



# **BOGNOR REGIS TOWN COUNCIL DOCUMENT RETENTION POLICY**

**Adopted by the Council at its Meeting held on 12<sup>th</sup> January 2015**

**Updated 16<sup>th</sup> December 2016**

This Policy was adopted by Council on 12<sup>th</sup> January 2015, replacing the version of 9<sup>th</sup> September 2013, and was updated on 16<sup>th</sup> December 2016.

In the course of carrying out its various functions and activities, the Council collects information from individuals and external organisations and generates a wide range of data/information both electronically and in hard copy.

Retention of specific documents may be necessary to:

- Fulfil statutory or other regulatory requirements
- Evidence events/agreements in the case of disputes
- Meet operational needs
- Ensure the preservation of documents of historic or other value.

The untimely destruction of documents could cause the Council:

- Difficulty in defending litigious claims
- Operational problems
- Embarrassment
- Failure to comply with the Freedom of Information or Data Protection Acts.

Conversely, the permanent retention of all documents is undesirable, and appropriate disposal is to be encouraged for the following reasons:

- There is a shortage of new storage space
- Disposal of existing documents can free up space for more productive activities
- Indefinite retention of personal data may be unlawful
- Reduction of fire risk (in case of paper records)
- There is evidence that the de-cluttering of office accommodation can be psychologically beneficial for many workers.

Modern day records management philosophy emphasises the importance of organisations having in place systems for the timely and secure disposal of documents/records that are no longer required for business purposes. Additionally, the Freedom of Information Act makes it important that the Council has clearly defined policies and procedures in place for disposing of records, and that these are well documented.

## **SCOPE & PURPOSE**

The purpose of this policy is to provide a corporate policy framework to govern management decisions on whether a particular document (or set of documents) should either be:

- Retained - and if so in what format, and for what period; or
- Disposal of - and if so when and by what method.

Additionally, this policy seeks to clarify the roles and responsibilities in the decision making process.

This policy is not concerned with the disposal/retention of unused materials (e.g. stocks of paper, unused forms and duplicated documents).

## **THE RETENTION/DISPOSAL PROTOCOL**

Any decision whether to retain or dispose of a document should be taken in accordance with the following criteria:

- Has the document been appraised?
- Is retention required to fulfil statutory or other regulatory requirements?
- Is retention required to evidence events in the case of dispute?

- Is retention required to meet the operational needs of the Council?

Where a retention period has expired in relation to a particular document a review should always be carried out before a final decision is made to dispose of that document. Such reviews need not necessarily be detailed or time consuming. Where the Managing Officer is familiar with the contents of the document or where the contents are straightforward and easily apparent then such an exercise may only take a few minutes.

In the event that a decision is taken to dispose of a particular document or set of documents, then consideration should be given to the method of disposal.

## **ROLES & RESPONSIBILITIES - MANAGING OFFICERS**

Responsibility for determining (in accordance with the Retention/Disposal protocol mentioned above) whether to retain or dispose of specific documents rests with the individual Officer, in respect of those documents that properly fall within the remit or control of his/her responsibilities.

The rationale for this is that it is reasonable to both assume and expect that each Managing Officer should be broadly conversant with the types of documents received, generated and stored by his/her department.

Because of the clear benefits resulting from the disposal of unnecessary documentation, Managing Officers are expected to be proactive in carrying out or instigating audits of existing documentation that may be suitable for disposal.

Managing Officers may delegate the operational aspects of this function to one or more senior officers within their department. However in doing so they should ensure that any such Officer is fully conversant with this Policy and is also familiar with the operational requirements of the Service in relation to document retention/disposal.

## **DISPOSAL**

Disposal can be achieved by a range of processes:

- Confidential waste - i.e. making available for collection by a designated refuse collection service
- Physical destruction on site (paper records - shredding)
- Deletion - where computer files are concerned
- Migration of document to external body.

Managing Officers should take into account the following considerations when selecting any method of disposal:

- Under no circumstances should paper documents containing personal data or confidential information be simply binned or deposited in refuse tips. To do so could result in the unauthorised disclosure of such information to third parties, and render the Council liable to prosecution or other enforcement action under the Data Protection Act. Such documents should be destroyed on site (e.g. by shredding) or placed in the specially marked "Confidential Waste" refuse bins
- Deletion - the Information Commissioner has advised that if steps are taken to make data virtually impossible to retrieve, then this will be regarded as equivalent to deletion
- Migration of documents to a third party (other than for destruction or recycling) is unlikely to be an option in most cases. However, this method of disposal will be relevant where documents or records are of historic interest and/or have intrinsic value. The third party here could well be the Public Record Office ("PRO"). "Migration" can, of course, include the sale of documents to a third party. The Information Manager is happy to be a point of reference in cases where migration to the PRO or other external archive is considered a possibility

- Recycling - wherever practicable disposal should further recycle in-line with the Council's commitment to sustainable development and promoting an alternative waste disposal strategy.

Disposal should be documented by keeping a record of the document disposed of, the date and method of disposal, and the officer who authorised disposal. The documenting of disposal will be particularly important now that the Freedom of Information Act is in force.

