



Broomfield and Kingswood Parish Council

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GENERAL DATA PROTECTION REGULATIONS

DOCUMENT RETENTION AND DISPOSAL POLICY

Adopted by Broomfield and Kingswood Parish Council on: 15th May 2023

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Parish Council GDPR – Document Retention and Disposal Policy

Document Retention Policy – Issue 1.1 – 16th May 2022

Adopted by Broomfield and Kingswood Parish Council at Meeting held on 15/05/2023

GENERAL DATA PROTECTION REGULATIONS

DOCUMENT RETENTION AND DISPOSAL POLICY

1 Introduction

The guidelines set out in this document assists us in compliance with the Freedom of Information Act 2000, the General Data Protection Regulation & The Data Protection Act 2018 and other associated legislation.

It is important that the Council has in place arrangements for the retention and disposal of documents necessary for the adequate management of services in undertaking its responsibilities. This policy sets out the minimum requirements for the retention of documents and sets out the requirements for the disposal of documents. However, it is important to note that this is a live document and will be updated on a regular basis.

The Council will ensure that information is not kept for longer than is necessary and will retain the minimum amount of information that it requires to carry out its functions and the provision of services, whilst adhering to any legal or statutory requirements.

2 Aims and Objectives

It is recognised that up to date, reliable and accurate information is vital to support the work that the Council do and the services that it provides to its residents. This document will help us to:-

(a) Ensure the retention and availability of the minimum amount of relevant information that is necessary for the Council to operate and provide services to the public.

(b) Comply with legal and regulatory requirements, including the Freedom of Information Act 2000, the Data Protection Act 1998, the General Data Protection Regulation, the Data Protection Act 2018 and the Environmental Information Regulations 2004.

(c) Save employees' time and effort when retrieving information by reducing the amount of information that may be held unnecessarily. This will assist them as they carry out their daily duties, or if searching for information requested under the Freedom of Information Act.

(d) Ensure archival records that are of historical value are appropriately retained for the benefit of future generations.

3 Scope

For the purpose of this Strategy, 'documents' includes electronic and paper records. Where storage is by means of paper records, originals rather than photocopies should be retained where possible.

4 Standards

The Council will make every effort to ensure that it meets the following standards of good practice:

- (a) Adhere to legal requirements for the retention of information as specified in the Retention Schedule at Annex A. This document provides a framework for good practice requirements for retaining information.
- (b) Personal information will be retained in locked filing cabinets within the Clerk's Office, access to these documents will only be by authorised personnel.
- (c) Disclosure information will be retained in a locked cabinet in the Clerk's Office.
- (d) Appropriately dispose of information that is no longer required.
- (e) Appropriate measures will be taken to ensure that confidential and sensitive information is securely destroyed.
- (f) Information about unidentifiable individuals is permitted to be held indefinitely for historical, statistical or research purposes e.g., Equalities data. Wherever possible only one copy of any personal information will be retained and that will be held within the Clerk's Office.

5 Breach of Policy and Standards

Any employee who knowingly or recklessly contravenes any instruction contained in, or following from, this Policy and Standards may, depending on the circumstances of the case, have disciplinary action, which could include dismissal, taken against them.

6 Roles and Responsibilities

The Clerk has overall responsibility for the policy.

The Clerk is responsible for the maintenance and operation of this policy including ad-hoc checks to ensure compliance.

Other delegated staff are responsible for ensuring their records are kept and destroyed in line with this policy.

The Clerk is responsible for ensuring that the guidelines set out in this policy are adhered to and to ensure that any documents disposed of are done so in accordance with their 'sensitivity' (i.e., whether they are normal waste or 'Confidential Waste')

7 Confidential Waste

Fundamentally any information that is required to be produced under the Freedom of Information Act or Environmental Information Regulations, is available on the website or is open to public inspection should NOT be treated as confidential waste.

Examples of what constitutes confidential waste:

- (a) Exempt information contained within committee reports.
- (b) Files containing the personal details of an individual and files that predominantly relate to a particular individual or their circumstances. For example, completed application forms and letters.
- (c) Materials given to us on a 'confidential' or on a limited use basis e.g., material provided by contractors or the police.

However, any information that is protected by the Data Protection Act or as Confidential under the Council's Constitution should be treated as confidential waste for disposal purposes.

Examples of what does not constitute confidential waste:

- (a) Documents that are available to the public via our web site or by submitting an appropriate search request to ourselves for general information.
- (b) All reports and background papers of matters taken to Committee in public session unless specifically exempt.

8 Disposal of Documentation

Confidential waste which clearly shows any personal information or information which can be identified using the parameters set out in 7.3 will be shredded within the council buildings.

9 Retention

Timeframes for retention of documents have been set using legislative requirements and the Chartered Institute of Personnel and Professional Development (CIPD) guidelines.

Throughout retention the conditions regarding safe storage and controlled access will remain in place.

Disclosure information appertaining to Disclosure and Barring Checks must be kept securely in a locked cabinet. Only those entitled to see it in the course of their duties should have access. The security and confidentiality of all Disclosure information is closely registered under the Police Act 1997.

Disclosure information must not be retained for a period of more than six months and must be destroyed in a secure manner using the shredder in the Parish Clerk's office.

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Any unauthorised employee accessing or attempting to access Disclosures or Disclosure information, or personnel records will be dealt with under the Council's disciplinary procedures.

The attached 'Appendix A' shows the minimum requirements for the retention of documents as determined by those officers responsible for the management of these particular documentation types. Officers holding documents should exercise judgement as to whether they can be disposed of at the end of those periods detailed in the attached 'Appendix A.'

