



## Kingston Parish Council

### Document Retention and Disposal Policy

#### 1. Introduction

Kingston Parish Council (KPC) accumulates information and data during the course of its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in various different types of document.

Records created and maintained by KPC are an important asset and as such measures need to be undertaken to safeguard this information. Properly managed records provide authentic and reliable evidence of KPC's transactions and are necessary to ensure it can demonstrate accountability.

Documents may be retained in either 'hard' paper form or in electronic forms. For the purpose of this policy, 'document' and 'record' refers to both hard copy and electronic records.

It is imperative that documents are retained for an adequate period of time. If documents are destroyed prematurely KPC and its Councillors could face prosecution for not complying with legislation and it could cause operational difficulties, reputational damage and difficulty in defending any claim brought against KPC.

In contrast to the above KPC should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with the General Data Protection Regulations so that personal information is not retained longer than necessary. This will also ensure the most efficient use of limited storage space.

#### 2. Scope and Objectives of the Policy

The aim of this document is to provide a working framework to determine which documents are:

- Retained – and for how long; or
- Disposed of – and if so by what method.

There are some records that do not need to be kept at all or that are routinely destroyed in the course of business. This usually applies to information that is duplicated, unimportant or only of a short-term value. Unimportant records of information include:

- Non-acceptance of invitations.
- Trivial electronic mail messages that are not related to council business.
- Out of date distribution lists.

Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.

Records should not be destroyed if the information can be used as evidence to prove that something has happened. If destroyed the disposal needs to be disposed of under the General Data Protection Regulations

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### 3. Roles and Responsibilities for Document Retention and Disposal

Councillors are responsible for determining whether to retain or dispose of documents and should undertake a review of documentation at least on an annual basis to ensure that any unnecessary documentation being held is disposed of under the General Data Protection Regulations.

Councillors should ensure that employees are aware of the retention/disposal schedule.

### 4. Data protection principles

GDPR is based on data protection principles that KPC must comply with, the principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner.
- Collected for specified, explicit and legitimate purposes.
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed.
- Accurate and, where necessary, kept up to date.
- Kept for no longer than is necessary for the purposes for which it is processed.
- Processed in a way that ensures it is appropriately secure.

This policy sets out how KPC aims to comply with these principles.

### 5. Document Retention Protocol

Records of KPC activities will be complete and accurate enough to allow employees and their successors to undertake appropriate actions in the context of their responsibilities to:

- Facilitate an audit or examination of the business by anyone so authorised.
- Protect the legal and other rights of KPC, its clients and any other persons affected by its actions.
- Verify individual consent to record, manage and record disposal of their personal data.
- Provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.

To facilitate this, the following principles will be adopted:

- Records created and maintained will be arranged in a record-keeping system that will enable quick and easy retrieval of information under the General Data Protection Regulations
- Documents that are no longer required for operational purposes but need to be retained, will be kept in password protected folders.

The retention schedules listed in Appendix A provide guidance on the recommended minimum retention periods for specific classes of documents and records. These schedules have been compiled from recommended best practice from the Public Records Office, the Records Management Society of Great Britain and in accordance with relevant legislation.

Whenever there is a possibility of litigation, the records and information that are likely to be affected should not be amended or disposed of until the threat of litigation has been removed.

### 6. Document Disposal Protocol

Documents will be disposed of or reviewed in accordance with the following principles:

- Is retention required to fulfil statutory or other regulatory requirements?
- Is retention required to meet the operational needs of the Council?
- Is retention required to evidence events in the case of dispute?
- Is retention required because the document or record is of historic interest or intrinsic value?

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When documents are scheduled for disposal the method of disposal should be appropriate to the nature and sensitivity of the documents concerned. A record of the disposal will be kept complying with the General Data Protection Regulations.

Documents can be disposed of by any of the following methods:

- Non-confidential records: place in waste paper bin for disposal.
- Confidential records or records giving personal information: shred documents.
- Deletion of computer records.

The following principles should be followed when disposing of records:

- All records containing personal or confidential information should be destroyed at the end of the retention period. Failure to do so could lead to KPC being prosecuted under the General Data Protection Regulations, the Freedom of Information Act or cause reputational damage.
- Where computer records are deleted steps should be taken to ensure that data is 'virtually impossible to retrieve' as advised by the Information Commissioner.
- Back-up copies of documents should also be destroyed (including electronic or photographed documents).

Records will be maintained of appropriate disposals. These records should contain the following information:

- The name of the document destroyed.
- The date the document was destroyed.
- The method of disposal.

## **7. Data Protection Act 1998 – Obligation to Dispose of Certain Data**

The Data Protection Act 1998 ('Fifth Principle') requires that personal information must not be retained longer than is necessary for the purpose for which it was originally obtained. Section 1 of the Data Protection Act defines personal information as:

- Data that relates to a living individual who can be identified:
- from the data, or
- from other information which is in the possession of or is likely to come into the possession of the data controller.
- It includes any expression of opinion about the individual and any indication of the intentions of KPC or other person in respect of the individual.

The Data Protection Act provides an exemption for information about identifiable living individuals that is held for research, statistical or historical purposes to be held indefinitely provided that the specific requirements are met.

Councillors are responsible for ensuring that KPC complies with the principles under the General Data Protection Regulations namely:

- Personal data is processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.
- Personal data shall only be obtained for specific purposes and processed in a compatible manner.
- Personal data shall be adequate, relevant, but not excessive.
- Personal data shall be accurate and up to date.
- Personal data shall not be kept for longer than is necessary.
- Personal data shall be processed in accordance with the rights of the data subject.
- Personal data shall be kept secure.

