Trimley St Martin Parish Council

DOCUMENT AND ELECTRONIC DATA RETENTION POLICY

1. INTRODUCTION

This Retention Policy applies to Trimley St Martin Parish Council (TSMPC) and covers all records and documentation, whether analogue or digital and are subject to the retention requirements of this Policy.

For the purpose of this Policy, the terms 'document' and 'records' include information in both hard copy and electronic form and have the same meaning whether referred to as Documents or Documentation.

This Policy will also aid paper records and electronic data storage issues identified and will eliminate the need to retain paper and electronic records unnecessarily.

TSMPC will ensure that information is not kept longer than is necessary and will retain the minimum amount of information that it is required to hold to meet its statutory functions and the provision of its services.

Any such system or policies relating to record management will include a review of council documentation on an annual basis.

Anything that is no longer of use or value can be destroyed but if the council is in any doubt it will seek advice from Suffolk Association of Local Councils (SALC) and retain that document until that advice has been received.

Documents of historical importance, if not retained by the council, will be offered first to the county record office.

2. RETENTION OF DOCUMENTS

2.1 Appendix 1 indicates the appropriate retention period for audit and other purposes and the reasons for retention. Appendix 2 indicates the appropriate retention period for documentation relating to information technology.

2.2 In respect of the retention of documents in case of a legal dispute, Council's policy is set out under Section 3.

2.3 Other documents not mentioned in the Appendices will be treated as follows:

Planning Papers

• Where planning permission is granted, the planning application, any plans and the decision letter will be retained until the development has been completed, so that, if necessary, the Clerk can check that the development proceeds in accordance with the terms and conditions of the permission.

• Where planning permission is granted on appeal, a copy of the appeal decision will also be retained likewise

• Where planning permission is refused, the papers will be retained until the period within which an appeal can be made has expired. If an appeal is made, and dismissed, the decision letter will be retained against further applications relating to that site.

• Copies of Structure Plans, Local Plans and similar documents will be retained as long as they are in force.

Insurance Policies

• Insurance policies and significant correspondence will be kept for as long as it is possible to make a claim under the policy.

• Article 5 of the Employers Liability (Compulsory Insurance) Regulations 1998 requires that local councils, as employers, retain certificates of insurance against liability for injury or disease to their employees arising out of their employment for a period of 40 years from the date on which the insurance is commenced or renewed.

Circulars and legal topic notes from SALC, NALC and other bodies such as principal authorities will be retained for as long as the information contained therein is useful and relevant.

Correspondence

• If related to audit matters, correspondence will be kept for the appropriate period specified to the Annex thereto.

• In planning matters correspondence will be retained for the same period as suggested for other planning papers.

• All other correspondence will be kept for as long as the matter contained therein is still of interest or use to the council and or the parish.

Personnel matters

• Article 5 of GDPR provides “personal data must 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”. This Policy will ensure that necessary records, documents and electronic data of TPC are adequately protected, archived and disposed of at the correct retention period, and to provide all staff with clear instructions regarding the appropriate retention and disposal of such Documentation.

Data Protection and Freedom of Information Considerations

• The Code of Practice on the Management of Records issued under section 46 of the Freedom of Information Act 2000 applies to public authorities and also bodies which are subject to the Public Records Act 1958 (the 1958 Act).

Although local councils are not subject to the 1958 Act, they should familiarise themselves with the contents of the Code of Practice so they can formulate their own system of records management.

3. RETENTION OF DCOUMENTS FOR LEGAL PURPOSES

3.1 Most legal proceedings are governed by 'the Limitation Acts' which state that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question.

3.2 The table below sets out the limitation periods for the different categories of claim.

Claims under category	**Limitation period**
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

3.3 If a type of legal proceeding falls into two or more categories, the documentation will be kept for the longer of the limitation period.

3.4 As there is no limitation period in respect of trust, the council will retain all trust deeds and schemes and other similar documentation.

