

**Data Protection
RETENTION OF DOCUMENTS POLICY
Effective 25 May 2018**



Retention of documents for legal purposes

The below table lists the limitation periods of time where legal claims may be brought under the Limitation Act 1980 (as amended). The 1980 Act provides that legal claims may not be commenced after a specified period.

| 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 | None |

Where the limitation periods above are longer than other periods specified in the attached annex, the documentation should be kept for the longer period specified.

Data Protection and Freedom of Information Considerations

The Lord Chancellor's Code of Practice on the Management of Records issued under section 46 of the Freedom of Information Act 2000 applies to public authorities and also bodies which are subject to the Public Records Act 1958 (the 1958 Act). Although local councils are not subject to the 1958 Act, they should familiarise themselves with the contents of the Code of Practice so they can formulate their own system of records management.

The General Data Protection Regulations (GDPR) will be applied from 25th May 2018.

Under the GDPR, the data protection principles set out the main responsibilities for organisations.

Article 5 of the GDPR requires that personal data shall be:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;

- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

ANNEX TO RETENTION OF DOCUMENTS POLICY

RETENTION OF DOCUMENTS REQUIRED FOR THE AUDIT OF PARISH COUNCILS

| DOCUMENT | MINIMUM RETENTION PERIOD | REASON |
|-------------------------|--------------------------------------|--|
| Personnel | | |
| Personnel records | 3 years after employee leaves | Limitation Act 1980 (as amended) |
| Disciplinary/grievances | Review 6 years after last action | Management |
| Recruitment documents | 6 months | Management |
| Wages records | 6 years | Audit |
| Pension records | 12 years | Superannuation |
| Timesheets | Last completed audit year 3 years | Audit (requirement) Personal injury (best practice) |
| Members allowances | 6 years + current | Tax Limitation Act 1980 registered (as amended) |

Audit

| | | |
|--------------------------------|--|--|
| Scales of fees | 6 years + current | Management |
| Receipt and payment account(s) | Indefinite | Archive |
| Receipt books | 6 years + current | 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 + current | Limitation Act 1980 (as amended) |
| Paid invoices | 6 years + current | VAT |
| Paid cheques | 6 years + current | Limitation Act 1980 (as amended) |
| VAT records | 6 years + current year generally but 20 years for VAT on rents | VAT |
| Petty cash | 6 years + current year | Tax, VAT, Limitation Act 1980 (as amended) |
| Investments | Indefinite | Audit, Management |

Contracts and Procurement

| | | |
|----------------------|------------------------|-------|
| Unsuccessful tenders | 2 years | Audit |
| Successful tenders | 6 years + current year | Audit |

Administration

| | | |
|------------------------------------|--|---|
| Minute books | Indefinite | Archive |
| Insurance policies | While valid | Management |
| Certificates for Insurance against | 40 years from date on which insurance commenced or for employees was renewed | The Employers' Liability Compulsory Insurance Liability Regulations 1998 (SI. 2753), Management |

| | | |
|--|------------------------------|---------------------|
| Litigation | 6 years after folder closure | Limitation Act 1980 |
| Title deeds, leases, agreements, contracts | Indefinite | Audit, Management |

For Halls, Centre, Recreation Grounds

| | | |
|---|------------------------|-----|
| application to hire lettings diaries copies of bills to hires record of tickets issued | 6 years + current year | VAT |
|---|------------------------|-----|

For Allotments

| | | |
|-----------------------------|------------------------|-------------------|
| register and plans | Indefinite | Audit, Management |
| Plot holder tenancy records | 6 years + current year | Audit. |

For Burial Grounds

| | | |
|---|------------|------------------------|
| Register of fees collected | Indefinite | Archives, Local |
| Register of burials | Indefinite | Authorities Cemeteries |
| Register of purchased graves | Indefinite | Order 1977 (SI.204) |
| Register/plan of grave spaces | Indefinite | |
| Register of memorials | Indefinite | |
| Applications for interment | Indefinite | |
| Applications for right to erect memorials | Indefinite | |
| Disposal certifications | Indefinite | |
| Copy certificated of grant of exclusive | Indefinite | |
| Right of Burial | | |

This policy will:

- Be publicised to staff and made available for reference
- Apply to all the council's records, regardless of how they are held
- Be reviewed annually, amended and re-issued as necessary and members of staff notified accordingly
- Operate in conjunction with the council's existing policies on Data Protection (Privacy Policy) and Freedom of Information.