



## Bomere Heath and District Parish Council

# Data Retention Policy

November 2019 V2.0

Version Control			
Version	Date	Action Taken /Amendments	By Who
2.0	6 Nov 2019	Updated with email retention	Martin Speak

## Introduction

Bomere Heath and District Parish Council recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the Parish Council.

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.

A small percentage of the Parish Council’s records may be selected for permanent preservation as part of the Council’s archives and for historical research. References to personal data will be redacted.

## Responsibilities

The Parish Council has a corporate responsibility to maintain its records and record management systems in accordance with the regulatory environment. The person with the overall responsibility for the implementation of this policy is the Clerk to the Parish Council, and the Clerk 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.

### **Retention Schedule**

Under the Freedom of Information Act 2000 and the General Data Protection Regulations 2018, the Parish Council is required to maintain a retention schedule listing the record series, which it creates in the course of its business.

The retention schedule lays down the length of time which the record needs to be retained and the action, which should be taken when it is of no further administrative use.

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 record regardless of the media in which they are stored.

### **Retention of Documents**

The table below shows the documents / data the parish council is likely to hold, and the retention periods relating to each type of data, with a reason provided for each of the retention periods used. The retention periods are often stipulated or governed by statute or other provisions. Further information can be found in the references identified in this policy.

<b>Document</b>	<b>Minimum Retention Period</b>	<b>Reason</b>
Parish Council Minutes	Indefinite	Archive
Annual Accounts	Indefinite	Archive
Annual Return	Indefinite	Archive
Receipt and Payment Accounts	Indefinite	Archive
Certificate of Employer's Liability	Indefinite	Audit / Legal
Certificate of Public Liability	Indefinite	Audit / Legal

<b>Document</b>	<b>Minimum Retention Period</b>	<b>Reason</b>
Allotments register and plans	Indefinite	Audit, Management
Asset Register	Indefinite (kept up to date)	Audit
Deeds, Leases, Investments	Indefinite	Audit / Management
Salary and Wages Records	12 years	Superannuation
Agenda Papers	6 years	Management
Receipts Books	6 years	VAT
Scale of fees and charges	6 years	Management
Cheque Book stubs (as a proxy for paid cheques)	6 years	Limitation Act 1980 (as amended)
Quotations and tenders	6 years	Limitation Act 1980 (as amended)
Paid Invoices	6 years	Limitation Act 1980 (as amended)
VAT records	6 years (20 years for any VAT on rents)	VAT
Petty Cash, Postage and Telephone Books	6 years	Tax, VAT, Limitation Act 1980 (as amended)
Tax and National Insurance	6 years	Audit / Management / HMRC
Insurance Policies	6 years	Audit / Management / Legal

<b>Document</b>	<b>Minimum Retention Period</b>	<b>Reason</b>
Bank Statements	Last completed audit	Audit / Management
Paying in Books	Last completed audit	Audit / Management
Members' records, including declarations of interest	While Valid	Management
Employees' records	While Valid	Management
Electors' records (register, other schedules)	While Valid	Management
Correspondence not otherwise covered in this schedule	While Valid	Audit / Management / Other

### **Planning Applications**

All planning applications and relevant decision notices are available at Shropshire Council. There is no requirement to retain duplicates locally. All Parish Council recommendations in connection with these applications are recorded in the Council minutes and are retained indefinitely. Correspondence received in connection with applications will be retained as stated below:

- Declarations of acceptance Term of Office + 1 year
- Members register of interests' book Term of Office + 1 year
- Complaints 1 year
- Routine correspondence and e-mails 6 months
- General Information 3 months
- Any material generated in relation to planning application should be retained until the application has been either granted or refused and the time scales for any appeal(s) have been concluded.

### **Information register**

The Parish Clerk will retain an information register identifying information (document type and purpose) held by the parish council and its disposal date.

### **Disposal procedures**

All documents (and copies) that have reached their disposal date and are no longer required for administrative reasons will be shredded (Cross cut) and disposed of. Under no circumstances should material be disposed of via public waste (un-shredded) or disposed of via a third party without proper due diligence of security and certified means of disposal.

Electronic copies of documents will be deleted and removed from archived when they exceed their retention periods.

### **Retention of Documents for Legal Purposes**

Most legal proceedings are governed by the Limitation Act 1980 (as amended). The 1980 Act provides that legal claims may not be commenced after a specified period, which depend upon the type of claim in question. The table below sets out the limitation periods for the different categories of claim:

<b>Category of Claim</b>	<b>Limitation Period</b>
Negligence (and other 'Torts')	6 years
Defamation	1 year
Contract	6 years
Leases	12 years
Sums recoverable by statute	6 years
Personal Injury	3 years
To Recover Land	12 years
Rent	6 years
Breach of Trust	None

Where the limitation periods are longer than other periods specified in the retention table set out above, the documentation relating to any claim should be kept for the longer period specified.

## **Email Retention**

There is no specific guidance concerning email retention as their content is very much aligned to the nature of the matter, which the email relates to.

Where an email is relevant and has importance to any of the subject matter above then the above guidelines could also apply. However consideration would have to be given to whether the email contains personal data, and if it does, consideration should be given to redacting the email and removing such information. If the personal data is relevant and is required for the lawful purpose then there are grounds for not redacting the data.

In other cases which are not aligned to the above issues, a similar approach should be taken. Has the issue or the purpose of the email been resolved or come to an end? Is there a need to retain the email and is it likely to be required for future reference? Is the retention of any personal data necessary for a lawful purpose or can that data be redacted.

Where there are on going issues with a particular subject then this is likely to fall into a lawful purpose to retain the information to enable the Parish Council to discharge its responsibilities.

Emails older than 6 months should be reviewed as to whether they should continue to be retained or deleted. Best practice would be to review 'archived' emails every three months.

## **References**

- National Association of Local Councils (NALC) Legal Topic Note 40, September 2016, "Local Councils' Documents and Records"
- NALC Model Financial Regulations
- General Data Protection Regulations (2018)
- Data Protection Act 2018