

**Data & Document Retention Policy  
Adopted March 2024**

## **1. Introduction**

- 1.1 Diss Town Council acquires a vast amount of information and data as part of its daily operations. This includes internally generated data as well as information obtained from individuals and external organisations.
- 1.2 The records created and maintained by the Town Council are an asset and require protective measures. Well-managed records serve as reliable evidence of the Council's transactions and are essential for demonstrating transparency and accountability.
- 1.3 Documents can exist in either physical paper form or electronic formats. For the purposes of this policy, the terms "document" and "record" encompass both hard copies and electronic records.
- 1.4 It is crucial to retain documents for an appropriate period. Premature destruction of documents could lead to prosecution for non-compliance with legislation, operational difficulties, reputational damage, and challenges in defending claims against the Town Council.
- 1.5 Conversely, the Town Council should not retain documents longer than necessary. Timely disposal is necessary to comply with the Data Protection Act 2018 and ensure that personal information is not retained longer than required. This will also optimise the utilization of limited storage space.

## **2. Scope and Objectives of the Policy**

- 2.1 The purpose of this document is to establish a practical framework for determining the appropriate course of action for different types of documents, namely:
  - Retention, including the designated time period for which they should be kept.
  - Disposal, specifying the method for discarding them.
- 2.2 Some records do not require retention at all, and can be routinely destroyed as part of regular business practices. This typically applies to duplicated information, unimportant data or items with short-term value. Examples of unimportant records include: -
  - Catalogues and trade journals.
  - Non-acceptance of invitations.
  - Insignificant email messages unrelated to Council business.
  - Requests for information such as maps, plans or advertising material.
  - Outdated distribution lists.
- 2.3 Duplicated and outdated materials such as stationery, manuals, drafts and forms. Copies of agenda's, minutes, annual reports be disposed of.
- 2.4 Records should not be destroyed if the information they contain serves as evidence to substantiate past events.

### **3. Roles and Responsibilities for Document Retention and Disposal**

- 3.1 It is the responsibility of councils to make decisions regarding the retention or disposal of documents. Regular documentation reviews, conducted at least annually, are necessary to identify and dispose of any unnecessary records being retained.
- 3.2 Councils should ensure that all employees are knowledgeable about the schedule for retaining and disposing of documents.

### **4. Document Retention Protocol**

- 4.1 Councils should have in place an adequate system for documenting the activities of their service. This system should consider the legislative and regulatory environments in which they work.
- 4.2 The records of each activity must be comprehensive and accurate enough to enable employees and their successors to take appropriate actions within the scope of their responsibilities. These records serve the following purposes: -
  - Facilitate audits or examinations of the council's operations by authorised parties.
  - Safeguard the legal and other rights of the council, its clients, and individuals affected by its actions.
  - Ensure the authenticity of the records, establishing their credibility and authority as a source of evidence.
- 4.3 To facilitate these objectives, the following principles should be adopted:
  - Records created and maintained should be organized with a record-keeping system that allows for swift and convenient retrieval of information.
  - Documents that are no longer required for operational purposes but still need to be retained should be stored in the strong room at the Town Council.
- 4.4 The retention schedules in Appendix A: titled "List of Documents for Retention or Disposal," provide a guidance on the recommended minimum retention periods for specific documents and record categories. These schedules have been developed based on recommended best practices from the Public Records Office, the Records management Society of Great Britain, and in compliance with relevant legislation.
- 4.5 Whenever there is a potential for litigation, records and information that may be involved should not be modified or disposed of until the threat of litigation has been resolved.

### **5. Document Disposal Protocol**

- 5.2 Documents should only be disposed of after a thorough review that considers the following: -
  - Is retention required to comply with statutory or other regulatory requirements?
  - Is retention necessary to meet the operational needs of the service?
  - Is retention necessary to provide evidence in the case of dispute?
  - Is retention necessary due to the document's historic interest or intrinsic value?
- 5.3 When documents are scheduled for disposal the method of disposal should be appropriate based on the nature and sensitivity of the documents.

