

Coates Parish Council

Data Retention and Disposal Policy

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1. Introduction and Scope

Coates Parish Council's general approach to records management is outlined in the Coates Parish Council's Privacy Policy. The purpose of this Data Retention and Disposal Policy is to outline the council's approach to managing the retention and secure disposal of our information in line with our working requirements and legal obligations.

There are various pieces of legislation which outline retention requirements. These include, but are not limited to:

- Freedom of Information Act 2000 – including the Code of Practice Section 46 (FOIA)
- The UK General Data Protection Regulations (the UK GDPR)
- Data Protection Act 2018 (DPA 18)
- Public Records Act 1958
- Limitation Act 1980
- Inquiries Act 2005

The requirements outlined in this policy have been developed to provide a consistent approach to the retention and disposal of corporate information. This policy applies to all physical and digital information, regardless of storage location.

2. Roles and Responsibilities

The Parish Councillors and Parish Clerk are responsible for managing the information they create and receive as part of their normal Parish Council related activities and should familiarise themselves with the Data Retention and Disposal Schedule, including:

Parish Councillors & Clerk: Ensuring that all assets under their control are held in accordance with schedule rules. The Parish Councillors have ownership of the assets and are therefore responsible for ensuring adherence to the Data Retention and Disposal Schedule, including being responsible for authorising the destruction of information when required.

Parish Clerk: In addition to having the same responsibilities as Parish Councillors, the Parish Clerk is operationally responsible for the upkeep of information assets, including adherence to the Data Retention and Disposal Schedule and undertaking the work disposing of information and recording disposal where either required by policies or where directed to do so a decision made by Parish Councillors, in an adopted motion at a Parish Council meeting.

3. Retention Periods

Retention periods are driven by legislation and / or the Parish Council's needs.

We assign clearly defined retention periods to our information to ensure it is kept for the appropriate length of time. Each retention period has three elements:

- **Trigger** – the action which begins the retention period (e.g., ‘End of Financial Year’ or ‘End of Employment’)
- **Retention period** – the length of time the information will be kept
- **Action** – either ‘review’ or ‘destroy’.
 - If the action is ‘review’ the information must be reviewed to ensure it is no longer required before destruction. Outcomes of a review may be – dispose, mark for permanent preservation, or temporary extension to review again at a future date.
 - If the action is ‘destroy’, this means the information can be destroyed without being reviewed. Where the destruction of data may be contentious, the destruction should be agreed in a motion at a Parish Council meeting.

3.1. Retention and Disposal Schedule

Our Retention and Disposal Schedule sets out our retention periods. Information **must** be kept for the length of time defined in the Schedule unless there is a legal requirement to destroy it sooner. Any proposed additions or changes to retention periods should be approved by a unanimous decision of Parish Councillors, by adopting a change to this policy on an exceptional, recorded, basis.

The Schedule is to be reviewed on a bi-annual basis.

3.2. Weeding

Not all information we create has long-term value. Our Retention and Disposal Schedule does not include redundant, obsolete or trivial information. This should be destroyed periodically by each directorate as part of routine housekeeping. If there is any potential that the deletion or destruction of redundant, obsolete or trivial information may be contentious or in cases of uncertainty, the Parish Council should agree the destruction of the data on a case-by-case basis.

‘Weeding’ does not apply to corporate records included in the Schedule, which should only be destroyed when they have reached the end of their retention period.

Below are common examples of information which are usually of limited value once they are no longer in use and can be weeded through housekeeping. This should not be seen as an exhaustive list.

Drafts - Draft documents lose value and can become obsolete once a final version has been published. However, on some occasions where significant changes or deviation have taken place, a draft may be retained to show how the final decision was made.

Emails – Our email system retains emails until access is revoked and email users are responsible ensuring that more than they only store emails which are required, in accordance with the schedule in this policy

Duplicates –Duplications should not be maintained, unless working practices dictate that they are required

Research Material – Whether developing policy or preparing to give advice to Parishioners, research material may be created or collected such as notes or copies of guidance from external organisations. The value of this information decreases once the final version has been created.

Limited Long Term Operational Value – Some information may be of importance for only a short period of time and then become redundant. This information should be weeded as soon as no longer required.

4. Disposal

4.1. Review

When information has reached the end of its retention period it may need to be reviewed to ensure that it is no longer required. Information that has an action of 'destroy' on the Schedule can be disposed of securely without a review. Where this may be contentious the data should be reviewed by the Parish Council on a case-by-case basis.

