

WHISSONSETT PARISH COUNCIL

Retention and Disposal Policy

Adopted: 10th March 2025

Review Schedule: Three yearly

1. Introduction

Information is an asset. The records of the Council are important sources of administrative, evidential, financial and historical information. They are vital in its current and future operations, for the purposes of accountability and for an awareness and understanding of its history and procedures. However, they also need to be managed. They are only an asset if they provide important sources of administrative, evidential and historical information.

Records management is the systematic control, organisation, access to and protection of information from its creation, through its use, to its permanent retention or destruction.

There are 3 stages in the life cycle of information:

- a. It is created or received
- b. It is used
- c. It is disposed of or retained / archived.

The importance of record management - if there is no agreed or recognised information handling system then ultimately chaos rules, time is lost and problems arise. This policy is therefore aimed towards promotion of systematic handling of information. The overall aim of this policy is not only to detail the procedure in relation to the management of records but ensure compliance with legislation and ensure awareness in the council of procedures and compliance.

The benefits of good record management:

- Improves the conduct of business
- Helps to ensure compliance with statutory obligations
- Supports the decision-making process
- Protects the interests of the council
- Makes tangible savings in time

2. Legislative Background

The Freedom of Information Act 2000 ("the Act") provides the citizen, who could be anyone anywhere including companies, with the right to request information from the Parish Council (PC). The only requirement is that PC must HOLD the information/record, which is the subject of the request. 'Hold' does not mean that the PC either initiated the information or that the information relates to PC's functions or operations. The information could be information that another organisation has initiated or produced, and forwarded to the PC for 'information purposes'. The PC has adopted a Publication Scheme based on the model Scheme produced by the Information Commissioner. The Scheme is updated annually. This identifies the information which is routinely or annually published by the PC and which is also a requirement of the Local Audit and Accountability Act 2014. If a category is included in the Publication Scheme it must be published and any request for the disclosure of that information can simply be directed to the PC's

publication source i.e. PC's website. Where an enquiry is made for information as a hard copy, this will be responded to by the Parish Clerk with the appropriate charges being made.

There is also data which is personal, and the Data Protection Act 2018 and the General Data Protection Regulations (GDPR) detail the principles which must be followed by organisations which process personal information. Personal information is information held about an individual which on its own or with other data can identify a living individual. Processing information means obtaining it, recording it, storing it, updating it and sharing it. Such information should not be held unnecessarily and should be destroyed securely. This information, if held, should be recorded in an Information Audit.

Information must often be retained for a considerable period of time and some indefinitely. There are statutory requirements relating to the retention of certain information or records, e.g. council minutes, personnel information for HMRC, financial information etc. but the retention of other information is at the discretion of PC.(see table below). The destruction of some information has to be undertaken securely and destruction has to show conformity with this policy. The destruction of some paper copies should be complete i.e. incineration or shredding. Electronic copies must be completely deleted from any memory source or other media. It should be noted that the PC is not required to meet its disclosure commitments for information which is archived, out of date or otherwise inaccessible.

3. Definition of a record

A record means any documents or data which forms recorded evidence of PC's activities. i.e. hard copy letters, email messages or letters and other documents held electronically or set as a hard copy. This extends beyond the Clerk to individual members of the Council. These records or information are created or received, used and maintained by PC in the conduct of its activities. A record is something which can be retained and remain useable for as long as it is needed, it can be something which is required to be retained or something which can be destroyed when no longer required. A record if held either as an electronic copy or as a paper copy should be held within a file. Files should be titled with an indication of their content and where confidential marked thus. Emails which contain important information should be added to the relevant folder. Personal file names and uncommon abbreviations should not be used. A title should clearly indicate a version's status e.g. final version. Out of date material should be destroyed or deleted.

Categories of information which have a longer term or permanent use:

- a. Items which might have been included or are currently included on the publication scheme – such as a policy or grass cutting contract. Such a document can be destroyed once it has been amended, unless required for historical reasons. For example, it is worthwhile for a PC to keep grass cutting contracts to compare information. Classes of information described within the FOI Publication Scheme clearly state the time frame required for disclosure of that information
- b. Items which need to be retained for legislative purposes – such as the signed minutes. It is good practice to publish, as a minimum, current and previous council year. It might be practical for a council to retain its minutes for five years, in which case it would publish those minutes but when over five years old, the minute book might then be sent to the Norfolk Record Office (NRO) for safe keeping. If this is the case, then no disclosure is required.

4. Responsibility

The officer who has operational responsibility for retention and destruction is the Parish Clerk. However, all members of the Parish Council have a responsibility to ensure that they handle correspondence and information whether received or sent as a hard copy or electronically in the correct manner and that they adhere to the council's policy relating to retention and disposal correctly and in a timely way. The Clerk also has responsibility for maintaining the FOI Publication Scheme and for responding to requests for information requested. The Clerk has a responsibility to respond to subject access requests, investigate data breaches and for the careful audit of information held under Data Protection regulations.

Members should be made aware of the Policy and any paper 'movement' so that if they themselves hold copies of this information they can destroy that information.

5. Managing Emails

Emails are as much an official communication as a letter or memo and may be disclosed in response to a FOI request. The Clerk and Councillors must delete any personal data from letters and emails requested under FOI. Electronic messages can be legally binding and a council may be held liable for defamatory statements in emails. If an email contains important information it should be added to the relevant paper or electronic file. Out of date emails should be deleted. Care should be taken with sending email trails.

