



**CHURCH  
LAWTON**  
Parish Council

# Data Retention and Disposal Policy

## 1. Introduction

Church Lawton Parish Council recognizes 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 document provides the policy framework through which this effective management can be achieved and audited. It covers:

## 2. Scope

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 will be selected for permanent preservation as part of the Council's archives and for historical research.

## 3. 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 responsibility for the day to day implementation of the policy and ensuring compliance is the Clerk.

The Clerk will give guidance for good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and in a timely fashion.

The Parish Council will only keep data for as long as it is necessary to do so.

## 4. Relationships with existing policies

This policy has been drawn up within the context of:

- General Privacy Notice
- Data Protection Policy
- Publication Scheme



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and with other legislation or regulations (including audit and Statute of Limitations) affecting the Parish Council.

## **5. Retention Schedule**

Under the Freedom of Information Act 2000, 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.

Members of staff are expected to manage their current record keeping systems using the retention schedule and to take account of the different kinds of retention periods when they are creating new record keeping systems.

The retention schedule refers to record series regardless of the media in which they are stored.

## **6. Document Retention Protocol**

Councils should have in place an adequate system for documenting the activities of their service. This system should consider the legislative and regulatory environments to which they work.

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. 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 General Data Protection Regulations. Documents that are no longer required for operational purposes but need retaining may be placed at the records office.

The retention schedules in Appendix A: List of Documents for Retention or Disposal provide 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



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Records Office, the Records Management Society of Great Britain and in accordance with relevant legislation.

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 treat of litigation has been removed.

## **7. Data Subject Rights**

A data subject has the right to:

- Access their information
- Correct information held which they believe is incorrect
- Request information is deleted
- Object to the processing of data
- Request data is transferred to another data controller
- Withdraw consent for processing of data
- Lodge a complaint with the Information Commissioner's Office

A data subject wishing to exercise their rights may do so by contacting the Clerk.

## **8. Document Disposal Protocol**

- a. 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?
- b. When documents are scheduled for disposal the method of disposal should be appropriate to the nature and sensitivity of the documents concerned.
- c. Documents can be disposed of by any of the following methods:
  - Non-confidential records: place in wastepaper bin for disposal.
  - Confidential records or records giving personal information: shred documents.
  - Deletion of computer records from any drives or Cloud storage.



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- Transmission of records to an external body such as the County Records Office.
- d. The following principles should be followed when disposing of records:
- All records containing personal or confidential information must be destroyed at the end of the retention period.
  - 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).

Approved at the Full Council Meeting dated:

Minute Reference:

Chair:

Clerk:

**Appendix 1 – Retention Periods: Statutory Requirement and Best Practice Guidance**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated legislation</b>
<b>Agreements, Contracts and Related Correspondence</b>			
Contract executed as a deed	12 years	Proceedings founded on a contract may be brought within these periods.	Limitations Act 1980.
Contracts with customers, suppliers or agents	Indefinite.	Actions for latent damage may be brought up to fifteen years after the damage occurs  Audit, Management	
Licencing Agreements			
Rental/Hire Purchase agreements			
Indemnities and Guarantees			
Other Agreements/Contracts			
Quotations and Tenders	12 years	Statute of Limitation	
<b>Property</b>			
Deeds of Title	Indefinite	Audit, management	
Leases, agreements, contracts	Indefinite	Audit, management	Limitation Act 1980 Section 14B
<b>Accounts</b>			
Scales of Fees and charges	5 years	Management	

**Appendix 1 – Retention Periods: Statutory Requirement and Best Practice Guidance**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated legislation</b>
Postage & Telephone Records.	6 years	Tax, VAT, Statute of Limitations	
Receipt and payment account(s)	6 years	VAT	
Paying in books, cheque book stubs	Last completed audit	Audit	
Paid Invoices	6 years	VAT	
Cheques	6 years	VAT	Statute of Limitations
VAT records	6 years	VAT	
Budget and precept information	Indefinite	Council choice	
Investments	Indefinite	Audit, Management	
<b>Tax</b>			
Supporting documentation for VAT returns	6 years	If there is an enquiry into a tax return, records should be retained until the enquiry is complete	VAT Act 1994 s58 & Schedule 11 Para 6
Supporting documentation for PAYE returns	6 years		Income Tax (PAYE) Regulation 2003

