

ABINGDON TOWN COUNCIL

Report to	Finance Governance & Asset Management Advisory Committee
Meeting date	18 January 2022
Report author	Town Clerk
Agenda item	13

Document, information and data retention and disposal policy

1. Purpose of the Report

1.1 To consider and make a recommendation in relation to a Document, information and data retention policy for the council.

2. Summary

2.1 In order to perform its functions the council holds various documents, information and data, in paper format and digitally. The policy governs how these documents are retained and disposed of.

3. Action required

3.1 To consider the attached draft policy and, subject to any amendments suggested, recommend its adoption by the town council.

4. Link to strategic plan and objectives

4.1 KO3: To manage the Council's assets efficiently and effectively to meet for the needs of the community now and in the future.

4.2 This Plan is in the Forward Plan.

5. Background

5.1 In holding documents, information and data the council adheres to good practice advice from the NALC (National Association of Local Councils) and SLCC (Society of Local Council Clerks). This is based on statute, where applicable.

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5.2 As part of its work to improve its governance arrangements the council is asked to consider a formal policy.

5.3 This policy does not extend to the Council's historic archives This policy does not apply to those archives which are retained by the town council in accordance with its powers under the Local Government (Records) Act 1962 and which are kept in the Munament Room at the Guildhall.

6. Key information and options

6.1 I have based the draft policy, as contained in appendix 1, on a policy from another council which is also similar to those elsewhere and reflects the good practice advice within the parish sector.

6.2 The reasons for adopting such a policy are included within the policy.

7. Climate change/green implications

7.1 None.

8. Financial/budget implications

8.1 None.

9. HR implications

9.1 None

10. Supporting papers and appendices

Appendix 1 – draft policy in relation to Document, information, and data retention and disposal.

Nigel Warner
Town Clerk
14 January 2022

Abingdon Town Council

Document, data and information retention and disposal policy

1. Introduction

- 1.1 The guidelines set out in this document assists in compliance with the Data Protection Act 2018, the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and other associated legislation.
- 1.2 In performing its work the Council accumulates significant amounts of information and data. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in various different types of documents. Documents may be retained in either paper or electronic forms. For the purpose of this policy, 'document' and 'record' refers to both hard copy and electronic records.
- 1.3 Records created and maintained by the Town Council are an important asset and measures are in place 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 in accordance with the principles of transparency and good governance.
- 1.5 Documents must be retained for an adequate period of time. If documents are destroyed prematurely the Town Council and individual officers concerned could face legal action for not complying with legislation. It could also cause operational difficulties, reputational damage and difficulty in defending any claim brought against the Town Council.
- 1.6 However timely disposal should be undertaken to ensure compliance with the Data Protection Act 2018 so that personal information is not retained longer than necessary. Timely disposal of documents also ensure the most efficient use of limited physical and electronic storage space.

2. Scope and Objectives of the Policy

- 2.1 The aim of this document is to specify which documents are:
 - Retained – and for how long; or
 - Disposed of and how.
- 2.2 It is recognised that up to date, reliable and accurate information is a vital tool to support the work that the Town Council does and the services provided for its residents.
- 2.3 There are some records that do not need to be kept at all or that are routinely destroyed in the course of business. This usually applies to information that is duplicated, unimportant or only of a short-term value.

- 2.4 Records should not be destroyed if the information can be used as evidence to prove that something has happened. If destroyed the disposal needs to be undertaken as prescribed under the Data Protection Act 2018.
- 2.5 This policy does not apply to those archives which are retained by the town council in accordance with its powers under the Local Government (Records) Act 1962 and which are kept in the Munament Room at the Guildhall.

3 Roles and Responsibilities for Document Retention and Disposal

- 3.1 The Town Council is responsible, through this policy, for determining whether to retain or dispose of documents as classified in the appendix and should review this document every council year.
- 3.2 The Town Clerk is responsible for maintenance and operation of the Retention and Disposal Policy, including ad hoc checks to ensure compliance.
- 3.3 The Town Clerk should ensure that all employees are aware of the Document Retention and Disposal Policy.

