

Tur Langton Parish Council

Records Management and Retention of Documents Policy

Tur Langton Parish Council recognises that the efficient management of records is necessary for the following reasons:

Reasons for keeping records include:

- To carry out routine Parish Council activities
- To contribute to the effective overall management of the council
- To enable easy location and retrieval of information
- To meet legal requirements to retain information (e.g. to comply with Data Protection and Freedom of Information legislation)
- For financial purposes
- To explain how a particular decision has been reached
- In case a decision is challenged
- To be publicly accountable for policies and decisions
- To help deal with similar situations in the future
- To defend the rights and responsibilities of the Parish Council and its Councillors, or the rights and responsibilities of others.

This document provides the policy framework through which this effective management can be achieved.

This policy applies to all records created, received or maintained by the Parish Council in the course of carrying out its functions. A record is information recorded in any form including paper, email and documents held on a computer system. 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.

The person with overall responsibility for the management of records is the clerk.

How should records be held?

- The council should know what records it holds and that they are reliable
- Records should be kept in systems that enable them to be stored and easily retrieved. Files should be organised in a structured way
- For most topics there should be a lead file, either hard copy, electronic or both which gives the complete story of the handling of the topic

Paper records

- The titles should reflect their specific nature and contents to facilitate retrieval.
- The records should be indexed

Electronic Records

- Electronic files - documents and folders should have titles which are easily understood by others.

- Uncommon abbreviations should not be used.
- The title should clearly indicate the version status, such as “draft 1” or “final version”.
- Out of date material should be archived and disposed of as necessary according to the retention schedule (see below)

Emails

- Emails are as much an official document as a letter or memo. They may be disclosed in response to a Data Protection or Freedom of information request and in legal cases. Electronic messages can be legally binding, contracts can be set up via email and the Parish Council may be held liable for defamatory statements in emails. For these reasons nothing should be stated in an email that would not be stated in other forms of written communication.
- Effective management of emails makes them easier to manage and search when responding to a subject access request.
- If an email contains important information or an important decision, it should be added to the relevant file or folder.
- Most emails are about trivial matters. Out of date trivial emails or those copied to the relevant subject file should be deleted as soon as possible.
- Under the Data Protection Act information about people should be kept for no longer than is necessary and this includes emails to/from or about people.

Where should records be kept?

- Paper records should be held in a lockable, metal filing cabinet in suspension files where possible.
- Electronic records should be kept on the Parish Council’s hard drive and backed up on a memory stick.
- Current, records can also be kept on the clerk’s personal computer whilst being worked on, as long as they do not include confidential, personal information that is not already in the public domain. These records should also be stored on the hard drive and back up memory stick.
- The hard drive and memory stick should be password protected. The clerk and chair should hold details of the password(s)

Retention Schedule

- Under the Freedom of Information Act 2000 the Parish Council is required to maintain a retention schedule laying down the length of time that records need to be retained.
- Records which are duplicated, unimportant or only of a short term value should be destroyed in the normal course of business
- Other documents should be retained in line with the schedule overleaf.
- In cases of doubt the record should be retained until relevant advice received
- As a matter of good practice, the Information Commissioner’s Office recommends that any requested information should be kept for at least 6 months after the date of the last communication about the request

| Document | Minimum Retention Period | Reason |
|--|---|---|
| Administration Records | | |
| Minute books | Indefinite | Archive |
| Draft documents | Destroy once final version of document is approved unless required as record of development of the policy | Management |
| Handwritten notes taken by clerk at a meeting to produce minutes | Until minutes have been approved as a true record | Clarification at meeting where approved |
| Information from other bodies (e.g. NALC, LRALC, LCC, HDC) | As long as useful and relevant | Management |
| Asset Register | Current and last completed audit version | Audit and Management |
| Disposal Schedules | Indefinitely | Management |
| Register of members' interests | Whilst a member | Publication scheme |
| Personal Data | For no longer than necessary for the purpose for which it is held | Data Protection Act |
| Correspondence / General Admin files | 6 years year (but see also correspondence kept for legal purposes below) | Management |
| Reports | 6 years after closure of file | Business |
| Emails | Destroy trivial / routine emails or those that have been transferred to file or hard copies taken | Business |
| FOI Disclosure Log | Destroy each record 5 years after record is opened | Management |
| Risk Assessments | While they remain relevant | HSE advice |
| Financial Records | | |
| Scales of fees and charges | 6 years | Management |
| Audited annual return | Indefinite | Archive |
| Receipts and payments accounts and reconciliations | Indefinite | Archive |
| Receipt books of all kinds | 6 years | Audit |
| 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 | VAT |
| Budget | 6 years, electronic version | Reference |

