



# Connah's Quay Town Council

Title:	<b>Document retention and disposals policy</b>
Approved by:	Town Council.
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## 1. INTRODUCTION

1.1 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 which is recorded. These records can take many different forms e.g.

- Letters received from third parties
- Copy letters which have been sent out
- File attendance notes
- Invoices
- Completed application forms
- Plans/drawings
- Financial records
- Registers
- Contracts/deeds
- e-mail communications (and any attachments)
- Photographs

1.2 Many of the above documents can be retained as 'hard' paper records or in electronic form.

1.3 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.

1.4 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

1.5 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.



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- Reduction of fire risk (in the case of paper records).
- There is evidence that the de-cluttering of office accommodation can be psychologically beneficial for many workers.

1.6 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 will make it important that the Council has clearly defined policies and procedures in place for disposing of records, and that these are well documented.

## 2. SCOPE & PURPOSE

2.1 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
- Disposed of - and if so when and by what method.

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

## 3. THE RETENTION/DISPOSAL PROTOCOL

3.1 Any decision whether to retain or dispose of a document should be taken in accordance with the retention/disposal protocol., set out in the Retention Schedules (taken from the Records Management Society) contained in Appendix 2. These provide guidance on recommended and mandatory minimum retention periods for specific classes of documents/records.

3.2 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.

3.3. 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 (paragraph 5 below).

## 4. ROLES & RESPONSIBILITIES

4.1 Responsibility for determining (in accordance with the Retention/Disposal protocol mentioned above) whether to retain or dispose of specific documents rests with the Town Clerk, in respect of those documents that properly fall within the remit or control of his/her Service. The rationale for this is that it is reasonable to both assume and expect that Town Clerk should be broadly conversant with the types of documents received, generated and stored by the Council.



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### 5. DISPOSAL

#### 5.1 Disposal can be achieved by a range of processes:

- Confidential waste' – i.e. making available for collection by a designated refuse collection service or use of the red bin service within the civic offices.
- Physical destruction on site (paper records - shredding)
- Deletion – where computer files are concerned
- Migration of document to external body.
- Whenever there is a possibility of litigation, the records and information should not be amended or disposed of until the threat of litigation has been removed
- Records which are duplicated, unimportant or only of a short-term value should be destroyed in the normal course of business

#### 5.2 The Town Clerk 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.
- Recycling – wherever practicable disposal should further recycling, in-line with the Council's commitment to sustainable development and promoting an alternative waste disposal strategy.

#### 5.3 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 is particularly important due to the Freedom of Information Act.



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6. DATA PROTECTION ACT 2018
  - 6.1 The Town Clerk needs to be aware that under the Data Protection Act 2018 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. The Data Protection Legislation contains no interpretive provisions on this provision. It is a matter for reasonable judgement and common sense as to how long personal data should be retained. Clearly, in many instances the retention of personal data will be necessary and thus justified for a very long period of time. In general, provided there is adherence to this Policy few problems should arise.



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### Appendix 2 Retention Schedules

TYPE OF RECORD	MINIMUM RETENTION PERIOD	REASON
<b>FINANCIAL RECORDS</b>		
Receipts and Payment Ledger/spreadsheets	Indefinitely.	Archive
Receipt books of all kind	6 years	Retain for VAT purposes
Paid Invoices	6 years	Retain for VAT purposes Limitation Act 1980 (as amended)
Bank Reconciliation	Quarterly statement kept with minutes	Minute record
Bank Statements	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Cheque lists	Last completed audit year	Consistency
Returned/cancelled cheques	Last completed audit year	Consistency
Booking forms	Last completed audit year	Audit
VAT Records	6 years	VAT
Budget	6 years (electronic/hard copies filed within minutes)	Reference
Quotations and tenders	6 years	Limitation Act 1980 (as amended)
Audited Annual Return	Indefinitely	Archive as per External Auditors
Other Audit documentation incl. correspondence	6 years	As per External Auditors
Investments	Indefinite	Audit, Management
Scales of fees and charges	5 years	Management
<b>INSURANCE RECORDS</b>		
Certificate of Employers' Liability Insurance	40 years from date on which insurance commenced or was renewed	Although no longer a legal requirement the insurers/legal advisers say 40 years still advisable.



