

## DOCUMENT RETENTION, ARCHIVE AND DESTRUCTION POLICY

### Introduction

- The Council accumulates a vast amount of information and data during the course of its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in various different types of document.
- Records created and maintained by the Council are an important asset and as such measures need to be undertaken to safeguard this information. Properly managed records provide authentic and reliable evidence of the Council's transactions and are necessary to ensure it can demonstrate accountability.
- Documents may be retained in either 'hard' paper form or in electronic forms. For the purpose of this policy, 'document' and 'record' refers to both hard copy and electronic records.
- It is imperative that documents are retained for an adequate period of time. If documents are destroyed prematurely the Council and individual officers concerned could face prosecution for not complying with legislation and it could cause operational difficulties, reputational damage and difficulty in defending any claim brought against the Council.
- In contrast to the above the Council should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with the General Data Protection Regulations so that personal information is not retained longer than necessary. This will also ensure the most efficient use of limited storage space.

### Objectives

- To meet requirements under GDPR, Freedom of Information Act and Human Rights legislation
- The aim of this document is to provide a working framework to determine which documents are:
  - Retained – and for how long; or
  - Disposed of – and if so by what method
- To provide consistency in the destruction of records

### Roles and Responsibilities for Document Retention and Disposal

- Councils are responsible for determining whether to retain or dispose of documents and should
- undertake a review of documentation at least on an annual basis to ensure that any unnecessary documentation being held is disposed of under the General Data Protection Regulations.
- Councils should ensure that all employees are aware of the retention/disposal schedule.

Amended by FLAC 24<sup>th</sup> July 2018 Item:18F/280.

Amendments:

- to be clear where archived documents are stored
- to be clear where legal document/deeds are stored
- to add reports to council/agendas and agenda packs and S106 indemnities

## Destruction and Deletion

- Electronic data stored on alternative media must be permanently deleted from the records at the same time
- Information held in more than one media, including the website, should be destroyed at the same time
- Whenever there is a possibility of litigation, the records and information should not be amended or disposed of until the threat of litigation has been removed
- All documents will be shredded and whilst in council offices held in secure bin awaiting collection. A record of all collections will be recorded.
- Records which are duplicated, unimportant or only of a short-term value should be destroyed in the normal course of business

## Retention

- Records for permanent retention should be transferred to the Records Office or held by solicitors as appropriate.

## Document Disposal

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?

## List of Documents

### Financial Records

TYPE OF RECORD	MINIMUM RETENTION PERIOD	REASON
Receipts and Payment Ledger/spreadsheets	Indefinitely.	Archive after 30 years with Cambridgeshire County Archive.
Receipt books of all kind	6 years	VAT
Paid Invoices	6 years	Retain for VAT purposes. Limitation Act 1980 (as amended)
Bank Reconciliation	Quarterly statement kept with minutes	Minute record
Bank Statements	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Cheque lists	Last completed audit year	Consistency
Returned/cancelled cheques	Last completed audit year	Consistency
VAT records	6 years	VAT
Budget	6 years (electronic/hard copies filed within minutes)	Reference
Quotations and tenders	6 years	Limitation Act 1980 (as amended)
S106 indemnities	12 years	Audit/Management

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Audited Annual Return	Indefinitely	Archive as per External Auditors after 30 years with Cambridgeshire County Archive.
Other Audit documentation incl. correspondence	6 years	Archive as per External Auditors
Investments	Indefinite	Audit, Management
Scales of fees and charges	5 years	Management

#### Insurance Records

TYPE OF RECORD	MINIMUM RETENTION PERIOD	REASON
Certificate of Employers' Liability Insurance	40 years from date on which insurance commenced or was renewed	Although no longer a legal requirement the insurers/legal advisers say 40 years still advisable.
Insurance Documentation including policies	3 years	To cover any claims under Public Liability Insurance, as per insurers. A permanent record of insurance company names and policy numbers to be retained.
Insurance Claims (public/employer's liability)	6 years	Recorded information