5.4 Documents can be disposed of by any of the following methods:

- Non-confidential records: Place in waste-paper bin for disposal.
- Confidential records: Shred the documents.
- Deletion of computer records.
- Transmission of records to an external body such as the District Council.

5.4 When disposing of records, adhere to the following principles:

- All records containing personal or confidential information must be destroyed at the end of the retention period. Failure to do so could result in the Council being prosecuted under the Data Protection Act 2018, The Freedom of Information Act 2000, or facing reputational damage.
- When deleting computer records, take steps to ensure that the data is “virtually impossible to retrieve”, as advised by the Information Commissioner.
- If documents have historical significance, please place these in the strong room in the Town Council offices.
- Back-up copies of documents should also be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).

5.5 Maintain records of proper disposals: These records should include the following information:

- The name of the document that was destroyed.
- The date of the document’s disposal.
- The method of disposal.

## **6. Data Protection Act 2018 – Obligation to Dispose of Certain Data**

6.1 The Data Protection Act 2018 requires that personal information must not be retained longer than is necessary for the purpose for which it was originally obtained.

6.2 The Data Protection Act provides an exemption for information about identifiable living individuals that is held for research, statistical or historical purposes to be held indefinitely provided that the specific requirements are met.

6.3 Councils are responsible for ensuring that they comply with the principles of the Data Protection Act 2018, namely:

- personal data is processed fairly and lawfully and shall not be processed unless specific conditions are met.
- Personal data shall only be obtained for specific purposes and processed in a compatible manner.
- Personal data shall be adequate, relevant, but not excessive.
- Personal data should be accurate and up to date.
- Personal data shall not be kept for longer than is necessary.
- Personal data shall be processed in accordance with the rights of the data subject.
- Personal data shall be kept secure.

- 6.4 IT companies that are holding Council documents via the cloud must also comply with the above principles of the Data Protection Act 2018.

## **7. Scanning of Documents**

- 7.1 In most cases, once a document has been scanned and stored in a document image system, the original physical copy becomes unnecessary. Whilst there is no specific legislation governing the format in which local government records should be retained after electronic storage, except for those specified by HM Revenue and Customs, it is generally understood that electronic copies are deemed sufficient and can replace the original documents.
- 7.2 Original documents required for VAT and tax purposes should be retained for six years unless a shorter period has been agreed with HM Revenue and Customs.

## **8. Review of Document Retention**

- 8.1 It is planned to review, update and where appropriate amend this document on a regular basis (at least every three years in accordance with the *Code of Practice on the Management of Records* issued by the Lord Chancellor).

## **9. List of Documents**

- 9.1 The comprehensive inventory of Council documents, along with the procedures for their retention or disposal, can be accessed in Appendix A: List of Documents for Retention and Disposal.

This list is regularly updated to align with any modifications in legal obligations.

## Appendix A: List of Documents for Retention or Disposal

Document	Minimum Retention Period	Reason	Disposal
Minutes	Indefinite	Archive	Original signed paper copies of Council minutes of meetings must be kept indefinitely in safe storage.
Agendas	Indefinite	Archive	Same as above.
Accident/incident reports	20 years	Potential claims	Confidential waste
Scales of fees and charges	7 years	Town Clerk	Bin
Receipt and payment accounts	Indefinite	Archive	N/A
Receipt books of all kinds	7 years	VAT	Bin
Bank statements including deposit/savings accounts	Last completed audit year	Audit	Confidential waste
Bank paying-in books	Last completed audit year	Audit	Confidential waste
Cheque book stubs	Last completed audit year	Audit	Confidential waste
Credit card records	7 years	Audit	Confidential waste
Quotations and tenders	7 years	Limitation Act (as amended)	Confidential waste
Paid invoices	7 years	VAT	Confidential waste
Paid cheques	7 years	Limitation Act (as amended)	
VAT records	7 years	VAT	Confidential waste

