

Wirksworth Town Council



Data Retention Policy v1.0

Policy – Adopted 20/11/17

Minute C119/17

1. Introduction

1.1 Information is one of the Council's corporate assets; in the course of carrying out its' various functions, the Council accumulates information from both individuals and external organisations. The Council also generates a wide range of data, which is recorded in documents and records.

1.2 These documents and records are in several different formats, examples of which include, (but are not limited to) communications such as letters, emails and attendance notes; financial information including invoices, statements and reports; legal documents such as contracts and deeds; and information relating to various types of applications, including forms, plans, drawings, photographs and tape recordings.

1.3 For the purposes of this Policy, the terms 'document' and 'records' include information in both hard copy and electronic form.

1.4 In certain circumstances it will be necessary to retain specific documents in order to fulfil statutory or regulatory requirements and also to meet operational needs. Document retention may also be useful to evidence events or agreements in the case of disputes, and also to preserve information which has historic value.

1.5 Premature destruction of documents could result in inability to defend litigious claims, operational difficulties and failure to comply with the Freedom of Information Act 2000 and the Data Protection Act 1998 (*This will need to be updated in 2018 upon introduction of General Data Protection Regulations*)

1.6 Equally, the retention of all documents and records is impractical and appropriate disposal is encouraged. Disposal will assist the Council to maintain sufficient electronic and office storage space and will de-clutter office accommodation, resulting in a more desirable working environment. Lengthy or indefinite retention of personal information could result in the Council breaching the Data Protection Act 1998.

1.7 It is important for the above reasons that the Council has in place systems for the timely and secure disposal of documents and records that are no longer required for business purposes.

2. Aims and Objectives

2.1 The key objective of this Policy is to provide the Council with a simple framework which will govern decisions on whether a particular document should be retained or disposed of. In the case of documents which are to be retained by the Council, the Policy includes guidance on the format in which they should be retained and appropriate retention periods.

2.2 Implementation of the Policy should save Officers' time when retrieving information, in particular by reducing the amount of information that may be held unnecessarily.

2.3 The Policy in relation to document retention and disposal applies to both council records held and managed by officers and those held by Councillors. I

2.4 It is envisaged that this Policy will assist the Council in securing compliance with legal and regulatory requirements, including the Freedom of Information Act 2000, the Environmental Information Regulations 2005, the Data Protection Act 1998 and the Code of Practice on the Management of Records under Section 46 of the Freedom of Information Act 2000. In addition to assisting officers in their day to day business, this should also ensure that searches for information requested under the Freedom of Information legislation are as quick as possible.

2.5 Additionally, the Policy should help to ensure that the Council archives records and documents that are of historical value appropriately for the benefit of future generations.

3. Scope

3.1 This Document Retention Policy applies to all information held by the Council and its external service providers where they are processing information on the Council's behalf.

4. Policy Statement

4.1 Wirksworth Town Council will ensure that information is not kept longer than is necessary and will retain the minimum amount of information that it requires to carry out its' statutory functions and the provision of services.

5. Retention and Disposal Policy

5.1 Decisions relating to the retention and disposal of documentation should be taken in accordance with this Policy, in particular:-

- Appendix 1 – Documents Type, Retention Period and Disposal Method

5.2 In circumstances where a retention period of a specific document has expired, a review should always be carried out prior to a decision being made to dispose of it. This review should not be particularly time consuming and should be straightforward. If the decision to dispose of a document is taken, then consideration should be given to the method of disposal to be used.

6. Roles and Responsibilities

6.1 Town Clerk will be responsible for determining (in accordance with this Policy) whether to retain or dispose of specific documents.

6.2 Town Clerk may delegate the operational aspect of this function to one or more officers within the Town Council.

6.3 Town Clerk should seek advice (DALC, SLCC or legal counsel) if they are uncertain as to whether minimum retention periods are prescribed by law, or whether the retention of a document is necessary to protect the Council's position where a potential claim has been identified.