4 Document, information and data retention Protocol

- 4.1 The Town Council should have in place an adequate system for documenting the activities of our service. This system should take into account the legislative and regulatory environments to which we work.
- 4.2 Records of each activity should be complete and accurate enough to allow employees and their successors to undertake appropriate actions in the context of their responsibilities to:
 - Facilitate the annual financial audit
 - Protect the legal rights of the Town Council and any other persons affected by its actions.
 - Verify individual consent to record, manage and disposal of their personal data.
 - Provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.
- 4.3 To facilitate the above the following principles should be adopted:
 - Records created and maintained should be arranged enable to enable efficient retrieval of information.
 - Documents that are no longer required for operational purposes but need retaining may be transferred to the Council's historic archive.
- 4.4 The Retention Schedule in Appendix A: List of Documents, information and data for retention and disposal provide guidance on the recommended retention periods for specific classes of documents and records. This schedule has been compiled from recommended best practice from recognised sector bodies NALC and SLCC.

- 4.5 Whenever in the view of the Town Clerk there is a known and reasonable possibility of litigation, the records and information that are likely to be affected should not be amended or disposed of until the threat of litigation has been removed.

5 Document Disposal Protocol

5.1 Disposal of documents should be in accordance with the following:

- Statutory or other regulatory requirements.
- Operational needs of the service.
- Whether the document is required in the case of dispute.
- Whether the document or record is of historic interest or intrinsic value.

5.2 When documents are scheduled for disposal the method of disposal should be appropriate to the nature and sensitivity of the documents concerned:

- Non-confidential paper records: place in non-confidential recycling.
- Confidential paper records or records giving personal information: shred. The Council has a shredding machine and also a monthly confidential paper waste collection.
- Electronic records: deletion of computer records.

5.3 The following principles should be followed when disposing of records:

- All records containing personal or confidential information should be destroyed at the end of the retention period as required by legislation and/or this policy.
- Where computer records are deleted steps should be taken to ensure that data is 'virtually impossible to retrieve' as advised by the Information Commissioner's Office (ICO).
- Where documents are of historical interest it may be appropriate that they are transmitted to the Council's historic archives (Munament Room)
- Back-up copies of documents should also be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).

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

- 6.1 The Town Council must comply with the six Data Protection Principles which are set out in the Data Protection Act 2018 and summarised below:

Personal data shall be:

- Personal data shall be processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.

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- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up to date.
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

7. **Review of Document Retention**

7.1 It is planned to review, update and where appropriate amend the Document Retention and Disposal Policy on a regular basis in accordance with advice and recommendations from the recognised sector bodies NALC and SLCC.

8. **List of Documents**

8.1 The list of the Council's documents and the procedures for retention or disposal as detailed in the table below. This will be updated regularly in accordance with any changes to legal requirements and formally reviewed by the council each council year.

9. **List of Documents for Retention and Disposal**

- 9.1 The retention period should be the number of years specified plus the current financial period.
- 9.2 This list is not exhaustive. If you are unsure about any documentation, contact the Town Clerk for clarification.

Document	Retention Period
Financial	
Receipt and payment account(s)	Indefinite
Receipt books of all kinds	6 years
Bank statements, including deposit/savings accounts	Last completed audit year
Bank paying-in books	Last completed audit year
Cheque book stubs	Last completed audit year
Paid invoices	6 years
Paid cheques	6 years
VAT and HMRC records	6 years but 20 years in relation for VAT on rents
Petty cash books	6 years
Salary records including superannuation	12 years

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Investments Time Sheets	Indefinite Last completed audit year
Personnel Records	6 years after termination of employment
Administrative Minutes Scales of fees and charges Quotations and tenders Insurance policies Certificates for insurance for liability for employees and public Title deeds, leases, agreements and contracts in relation to land and property Parking Members' Allowance Register Neighbourhood Plans	Indefinite 6 years 6 years While valid 40 years from date insurance commenced or was renewed Indefinite 3 years 6 years Indefinite
Health & Safety Accident and related Incident forms including Records of reportable injuries, diseases or dangerous occurrences Policies and Risk Assessments Play area inspection reports	25 years Latest versions unless there is an ongoing investigation 6 years
Cemeteries Register of burials Register of purchased graves Register/plan of grave spaces Register of memorials Applications for interment Applications for the right to install memorials Certificates of disposal Copy certificates of grant of exclusive rights of burial	Indefinite Indefinite Indefinite Indefinite Indefinite Indefinite Indefinite Indefinite