#### Payroll records

TYPE OF RECORD	MINIMUM RETENTION PERIOD	REASON
Payslips/expenses	6 years	Tax
Tax and NI Records (including P11 and P35)	4 years	Tax claims
Tax code notifications	6 years	Consistency
Timesheets/Overtime Records	Last completed audit year	Audit

#### Personnel Administration

TYPE OF RECORD	MINIMUM RETENTION PERIOD	REASON
Employee letters of appointment	6 years after departure from employment	Consistency
Employee contracts	6 years after departure from employment	Consistency
All other records	6 years after departure from employment	Consistency

#### Recruitment

TYPE OF RECORD	MINIMUM RETENTION PERIOD	REASON
Selection of an individual/interview record	1 year	Reference
Unsuccessful Applicants' Employment Application forms/references	1 year	Reference

#### Planning Documents

TYPE OF RECORD	MINIMUM RETENTION PERIOD	REASON
Planning Applications	6 months after the Planning Authority decision made	Reference
Planning Application lists	Retain indefinitely	Historical reference
Hand written responses from Councillors/Planning Committee members to planning applications	Destroy 6 months after the Planning Authority decision made, if a meeting was not held to discuss the application	Reference
Planning decision slips	6 months after Planning Authority decision	Reference

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Appeal decision slips	6 months after Planning Authority decision	Historical reference
Structure Plans, Local Plans and similar documents	To be retained as long as they are in force	Reference

#### Legal Documentation

TYPE OF RECORD	MINIMUM RETENTION PERIOD	REASON
Deeds, conveyances and other legal documentation relating to ownership ie Title Deeds and leases.	Indefinitely	Audit, Management. Limitation Act 1980. Lodged with Solicitors (King and Co)
Trust deeds and schemes	Indefinitely	Audit, Management. Limitation Act 1980. Lodged with Solicitors (King and Co)
Contracts not executed as a Deed	6 years	Limitation Act 1980 (as amended)
Any documentation which may be subject to legal action. (Where item falls into more than one category retain for longest period stated)	Retain until the threat of litigation has been removed. Minimum periods for retention: Negligence – 6 yrs; Defamation – 1 yr; Sums recoverable by statute – 6 yrs; Personal injury – 3 yrs; to recover land – 12 yrs; rent – 6 years.	Limitation Act 1980 (as amended)

#### Administration Records

TYPE OF RECORD	MINIMUM RETENTION PERIOD	REASON
Draft documents	Destroy once the final version of the document has been approved, unless required as a record of the development of a policy initiative	Management
Hand written notes taken by clerk with a view to producing minutes	Destroy once the minutes have been approved as correct and a true record	For clarification at following meeting
Approved Minutes/Reports to council/Agendas and Agenda Packs	Indefinitely	Archive after 30 years with Cambridgeshire County Archive.
Reports	6 years after closure of file	Consistency
Back up tapes/records	Rotate to eliminate storing of materials which should have been destroyed	Management
Asset Register	Current and last completed audit version	Audit and Management
Correspondence/General Admin files (see Historical Records below)	6 years (see correspondence kept for legal purposes above) Records which are duplicated, unimportant or only of a short-term value should be destroyed in the normal course of business	Management
Emails	To be dealt with in the same way as manual records. Destroy routine/trivial emails and those where hard copies have been taken	Management
Historical Records (manual and electronically held)	Archive after 30 years. (Files to be closed after 5 year)	Public Records Act 1958. Archive after 30 years with Cambridgeshire County Archive.
Personal Data	Kept for no longer than is necessary for the purpose for which it is held	Data Protection Act
Register of Members' Interests	Whilst a member	Publication Scheme
Risk Assessment	Information retained	Reference
Complaints	3 years	Reference

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FOI Disclosure log	Destroy each record 5 years after record is opened	Management
Details of Request made under FOI Act	Destroy as above	Management
Disposal Schedules	Indefinitely	Management
Information from other bodies i.e. County Associations, NALC and other numerous bodies	Retain for as long as useful and relevant	Management
Magazines and Journals	Any published works in print as defined by the Legal Deposit Libraries Act 2003, are to be delivered to the British Library Board. Items published by other bodies to be retained as long as useful and relevant	Management

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