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Insurance Documentation including policies	3 years	To cover any claims under Public Liability Insurance, as per insurers. A permanent record of insurance company names and policy numbers to be retained.
Insurance Claims (public/employer's liability)	6 years	Recorded information
<b>PAYROLL RECORDS</b>		
Payslips/expenses	6 years	Tax
Tax and NI Records (including P11 and P35)	4years	Tax claims
Tax code notifications	6 years	Consistency
Timesheets/Overtime Records	Last completed audit year	Audit
<b>PERSONNEL ADMINISTRATION</b>		
Employee letters of appointment	6 years after departure from employment	Consistency
Employee contracts	6 years after departure from employment	Consistency
All other records	6 years after departure from employment	Consistency
<b>RECRUITMENT</b>		
Selection of an individual/interview record	1 year	Reference
Unsuccessful Applicants' Employment Application forms/references	1 year	Reference
<b>PLANNING DOCUMENTS</b>		
Planning Applications	After the Planning Authority decision made.	Reference
Hand written responses from Councillors/Planning Committee members to planning applications	Destroy 6 months after the Planning Authority decision made, if a meeting was not held to discuss the application	Reference
Planning decisions	To be detailed in minutes	Reference
Structure Plans, Local Plans and similar documents	To be retained as long as they are in force	Reference



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<b>LEGAL DOCUMENTATION</b>		
Deeds, conveyances and other legal documentation relating to ownership i.e Title Deeds and leases	Indefinitely	Audit, Management. Limitation Act 1980. Lodged with Solicitors
Trust deeds and schemes	Indefinitely	Audit, Management. Limitation Act 1980. Lodged with Solicitors
Contracts not executed as a Deed	6 years	Limitation Act 1980 (as amended)
Any documentation which may be subject to legal action. (Where item falls into more than one category retain for longest period stated)	Retain until the threat of litigation has been removed. Minimum periods for retention: Negligence – 6 yrs.; Defamation – 1 yr; Sums recoverable by statute – 6 yrs.; Personal injury – 3 yrs.; to recover land – 12 yrs.; rent – 6 years.	Limitation Act 1980 (as amended)
<b>ADMINISTRATION RECORDS</b>		
Draft documents	Destroy once the final version of the document has been approved, unless required as a record of the development of a policy initiative	Management
Hand written notes taken by clerk with a view to producing minutes	Destroy once the minutes have been approved as correct and a true record	For clarification at following meeting
Approved Minutes	Indefinitely	Archive
Reports	6 years after closure of file	Consistency
Back up tapes/records	Rotate to eliminate storing of materials which should have been destroyed	Management
Asset Register	Current and last completed audit version	Audit and Management
Correspondence/General Admin files(see Historical Records below)	6 years (see correspondence kept for legal purposes above) Records which are duplicated, unimportant or only of a short-term value should be destroyed in the normal course of business	Management



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Emails	To be dealt with in the same way as manual records. Destroy routine/trivial emails and those where hard copies have been taken	Management
Historical Records (manual and electronically held)	Archive after 30 years. (Files to be closed after 5 year)	Public Records Act 1958. Archive
Personal Data	Kept for no longer than is necessary for the purpose for which it is held	Data Protection Act
Register of Members' Interests	Whilst a member	Publication Scheme
Risk Assessment	Information retained	Reference
Complaints	3 years	Reference
FOI Disclosure log	Destroy each record 5 years after record is opened	Management
Details of Request made under FOI Act	Destroy as above	Management
Disposal Schedules	Indefinitely	Management
Information from other bodies i.e. County Associations, NALC and other numerous bodies	Retain for as long as useful and relevant	Management
Magazines and Journals	Any published works in print as defined by the Legal Deposit Libraries Act 2003, are to be delivered to the British Library Board. Items published by other bodies to be retained as long as useful and relevant	Management