| Document | Minimum Retention Period | Reason |
|--|---|---|
| | and hard copy filed with minutes | |
| Petty Cash, postage and telephone books | 6 years | Tax, VAT, Limitation Act 1980 (as amended) |
| Investments | Indefinite | Audit, Management |
| Members' Allowances | 6 years | Tax, Limitation Act 1980 (as amended) |
| Payroll Records | | |
| Timesheets / Overtime records | Last completed audit year | Audit |
| Wages books / payroll records | 12 years | Superannuation |
| Payslips / Expenses | 3 years from the end of the tax year they relate to | Tax |
| Tax and NI records | 3 years from the end of the tax year they relate to | Tax |
| Insurance | | |
| Insurance Policies | 3 years | To cover any claims under Public Liability Insurance. A permanent record of insurance company names and policy numbers to be retained |
| Certificates for insurance against liability for employees | 40 years from dates on which insurance commenced or was renewed | The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management |
| Legal Documentation – where there is a possibility of litigation the records and information should not be amended or disposed of until the threat has been removed | | |
| Title Deeds, leases, agreements, contracts | Whilst the council occupies the property / land | Audit, Management |
| Any documentation which may be subject to legal action (where the item falls into more than one category retain for the longest period) | Retain until the threat of a legal claim has been removed. Minimum retention periods are: Negligence 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 Indefinite | Limitation Act 1980 (as amended) |

| Document | Minimum Retention Period | Reason |
|--|--|--|
| Service Level Agreements | 6 years | Part of contract Limitation Act 1980 (as amended) |
| Quotations / tenders (successful) | 12 years | Limitation Act 1980 |
| Quotations / tenders (unsuccessful) | 2 years | Management |
| Recruitment | | |
| Unsuccessful applicants' application forms / references | 1 year | Time limits in various discrimination acts |
| Personnel Administration | | |
| Selection of successful candidate, interview record | 6 Years after employment ceases | defending a county court or high court claim |
| Employee letters of appointment | 6 Years after employment ceases | defending a county court or high court claim |
| Employee contracts | 6 Years after employment ceases | defending a county court or high court claim |
| Other correspondence | 6 Years after employment ceases | defending a county court or high court claim |
| Planning – planning applications and decision notices are accessible through HDC Planning Portal and so there is no requirement to retain indefinitely. However for ease of reference the following retention periods apply | | |
| Planning applications (permission granted) | Plans and decision letter retained until development completed (see below regarding controversial applications) | To check development proceeds in accordance with planning conditions |
| Planning applications (permission granted on appeal) | As above, however decision letter to be kept indefinitely | Wider implications / decision may set a precedent |
| Planning applications - permission refused | Until the period within which an appeal can be made has expired. If an appeal is made and dismissed decision letter kept indefinitely | Wider implications / decision may set a precedent / there maybe future applications on the site |
| Planning applications – controversial | 12 years or as long as useful | Reference |
| Comments on planning applications | Indefinitely | Included in minutes Archive |
| Statutory documents - development plans, consultations and similar documents | Duration of document / as long as in force | Reference |

Destruction of records

- Backup copies to be destroyed at the same time
- Information held in more than one media to be destroyed at same time
- Confidential data must be shredded (see below)
- Computer hard drives – if a laptop or computer is disposed of the hard drive should be destroyed to prevent the information getting into the wrong hands

Confidential and Non-Confidential Records

| What is not confidential? | What is confidential? |
|---|---|
| <p>Any record or copy thereof which is already in the public domain, e.g.</p> <p>Published Minutes and Agendas Mission Statements Policy Documents, Regulations, Code of Conduct, Standing Orders / Published Reports Press Releases / Newsletters Code of Conduct Published Registers Publicity Material Anonymised Data</p> | <p>Confidential minutes Confidential reports</p> <p>Any record containing personal information about a living individual, e.g.</p> <p>Questionnaire or other data collected under a guarantee of confidentiality</p> <p>Correspondence or other documents which reveal the contact details or any financial details of a named living person, unless permission has been given to circulate the details</p> <p>Correspondence or other documents which reveal personal details or pass comments on a named living person</p> <p>Staff personnel records</p> <p>Job applications / interview notes</p> <p>Wages and salary records</p> <p>Income Tax and NI records</p> |