7. Disposal

7.1 When documents are disposed of, the method of disposal should be appropriate to the nature and sensitivity of the documents concerned.

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

- Non-Confidential records: place in waste paper bin for disposal
- Confidential records*: shred documents
- Deletion of Computer Records.
- Transmission of records to an external body such as County Records Office.

* It is essential that any documents which are to be thrown away, and may contain confidential or personal data must be disposed of in this way, in order to avoid breaches of confidence or of the Data Protection Act 1998.

8. Security

7.1 The Council will need to ensure that all data (hard copy or electronic) is kept securely and access is only available to authorised personnel.

7.2 Councillors will need to assess how they manage the data they receive or generate on behalf of the Council and take steps to identify and address any potential weaknesses. E.g. access to email by a 3rd party.

APPENDIX 1

Document Retention Schedule

Where a minimum retention period has been set by law, statute etc., the Town Council will retain the document for an additional year

| Document | Electronic/ Hard Copy | Retention Period | Reason | Disposal Method |
|---|--------------------------|---------------------|--|--------------------|
| Minutes | H | Indefinite | Statutory | n/a |
| | E | 7 years | No current obligation outside Open Transparent Government | Deletion |
| Agendas | H | 7 years | Management | CW |
| | E | 4 years | No current obligation outside Open & Transparent Government | Deletion |
| Accident/Incident Reports | H/E | 20 years | Legal | CW/Deletion |
| Scales of Fees and Charges | H/E | 7 years | Management | Bin/Deletion |
| Deeds, Leases, Contracts and agreements | H | Indefinite | Legal | n/a |
| Playground Equipment Inspection reports | H/E | 22 | Legal | n/a |
| Quotation and Tenders | H | Indefinite | Statute of Limitations | n/a |
| Insurance | H | 2 | Management (retain current and previous year) | Bin |
| Correspondence – General | H/E | 2 years | Management (retain current and previous year) | CW |
| Correspondence - Staff | H/E | 4 years | Management & HR | CW |
| Correspondence – Planning | H/E | 1 year | Information is held by Planning Authority (DDDC) | CW/Deletion |
| Enquiries from WTC website | E | 6 months | Issue is generally resolved upon response | Deletion |
| Invoices | H | 7 years | VAT/Audit | CW |
| Cheque Book stubs | H | 7 years | To assist with audit | CW |
| Bank Paying in | H | 7 years | To assist with audit | CW |

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|--|---|--------------------|--|----------|
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| As part of the external audit the following information is collated: | | | | |
| Annual Accounts | H | Indefinite | Legal | n/a |
| Internal/External Audit Report & Returns | H | Indefinite | Audit | n/a |
| Receipt Book | H | 7 years | VAT | CW |
| Bank Statements | H | 7years | Audit | CW |
| VAT | H | 7 years | VAT/Audit | CW |
| Bookings Diary | H | Default to 7 years | Normally only required for 1 year, but retain information alongside other audit materials | CW |
| Room Booking User Details | E | 7 years | User details are linked to bookings | deletion |
| Decision made under delegated authority | H | Default to 7 years | No current guidance | CW |
| Salary Records | H | 13 years | Tax/Audit | CW |
| Staff Sign-in Sheets | H | 2 years | Audit | CW |
| Petty Cash | H | Default to 7 years | VAT/Audit | CW |
| Policies/Procedures | H | Default to 7 years | Audit | CW |
| | | | | |
| Historical Information | H | Indefinite | Benefit of Town, although consideration should be given to transferring to records office/heritage centre. | n/a |
| | | | | |

| Disposal Method | | |
|-----------------|---|--|
| CW | – | Confidential Waste (Shredded) |
| Bin | – | General paper waste |
| Deletion | – | deleted of local PC and non-local storage. Hard Drives and other storage media must be securely wiped before disposal. |