6. Saving Electronic Information

If password protected the Chairman or Deputy Chairman should be provided with the password. A back up system should be operated with two external storage drives – one of which should be held off site. Documents and folders should have file titles which are easily understood by everyone.

7. Retention of Hard Copy Documents

Records have been identified as described in 3. above and detailed in the table below. These are records which should be kept or archived at the appropriate time. The Council office or the Clerk's home will still be the main location for stored records which should need to be retained past the operational requirement. The records stored in the Clerk's home will comprise a single copy of the retained record. The Norfolk Records Office (NRO) is identified as the place where records will be archived. The Clerk should not keep records which have been identified as items to be retained at the NRO.

8. Destruction

Upon the information reaching the expiry date for retention, the Parish Clerk shall ensure that all copies of that information are permanently destroyed. Papers which can be destroyed are detailed in the table below. It is the responsibility of the Clerk to ensure proper disposal of the documents. Confidential means any record which contains personal information about a living individual.

9. Review of this Policy

This will be done within 3 years of the adoption of the Policy, or earlier if the legislation requires.

List of Documents for Retention or Disposal

Document	Minimum Retention Period	Reason	Location Retained (Clerks office unless otherwise shown) (NRO = Norfolk Records Office)	Disposal
Minutes Including Committees and Annual Parish Meetings	Indefinite	Archive	NRO	Original signed paper copies of Council minutes of meetings must be kept indefinitely in safe storage. At regular intervals of not more than 5 years they must be archived and deposited with the Higher Authority
Agendas	1 year	Management		Bin
Acceptance of Office Forms	Term of office plus 4 years.	Management		Confidential waste
Register of members interests	Term of office plus 4 years.	Management		Confidential waste
Accident/incident reports	20 years	Potential claims		Confidential waste
Scales of fees and charges	7 years	Management		Bin
Receipt and payment accounts	Indefinite	Archive	NRO	N/A
Receipt books of all kinds	7 years	VAT		Bin
Bank statements including deposit/savings accounts	7years	Audit		Confidential waste
Bank paying-in books	7 years	Audit		Confidential waste
Cheque book stubs	7 years	Audit		Confidential waste

Quotations and tenders	7 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.
Paid invoices	7 years	VAT		Confidential waste
Paid cheques	7 years	Limitation Act 1980 (as amended)		Confidential waste
VAT records	7 years generally but 20 years for VAT on rents	VAT		Confidential waste
Audit Submissions and Reports	7 years	Audit		Confidential waste
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)		Bin
Wages books/payroll	7 years	Superannuation		Confidential waste
Insurance policies	7 years	Must be retained in the event of any public liability claims being made.	NRO	N/A
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		Bin
Play Area equipment inspection reports	21 years	Potential claims		Bin
Investments	Indefinite	Audit, Management	NRO	N/A
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management	Spire Solicitors (was Hood, Vores & Allwood)	N/A
Surveys of Parish Facilities	Indefinite	Archive	NRO	N/A

Information from other bodies e.g. circulars from county associations, NALC, principal authorities	Retained for as long as it is useful and relevant			Bin
Local/historical information including photographs and programmes of events arranged by the Parish Council and Parish Council newsletters.	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).	NRO	N/A
Magazines and journals	Retain for as long as they are useful and relevant.			Bin
<p>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.</p> <p>Bin if applicable.</p>				

<p>Documents from legal matters, negligence and other torts</p> <p>Most legal proceedings are governed by the Limitation Act 1980 (as amended). The 1980 Act provides that legal claims may not be commenced after a specified period. Where the limitation periods are longer than other periods specified the documentation should be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories. If in doubt, keep for the longest of the three limitation periods.</p>		
Negligence, Defamation & Contracts	12 years	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Leases		
Sums recoverable by statute		
Personal injury		
To recover land		
Rent		
Breach of trust		
Trust deeds	Indefinite	N/A

Record-keeping				
<p>To ensure records are easily accessible it is necessary to comply with the following:</p> <ul style="list-style-type: none"> ✓ A list of files stored in cabinets will be kept ✓ Electronic files will be saved using relevant file names 	<p>The electronic files will be backed up periodically on a portable hard drive and also in a cloud-based programme.</p>	<p>Management</p>		<p>Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.</p>

General correspondence	Unless it relates to specific categories outlined in the policy, correspondence, both paper and electronic, should be kept. Records should be kept 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		Bin (shred confidential waste) A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
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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 it was held. Likely time limits for tribunal claims between 3–6 months Recommend this period be for 3 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 kept of those documents disposed of to meet the requirements of the GDPR regulations.
Documents relating to staff applications (unsuccessful applicants)	Until appointment confirmed.			Confidential waste

For Allotments				
Register and plans	Indefinite	Audit, Management	NRO	N/A
Minutes	Indefinite	Audit, Management	NRO	N/A
Legal papers	Indefinite	Audit, Management	NRO	N/A
Tenancy Agreements	6 years after tenancy has ceased	Management		Confidential waste

Planning Papers NOTE: NO PAPER COPIES SUPPLIED BY BRECKLAND – ALL APPLICATION DETAILS AVAILABLE ON BRECKLAND WEBSITE.				
Applications	N/A			
Appeals	N/A			
Trees	N/A			
Local Development Plans	Retained whilst in force	Reference		Bin
Local Plans	Retained whilst in force	Reference		Bin
Whissonsett Neighbourhood Plans	If applicable - Indefinite – final adopted plans	Historical purposes	Norfolk Records Office and Clerks Office.	N/A