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<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated legislation</b>
PAYE related records not required to be sent to Inland Revenue.	Three years after the end of the tax year to which they relate.		Reg.97
<b>Banking Records</b>			
Cheques, bills of exchange and other negotiable instruments.	6 years	Audit	
Bank statements including deposit/savings accounts.	Last completed audit year	Audit	
Instructions to banks.	6 years after ceasing to be effective		
<b>Council and Councillor Records</b>			
Minute Books (Full Council and Committees)	Indefinite	Archive	
Agendas for Council and Committee Meetings, Reports to Council	No legislation but will retain for five years for reference.	Council decision	
Register of Interest and signed acceptance of office forms	1 year after end of service	Council decision	

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Document/Type	Minimum Retention Period	Reason	Associated legislation
Members allowances Register	6 years	Tax Statute of Legislations	
Strategic Plans, Annual reports etc	Indefinite	Council decision	
Correspondence - paper	1 year unless the correspondence relates to another category in which case the email should be printed or suitably stored for the designated time.	Council decision and Data Protection legislation requirements not to hold personal data unnecessarily.	
Email (excluding spam)	1 year unless the email relates to another category in which case the email should be printed, saved to the Council's online storage or suitably stored for the designated time.	Council decision and Data Protection legislation requirements not to hold personal data unnecessarily.	
<p>Notes of Council and Committee meetings made by the Clerk, assistant Clerk or any members named as meeting secretary.</p> <p>Recordings of Council or Committee meetings whether formally made or by officers to assist in the production of minutes.</p>	<p>To be kept until the minutes to which the notes or recording pertain have been approved at which point, they must be deleted.</p> <p>Ditto</p>	Council decision and good practice.	
Records relating to formal complaints to the Council or withing the council.	6 years	Good practice.	



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Document/Type	Minimum Retention Period	Reason	Associated legislation
<b>Employee Records</b>			
Personal Records	6 years after employment ceases	Health & Safety Records may need to be kept longer	Limitation Act 1980
Applications for jobs- where the candidate is unsuccessful	One year after notifying the unsuccessful candidate	Defamation action limit	Discrimination Acts 1975 & 1986 Race Relations Act 1976 Limitation Act 1980
Payrolls/Wages	12 years after 31 January of the following year of assessment	Superannuation	Tax Management Act 1970  Sections 12 & 15.
P45/60 Forms	6 years		
Expense Accounts	6 years		
Labour arrangements	10 years	Best Practice	
Sickness Records	3 years after the end of each tax year		Statutory Sick Pay (General) Regulations 1982 Reg.13
Accident books or records	7 years from the date of last entry	Council decision	
Health and Safety records – Accident or injury at work	7 years	Personal injury actions must generally be commenced within three years of the injury.  The time periods are extended in relation to	

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<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated legislation</b>
		employees exposed to hazardous substances.	
Recruitment documents (if hired)	5 years	Council decision	
Personnel Administration (inc. CVs, appraisal disciplinary records, contracts, pay awards etc)	6 years after person leaves council except staff working with children (25 years)	Local Choice and Statutory	
Service records (Name, position, dates of employment, pay levels etc)	Indefinite	Council choice	
Leave Records	Three years		
Time-keeping records	7 years		Audit and personal injury
<b>Insurance</b>			
Policies	While Valid	While Valid	Management
Employer's Liability Insurance Certificate	40 years from the date on which insurance commenced or was renewed		The Employers' liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management
Accident Reports and relevant correspondence	3years after settlement		

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Document/Type	Minimum Retention Period	Reason	Associated legislation
<b>Donation and Subscription Records</b>			
Donations given & related correspondence	6 years		Companies Act 1985 Sections 221-222
Deeds of Covenant	6 years after the last payment made  12 years if payments are still outstanding or there is a dispute re the Deed		
Subscription records	3 years after cessation of membership		Companies Act 1985 Section 222