Document	Minimum Retention Period	Reason	Disposal
Wages books/payroll	7 years	Superannuation	Confidential waste
Insurance policies	While valid (but see next two items below)	Town Clerk	Bin
Health & Safety Documentation	Indefinite	Legal reasons	N/A
Insurance company names and policy numbers	Indefinite	Town Clerk	N/A
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	Bin
Insurance Claims	Indefinite	Legal reasons	N/A
Specialist consultant reports	7 years	Legal	Confidential waste
Playground equipment inspection reports	21 years		Bin
Investments	Indefinite	Audit, Town Clerk	N/A
Title deeds, leases, agreements, contracts	Indefinite	Audit, Town Clerk	N/A
Members' allowances register.	6 years	Income tax act 2007 (as amended)	Confidential waste

Local/historical information	<b>Indefinite</b> – to be securely kept for benefit of the Town	Councils may acquire records of local interest and accept gifts or records of general and local interest to promote the use for such records.	N/A
Magazines and journals	The council may wish to keep its own publications.  For others retain for as long as they are useful and relevant.	The Legal Deposit Libraries Act 2003 (the 2003 Act)	Bin if applicable
To ensure records are easily accessible it is necessary to comply with the following: <ul style="list-style-type: none"> <li>• A list of files stored in cabinets will be kept.</li> <li>• Electronic files will be saved using relevant file names</li> </ul>	All files are kept in the cloud and backed up daily.	Town Clerk	Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste.
General correspondence	Unless it relates to specific categories outlined in the policy, correspondence, both paper and electronic, should be kept. Records should be kept for as long as they are needed for reference or accountability purposes, to comply with regulatory requirements.	Town Clerk	confidential waste
Grant Applications	7 years from finance year end	Town Clerk	Confidential waste



Document	Minimum Retention Period	Reason	Disposal
Employee Contracts	5 years from end of Employment	References	Confidential waste
Employee Expenses	7 years from Finance Year End	Legal Purposes	Confidential waste
Employee Payroll	7 years from Finance Year End	Legal Purposes	Confidential waste
Employee Pensions	<b>Indefinite</b>	Legal Purposes	N/A
Employee Records	5 years from end of Employment	Legal Purposes	Confidential waste
Employee Timesheets	7 years from Finance Year End	Legal Purposes	Confidential waste
<p><b>Documents from legal matters, negligence and other torts</b>  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. Where the limitation periods are longer than other periods specified the documentation should be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories. If in doubt, keep for the longest of the three limitation periods.</p>			
Negligence	6 years		Confidential waste
Defamation	1 year		Confidential waste
Contract	6 years		Confidential waste
Leases	12 years		Confidential waste
Sums recoverable by statute	6 years		Confidential waste
Personal injury	3 years		Confidential waste
To recover land	12 years		Confidential waste

Rent	6 years		Confidential waste
Breach of trust	None		Confidential waste
Trust deeds	Indefinite		N/A
<ul style="list-style-type: none"> <li>• Application to hire.</li> <li>• Invoices</li> </ul>	6 years	VAT	Confidential waste
Terms and Conditions	6 years	Town Clerk	Bin
For Allotments			
Register and plans	Indefinite	Audit, Town Clerk	N/A
Minutes	Indefinite	Audit, Town Clerk	N/A
Legal papers	Indefinite	Audit, Town Clerk	N/A
All cemetery documents	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (SI 204)	N/A
Applications	1 year	Management	Bin
Appeals	1 year	Management	Bin
Trees	1 year	Management	Bin
Local Development Plans	Retained as long as in force	Reference	Bin
Local Plans	Retained as long as in force	Reference	Bin
Town/Neighbourhood Plans	Indefinite – final adopted plans	Historical purposes	N/A
Photographs/digital prints	31 days	Data protection	Confidential waste

