



CROSCOMBE PARISH COUNCIL

Records Retention and Review Policy

Adopted by full committee: 15th Sept 2020

1. Introduction

1.1 There is a clear need to retain information for audit purposes, staff management, tax liabilities, and the eventuality of legal disputes and legal proceedings. Subject to these reasons for retaining documents, and as a basic starting point, papers and records may be destroyed if they are no longer of use or relevant. However this must not be an automatic or informal process. Proper consideration must be given to the need to keep the information for management or historical reasons, balanced with obligations to destroy personal data as soon as no longer needed. In some cases redaction of information can satisfy competing objectives. Croscombe Parish Council is commitment to create, keep and manage records which document its principal activities.

1.2 Standing Orders require the Council to have in place and keep under review:

1.2.1 Technical and organisational measures to keep secure information (including personal data) –

1.2.2 policies for the retention and safe destruction of all information (including personal data)

1.2.3 Confirmation of the period for which information (including personal data) shall be retained, or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).

1.3 The Council's adopted Data Protection Policy requires the Council to have a system of removal of different categories of data from its records after certain periods, for instance, when the information is no longer required for audit purposes.

1.4 This policy document sets out the procedures for ensuring the council has a systematic approach to the review and retention of information, whilst complying with statutory obligations.

1.5 This policy will be overseen and owned by the relevant Committee. Destruction or Transfer of information is not to occur without committee authorisation.

2. Period of Audit

2.1 The Council is subject to annual internal audit. No records, including email, should be deleted prior to the next audit without review and approval by the relevant committee. Thus the minimum retention period for any Council information may be up to 12 months.

3. Insurance documentation

3.1 Insurance policies should be kept for as long as it is possible for a claim to be made under them. A permanent record of insurance company names and policy numbers for all insured risks must be kept. Claims may be received as far on as 40 years.

4. Correspondence

4.1 Correspondence related to audit matters should be kept for the appropriate period specified in the Annex to this Note. In planning matters, correspondence should be retained for the same period as suggested for other planning papers. Correspondence includes emails sent by natural persons, whether as individuals or on behalf of an entity, but does not include in scope unsolicited emails such as "spam" and obvious marketing.

5. Documentation relating to staff



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5.1 Must be kept securely and in accordance with the eight data protection principles contained in the Data Protection Act 1998. The principles provide that personal data in relation to staff should not be kept for longer than is necessary for the purpose it was held. However even 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. The time limits within which a claim (and any appeal) may be lodged against an employer at an employment tribunal are set out in the legislation that contains the employment right in question or failing that by reference to the Limitation Act 1980 (as amended). The time for lodging a claim at an employment tribunal is usually measured from the date that the employment relationship ended or the date of the act complained of.

6. Historical records

6.1 The Local Government (Records) Act 1962 provides that parish councils may acquire records of local interest and accept gifts or records of general and local interest in order to promote the use of such records (defined as materials in written or other form setting out facts or events or otherwise recording information).

6.2 Croscombe Parish Council does not have facility to retain, preserve or make available such records. Arrangements for the deposit, storage and management of documents, but may request Mendip district council provide proper depositories for all the specified papers (defined as public books, writings, council papers and all documents directed by law to be kept) belonging to the parish or community for which there is no other provision.

6.3 Documents of local and or historical importance, if not retained and stored by Mendip district Council, should be offered first to the county record office if there is one. The county archivist there will always be willing to advise on which records should be permanently preserved. Other potential custodians include the local library service, schools, local history societies, and museums.

7. Retention of documents for legal purposes

7.1 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. The specified period varies, depending on the type of claim in question. The table below sets out the limitation periods for the different categories of claim. Where a matter may cover two or more categories, the longer period must be observed. The reference to 'category' in the table refers to claims brought in respect of that category:

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	No limit

7.2 Some limitation periods can be extended. Examples include:



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- where individuals do not become aware of damage until a later date (e.g. in the case of disease);
- where damage is hidden (e.g. to a building);
- where a person is a child or suffers from a mental incapacity;
- where there has been a mistake by both parties or
- where one party has defrauded another or concealed facts.

8. digital by default

8.1 Where ever possible, unless for historical or legal reasons, information should be digitised.

9. Balancing Cost of Storage with Need

9.1 The Council must weigh up the costs of storing relevant documents with the need for retention. This assessment should be part of the Council's routine risk management approach, and consider the risks of:

- claims being made;
- the value of potential claims; and
- the inability to defend any claims made should relevant documentation be destroyed.

10. Disposal

10.1 Records will not be kept after they have ceased to be of use to the Council unless:

10.1.1 They are known to be the subject of litigation or a request for information. If so, destruction should be delayed until the litigation is complete or, in the case of a request for information, all relevant complaint and appeal provisions have been exhausted;

10.1.2 They have long-term value for historical or other research and have been or should be selected for permanent preservation. (Note that records containing personal information can be kept indefinitely for historical research purposes because they thereby become exempt from the 5th data protection principle.)

10.1.3 They contain or relate to information recently released in response to a request under the Act. This may indicate historical value and destruction should be delayed while this is re-assessed.

10.2 Disposal of records should be undertaken only in accordance with clearly established policies that:

10.2.1 Reflect the authority's continuing need for access to the information or the potential value of the records for historical or other research;

10.2.2 Are based on consultation between records management staff, staff of the relevant business unit and, where appropriate, others such as legal advisers, archivists or external experts;

10.2.3 Have been formally adopted by the authority;



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10.2.4 Are applied by properly authorised staff;

10.2.5 Take account of security and confidentiality needs.

10.3 Decisions to dispose of information must be recorded on a Destruction Schedule to evidence that as part of routine records management processes destruction of a specified type of record of a specified age range took place in accordance with a specified provision of the disposal schedule. Evidence of this nature will enable the Council and its staff to explain why records specified in a court order cannot be provided or to defend themselves against a charge under section 77 of the Act that records were destroyed in order to prevent their disclosure in response to a request for information. A template is at Annex B.



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Annex A – Information Retention & Destruction schedule

Category/Type	Minimum retention period	Reason	Review
General correspondence	Up to 12 months	Audit	Quarterly
Minute books	Indefinite	Archive	5 yearly
Scales of fees and Charges	6 years	Management	2 yearly
Receipt and payment account(s)	Indefinite	Archive	5 yearly
Receipt books of all Kinds	6 Years	VAT	2 yearly
Bank statements, including deposit/savings accounts	Last completed audit year	Audit	Monthly
Bank paying-in books	Last completed audit year	Audit	Monthly
Cheque book stubs	Last completed audit year	Audit	Monthly
Quotations and tenders	6 years	Limitation Act 1980 (as amended)	3 yearly
Paid invoices	6 years	VAT	3 yearly
Paid cheques	6 years	Limitation Act 1980 (as amended)	3 yearly
VAT records	6 years generally but 20 years for VAT on rents	VAT	3 yearly
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)	3 yearly
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)	Annually
Wages books	12 years	Superannuation	6 yearly
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), Management.	6 yearly
Investments	Indefinite	Audit, Management	Annually
Title deeds, leases,	Indefinite	Audit, Management	Annually



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agreements, contracts			
Members allowances Register	6 years	Tax, Limitation Act 1980 (as amended)	3 yearly
Documentation relating to or Halls, Centre, Recreation Grounds	6 years	VAT	3 yearly
Allotment register & plans	6 years	Audit, Management	3 yearly
Documentation relating to Cemetery	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (SI. 204)	6 yearly

