for reasonable e judgement and common sense as to how long personal data should be retained. Clearly, in many instances the retention of personal data will be necessary and thus justified for a very long

period of time. In general provided there is adherence to this Policy few problems should arise.

Appendix 2 Retention Schedules

Records for permanent retention should be transferred to a Records Office or held by solicitors as appropriate.

| TYPE OF RECORD | MINIMUM RETENTION PERIOD | REASON |
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| FINANCIAL RECORDS | | |
| Receipts and Payment Ledger/spreadsheets | Indefinitely. | Archive |
| Receipt books of all kind | 6 years | Retain for VAT purposes |
| Paid Invoices | 6 years | Retain for VAT purposes. Limitation Act 1980 (as amended) |
| Bank Reconciliation | Quarterly statement kept with minutes | Minute record |
| Bank Statements | Last completed audit year | Audit |
| Bank paying-in books | Last completed audit year | Audit |
| Cheque book stubs | Last completed audit year | Audit |
| Cheque lists | Last completed audit year | Consistency |
| Returned/cancelled cheques | Last completed audit year | Consistency |
| VAT Records | 6 years | VAT |
| Budget | 6 years (electronic/hard copies filed within minutes) | Reference |
| Quotations and tenders | 6 years | Limitation Act 1980 (as amended) |
| Audited Annual Return | Indefinitely | Archive as per External Auditors |
| Other Audit documentation incl. correspondence | 6 years | As per External Auditors |
| Investments | Indefinite | Audit, Management |
| Scales of fees and charges | 5 years | Management |
| INSURANCE RECORDS | | |
| Certificate of Employers' Liability Insurance | 40 years from date on which insurance commenced or was renewed | Although no longer a legal requirement the insurers/legal advisers say 40 years still advisable. |
| Insurance Documentation including policies | 3 years | To cover any claims under Public Liability Insurance, as per insurers. A permanent record of insurance company names and policy numbers to be retained. |
| Insurance Claims (public/employer's liability) | 6 years | Recorded information |

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| PAYROLL RECORDS | | |
| Payslips/expenses | 6 years | Tax |
| Tax and NI Records (including P11 and P35) | 4years | Tax claims |
| Tax code notifications | 6 years | Consistency |
| Timesheets/Overtime Records | Last completed audit year | Audit |
| PERSONNEL ADMINISTRATION | | |
| Employee letters of appointment | 6 years after departure from employment | Consistency |
| Employee contracts | 6 years after departure from employment | Consistency |
| All other records | 6 years after departure from employment | Consistency |
| RECRUITMENT | | |
| Selection of an individual/interview record | 1 year | Reference |
| Unsuccessful Applicants' Employment Application forms/references | 1 year | Reference |
| PLANNING DOCUMENTS | | |
| Planning Applications | After the Planning Authority decision made | Reference |
| Hand written responses from Councillors/Planning Committee members to planning applications | Destroy 6 months after the Planning Authority decision made, if a meeting was not held to discuss the application | Reference |
| Planning decisions | To be detailed in minutes | Reference |
| Structure Plans, Local Plans and similar documents | To be retained as long as they are in force | Reference |
| LEGAL DOCUMENTATION | | |
| Deeds, conveyances and other legal documentation relating to ownership ie Title Deeds and leases | Indefinitely | Audit, Management. Limitation Act 1980. Lodged with Solicitors |
| Trust deeds and schemes | Indefinitely | Audit, Management. Limitation Act 1980. Lodged with Solicitors |
| Contracts not executed as a Deed | 6 years | Limitation Act 1980 (as amended) |
| Any documentation which may be subject to legal action. (Where item falls into more than one category retain for longest period stated) | Retain until the threat of litigation has been removed. Minimum periods for retention: Negligence – 6 yrs; Defamation – 1 yr; Sums recoverable by statute – 6 yrs; Personal injury – 3 yrs; to recover land – 12 yrs; rent – 6 years. | Limitation Act 1980 (as amended) |
| ADMINISTRATION RECORDS | | |
| Draft documents | Destroy once the final version of the document has been approved, unless required as | Management |

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| | a record of the development of a policy initiative | |
| Hand written notes taken by clerk with a view to producing minutes | Destroy once the minutes have been approved as correct and a true record | For clarification at following meeting |
| Approved Minutes | Indefinitely | Archive |
| Reports | 6 years after closure of file | Consistency |
| Back up tapes/records | Rotate to eliminate storing of materials which should have been destroyed | Management |
| Asset Register | Current and last completed audit version | Audit and Management |
| Correspondence/General Admin files (see Historical Records below) | 6 years (see correspondence kept for legal purposes above) Records which are duplicated, unimportant or only of a short-term value should be destroyed in the normal course of business | Management |
| Emails | To be dealt with in the same way as manual records. Destroy routine/trivial emails and those where hard copies have been taken | Management |
| Historical Records (manual and electronically held) | Archive after 30 years. (Files to be closed after 5 year) | Public Records Act 1958. Archive |
| Personal Data | Kept for no longer than is necessary for the purpose for which it is held | Data Protection Act |
| Register of Members' Interests | Whilst a member | Publication Scheme |
| Risk Assessment | Information retained | Reference |
| Complaints | 3 years | Reference |
| FOI Disclosure log | Destroy each record 5 years after record is opened | Management |
| Details of Request made under FOI Act | Destroy as above | Management |
| Disposal Schedules | Indefinitely | Management |
| Information from other bodies i.e. County Associations, NALC and other numerous bodies | Retain for as long as useful and relevant | Management |
| Magazines and Journals | Any published works in print as defined by the Legal Deposit Libraries Act 2003, are to be delivered to the British Library Board. Items published by other bodies to be retained as long as useful and relevant | Management |