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## **8. Scanning of Documents**

In general, once a document has been scanned on to a document image system the original becomes redundant; as a general rule hard copies of scanned documents should be retained for three months after scanning.

Original documents required for VAT and tax purposes should be retained for six years unless a shorter period has been agreed with HM Revenue and Customs.

## **9. Review of Document Retention**

It is planned to review, update and where appropriate amend this document on a regular basis (at least every three years in accordance with the *Code of Practice on the Management of Records* issued by the Lord Chancellor).

## **10. List of Documents**

The full list of KPC's documents and the procedures for retention or disposal can be found in Appendix A, this is updated regularly in accordance with any changes to legal requirements.

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## Appendix A – Kingston Parish Councils List of Documents for Retention or Disposal

Document	Minimum Retention Period	Reason	Location Retained	Disposal
Council Meeting Minutes	Indefinite	Management	Clerk, BB5 then ARC	N/A
Council Meeting Agendas	5 years	Management	Clerk, BB5	Shredded and Delete Files
Policies and Procedures	Until updated or reviewed	Management	Electronic files are stored on external storage facility which are backed up.	Documentation no longer required will be deleted. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Asset Management Records	Indefinite	Management	Clerk, BB5 then ARC	N/A
Internal Audit Reports	3 years	Management	Clerk, BB5	Shredded and Delete Files
Internal Audit Fraud Investigation	7 years from date of final outcome of investigation	Management	Clerk, BB7 then ARC	Shredded and Delete Files
Grant Applications	Successful applications kept with payments records. Unsuccessful applications – 1 year	Management, Limitation Act 1980	Clerk, BB6	Shredded and Delete Files
Successful tender documentation – Life of contract	6 years	Management	Clerk, BB6	Shredded and Delete Files
Documentation referring to externally funded projects	6 years	Management	Clerk, BB6	Shredded and Delete Files
Personnel records	6 years	Limitations Act 1980	Chairman, BB6	Shredded.
Annual Governance and Accountability Return	Indefinitely	Management	Clerk, BB5 then ARC	N/A
Financial Published Final	Indefinitely	Management	Clerk, BB5 then	N/A

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Document	Minimum Retention Period	Reason	Location Retained	Disposal
Accounts			ARC	
Signed Audited Accounts	Indefinitely	Management	Clerk, BB5 then ARC	N/A
Bank statements	6 years	VAT	Clerk, BB6	Shredded.
Bank paying-in books & Cheque stubs	6 years	VAT, Limitation Act 1980	Clerk, BB6	Shredded.
Expenses and travel allowance claims	6 years	VAT	Clerk, BB6	Shredded.
Year end ledger tabulations – ledger details and cost updates	6 years	VAT	Clerk, BB6	Shredded and Delete Files
Published Budget Sheets	Indefinitely	VAT	Clerk, BB5 then ARC	Shredded and Delete Files
Grant/Funding Applications & Claims	6 years	Management	Clerk, BB6	Shredded and Delete Files
Precept Forms	Indefinitely	Management	Clerk, BB5 then ARC	N/A
Paid invoices	6 years	VAT	Clerk, BB6	Shredded.
VAT records	6 years	VAT	Clerk, BB6	Shredded.
Payroll information	6 years	Management	Clerk, BB6	Shredded and Delete Files
Insurance policies	While valid	Management	Clerk, BB5	Shredded.
Insurance company names and policy numbers	Indefinite	Management	Clerk, BB5 then ARC	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)	Clerk, BB5 then ARC	Shredded and Delete Files
Unsuccessful Job Application forms	6 months	Management	Chairman	Shredded and Delete Files
Unsuccessful Reference requests	1 year	Management	Chairman	Shredded and Delete Files
Successful Application forms & CV's	For duration of employment + 5 years	Management	Chairman	Shredded and Delete Files

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References received	For duration of employment + 5 years	Management	Chairman	Shredded and Delete Files
Annual Appraisal	Current year and previous 2 years	Management	Chairman	Shredded and Delete Files
Disciplinary or grievance investigations – Verbal Written Final Warning Anything involving children	6 months 1 year 18 months Indefinite	Management	Chairman, BB5 then ARC	Shredded and Delete Files
Disciplinary or grievance investigations – unproven	Destroy immediately after investigation or appeal			Shredded and Delete Files
Title deeds	Indefinite	Audit Management	ARC	N/A

Record-keeping				
To ensure records are easily accessible electronic files will be saved using relevant file names	Indefinite	Council operations and management	Electronic files are stored on external storage facility which are backed up.	Documentation no longer required or out of date will be deleted. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
General correspondence	Records kept for as long as needed for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests.	Council operations and management	Clerks Files	Shredded.
Electronic Mail	1 year	Council operations and management, Limitation Act 1980	Clerk & Councillors	Permanently deleted

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Document	Minimum Retention Period	Reason	Location Retained	Disposal
Correspondence relating to staff	Personal data in relation to staff will not be kept for longer than necessary for the purpose it was held.	KPC may need to retain and access staff records of former staff for the purpose of references, payment of tax, NI contributions and pensions, and in respect of any related legal claims made against the Company.	Chairman	Shredded and delete files. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.

<p><b>Documents from legal matters, negligence and other torts</b></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 will be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories. If in doubt, these will be kept for the longest of the three limitation periods. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.</p>
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Negligence	6 years			Shredded.
Defamation	1 year			Shredded.
Contract	6 years			Shredded.

### **Key**

BB5 – Stored in Baby Barn for 5 years  
BB6 – Stored in Baby Barn for 6 years  
BB7 – Stored in Baby Barn for 7 years  
ARC – Stored in the Cathedral Archives

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