



POOL-IN-WHARFEDALE PARISH COUNCIL.

POLICY ON THE RETENTION, MANAGEMENT AND DISPOSAL OF DOCUMENTS

24 OCTOBER 2016

Information is an asset and the records of the Council are important sources of administrative, evidential and historical information. They are vital to the parish council's current and future operations, and for an awareness and understanding of its history and procedures.

It is recommended that the Council adopt the Code of Practice on the Management of Records under Section 46 of the Freedom of Information Act 2000 and follow the practice outlined in respect of the retention, management and disposal of the Council's documents and records.

Good records and information management benefits those requesting information because it provides some assurance that the information provided will be complete and reliable. It benefits those holding the requested information because it enables them to locate and retrieve it easily within the statutory timescales or to explain why it is not held. It also supports control and delivery of information promised in the Council's Publication Scheme or required to be published by the Environmental Information Regulations 2004 (the EIR) and in accordance with Standing Orders.

Definition of a Record

In this policy records mean any document or data which form recorded evidence of Council activity. A record is information recorded in any form including paper, e-mail, documents held on computer systems and information held in databases. This information is created or received, used and maintained by the Council in the conduct of its activities and is kept for accountability, compliance with legislative and statutory requirements and to assist in the planning and running of future activities.

What information should be held as a record.

Exactly what records are held on file will vary, and the reasons for keeping records include;

- To carry out routine Council activities
- To meet legal requirements
- For financial purposes
- To explain why the Council arrived at a particular decision
- In case a decision is challenged

- To be publicly accountable for Council policies and decisions
- To defend the rights and responsibilities of the Council and its Councillors, or the rights and responsibilities of others

Good practice in records management is made up of a number of key elements:

- The Council should have in place a formal records management policy, with organisational arrangements in place to support that policy.
- The Council should ensure it keeps the records it needs for business, regulatory, legal and accountability purposes.
- Records should be kept in systems that enable the records to be stored and retrieved as necessary.
- The Council should know what records it holds, where they are and that they remain usable for as long as they are required (i.e. that they can be retrieved, used and relied upon).
- Records should be stored securely, with access to them controlled.
- The Council should define how long it needs to keep particular records, should dispose of them when they are no longer needed and should be able to explain why records are no longer held (i.e. if they have been disposed of or transferred to a third party).
- Records shared with other bodies or held on their behalf by other bodies should be managed in accordance with the FOIA Code of Practice.
- The Council should monitor compliance with the FOIA Code of Practice and assess the overall effectiveness of the records management policy.
- The policy should be kept up-to-date so that it reflects the current needs of the Council, by reviewing it at agreed intervals, e.g. every year or after major organisational or technological changes.
- The Council should publish the policy so that members of the public can see the basis on which it manages its records.

Requests made under the Freedom of Information Act (FOIA) and Environmental Information Regulations (EIR)

As a matter of good practice, the Information Commissioner's Office recommends that any requested information should be kept for at least 6 months after the date of the last communication about the request, to allow for appeals to the Information Commissioner (Source: ICO Practical guidance: Destruction of requested information).

Anonymous communications

Any communication received anonymously will be reported to the Council or a relevant Committee and action taken, if appropriate. Any anonymous letter or e-mail received will then be destroyed.

Paper Filing and other Systems:

- Records titles used on the Council's paper filing system (housed in suspension files in filing cabinets) should reflect their specific nature and contents, so as to facilitate retrieval.
- Records that are no longer required for frequent reference, but need to be retained indefinitely, should be 'archived' to the Secure Storeroom after two years; they will be kept in archive transfer cases, appropriately labelled and stored in an orderly manner.
- Records to be removed from the Council's website after four years e.g. Minutes (which will still be held electronically on the Council's dedicated Agendas & Minutes software system and in hard copy archived files).
- The Council's records system is documented to facilitate officer training, maintenance of the system and reconstruction in the event of an emergency. It also helps the Clerk and Council to know the whereabouts and movement of files, at all times.