3.5 Where the limitation periods above are longer than other periods specified in this Note, the documentation should be kept for the longer period specified.

Some types of legal proceedings may fall within two or more categories. Rent arrears, for example, could fall within the following three categories (depending on the circumstances): a. contract (six years) – because all tenancies and leases are contracts; b. leases (12 years) – if the arrears are due under a lease; and c. rent (six years) – if the arrears are due under a tenancy (and not a lease).

In these circumstances, the National Association of Local Councils (NALC) advises that the relevant documentation should be kept for the longest of the three limitation periods.

5. RETENTION OF ENCRYPTED DATA

For any information retained under this Policy that is in an encrypted format, consideration must be taken for the secure storage of any encryption keys.

Encryption keys must be retained for as long as the data that the keys decrypt is retained.

6. DISPOSAL OF DOCUMENTS OR DOCUMENTATION

Disposal can be achieved by a range of processes:

• Any record containing confidential information must either be disposed of in a confidential waste bin or shredded using a cross-cut shredder.

• Disposal of documents that do not contain confidential information may be disposed of in the normal way or recycled.

• Deletion – where computer files are concerned

• Transfer of document to external body - this method of disposal will be relevant where documents or records are of historic interest and/or have intrinsic value. Such a third party could be the County Archivist or a local Museum.

7. DISPOSAL OF ELECTRICAL HARDWARE

7.1 IT equipment and devices that have the ability and capability to store personal data include:

• PC's

• Laptops

• Mobile Phones

• Multi-Functional Devices – printers / scanners

• Servers

• USB Memory Sticks and external hard drives.

7.2 IT equipment disposal must be managed by the Chairman in conjunction with the Proper Officer.

7.3 All computer equipment, recycling or refurbishing must be disposed of in accordance with the Waste Electric and Electronic Equipment Regulations 2013.

8. DOCUMENTING DISPOSAL

TSMPC will keep a record detailing the document disposed of, the date, and the officer who authorised disposal. In particular, the record should be able to demonstrate that the disposal was in accordance with this policy or set out the reasons for departing from it.

The table at Appendix 1 – Retention of Records Schedule sets out the limitation periods for the different categories of claim.

The table at Appendix 2 – Retention of Digital Records – provides the required retention periods for all digital Documents

APPENDIX 1 – RETENTION OF DOCUMENTS REQUIRED FOR THE AUDIT OF PARISH COUNCILS.

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Minutes Books	Indefinite	Archive
Receipt and payment accounts (s)	Indefinite	Archive
Bank Statements	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Supplier Contracts	6 years	Limitation Act 1980 (as amended)
Quotations/tenders	12 years/indefinite	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 (if applicable)	VAT
Timesheets	Last completed audit year. 3 years	Audit (requirement) and personal injury (best practice)
Insurance policies	As long as it is possible for a claim to be made under it	Management and legal proceedings
Certificates for insurance against liability for employees	Indefinitely	Future claims
Title deeds, leases, agreements, contracts	Indefinitely	Audit, Management
Staff attendance records	Indefinitely	Health & Safety Act 1974
Members Allowances Registers	6 years	Tax, Limitation Act 1980 (as amended)

APPENDIX 2 – RETENTION OF DOCUMENTS REQUIRED RELATING TO INFORMATION TECHNOLOGY.

In all cases identify the documents that need to be retained in accordance with the Retention of records schedule (attached at Appendix 1).

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Email	2 years	To satisfy customer complaints
Electronic Back Up Tapes	12 months	To protect records from loss, destruction, or falsification
Electronic files	3 years from date last used	To protect records from loss, destruction, or falsification
All portable/removeable storage media	At end of work cycle/project	Data shall be copied or stored on removeable media only by authorised users in the performance of official duties
Cryptographic keys – access limited to user/role	Encryption keys must be retained for as long as the data that the keys decrypt is retained	See Appendix A relation to legislation in place.