

RETENTION OF DOCUMENTS POLICY

Retention of documents

Attached is an Annex indicating the appropriate minimum retention periods document. Documents should be retained for audit, staff management, tax liabilities, and the eventuality of legal disputes and legal proceedings.

Retention of documents for legal purposes

The below table lists the limitation periods of time where legal claims may be brought under the Limitation Act 1980 (as amended). The 1980 Act provides that legal claims may not be commenced after a specified period.

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

Where the limitation periods above are longer than other periods specified in the attached annex, the documentation should be kept for the longer period specified.

Data Protection and Freedom of Information Considerations

The Lord Chancellor's Code of Practice on the Management of Records issued under section 46 of the Freedom of Information Act 2000 applies to public authorities and bodies which are subject to the Public Records Act 1958 (the 1958 Act). Although local councils are not subject to the 1958 Act, they should familiarise themselves with the contents of the Code of Practice so they can formulate their own system of records management.

The General Data Protection Regulations (GDPR) will be applied from 25th May 2018.

Under the GDPR, the data protection principles set out the main responsibilities for organisations.

Article 5 of the GDPR requires that personal data shall be:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;



e) 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; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and

f) 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.

ANNEX TO RETENTION OF DOCUMENTS POLICY

RETENTION OF DOCUMENTS REQUIRED FOR THE AUDIT OF TOWN/PARISH COUNCILS

DOCUMENT	RETENTION PERIOD	REASON
Personnel		
Personnel records	3 years after employee leaves	Limitation Act 1980 (as amended)
Disciplinary/grievances	Review 6 years after last action	Management
Recruitment documents	6 months	Management
Wages records	6 years + current year	Audit
Pension records	12 years	Superannuation
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)
Members allowances	6 years + current year	Tax Limitation Act 1980 register (as amended)
Audit		
Scales of fees	6 years + current year	Management
Receipt and payment account(s)	Indefinite	Archive
Receipt books	6 years + current year	VAT
Bank statements	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit



Quotations and tenders	6 years + current year	Limitation Act 1980 (as amended)
Paid invoices	6 years + current year	VAT
Paid cheques	6 years + current year	Limitation Act 1980 (as amended)
VAT records	6 years + current year generally VAT but 20 years for VAT on rents	
Petty cash	6 years + current year	Tax, VAT, Limitation Act 1980 (as amended)
Investments	Indefinite	Audit, Management
Successful grant applications	6 years + current year	Audit
Unsuccessful grant applications	3 months after decision	Management
Contracts and Procurement		
Unsuccessful tenders	2 years	Audit
Successful tenders	6 years + current year	Audit
Administration		
Minute books	Indefinite	Archive
Draft minutes	Until date of confirmation of Minutes	Management
Agendas	Indefinite	Archive
Reports and other documents circulated with Agendas	Refer to Retention Policy for matter content	Refer to Retention Policy for matter content
Insurance policies	While valid	Management
Certificates for Insurance against employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability Compulsory Insurance Liability for Regulations 1998 (SI. 2753), Management
Litigation	6 years after folder closure	Limitation Act 1980
Title deeds, leases,	Indefinite	Audit, Management



agreements, contracts

Standing Orders, Town Council policies and procedures	Whilst current	Management
Members' attendance Register	Term of office	Management
Members' Declaration of Acceptance of Office	Term of office	Management
Members' Register of Interests.	Term of office	Localism Act 2011
Register of Electors	Whilst current	Management

CCTV

CCTV review requests	3 years	Management
Recorded discs	Whilst legally required	Management
Photographs and digital prints	31 days or as long as legally required	Management

Property

Application to hire lettings diaries copies of bills to hires record of tickets issued	6 years + current year	VAT
Premises inspection Records	12 years	Statute of Limitations
Asset equipment records	21 years	Statute of Limitations

For Burial Grounds

Register of fees collected	Indefinite	Archives, Local
Register of burials	Indefinite	Authorities Cemeteries
Register of purchased graves	Indefinite	Order 1977 (SI.204)
Register/plan of grave spaces	Indefinite	
Register of memorials	Indefinite	
Applications for interment	Indefinite	
Applications for right to erect memorials	Indefinite	
Disposal certifications	Indefinite	
Copy certificated of grant of exclusive right of Burial	Indefinite	



Planning

Planning Applications	Whilst being considered. All personal data is the Property of the Unitary Council	Management
-----------------------	--	------------

Correspondence relating to planning applications	Whilst being considered. All personal data is the property of the Unitary Council	Management
--	--	------------

Planning Appeals	Whilst being considered. All personal data is the property of the Unitary Council	Management
------------------	--	------------

Local Connections

Local connections applications and evidence	3 months following consideration	To verify applications for local connections
---	-------------------------------------	--

Newsletters

Town Council newsletters, pamphlets, magazine, plan chart or table	A copy should be sent to the British Library Board	Legal Deposit Libraries Act 2003
--	---	-------------------------------------

General

Surveys and returns	Until project completed	Management
---------------------	-------------------------	------------

Press releases	2 years	Management
----------------	---------	------------

General Correspondence

Unless it relates to specific categories outlined in the policy above, correspondence, both paper and electronic should be kept whilst the content matter is being dealt with and with a maximum retention of 1 year.

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 annually, amended and re-issued as necessary and members of staff notified accordingly
- Operate in conjunction with the Council's existing policies on Data Protection (Privacy Policy) and Freedom of Information.

Review of the Retention of Documents Policy

The effectiveness of the Retention Of Documents Policy and associated arrangements will be reviewed every two years.

Review Date: October 2025.