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Eastchurch Parish Council Retention of Documents and Records Policy

Adopted at the Public Meeting of the Council on 24th July 2018.....

1 Introduction

1.1 A record is any information held by the Council and relating to any topic, area of work, decision reached, action taken or individual and regardless of the medium in which it is held whether in paper or electronic format.

1.2 The Council recognises that:

- Records are a corporate resource and a valuable asset
- Information has to be looked after properly and in accordance with GDPR
- A co-ordinated approach has to be taken to its management.

1.3 S227(1) Local Government Act 1972 requires the Parish Council to provide a proper repository for its records. The Act also allows for Parish Council records to be stored in a central repository operated by the County Council. As such the Council accepts that it has a responsibility to ensure that records are:

- Created accurately
- Stored effectively
- Kept securely
- Traced efficiently
- Retained in their original form if required for the purpose of legal proceedings
- Retained only for as long as necessary disposed of appropriately

1.4 ***Responsibility for all records throughout their lifetime (from creation to disposal) shall rest with the Proper Officer of the Council.***

1.5 Legislation now in place on information handling means that there is a need to manage information and to have an effective system for servicing the enhanced rights of access under the Data Protection Act 1998 (DPA) and the Freedom of Information Act 2000 (FOI). Reference should be made to the Council's Data Protection Policy, Freedom of Information Policy & Publication Scheme. Reference should also be made to the Lord Chancellor's Code of practice on the Management of Records pursuant to s46 Freedom of Information Act 2000 (Issued November 2002) and addenda from 2018. Eastchurch Parish Council will retain documentation in accordance with GDPR.

2 Policy Statement

2.1 The Council's policy is to:

- Manage its records in a systematic and planned way to prevent or at least to minimise potential risks
- Ensure that it can control the quantity and quality of information generated from the time a record is created until its ultimate disposal
- Maintain information in a manner that effectively services its needs and those of its stakeholders
- Dispose of the information appropriately when it is no longer required
- Satisfy the provisions of the Code of Practice on the Management of Records issued under s46 FOI

3 Retention of documents for legal purposes

3.1 Most legal proceedings are governed by 'the Limitation Acts'. The Acts (notably the Limitation Act 1980) state 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. The reference to 'category' in the table refers to claims brought in respect of that category.

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

3.2 Cognisance must be taken on the duty of the Council and in particular its Proper Officer to retain certain information, for certain purposes and for certain periods of time.

4 Record Maintenance

4.1 Given the limited space to keep such documents it is necessary to review the Council's Policy on retention of its records and documents. Set out below are the minimum retention periods for which various types of records must be kept. These reflect statutory requirements, codes of practice and recommendations published by professional and other bodies. ***In the absence of such guidance, it shall be the responsibility of the Parish Clerk to determine a suitable retention period.***

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
COUNCIL MANAGEMENT		
Minutes	Indefinitely	Archive
Agendas & meeting documentation	12 Years	Statute of Limitations
Council Attendance Register	Throughout the 4 year term of office	Management
Declarations of Acceptance of Office	Indefinitely	Management, Archive
Register of Members Interests	6 Years or as long as the Councillor remains in office (whichever is the greater)	Audit, Tax, VAT
Council Standing Orders, Policies & Procedures	Whilst the documents remain in force	Management
Council Newsletters, Precept Sheets & Annual Reports	Indefinitely	Management, Archive
Personnel Information	6 Years after individual ceases to be an employee	Statute of Limitations
COUNCIL FINANCES		
Cash Book Accounts, Sales & Purchase Ledgers	Indefinitely	Management
Title Deeds, Leases, Agreements & Contracts	Indefinitely	Audit, Management
Investments	Indefinitely	Audit, Management
Audited Accounts	Indefinitely	Audit, Management
Precept Requests	Indefinitely	Audit, Management
Quotations & Tenders	12 years	Statute of Limitations
Wages Books	12 years	Superannuation

