



Fakenham Connect
Oak Street
Fakenham
Norfolk
NR21 9DY
Tel: 01328 853653

e-mail: info@fakenhamtowncouncil.gov.uk
website: fakenhamtowncouncil.gov.uk

Fakenham Town Council

DOCUMENT RETENTION & DISPOSAL POLICY

- 1. Introduction**
- 2. Scope and Objectives of the Policy**
- 3. Roles and Responsibilities for Document Retention and Disposal**
- 4. Document Retention Protocol**
- 5. Document Disposal Protocol**
- 6. Data Protection Act 2018 – Obligation to Dispose of Certain Data**
- 7. Scanning of Documents**
- 8. Retention of Documents for Legal Purposes**
- 9. Review of Document Retention**
- 10. List of Documents**
- 11. Appendix A – List of Documents for Retention and Disposal**

1. Introduction

1.1 The Council accumulates a vast amount of information and data during the course of its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in various different types of document.

1.2 Records created and maintained by the Council are an important asset and as such measures need to be undertaken to safeguard this information. Properly managed records provide authentic and reliable evidence of the Council's transactions and are necessary to ensure it can demonstrate accountability.

1.3 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.

1.4 It is imperative that documents are retained for an adequate period of time. If documents are destroyed prematurely the Council and individual officers concerned could face prosecution for not complying with legislation and it could cause operational difficulties, reputational damage and difficulty in defending any claim brought against the Council.

1.5 In contrast to the above the Council should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with the General Data Protection Regulations so that personal information is not retained longer than necessary. This will also ensure the most efficient use of limited storage space.

2. Scope and Objectives of the Policy

2.1 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.

2.2 There are some records that do not need to be kept at all or that are routinely destroyed in the course of business. This usually applies to information that is duplicated, unimportant or only of a short-term value. Unimportant records of information include:

- 'With compliments' slips.
- Catalogues and trade journals.
- Non-acceptance of invitations.

- Trivial electronic mail messages that are not related to Council business.
- Requests for information such as maps, plans or advertising material.
- Out of date distribution lists.

2.3 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.

2.4 Records should not be destroyed if the information can be used as evidence to prove that something has happened. If destroyed the disposal needs to be disposed of under the General Data Protection Regulations

3. Roles and Responsibilities for Document Retention and Disposal

3.1 Councils are responsible for determining whether to retain or dispose of documents and should undertake a review of documentation at least on an annual basis to ensure that any unnecessary documentation being held is disposed of under the General Data Protection Regulations.

3.3 Councils should ensure that all employees are aware of the retention/disposal schedule

4. Document Retention Protocol

4.1 Councils should have in place an adequate system for documenting the activities of their service. This system should take into account the legislative and regulatory environments to which they work.

4.2 Records of each activity should be complete and accurate enough to allow employees and their successors to undertake appropriate actions in the context of their responsibilities to:

- Facilitate an audit or examination of the business by anyone so authorised.
- Protect the legal and other rights of the Council, its clients and any other persons affected by its actions.
- Verify individual consent to record, manage and record disposal of their personal data.
- Provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.

4.3 To facilitate this the following principles should be adopted:

- Records created and maintained should be arranged in a record-keeping system that will enable quick and easy retrieval of information under the General Data Protection Regulations
- Documents that are no longer required for operational purposes but need retaining should be placed at the records office.

4.4 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. These schedules have been compiled from recommended best practice from the Public Records Office, the Records Management Society of Great Britain and in accordance with relevant legislation.

4.5 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.

5. Document Disposal Protocol

5.1 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?

5.2 When documents are scheduled for disposal the method of disposal should be appropriate to the nature and sensitivity of the documents concerned. A record of the disposal will be kept complying with the General Data Protection Regulations.

5.3 Documents can be disposed of by any of the following methods:

- Non-confidential records: place in wastepaper bin for disposal.
- Confidential records or records giving personal information: shred documents.
- Deletion of computer records.
- Transmission of records to an external body such as the County Records Office.

5.4 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).

5.5 Records should be maintained of appropriate disposals. These records should contain the following information:

- The name of the document destroyed.
- The date the document was destroyed.
- The method of disposal.

6. Data Protection Act 2018 – Obligation to Dispose of Certain Data

6.1 The Data Protection Act 2018 ('Fifth Principle') requires that personal information must not be retained longer than is necessary for the purpose for which it was originally obtained. Section 1 of the Data Protection Act defines personal information as:

Data that relates to a living individual who can be identified:

- (a) from the data, or
- (b) from those data and other information, which is in the possession of, or is likely to come into the possession of the data controller.

It includes any expression of opinion about the individual and any indication of the intentions of the Council or other person in respect of the individual.

6.2 The Data Protection Act provides an exemption for information about identifiable living individuals that is held for research, statistical or historical purposes to be held indefinitely provided that the specific requirements are met.

6.3 Councils are responsible for ensuring that they comply with the principles of the under the General Data Protection Regulations namely:

- Personal data is processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.
- Personal data shall only be obtained for specific purposes and processed in a compatible manner.
- Personal data shall be adequate, relevant, but not excessive.
- Personal data shall be accurate and up to date.
- Personal data shall not be kept for longer than is necessary.
- Personal data shall be processed in accordance with the rights of the data subject.
- Personal data shall be kept secure.

