

# **SEMER PARISH COUNCIL DOCUMENT RETENTION, ARCHIVE AND DESTRUCTION POLICY**

## **1. INTRODUCTION**

This Retention Policy covers all records and documentation, whether analogue or digital and are subject to the retention requirements of this Policy.

For the purpose of this Policy, the terms 'document' and 'records' include information in both hard copy and electronic form and have the same meaning whether referred to as Documents or Documentation.

This Policy will also aid paper records and electronic data storage issues identified and will eliminate the need to retain paper and electronic records unnecessarily.

Information will not be kept longer than is necessary and will retain the minimum amount of information that it is required to hold to meet its statutory functions and the provision of its services.

Any such system or policies relating to record management will include a review of council documentation on an annual basis.

Anything that is no longer of use or value can be destroyed but if the council is in any doubt, it will seek advice from Suffolk Association of Local Councils (SALC) and retain that document until that advice has been received.

Documents of historical importance, if not retained by the council, will be offered first to the county record office.

## **2. RETENTION OF DOCUMENTS**

Appendix 1 indicates the appropriate retention period for audit and other purposes and the reasons for retention.

Appendix 2 indicates the appropriate retention period for documentation relating to information technology.

In respect of the retention of documents in case of a legal dispute, Council's policy is set out under Section 3.

## **3. RETENTION OF DCOUMENTS FOR LEGAL PURPOSES**

Most legal proceedings are governed by 'the Limitation 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.

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

<b>Claims under category</b>	<b>Limitation period</b>
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

If a type of legal proceeding falls into two or more categories, the documentation will be kept for the longer of the limitation period.

As there is no limitation period in respect of trust, the council will retain all trust deeds and schemes and other similar documentation.

#### **4. DISPOSAL OF DOCUMENTS OR DOCUMENTATION**

Disposal can be achieved by a range of processes:

- Any record containing confidential information must either be disposed of in a confidential waste bin or shredded using a cross-cut shredder.
- Disposal of documents that do not contain confidential information may be disposed of in the normal way or recycled.
- Deletion – where computer files are concerned
- Transfer of document to external body - this method of disposal will be relevant where documents or records are of historic interest and/or have intrinsic value. Such a third party could be the County Archivist or a local Museum.

#### **5. DISPOSAL OF ELECTRICAL HARDWARE**

IT equipment and devices that have the ability and capability to store personal data include:

- PC's
- Laptops
- Mobile Phones
- Multi-Functional Devices – printers / scanners
- Servers
- USB Memory Sticks and external hard drives.

All computer equipment, recycling or refurbishing must be disposed of in accordance with the Waste Electric and Electronic Equipment Regulations 2013.

#### **6. DOCUMENTING DISPOSAL**

A record will be kept detailing the document disposed of, the date, and the named person who authorised disposal. In particular, the record should be able to demonstrate that the disposal was in accordance with this policy or set out the reasons for departing from it.

# APPENDIX 1 - RETENTION OF DOCUMENTS REQUIRED FOR THE AUDIT OF PARISH COUNCILS

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Minutes Books	Indefinite	Archive
Receipt and payment Account(s)	Indefinite	Archive
Receipt books	6 years	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
Supplier Contracts	6 years	Limitation Act 1980 (as amended)
Quotations/tenders	12 years / indefinite	Limitation Act 1980 (as amended)
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
Timesheets	Last completed audit year  3 years	Audit (requirement) and person injury (best practice)
Insurance policies	As long as it is possible for a claim to be made under it	Management and legal proceedings
Certificates for insurance against liability for employees	Indefinitely	Future claims
Title deeds, leases, Agreements, contracts	Indefinite	Audit, Management
Staff attendance records	Indefinitely	Health & Safety Act 1974
Members Allowances Registers	6 years	Tax, Limitation Act 1980 (as amended)

## APPENDIX 2 - RETENTION OF DOCUMENTS REQUIRED RELATING TO INFORMATION TECHNOLOGY

In all cases identify the documents that need to be retained in accordance with the Retention of records Schedule (attached at Appendix 1).

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Email	2 years	To satisfy customer complaints
Electronic Back Up Tapes	12 months	To protect records from loss, destruction or falsification
Electronic files	3 years from date last used	To protect records from loss, destruction or falsification
All portable / removeable storage media	At end of work cycle / project	Data shall be copied or stored on removable media only by authorized users in the performance of official duties
Cryptographic keys - access limited to user/role	Encryption keys must be retained for as long as the data that the keys decrypt is retained.	See Appendix A relating to legislation in place

Adopted by the Parish Council at a meeting on:

Signed:

Clerk

Signed:

Chair: