25/26

Llanharry Community Council

Retention Policy

REVISION 1

Document Retention Policy (the Policy)

1. **Introduction**

In carrying out services, the Council collects information internally, from external organisations and individuals and stores a vast number of data/information/images (the document(s)) and personal data. The documents can take various forms such as letters received from third parties, copy letters which have been sent out, invoices, completed application forms, plans/drawings, financial records, registers, contracts/deeds, e-mail communications (and any attachments), photographs, tape recordings, staffing details, archived material and CCTV images. The records can be retained as 'hard' paper records or in electronic form.

Data Protection legislation (the Legislation) requires the Council to have clearly defined policies including a consent policy (the Consent policy) and procedures for the retention/disposal of the documents, images (see below) and personal data and that these actions are documented. Where any conflict exists the Legislation Consent policy takes precedence over the Policy.

Retention of specific documents may be necessary to fulfil statutory or other regulatory requirement, evidence events/agreements in the case of disputes, meet operational need, and to achieve the preservation of documents of historic or other value, and for legislative reasons. Also, the destruction of documents could cause the council difficulty in defending claims, operational problems, reputational damage and failure to comply with the Freedom of Information legislation.

In having a policy, it is significant that the Legislation sets out rules regarding retention and destruction of documents and, for example, requires personal data processed must not be kept for longer than necessary for that purpose unless the appropriate consent has been obtained.

2. **Purpose**

Within the terms of the Legislation the purpose is to provide a Council policy to decide whether the documents should either be:

retained – and if so in what format, and for what period; or
destroyed – and if so when and by what method.

This policy is not concerned with the disposal/retention of unused materials.

3. **The Retention/Disposal Policy**

A decision whether to retain or dispose of the document should be taken in accordance with this policy and the Legislation.

Essentially no document should be disposed of unless all the considerations in the retention considerations criteria checklist in Appendix 1 and the Retention Schedules in Appendix 2.

Where a retention period has expired in relation to the document a review should always be carried out before a final decision is made to dispose of that document.

If a decision is taken to dispose of a document or set of documents, consideration must be given to the method of disposal.

4. Disposal and Action to be taken

Disposal can be achieved in many ways, for example:
Confidential waste–making available for collection by a designated refuse collection service,
Physical destruction on site – for example shredding of paper records,
Deletion – for computer files,
Migration of documents to external body.

Under no circumstances should paper documents containing personal data or confidential information be deposited in refuse tips. To do so could result in the unauthorised disclosure of such information to others and render the Council liable to prosecution or other enforcement action under the Legislation. Such documents should be destroyed in the office (e.g. by shredding) or placed in specially marked 'Confidential Waste' refuse bins.

It should be noted that the Information Commissioner's Office has advised that if steps are taken to make data impossible to retrieve, then this will be regarded deletion.

Migration of documents to a third party (other than for destruction or recycling) is unlikely to be an option in most cases. However, this method of disposal will be relevant where documents or records are of historic interest and/or have intrinsic value.

Disposal must be documented by keeping a record of the document disposed of, the date and method of disposal, and the officer who authorised disposal. The documenting of disposal is particularly important due to the Freedom of Information Act and a requirement in the Legislation.

5. Data Protection

The legislation does not set out any specific minimum or maximum periods for retaining personal data. However, personal data shall not be kept for longer than is necessary for that purpose or those purposes.

In practice, the Council will need to:
-review the length of time it keeps personal data;
-consider the purpose or purposes and for how long the information is held;

-securely delete information that is no longer needed for this purpose or these purposes; and

-update, archive or securely delete information if it goes out of date.

Under the Legislation personal data processed for any purpose must not be kept for longer than is necessary for that purpose. In other words, retaining the documents that contain personal data beyond the length of time necessary for the purpose for which that data was obtained is unlawful.

No document should be marked for disposal unless due regard has first been given to the Legislation Consent policy and which, as mentioned, takes precedence over the Policy, the five Key Disposal/ Retention considerations detailed below, and the Retention Schedules contained in Appendix 2.

Appendix 1

Retention Considerations.

1. **Has the document been appraised?**

   The nature/contents of the document being considered for disposal should be ascertained. No document/s should be marked or designated for disposal unless this has been done. It follows that the above can only be achieved by carrying out a physical inspection and appraisal.

   If appraisal is inadvertently overlooked or carried out negligently, the Council runs the very real risk of important documents being destroyed in error.

2. **Is retention/destruction required to fulfil statutory or other regulatory requirements?**

   There is specific legislation that stipulates mandatory retention periods for some local government documents. The legislation that affects retention periods include the following: The Legislation, financial legislation, and various local government statutes.

3. **Is retention required to evidence events in the case of a dispute?**

   On occasions, the Council becomes involved in disputes with third parties. Such as disputes, if not satisfactorily resolved, can result in the dissatisfied party bringing legal proceedings against the Council. Conversely, the Council may wish to institute legal proceedings against an individual or organisation e.g. to recover an unpaid debt, or in respect of faulty workmanship. Where a dispute arises, or litigation has been commenced it is important that the Council has access to all correspondence and other documentation that is relevant to the matter. Without such, there is the danger that the Council's position will be

compromised, an unmeritorious claim might succeed, or the Council may be unable to assert its legal entitlements.

Further, the limitation legislation specifies time limits for commencing litigation. The starting point therefore, is that the retention period is the length of time that must elapse before a claim is barred. The position is further complicated if a child or a person lacking mental capacity is involved.

4. **Is retention required to meet the operational needs of the service?**

In some cases, retention may be desirable (whether permanent or otherwise) even though no minimum retention period applies or has expired. A professional judgement needs to be made as to the usefulness of a document and at all times taking full note of the legislation and the consent given by an individual.

5. **Is retention required because the document or record is of historic interest or intrinsic value?**

In most cases this consideration will not be applicable. However, some documents currently held by the Council may be of historic interest and/or have some monetary value. Where it is suspected that the document falls within this description appropriate enquires should always be made before taking any further action.

Even if the document is of historic or monetary value, disposal rather than retention by the Council, may well be the appropriate option.

Appendix 2

The Retention Schedules–what needs to be kept, for how long and the method of disposal.

Note

As mentioned Data Protection including GDPR consent granted documents (see Consent policy) and which takes priority over the Policy.

Key: S = Shedding, EE = Electronically Erased, A = Archive

Ref no.	Document examples	Retention Action	Means of destruction
1. Democratic Process			
1.1 Council and Committee Meetings			
	Council minutes	Indefinite	A
		Indefinite	A
	Council agenda and reports	Retain for **6** years	S & EE
		Indefinite	A
	Council notice papers	Retain for **6** years	S & EE
	Committee minutes	Retain for **6** years	S & EE
1.2 Members			
	Register of members interests	Indefinite,	A
1.3 Working Groups, Partnerships, Agency and External Meetings (where the Council legally owns the record)			
	Documents establishing	Retain for **6** years	S & EE
	Agenda	Retain for **6** years	S & EE
	Minutes	Retain for **6** years	A
	Council reports	Retain for **6** years	S & EE
	Recommendations & supporting documents	Retain for **6** years	S & EE
1.4 **Working Group, Partnership, Agency and External Meetings** (where the Council **does not** legally own the record)			
	Documents establishing the committee Agenda Minutes Council reports Recommendations & supporting documents	Destroy **3** years after the last action	S & EE
2. Management and Administration			

2.1 Statutory Returns			
	Reports to Unitary Authority	Destroy **7** years after the last action	S & EE
	Policy and Procedure Policy implementation and development Organisational Charts	Archive after use is concluded	A
	Management Team Minutes	Destroy **5** years after the last action	S & EE
2.2 Public Consultation			
	Survey returns for the development of significant policy Survey analysis/summary for the development of significant policy	Destroy **5** years after the last action	S & EE
	Survey returns for the development of minor policy Survey analysis/summary for the development of minor policy	Destroy **1** years after the last action	S & EE
2.3 Information Management			
	Registers Indexes	Archive after use is concluded Archive after use is concluded	A
	Archive register	Archive after use is concluded	A
2.4 Enquiries and Complaints			
	Register of enquiries and complaints directed to the Council Correspondence detailing responses on Council actions/policy Public Services Ombudsman responses on Council actions/policy	Destroy **5** years after the last action Destroy **5** years after the last action	EE
	Printed material of responses on Council actions/policy	Destroy **2** years after the last action	S & EE
2.5 Quality and Performance Management			
	Review of the quality, efficiency or performance of local service	Destroy **5** years after the last action	S & EE

	Assessment of the quality, efficiency or performance of local service	Destroy **3** years after the last action	S & EE
2.6 Public Relations			
	Design setting information for publication	Destroy **3** years after the last action	S & EE
	BIDs, Flyers, leaflets etc. of the Council	**One copy from the initial print run should go directly into Archives**	A
2.7 Media Relations			
	Interaction with the media	Destroy **3** years after the last action	S & EE
	Media publications concerning the Council	Destroy **6** years after publication	S
2.8 Marketing			
	Promotional material of Council campaigns and events	Destroy **6** years after the last action	S & EE
2.9 Civic Events			
	Visitor book recording ceremonial events Audio tapes recording ceremonial events Video tapes recording ceremonial events Photographs recording ceremonial events	To Archives after use is concluded	A
	Organisational information for a civic or ceremonial event	Destroy **6** years after the last action	S & EE
3. Legal and Contracts			
2.1 Litigation			
	Criminal case files on behalf of the Council Civil case files on behalf of the Council Correspondence relating to litigation on behalf of the Council	Destroy **7** years after the last action	S & EE
3.2 Advice			
	Legal advice on a point of law	Destroy 7 years after the last action	S & EE
3.3 Agreements			

	Not including contractual agreements	Destroy **6** years after the last action	S & EE
3.4 Conveyance (see also Property Acquisition and Disposal)			
	Conveyancing files changing ownership of land or property	Destroy **12** years after the last action	S & EE
3.5 Contracts and Tendering			
	Expressions of interest – Contract let or not proceeded with	Destroy **2** years after the last action	S & EE
3.6 Specification and Contract Development			
	Ordinary Contracts, Contracts under seal	Destroy **6** years after the last action Destroy **12** years after the last action	S & EE S & EE
3.7 Tender issuing and Return			
	Opening notice for issuing and returning of a tender	Destroy **1** year after the last action	S & EE
3.8 Evaluation of Tender			
	Evaluation criteria for Ordinary Contract Evaluation criteria for Contracts under seal	Destroy **6** years after the last action Destroy **12** years after the last action	S & EE S & EE

3.9 Successful Tender Document			
	Tender documents for Ordinary Contract Quotations for Ordinary Contract Tender documents for Contracts under Seal Quotations for Contracts under Seal	Destroy **6** years after the last action Destroy **6** years after the last action Destroy **12** years after the last action Destroy **12** years after the last action	S & EE S & EE S & EE S & EE
3.10 Unsuccessful Tender Document			
	Tender documents Quotations	Destroy **1** year after the last action	S & EE
3.11 Post Tender Negotiation			
	Clarification of Contract Post tender negotiation minutes	Destroy **1** year after the last action	S & EE

3.12 Awarding of Contract			
	Signed Ordinary Contract Signed Contract Under Seal	Destroy **6** years after the last action Destroy **12** years after the last action	S & EE S & EE
3.13 Contract Management			
	Service level Agreements Compliance reports Performance reports	Destroy **2** years after the last action	S & EE
	Changes to requirements to Ordinary Contracts Variation forms to Ordinary Contracts Extension of an Ordinary Contract Complaints relating to an Ordinary Contract Disputes on payment of an Ordinary Contract	Destroy **6** years after the last action	S & EE
	Changes to requirements to Contracts Under Seal Variation forms to Contracts Under Seal Extension of a Contract Under Seal Complaints relating to a Contract Under Seal Disputes on payment of a Contract Under Seal	Destroy **12** years after the last action	S & EE
4. Human Resources			
3.1 Personnel Administration			
	Parental leave records Maternity leave records; Support/Paternity leave records Holiday records	Destroy 5 years from birth/adoption STAT: Destroy **3** years after end of tax year in which Mat period ends Destroy 6 years after end of tax year to which they refer	S & EE S & EE S & EE

	References for mortgages/landlords DBS forms Salary master record – Tax/NI information	Destroy **1 year** after last action Destroy as soon as info is recorded on Personnel file Destroy **6** years after end of tax year to which they refer	S & EE S & EE S & EE

