



Data Retention Statement

October 2018

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1.0	Initial policy creation	Sheridan Jacklin-Edward	Policy & Resources Committee	08/10/18	15/10/18	15/10/19

1. Introduction

The purpose of this statement is to ensure that particular documents (or sets of documents) are dealt with in the correct manner; being retained and disposed of in the correct method and timescale.

This statement gives the Council a system for the management of paper and electronic records. The Parish Clerk is responsible for ensuring all Council documents are managed accordingly.

This policy is based on the National Association of Local Council's Legal Topic Note on Local Council's Documents and Records (LTN 40), to ensure it meets the legal requirements and recommended practice within the sector.

Where the policy refers to 'documents' this includes both paper and electronic copies.

2. Retention of Documents

Certain important documents must be retained for clear reasons such as audit purposes, staff management, tax liabilities, and the eventuality of legal disputes and legal proceedings. Appendix A shows the appropriate document retention periods.

Subject to the above reasons for retaining documents, papers and records will be destroyed if they are no longer of use, relevant, or, in the case of personal information, would breach the rights of the individual under the Data Protection Act 2018 or be contrary to the Council's Privacy Policy. If there is any doubt, the document will be retained until proper advice has been sought.

3. Retention of documents for legal purposes

Most legal proceedings are governed by the Limitation Act 1980 (as amended). This Act provides that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question. The table below sets out the limitation periods for the different categories of claim.

Category	Limitation Period
Negligence and other torts	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	None

It should be noted that some limitation periods can be extended. Examples include:

- Where individuals do not become aware of damage until a later date
- Where damage is hidden
- Where a person is a child or suffers from a mental incapacity
- Where there has been a mistake by both parties
- Where one party has defrauded another or concealed facts

Where the limitation periods above are longer than other periods specified in this policy, the documentation should be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories; in this instance, the longer period will be observed.

In such circumstances the Parish Clerk will consider the costs of storing relevant documents and the risks of:

- Claims being made
- The value of any such claims
- The inability to defend any such claims should documentation be destroyed

4. Disposal

All Council documents will be handled in the correct manner for their sensitivity. Any document held by the Council offices which contain confidential information will be disposed of by shredding in the Council offices. For large amounts of confidential information, this may be done through a confidential waste disposal service.

Councillors are responsible for ensuring that any confidential Council documentation in their possession is held securely and disposed of in accordance with this statement, either by themselves or by returning the documents to the Council offices. On ceasing to hold their office, councillors must ensure that all documents in their possession are returned to the Council offices.

In an effort to maintain the organisation and efficiency of the workplace and reduce the volume of printing, officers are committed to printing only those documents necessary to have in hard copy, and disposing of those which are not necessary to be kept.

5. Responsibility

The Parish Clerk holds responsibility for ensuring all Council employees are aware of and adhering to the Document Retention Statement, in particular the retention of the documents at Appendix A to the statement.

Document retention periods

Document	Minimum Retention Period	Reason
Minutes	Indefinite	Archive
Scales of fees and charges	6 years	Management
Income and expenditure accounts	Indefinite	Archive
Receipt books of all kinds	6 years	VAT
Bank statements	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
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act 1980
VAT records	6 years (20 years for VAT on rents)	VAT
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980
Timesheets	3 years	Personal injury
Wages book	12 years	Superannuation
Insurance policies	While valid	Management
Employer Liability Certificates	40 years	Employer's Liability Regulations 1998
Investments	Indefinite	Audit, Management
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
Personal data of employees	6 years after employment terminates	Recommended practice
Recruitment paperwork	1 year for all except successful candidate	Recommended practice
Accident books/reports	3 years (21 years for children)	RIDDOR
Maternity / paternity /adoption pay records	3 years after end of that tax	SPLR 2014 / MPLR 1999
Formal complaints	6 years	Management
FoI / subject access requests received	6 years	Management
Hall, pitch and other booking information	6 years	VAT