If a high volume of information is being reviewed at once then this should be conducted at a macro level, i.e., not document by document. If information is marked for permanent preservation or subject to a legal hold it may be necessary to review every document.

Information should only be retained beyond its retention period in limited circumstances. When conducting a review, the following factors should be taken into account:

- Is the information required to fulfil statutory or regulatory requirements?
- Is the information relevant to ongoing litigation / subject to a legal hold?
- Is the information the subject of an information request or relate to information recently disclosed in a response?
- Is retention required to evidence events in the case of a current or potential future dispute?
- Does the information fall under the selection criteria for permanent preservation and transfer to the National Archives?
- Is the information required for a Public Inquiry or other statutory activity?
- Is there another demonstrable business need for retaining the information?

If the information is deemed to still be required, an extension of two years is given, the information needs to be reviewed again at the end of the extension. The retention period may not be extended indefinitely but repeated 2 yearly reviews and extensions are permissible.

4.2. Destruction

When records are no longer required and do not have archival value they should be securely destroyed. Destruction of records should not proceed without Parish Council approval, which should be notified of data, which is going to be destroyed, prior to the destruction, other than in the case of routine weeding.

For all key documentation a record containing what has been destroyed, when it was destroyed and the Parish council meeting at which the destruction was authorised should be maintained.

Paper records should be shredded to an unreadable level and documents stored on electronic systems should be deleted, including back-ups.

4.3. Permanent Preservation

Documents may be selected for permanent preservation if they meet the criteria outlined by the Information Commissioners Office and / or National Archives.

Documents which have been marked for permanent preservation must not be destroyed. Any information which is selected for preservation should be clearly marked to ensure it is not destroyed accidentally.

4.4. Legal Holds

As a Civic Public authority Coates Parish council is responsible for ensuring that any information under a legal hold is identified. A legal hold is the process of preserving all forms of information relevant to legal proceedings. If a legal hold is in place, there is a freeze on the destruction of any relevant material held by the Parish Council.

A legal hold might be required if information relates to a Public Inquiry or if it pertains to any litigation that the Parish Council is or may become involved with, such as an FOI Request or Complaint.

When information falls under a legal hold it should be clearly marked as such so it is not accidentally included in any scheduled destruction.

Under the Inquiry Rules 2006 those responsible for public records, which includes Coates Parish Council, have a duty to make arrangements for the selection of any and all information they hold which contains or may contain content as identified in relation to an investigation.

Appendix

Retention Periods

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
▪ Minute books	Indefinite	Archive
▪ Scales of fees and charges	6 years	Management
▪ Receipt and payment account(s)	Indefinite	Archive
▪ Receipt books of all kinds	6 years	VAT
▪ Bank statements, including deposit/savings accounts	Last completed audit year	Audit
▪ Bank paying-in books	Last completed audit year	Audit
▪ Cheque book stubs	Last completed audit year	Audit
▪ Quotations and tenders	6 years	Limitation Act 1980 (as amended)
▪ Paid invoices	6 years	VAT
▪ Paid cheques	6 years	Limitation Act 1980 (as amended)
▪ VAT records	6 years generally but 20 years for VAT on rents	VAT
▪ Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)
▪ Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)
▪ Wages books	12 years	Superannuation
▪ Insurance policies	While valid	Management
▪ Certificates for Insurance against liability for employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management.
▪ Investments	Indefinite	Audit, Management
▪ Title deeds, leases, agreements, contracts	Indefinite	Audit, Management

▪ Members allowances register	6 years	Tax, Limitation Act 1980 (as amended)
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DOCUMENT	MINIMUM RETENTION PERIOD	REASON
For Halls, Centre, Recreation Grounds		
<ul style="list-style-type: none"> ▪ application to hire ▪ lettings diaries ▪ copies of bills to hires ▪ record of tickets issued 	6 years	VAT
For Allotments		
▪ register and plans	Indefinite	Audit, Management
For Burial Grounds		
<ul style="list-style-type: none"> ▪ register of fees collected ▪ register of burials ▪ register of purchased graves ▪ register/plan of grave spaces ▪ register of memorials ▪ applications for interment ▪ applications for right to erect memorials ▪ disposal certificates ▪ copy certificates of grant of exclusive right of burial 	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (Sl. 204)

Note: Reference Periods were drawn from the National Association of Local Councils Legal Topic Note 40