	Personnel file & training records Medical clearance/examinations Letter of Appointment & Employment contracts Letter of Acceptance Personal particulars, qualifications etc. Declarations of pecuniary interests	Destroy 6 years after employment terminates Destroy as soon as info is recorded on Personnel file Termination + **6** years Termination + **6** years	S & EE S & EE S & EE S & EE S & EE S & EE
	All other records	Termination + **6** years	S & EE
4.2 Employees Relations			
	Generic Agreements and Awards Negotiations, Disputes & Claims lodged	Termination + **6** years	S & EE
	Employee relations management	Destroy **2** years after the last action	S & EE
	Disciplinary written warning Disciplinary final warning	Destroy **6 months** after the last action Destroy **12 months** after the last action unless extended	S & EE S & EE
	Disciplinary investigations where grievance unfounded	Destroy immediately after found to have been unfounded; or after appeal	S & EE
4.3 Equal Employment Opportunities			
	Investigation that entitlements & obligations are in accordance with agreed Equal opportunities policies Monitoring form	Destroy **5** years after last action Do **not** retain once details recorded for monitoring	S & EE
4.4 Occupational Health			
	Health questionnaire & Medical clearance Adjustment to work place, Restrictions, Recommendations DSE Eye Test forms Accident books, records /reports	Destroy as soon as info is recorded on Personnel file Destroy as soon as info is recorded on Personnel file Retain only current STAT: 3 years after date of last entry	S & EE S & EE S & EE S & EE
4.5 Recruitment			
	Application Forms Interview notes & correspondence with all applicants	Destroy **1** year after recruitment has been finalised	S & EE
4.6 Staff Performance Monitoring			

	Probation reports Performance plans	Destroy **1** year after recruitment has been finalised Destroy **5** years after last action	S & EE S & EE

	Sick leave inc. Self-certificates, Fit notes & SSP records Special leave such as Jury service, Study leave Special and personal leave Attendance records Flexitime sheets Annual leave	Destroy 6 years after end of tax year to which they refer Destroy **3 years** after last action Destroy **3 years** after last action Destroy **6 years** after last action Destroy **2 years** after last action Destroy **2 years** after last action	S & EE
4.7 Termination			
	Resignation Redundancy (Section 188) details, calculation of payments, refunds, notification to Secretary of Sate Dismissal Death Retirement	Destroy **6** years after termination Destroy **6** years after termination Destroy **6** years after termination Destroy **6** years after termination Destroy **6** years after last pension payment	S & EE S & EE S & EE S & EE S & EE
4.8 Training and Development			
	Routine staff training (not occupational H&S or child related)	Destroy 3 years after last action	S & EE
	Training concerning children	Destroy **35** years after training completed, or last entry	S & EE
	Training concerning occupational health and safety	Destroy **50** years after training completed	S & EE
	Individual training reports	Individual course assessment records should be destroyed once the training has been renewed every **3** years	S & EE
	Training (materials)	Destroy **1** year after course is superseded	S & EE
	Training (proof of completion)	Destroy **7** years after action completed	S & EE
5. Financial Management			
5.1 Accounts and Audit			

	Consolidated annual reports Consolidated financial statements Statement of financial position Operating statements General ledger	Indefinite -Transfer to Archives after use is concluded	A
	Consolidated monthly and quarterly reports Consolidated monthly and quarterly financial statements Working papers for the preparation of the above Creditor listings and reports	Indefinite -Transfer to Archives after use is concluded	A

	Debtor listings and reports	Transfer to Archives after use is concluded	A
5.2 Financial Transactions Management			
	Audit investigations	Destroy **7** years after the end of the financial year in which the records were created	S & EE S & EE S & EE
	Official Quotations/or estimates {held by managers} Orders & Invoices Credit card statements Cash collection books Receipts Cheque counterfoils Bank statements Journals	Destroy **6** years after the conclusion of the financial transaction that the record supports	S & EE
	Reconciliation of financial accounts Summaries of accounts	Destroy 6 years after administrative use is concluded	S & EE S & EE
	Taxation records	Destroy 6 years after the end of the financial year in which the records were created	S & EE
	National Insurance numbers Employee notification and input records	Destroy 6 years after employee ceases employment	S & EE

5.3 Payroll			
	Authority sheets relating to payment of employees Payroll deduction authorities Payroll disbursement Employee pay records Employee taxation records Bonuses, expenses and overtime records	Destroy **7** years after the conclusion of the financial transaction that the record supports	S & EE
	National Minimum Wage records	STAT: Retain for 3 years after the end of the pay reference period following the one that the records cover	
	Pensioners records	12 years after benefit ceases (for RCTCBC Pension Fund to deal with)	
	Non-accountable processes relating to payment of employees	Destroy after administrative use is concluded	S & EE