Receipt Books	6 Years	VAT
Paid Invoices	6 Years	VAT
VAT Records	6 Years	VAT
Petty Cash Records	6 Years	Tax, VAT, Statute of Limitations
Members Allowance Register	6 Years	Tax, Audit, Management, Statute of Limitations
Scales of Fees & Charges	5 Years	Management
Bank Statements	Last completed audit year	Audit
Bank Paying-in Books	Last completed audit year	Audit
Cheque Book Stubs	Last completed audit year	Audit
Timesheets	Last completed audit year	Audit
Insurance Policies	While Valid	Management
Certificates for insurance against liability for employees Insurance Policies, Insurance Claims & Health & Safety Records	40 years from date in which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI2753), Management
RISK ASSESSMENTS		
Weekly Inspection Logs	12 Years	Statute of Limitations
Annual Inspection Logs	12 Years	Statute of Limitations
Risk Assessments	12 Years	Statute of Limitations
PLANNING & CONSERVATION		
Planning Register	Indefinitely	Management
Planning Applications, related correspondence & Notices of Decision (General)	6 months	Management
Planning Applications, related correspondence & Notices of Decision (Strategic/Historical)	5 Years	Management
Tree Pruning/Felling Applications	6 Year	Management
Tree Preservation Orders	Indefinitely	Management
Road Traffic Orders	Whilst the order remains in force or 1 Year whichever is the greater	Management
Planning Policy Guidance/Statements, Regional Plans, Structure Plans, Local Plans, Community Plans & similar documents	Whilst the documents remain in force	Management
Definitive Maps, Planning Maps, Public Rights of Way Maps, Conservation Area Maps & similar documents	Indefinitely	Management, Archive
Listed Building Register	Indefinitely	Archive
PUBLICATIONS		
Journals & Periodicals	3 Years (or as long as is useful/relevant)	Management
Catalogues	1 Year	Management
PHOTOGRAPHS		
Planning/Enforcement/KHT	Indefinitely	Audit, Tax, Vat, Management, Archive
Events	Indefinitely	Management, Statute of Limitations, Archive

Assets	Indefinitely	Audit, Statute of Limitations, Management, Archive
Risk Assessment	Indefinitely	Audit, Statute of Limitations, Management, Archive
GENERAL CORRESPONDENCE		
General Correspondence (on non-historic importance)	Destroyed annually if no longer of use or value	Management
General Correspondence (historic importance)	Offered to the County Archivist if no longer of use or value	Archive

5 Record Disposal

- 5.1** The minimum volume of records consistent with effective and efficient operations should be retained. Unnecessary and duplicated records should be eliminated so saving storage costs as well as cost in terms of staff, time and equipment. Holding fewer records frees up both physical and computerised filing systems and makes valuable information easier to find. Greater use should be made of the Council's powers under S229 Local Government Act 1972 which allows for any requirement posed by statute on a Local Authority to keep a document is satisfied by keeping a photographic copy; interpreting this legislation in a modern day context, paper records can now be scanned and electronically archived and the original disposed of.
- 5.2** Records designated as no longer required must be securely disposed of to preserve confidentiality.
- 5.3** Any records designated as no-longer required but considered to have historical significance shall be retained, or will be the subject of consultation with the County Archivist and shall be kept in an archival institution if expert guidance considers such action appropriate.
- 5.4** Under the FOI, it is a criminal offence to tamper with any file once a FOI request has been made. If any documents which would require disposal under the above guidelines is the subject of an FOI request, disposal must be delayed even if the request has been refused, until the information has been disclosed and all appeal times/procedures have been exhausted.

This Policy will:

- Be publicised to staff and made available for reference
- Apply to all the Council's records regardless of how they are held
- Be reviewed every two years, amended and reissued as necessary and members and staff notified accordingly
- Operate in conjunction with Eastchurch Parish Council's existing policies on Data Protection and Freedom of Information and in accordance with GDPR.