6.4 External storage providers or archivists that are holding Council documents must also comply with the above principles of the General Data Protection Regulations.

7. Scanning of Documents

7.1 In general once a document has been scanned on to a document image system the original becomes redundant. There is no specific legislation covering the format for which local government records are retained following electronic storage, except for those prescribed by HM Revenue and Customs.

7.2 As a general rule hard copies of scanned documents should be retained for three months after scanning.

7.3 Original documents required for VAT and tax purposes should be retained for six years unless a shorter period has been agreed with HM Revenue and Customs.

8. Retention of Documents for Legal Purposes

8.1 Most legal proceedings are covered by 'the Limitations Acts' which state that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question.

8.2 The table below sets out the limitation periods for the different categories of claim.

Claims under 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 Trusts	None

9. Review of Document Retention

9.1 It is planned to review, update and where appropriate amend this document on a regular basis (at least every three years in accordance with the *Code of Practice on the Management of Records* issued by the Lord Chancellor).

9.2 This document has been compiled from various sources of recommended best practice and with reference to the following documents and publications:

- *Local Council Administration*, Charles Arnold-Baker, 12th edition, Chapter 11
- NALC LTN 40 – *Local Councils' Documents and Records*, January 2013
- NALC LTN 37 – *Freedom of Information*, July 2009
- *Lord Chancellor's Code of Practice on the Management of Records* issued under Section 46 of the *Freedom of Information Act 2000*

10. List of Documents

10.1 The full list of the Council's documents and the procedures for retention or disposal can be found in Appendix A: List of Documents for Retention and Disposal. This is updated regularly in accordance with any changes to legal requirements.

Reviewed at Policy & Resources 16th July 2024

Ratified at Full Council 31st July 2024

11. Appendix A – List of Documents for Retention and Disposal

Record	Action (P – Reserve Permanently R – Review D – Destroy)	Minimum Retention Period	Reason
Administration			
Signed Minutes	P	Indefinite	Archive
Minute Books	P	Indefinite	Archive
Agendas	R	5 years	Archive
Draft Minutes	D	When minutes approved	
Councillors Declarations of Office	P	Indefinite	Archive
Employee records	R	Employment period + 6 years	Management. Limitation Act 1980 s5
Byelaws and Orders	P	Indefinite	Archive
Policy Documents	R	2 years	Audit/Management
Allotments			
Register & Plans	P	Indefinite	Archive
Minutes	P	Indefinite	Archive
Legal papers	P	Indefinite	Archive
Burial Grounds			
Register of Fees collected	P	Indefinite	Archive – LACO 1977
Register of Burials	P	Indefinite	Archive – LACO 1977
Register of purchased grave spaces	P	Indefinite	Archive – LACO 1977
Register/Plan of grave spaces	P	Indefinite	Archive – LACO 1977
Register of memorials	P	Indefinite	Archive – LACO 1977
Applications for internment	P	Indefinite	Archive – LACO 1977
Applications for the right to erect memorials	P	Indefinite	Archive – LACO 1977
Disposal Certificates	P	Indefinite	Archive – LACO 1977
Copy Certificates of grant of exclusive right of burial	P	Indefinite	Archive – LACO 1977
Finance			
VAT Records	R	6 years generally, but 20 years on rents	VAT
Income & Expenditure Records	P	Indefinite	Archives
Investments	P	Indefinite	Audit/Management
Internal Auditor Reports	R	6 years	Audit/Management
Annual Accounts	P	Indefinite	Archives

External Auditor reports			
Bank Statements	R	7 years	Audit/Management
Bank Paying in books	R	7 years	Audit/Management
Cheque book stubs	R	7 years	Audit/Management
Paid Invoices	R	7 years	Audit/Management
Paid Cheques	R	7 years	Audit/Management
Petty Cash Records	R	7 years	Audit/Management
Insurance policies	R	While valid	Management
Scale of fees & charges	R	6 years	Management
Certificates for insurance against liability for employees	R	40 years from date on which insurance commend or was renewed	The employers Liability (Compulsory insurance) regulations 1998
Quotations and Tenders (successful)	R	6 years	Limitations Act 1980
Halls, Centres, Recreation grounds			
Town Park equipment inspection reports	R	21 years	Audit/Management
Hire applications	R	6 years	Audit/Management
Invoices	R	6 years	Audit/Management
Lettings diaries	R	6 years	Audit/Management
Terms & Conditions	R	6 years	Audit/Management
Health & Safety			
Accident books	R	3 years	Management
Risk Assessments	R	3 years	Management
Property			
Title deeds	P	Indefinite	Audit/Management
Asset Register	R	6 years	Audit/Management
Planning Applications	R	1 year	Management
Tree Preservation Orders	R	1 year	Management
Legal papers relating to acquisition of council property	P	Indefinite	Archives
Leases/agreements	P	Indefinite	
Miscellaneous			
Rejected Job Applicant records	D	6 months after applicants are notified	Management
Information from other bodies e.g. circulars	R	As long as useful	Management
Routine correspondence and emails	R	6 months after relevant issue is completed	Management
Complaints	5y		
Press Releases			
Public consultations & returns			
Photographs	P	Indefinite	