### **DATA PROTECTION ACT 1998**

Managing Officers need to be aware that under the Data Protection Act personal data processed for any purpose must not be kept for longer than is necessary for that purpose. In other words, retaining documents or records that contain personal data beyond the length of time necessary for the purpose for which that data was obtained is unlawful.

<b>DOCUMENT</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>REASON</b>
Record of disposal records	Destroy after 12 years	Common practice
Minute Books-Council & Committee/ Sub-Committee	Indefinite	Archive
Council/Committee meetings notices, agendas, reports & documents	Electronic archive after administrative use	Local decision
Working party agendas, reports	Archived indefinitely	Local decision
Minute-taking notes	Destroy after minutes approved	Local decision
Record of Officer decisions under delegated authority & background documents	Destroy after 6 years	Statutory (2014 Regulations)
Scales of Fees and Charges	6 years	Management
Receipt and payment(s) accounts	Indefinite, archive hard copy or electronic after 2 years	Archive
Receipt books of all kinds	6 years	VAT
Bank statements, including deposit/savings accounts	Last completed audit year	Audit
Bank paying-in books & Cheque stubs	Last completed audit year	Audit
Agreements between organisations & Partners	Destroy 6 years after expiry	Common practice
Quotations and tenders	6 years	Limitation Act 1980 (as amended)
Contracts & Tendering - all documents	Destroy 6 years after last action except under seal (12 years)	Part statutory
Building contracts	Life of building + 15 years	Statutory
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
Budget & estimates Working papers	Permanent archive after 3 years 2 years	Statutory Local choice
Accounts & Audits Associated documents	Permanent archive after administrative use concluded Destroy after administrative use	Common practice
Petty cash, postage and telephone records	6 years	Tax, VAT, Limitation Act 1980 (as amended)
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)

Salaries and wages documents, Inland Revenues(tax & NI)	12 years	Superannuation
Insurance policies Claims	While valid & permanent archive Destroy after 7 years	Management
Insurance Certificates/Employers' Liability Certificates	40 years from date on which insurance commenced or was renewed	The Employer's Liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management
Investments	Indefinite, archive after 5 years	Audit, Management
Loans	Destroy 7 years after loan repaid	Common practice
Title deeds, leases, agreements, contracts	Indefinite, archive after 5 years	Audit, Management
Register/file of Members allowances	6 years	Tax, Limitation Act 1980 (as amended)
For Halls, Centres, Recreation Grounds (if applicable) - applications to hire - lettings diaries - copies of bills to hirers - record of tickets issued	6 years	VAT
For Allotments - register and plans	Indefinite	Audit, Management
For Burial Grounds (if applicable) - Register of fees collected - Register of burials - Register of purchased graves - Register/plan of grave spaces - Register of memorials - Applications for interment - Applications for right to erect memorials - Disposal certificates - Copy certificates of grant of exclusive right of burial	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (SI. 204)
Planning lists, plans & observations	Destroy after 2 years	Local choice
Statutory Development Plans	Destroy 5 years after expiry or when draft superseded	Local choice
Observations	Same	
Consultations on statutory functions e.g. Licensing, Highways	Destroy after 2 years	Local choice
Elections - Register & associated lists	Destroy after 4 years	Local choice (assume permanent record with A.D.C.)
Lists of candidates	Destroy after 4 years	Local choice (assume permanent record with A.D.C.)
Election results	Permanent	Local choice (assume permanent record with A.D.C.)
Member contact details	As long as remain a member of Council	Common practice
Representation - list of members representing the Council on outside bodies	6 years	Local choice
Political party papers	3 years	Common practice

Corporate plans, Strategies, policies Business plans, annual reports, asset reg	Permanent archive after superseded	Common practice
Personnel administration	Destroy 5 years after person leaves Authority (except staff working with children - 25 years)	Local choice & statutory
Recruitment & interview documents	1 Year	Equal opportunities claims
Staff team briefs	3 years	Common practice
Equality opportunities	Destroy 15 years after last action	Common practice
Health & Safety	Destroy 15 years after last action or after 6 years if superseded - 40 years for asbestos & other occupational health records	Statutory & Common practice
Statutory returns to Government etc.	7 years	Common practice
Operating procedures	2 years after superseded	Local choice
Consultations of public & staff	Destroy after 5 years from closure	Common practice
Record of complaints against Council	Destroy after 6 years	Common practice
Freedom of information	Destroy after 5 years	Common practice
Reviewing the quality, efficiency, or performance of the Council	Destroy after 5 years	Common practice
Publicised work of the Council	One copy to permanent archive - destroy others after administrative use	Common practice
Media Relations - records of interactions	Destroy after 3 years	Common practice
Marketing & promotions literature	Destroy after 6 years	Local choice
Civic & Royal events - records of	Permanent archive after administration use concluded	Common practice
Organising documents	Destroy after 7 years	Common practice
Making local byelaws, copies & procedures (if applicable)	Permanent archive after administrative use ended	Common practice
Administration/enforcement of byelaws	Destroy 2 years after conclusion of action	Common practice
Transport management	Destroy 7 years after disposal of vehicle	Common practice
Emergency planning & environmental issues	Destroy 7 years after administration concluded	Common practice
Contaminated land	Indefinitely	