10 Storage and Access

Disclosure information is kept separately from personnel files in a securely lockable, non-portable cabinet with access strictly controlled and limited to the Clerk, and/or the Deputy Clerk.

Where applicable, documents should be scanned and saved on the Councils' OneDrive storage facility, to provide easy access to the documents by the Parish Council staff. These files should be periodically backed up to a portable hard drive kept in the Clerk's office.

11 Handling

The Council complies with s124 of the Police Act 1997, so that Disclosure Information is only passed to those who are authorised to receive it in the course of their duties. The Council maintains a record of all those to whom Disclosures or Disclosure Information has been revealed and recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Personal information will only be available to those who are authorised officers.

Customer's details and information will be kept up to date and reviewed annually by an authorised officer.

12 Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's/employee's consent has been given. Disclosure Information will be shared between different areas of the Council, if necessary.

Where Disclosure information is shared with anyone other than the Clerk and Deputy Clerk the employee must be given a reason why this information is being shared.

APPENDIX A

	Document	Minimum Retention Period	Reason	Disposal
1	Minutes	Indefinite	Archive	Original signed paper copies of Council minutes of meetings must be kept indefinitely in safe storage.
2	Agendas	5 years	Management	Destroy (shred confidential waste)
3	Accident/incident reports	20 years	Potential claims	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations
4	Receipt and payment accounts	Indefinite	Archive	
5	Receipt books of all kinds	6 years	VAT	Waste disposal
6	Bank statements including deposit/savings accounts	Last completed audit year	Audit	Confidential waste
7	Bank paying-in books	Last completed audit year	Audit	Confidential waste
8	Cheque book stubs	Last completed audit year	Audit	Confidential waste
9	Quotations and tenders	6 years	Limitation Act 1980 (as amended)	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
10	Paid invoices	6 years	VAT	Confidential waste

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11	Paid cheques	6 years	Limitation Act 1980 (as amended)	Confidential waste
12	VAT records	6 years generally but 20 years for VAT on rents	VAT	Confidential waste
13	Salary records/payroll	12 years	Superannuation	Confidential waste
14	Insurance policies	While valid (but see lines 15 and 16)	Management	Waste disposal.
15	Insurance company names and policy numbers	Indefinite	Management	N/A
16	Certificates for insurance against liability for employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management	Waste disposal.
17	Title deeds, leases, agreements, contracts	Indefinite	Audit, Management	N/A
18	Members' allowances register	6 years	Tax, Limitation Act 1980 (as amended)	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
19	Information from other bodies, e.g. circulars from county associations, NALC, principle authorities.	Retained for as long as it is useful and relevant		Waste disposal.

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20	Local/historical information	Indefinite – to be securely kept for benefit of the parish	Councils may acquire records of local interest and accept gifts or records of general and local interest in order to promote the use for such records (defined as materials in written or other form setting out facts or events or otherwise recording information).	N/A
21	Magazines and journals	Council may wish to keep its own publications. For others retain for as long as they are useful and relevant.	The Legal Deposit Libraries Act 2003 (the 2003 Act) requires a local council which after 1st February 2004 has published works in print (this includes a pamphlet, magazine or newspaper, a map, plan, chart or table) to deliver, at its own expense, a copy of them to the British Library Board (which manages and controls the British Library). Printed works as defined by the 2003 Act published by a local council therefore constitute materials which the British Library holds.	Waste disposal.
22	To ensure records are easily accessible it is necessary to comply with the following: • Electronic files will be saved using relevant file names	If appropriate, once documents are scanned, the electronic files will be stored on a cloud-based facility (OneDrive), and be backed up periodically on an external hard drive kept by the Clerk.	Management	Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste, and electronic files deleted as necessary. A list will be retained of those documents / files disposed of, to meet the requirements of the GDPR regulations.

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23	General correspondence	Unless it relates to specific categories outlined in the policy, correspondence, both paper and electronic, should be retained. Records should be retained for as long as they are needed for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests.	Management	Waste disposal (shred confidential waste) A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
24	Correspondence relating to staff	If related to audit, see relevant sections above. Should be kept securely and personal data in relation to staff should not be kept for longer than is necessary for the purpose for which it was held. Likely time limits for tribunal claims between 3–6 months. Recommended : Retain for three years.	After an employment relationship has ended, a council may need to retain and access staff records for former staff, for the purpose of giving references, payment of tax, national insurance contributions and pensions, and in respect of any related legal claims made against the council.	Confidential waste A list will be retained of those documents disposed of to meet the requirements of the GDPR regulations.
25	Negligence	6 years		Confidential waste. A list will be retained of those documents disposed of to meet the requirements of the GDPR regulations.
26	Defamation	1 year		Confidential waste. A list will be retained of those documents disposed of to meet the requirements of the GDPR regulations.
27	Contract	6 years		Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
28	Leases	12 years		Confidential waste.
29	Sums recoverable by statute	6 years		Confidential waste.

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30	Personal injury	3 years		Confidential waste.
31	To recover land	12 years		Confidential waste.
32	For Halls, Centres, Recreation Grounds • Application to hire • Invoices • Record of tickets issued	6 years	VAT	Confidential waste A list of those documents disposed of will be retained to meet the requirements of the GDPR regulations.
33	Lettings diaries	Electronic files linked to accounts	VAT	N/A
34	Terms and Conditions	6 years	Management	Bin
35	Legal papers	Indefinite	Audit, Management	N/A
36	Local Development Plans	Retained as long as in force	Reference	Bin
37	Local Plans	Retained as long as in force	Reference	Bin
38	Neighbourhood Plans	Indefinite – final adopted plan	Historical purposes	N/A
39	Photographs/digital prints	31 days	Data protection	Confidential waste

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