5.4 Financial Provision			
	Annual budget (only final version needs to be kept)	Transfer to Archives after use is concluded	A
	Draft budgets Departmental budgets	Destroy 3 years after annual budget has been adopted	S & EE
	Budget monitoring statements	Destroy after **next** year's annual budget has been adopted	S & EE
	Loan files	Destroy **7** years after the loan has been repaid	S & EE
	Loans register	Transfer to the Depot archive room after use is concluded	A
5.5 Assets Management			
	Schedules of acquisitions Consolidated current asset reports Asset registers	Transfer to Archives after use is concluded	A
	Routine returns and reports on asset status Inventories Stocktaking	Destroy **2** years after administrative use is concluded	S & EE

5.6 Asset Acquisition and Disposal			
	Tenders for provision of goods and/or services {held by City Clerk} Legal documents relating to acquisition /sale of assets Particulars of sale documents Leases, licences and rental agreements Applications for leases, licences and rental agreements Tender documents Contract documentation Certificates of approval	Destroy **6** years, if under £50,000 or **12** years if over £50,000, after all obligations/entitlements are concluded	S & EE
6. Property and Land Management			
	Consolidated property & buildings annual reports Summary of leased property Summary of owned property Site register Register of leases	Transfer to Archives after use is concluded	A

6.2 Property Acquisition and Disposal			
	Plans (See also **Conveyance**)	Retain for the life of the property or building plus **12** years	S & EE
	Legal documents relating to the sale/write off for real property Particulars of sale documents Board of survey Tender documents Conditions of contracts	Destroy **15** years after all obligations/entitlements are concluded	S & EE
6.3 Property Development and Renovation			
	Project specifications for buildings of 'special interest' Plans Installation manuals Certificates of approval	Transfer to Archives after use is concluded	A

	Project specifications for all other buildings Plans Installation manuals Certificates of approval	Retain for the life of the building	S & EE
	Works orders for the development of property Tender documents Conditions of contracts	Destroy **7** years after the conclusion of the transaction that the record supports	S & EE
6.4 Leasing and Occupancy			
	Lease agreements Rental expenditure authorities Valuation queries Applications for leases, licences & rental revision	Destroy **15** years after the expiry of the lease	S & EE
	Requests for works, cleaning, etc	Destroy **7** years after the conclusion of the transaction that the record supports	S & EE
6.5 Transport			
	Lease for the acquisition and disposal of vehicles Contracts for the acquisition and disposal of vehicles Quotes for the acquisition and disposal of vehicles	Destroy **7** years after the disposal of the vehicle	S & EE
	Maintenance of vehicles	Destroy **7** years after the disposal of the vehicle	S & EE
	Vehicle usage reports	Destroy **7** years after the disposal of the vehicle	S & EE
	Vehicle log books	Destroy **7** years after closure	S & EE
6.6 Insurance – Property Management			
	Insurance register	Transfer to Archives after use is concluded	A
	Insurance policies Correspondence	Destroy **7** years after the terms of the policy have expired	S & EE S & EE
	Insurance policy renewal records Correspondence	Destroy **5** years after the insurance policy has been renewed	S & EE S & EE
6.7 Claims Management			
	Claims records	Destroy **7** years after all obligations/entitlements are concluded (if a child, allow for the claimant to reach **25** years of age)	S & EE

7. **General Public Service**			
7.1 Health & Safety			
	Equipment inspection records	Destroy **6** years from the destruction of the equipment	S & EE
	Playground equipment inspection records	Destroy **21** years from the destruction of the equipment. If a child is injured they have until their 21st birthday to make a claim	S & EE
	Property **asbestos** files	Destroy **40** years from last action	S & EE
	Radon monitoring records	Destroy **50** years from the last action or at age **75** years of employees whichever is the greater	S & EE
	Risk assessment records	Destroy **3 y**ears from last assessment	S & EE
	Accident books for adults	Destroy **3** years from closure	S & EE
	Accident book for children	Destroy **25** years from closure	S & EE
	Assessment under H&S regulations and records of consultation with H&S Reps and committees	Retain permanently	
7.2 Cemeteries & Crematoria			
	Register of internments for burial and cremation Cemetery register Cemetery plans	Transfer to the Archives after use is concluded	A
	Permits for burial and cremation Applications Orders	Destroy **5** years after last action	S & EE