



---

# **HERNHILL PARISH COUNCIL**

## **Documents Retention Policy and Schedule**

**Adopted on 31<sup>st</sup> January 2024**

**Next Review: June 2025**

## **1. Introduction**

Hernhill Parish Council recognise that the efficient management of its records is necessary in order to comply with legal and regulatory obligations and to allow for its effective management. This policy has been created to detail how the records maintained by the parish council are kept and when they should be destroyed.

Records created and maintained by the Council are an important asset and as such measures need to be undertaken to safeguard this information. A Retention Schedule serves the purpose of identifying records that may be worth preserving permanently as a part of a local authority archive as well as preventing the premature destruction of records that need to be retained for a specific legal, financial or statutory period. Properly managed records provide authentic and reliable evidence of the Council'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.

## **2. Scope of the Policy**

This policy applies to all records, in all formats that are created, received or maintained by the parish council. 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.

## **3. Responsibilities**

Hernhill Parish Council have a corporate responsibility to maintain its records in line with regulatory requirements. The person with overall responsibility for the maintenance is the Parish clerk. A periodic review of documentation should be undertaken to ensure that any unnecessary documentation being held is disposed of under the General Data Protection Regulations. All employees and councillors are to be aware of the retention/disposal schedule.

## **4. Relationship with Existing Policies**

This policy should be read in conjunction with the parish council's Freedom of Information Policy/ Privacy Notice and Data Protections Policy/Publications Scheme.

## **5. Retention Schedule**

The Parish Council is required to maintain a retention schedule Under the Freedom of Information Act 2000. This Act lays down the length of time certain records sets need to be retained. Hernhill Parish Council have adopted a policy in line with the National Association of Local Councils' (NALC) Legal Topic Note LTN40 (Local Councils' Documents and Records, August 2022 and NALC LTN 37 – Freedom of Information, July 2009.

The retention schedule lays down the length of time which the record needs to be retained and the action which should be taken when it is of no further administrative use. The retention schedules in Appendix A: List of Documents for Retention or Disposal provide guidance on the recommended minimum retention periods for specific classes of documents and records.

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.

Members of staff are expected to manage their current record keeping systems using the retention schedule and to take account of the different kinds of retention periods when they are creating new record keeping systems.

## **6. Document Disposal**

Documents should only be disposed of if reviewed in accordance with the following:

- Is retention required to fulfil statutory or other regulatory requirements?
- Is retention required to meet the operational needs of the service?
- 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

When documents are scheduled for disposal the method of disposal should be appropriate to the nature and sensitivity of the documents concerned.

- Transmission of records to an external body such as the County Records Office.

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 the Council 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.
- Where documents are of historical interest, it may be appropriate that they are transmitted to the County Records office.
- Back-up copies of documents should also be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).

## Appendix 1 – Retention Schedule for list of documents

Document	Minimum Retention Period	Reason
Minutes	Indefinite	Archive
Agendas	5 years	Management
Scale of Fees and Charges	6 years	Management
Receipt & Payment Accounts	Indefinite	Archive
Receipt Books all kinds	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	6 years	Limitation Act 1980 (as amended)
Paid Invoices	6 years	VAT
Paid Cheques	6 years	Limitation Act 1980 (as amended)
VAT Records	6 years generally but 20 years for VAT on rents	VAT
Petty cash, postage and telephone books	6 years	Tax, VAT and Limitation Act 1980 (as amended)
Timesheets	Last completed audit year 3 years	Audit (requirement) and personal injury (best practice)
Wages books	12 years	Superannuation

Risk Assessments	Once superseded by new risk assessment or become inactive	Management
Insurance Policies	As long as it is possible for a claim to be made under it	Management and legal proceedings
Certificates for Insurance against liability for employees	Indefinitely	Future Claims
Investments	Indefinite	Audit and Management
Title deeds, leases, agreements, contracts	Indefinite	Audit and Management
Members Allowance Register	6 years	Tax and Limitation Act 1980 (as amended)
Local/Historical Information	Indefinite	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).
Magazine & Journals	Council may wish to keep its own publications For others retain for as long as they are useful and relevant	The Legal Deposit Libraries Act 2003 (the 2003 Act) requires a local council which after 1 <sup>st</sup> 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).

General Correspondence	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
Correspondence relating to staff	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 but may be longer if potential for a claim (see table below)	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.
<b>For Allotments</b>		
Register and Plans	Indefinite	Audit and Management
<b>Planning</b>		
Planning applications Current (it is assumed that SBC, as planning authority, hold all relevant applications for the parish of Hernhill)	Disposal immediately after submission of Hernhill Parish Council's comments to SBC. SBC hold all current files	Management

**Documents from legal matters, negligence and other torts**

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.

<b>Category</b>	<b>Limitation Period</b>
Negligence (and other torts except personal injury)	6 years
Personal Injury	3 years
Defamation	1 year
Contract	6 years
Leases	12 years
Sums recoverable by Statute	6 years
To recover land	12 years
Rent	6 years
Breach of trust	None