

# KESGRAVE TOWN COUNCIL

## Document and Electronic Data Retention Policy



### 1. INTRODUCTION

This Retention Policy covers all Council records and documentation, whether analogue or digital and are subject to the retention requirements of this Policy.

For the purpose of this Policy, the terms 'document' and 'records' include information in both hard copy and electronic form and have the same meaning whether referred to as documents or documentation.

This Policy will also aid paper records and electronic data storage issues identified and will eliminate the need to retain paper and electronic records unnecessarily. Council will ensure that information is not kept longer than is necessary and will retain the minimum amount of information that it is required to hold to meet its statutory functions and the provision of its services.

Any such system or policies relating to record management will include a review of Council documentation on an annual basis. Anything that is no longer of use or value can be destroyed but if the council is in any doubt it will seek advice from Suffolk Association of Local Councils (SALC) and retain that document until that advice has been received. Documents of historical importance, if not retained by Council, will be offered first to the county record office.

### 2. RETENTION OF DOCUMENTS

- a) The table in the appendix herewith indicates the appropriate retention period of documents for audit and other purposes and the reasons for retention.
- b) In respect of the retention of documents in case of a legal dispute, Council's policy is set out under Section 3.
- c) Other documents not mentioned in the appendix will be treated as follows:

#### **Correspondence and circulars**

- All correspondence on matters not listed in the appendix will be kept for as long as the matter contained therein is still of interest or use.
- Circulars and legal topic notes from SALC, NALC and other bodies such as principal authorities will be retained for as long as the information contained therein is useful and relevant.

#### **Personnel matters**

- Article 5 of GDPR provides "personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed". This Policy will ensure that necessary records, documents and electronic data of Council are adequately protected, archived and disposed of at the correct retention period, and to provide all staff with clear instructions regarding the appropriate retention and disposal of such Documentation.

### 3. RETENTION OF DOCUMENTS FOR LEGAL PURPOSES

- a) Most legal proceedings are governed by 'the Limitation Acts' which state that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question.
- b) The table below sets out the limitation periods for the different categories of claim.

Claims under 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

- c) If a type of legal proceeding falls into two or more categories, the documentation will be kept for the longer of the limitation period.
- d) As there is no limitation period in respect of trust, the council will retain all trust deeds and schemes and other similar documentation.

### 4. RETENTION OF ENCRYPTED DATA

For any information retained under this Policy that is in an encrypted format, consideration must be taken for the secure storage of any encryption keys. Encryption keys must be retained for as long as the data that the keys decrypt is retained.

### 5. DISPOSAL OF DOCUMENTS OR DOCUMENTATION

Disposal can be achieved by a range of processes:

- Any hard copy record containing confidential information must either be disposed of in a confidential waste bin or shredded using a cross-cut shredder.
- Disposal of hard copy documents that do not contain confidential information may be disposed of in the normal way or recycled.
- Deletion – where non-confidential computer files are concerned and deletion and wiping for confidential files.
- Transfer of document to external body - this method of disposal will be relevant where documents or records are of historic interest and/or have intrinsic value. Such an external body could be the County Archivist or a local museum.

For computer files and emails their retention period should be based on the type of information they contain as per the appendix. For general documents and correspondence falling outside of these categories retention should be for any applicable minimum legal requirement or for as long as they may still be of interest or use.

### 6. DISPOSAL OF ELECTRICAL HARDWARE

- a) IT equipment and devices that have the ability and capability to store personal data include:
- PC's
  - Laptops
  - Mobile Phones and tablets
  - Multi-Functional Devices – printers / scanners

- Servers
  - CDs, DVDs, eReaders, USB memory sticks and other external hard drives.
- b) IT equipment disposal must be managed by the Chair of Council in conjunction with the Proper Officer.
- c) All computer equipment disposal or recycling must be arranged in compliance with the Waste Electric and Electronic Equipment Regulations 2013 where applicable.
- d) All IT equipment and devices must either be reset back to a standard/factory build with no Council information or applications on them, or alternatively any storage devices within them wiped.

Last reviewed: 21 June 2021

Next review due: 21 June 2023 (or earlier if relevant legislation changes before this date)

## Appendix

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Minute Books	Indefinite	Archive
Agendas	5 years	Management
Accident/incident reports	20 years	Potential claims
Scale of fees and charges	6 years	Management
Receipt and payment accounts	Indefinite	Archive
Receipt books	6 years	VAT
Bank statements	Last completed audit	Audit
Bank paying-in books	Last completed audit	Audit
Cheque book stubs	Last completed audit	Audit
Audit reports and associated papers	Indefinite	Management
Supplier contracts	6 years	Limitation Act 1980 (as amended)
Quotations/Tenders	12 years/indefinite	Limitation Act 1980 (as amended)
Paid invoices	6 years	VAT
Paid cheques	6 years	VAT
VAT records	6 years	VAT
Timesheets	Last completed audit	Audit
Wages books/payroll	12 years	Superannuation
Insurance policies	While valid	Management
Certificates for insurance (Liability for employees)	40 years from date on which insurance commenced or was renewed	The Employers Liability (Compulsory Insurance) Regulations 1998 (SI2753) Management
Recreation Ground inspection reports	21 years	Management
Title deeds, leases, agreement and contracts and investments	Indefinite	Audit, Management
Staff attendance records	Indefinite	Health & Safety Act 1974
Members Allowances Registers	6 years	Tax, Limitation Act 1980 (as amended)
Complaint investigation reports, meeting notes and other associated documents	6 years after final resolution	Management
Local historical information	Indefinite – to be kept securely for the benefit of the Town	Archive
Magazines, journals and Town Guide	Indefinite for Council publications	Historical
<b>MILLENNIUM JUBILEE HALL and MILLENNIUM SPORTS GROUND</b>		
<ul style="list-style-type: none"> <li>• Application to hire</li> <li>• Calendar</li> <li>• Copies of invoices to hirers</li> </ul>	6 years	VAT
<b>BURIAL GROUNDS</b>		
<ul style="list-style-type: none"> <li>• Register of fees collected</li> <li>• Register of burials</li> <li>• Register of purchased graves</li> <li>• register/plan of grave spaces</li> <li>• register of memorials</li> <li>• applications for interment</li> <li>• applications for right to erect memorials</li> <li>• disposal certificates</li> </ul>	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (SI.204)

• copy certificates of grant of exclusive right of burial		
<b>PLANNING PAPERS</b>		
Planning Manual	While valid	Management
Town/Neighbourhood Plans	Indefinite – Final adopted plans	Historical purposes