Disposal of Records

- In general, records should be kept for as long as they are needed by the Council, for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests.
- Destruction at the end of the period ensures that office and computer space are not used and costs not incurred in maintaining records that are no longer required. Any personal data (e.g. on CVs submitted for job vacancies) should only be kept for as long as it is needed.
- Once the minimum retention period has passed, records should be destroyed in a rolling programme, taking into account security of the information contained in the records and confidentiality needs.
- The Clerk will be responsible for all disposals and destruction of records, in as secure a manner as required by the level of confidentiality. Digital records will be over-written to ensure that the data is destroyed completely.
- Details of the destruction of records will be kept by the Clerk, as part of the audit trail.
- If any records are not included in the retention and disposal schedule, the Clerk will be responsible for reviewing the records and deciding whether they can be destroyed or archived for indefinite preservation. Such decisions should be documented and kept to provide evidence of which records have been identified for destruction, when the decision was made, and the reasons for the decision, where this is not apparent from the overall policy.
- Ephemeral material should be disposed of on a routine basis, e.g. print-outs of electronic documents should not be kept after the meeting for which they were printed.
- Trivial emails should be deleted immediately after being read.
- Keeping multiple or personal copies of documents should be discouraged.

The Parish Council will create, use, manage and destroy or preserve its records, in all media and in all forms, in accordance with statutory requirements. It will ensure that correct information is:

- Captured, stored, retrieved and destroyed or preserved according to need
- Fully exploited to meet current and future needs, and to support change
- Accessible to those who need to make use of it

Data Protection

The Data Protection Act specifically states that in deciding how far to go with the destruction of records, the level of technology available should be considered, together with the cost of using it, and the effect it would have on the data subject if the information was misused as a result of it falling into the wrong hands. Any data containing personal information must be destroyed under secure conditions.

An individual who suffers damage because of a contravention by the Data Controller is entitled to compensation for that damage. Contravention of the Data Protection Act is a criminal offence carrying a maximum £5000.00 fine. Provision of lists of categories of records destroyed and the authority under which they were destroyed is a legal requirement under the Freedom of Information Act. The requirements do not apply to material routinely discarded in the course of an administration activity, i.e. duplicates, information material, rough drafts etc.

RETENTION AND DISPOSAL SCHEDULE

| Document | Minimum retention Period | Reason |
|--|---|--------------------------|
| Minutes of the Council and Committees | Indefinite | Archive |
| Agendas and Supporting papers | 18 months | Admin purposes |
| Annual Parish Meeting | Indefinite | Archive |
| (informal records of the Council in connection with the preparation of the minutes to be destroyed following completion of the relevant minutes) | | |
| Annual Reports | Indefinite | Archive |
| Policies | 6 years or as long as relevant | Archive |
| Financial Records | | |
| Assets | Indefinite | Audit, Management |
| Audit and Annual Returns | Indefinite | Archive |
| Budget | Indefinite | Archive |
| Precept Demands | Indefinite | Archive |
| Grant applications | 6 years | Audit |
| Receipts and Payments | Indefinite | Archive –Computer backup |
| Receipt books | 6 years | 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 | 12 years | Statute of Limitations |
| Paid invoices | 6 years | VAT |
| VAT Returns | 6 years | VAT |
| Wages/Pension Records | 12 years | Superannuation |
| PAYE/NI Contributions | 3 years from end of year which records relate | Audit |
| Insurance Policies | | |
| Policy Renewal Records | While valid | Legal/Management |
| Cert. of Employers Liability | 50 years | Legal |
| Cert. of Public Liability | 21 years | Legal |
| Councillors | | |

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| Declarations of Acceptance of Office | of | Term of Office plus one year | Management |
| Members Register of Interests | of | Term of Office plus one year | Management |
| Members Allowances | | 6 years | Tax, Statute of Limitations |
| General Management | | | |
| Title Deeds, Leases etc. | | Indefinite | Audit, Management |
| General Correspondence | | | |
| Paper copies and or E Mails | | 2 years | Management |
| Human Resources | | | |
| Personnel Files (not payroll information) | | 6 years after ceasing employment | Management |
| Staff Development Review | | 6 years | Management |
| Application Forms (interviewed unsuccessful) | | 6 months | Management |
| Disciplinary records | | Retain for period of employment | |
| Planning | | | |
| Planning applications, decision notices and appeals | | All applications and associated details and information are held by the Local Metropolitan Authority | No need for Parish to retain these records – Retained as long as useful |
| Applications on which the Council has commented | | 1 year | Management |
| Statutory documents, development plans and consultations | | Retained for duration of the document | Management |
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