



## Document Retention Policy

The purpose of this document is to provide a corporate policy framework to ensure that particular documents (or sets of documents) are dealt with in the correct manner; being retained and/or disposed of in the correct method and timescale.

This policy gives the Council a system for the management of paper and electronic records. The Town Clerk is responsible for ensuring all Council documents are managed accordingly.

This policy is based on the National Association of Local Council's Legal Topic Note on Local Council's Documents and Records (legal topic note 40), therefore legal requirements and recommended practice within the sector.

Where the policy refers to 'documents' this includes both paper and electronic copies.

### **Introduction**

There is a clear need for the Town Council to retain documentation for audit purposes, staff management, tax liabilities, and the eventuality of legal disputes and legal proceedings. (Please also see 'Retention of documents for legal purposes' below.) Many documents are now only held electronically so the same arrangements for keeping records and copies will be applied to an electronic document as for a paper document.

Attached is Appendix One indicating the appropriate minimum retention periods for the most important documents for audit and other reasons.

Subject to these reasons for retaining documents, papers and records may be destroyed if they are no longer of use or relevant. If in doubt, document(s) will be retained until proper advice has been received.

### **Retention of documents for legal purposes**

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. 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 None	None

Where the limitation periods above are longer than other periods specified in policy, the documentation should be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories. Rent arrears, for example, could fall within the following three categories (depending on the circumstances):

- contract (6 years) – because all tenancies and leases are contracts;
- leases (12 years) – if the arrears are due under a lease; and
- rent (6 years) – if the arrears are due under a tenancy (and not a lease).

In these circumstances, the National Association of Local Councils (NALC) advises that the relevant documentation should be kept for the longest of the three limitation periods.

The same principles apply in the case of debts. If the debt arises under a simple contract the limitation period will be six years but if the debt arises under a lease the limitation period will be 12 years (unless it relates to rent in which case the limitation period will be six years). A final complication relates to sums due under leases which are ‘reserved as rent’. Sometimes, for example, service charges are expressed to be payable as ‘additional rent’. The limitation period for service charges in those circumstances will be six years – even though the sums are due under a lease.

As there is no limitation period in respect of trusts, councils are advised that they should never destroy trust deeds and schemes and other similar documentation.

It should also be noted that some limitation periods can be extended. Examples include:

- 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.

**Retention of Documents and Records**  
(Based on NALC Legal Topic Note 40 - November 2016)

DOCUMENT	MINIMUM RETENTION PERIOD	REASON	DISPOSAL
Minutes	Indefinite	Archive	Original signed paper copies of Council minutes of meetings must be kept indefinitely in safe storage. At regular intervals of not more than 5 years they must be archived and deposited with the Higher Authority
Agendas	5 years	Management	Bin (shred confidential waste)
Accident/incident reports	20 years	Potential claims	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Scale of fees and charges	6 years	Management	Bin
Receipts & payment account(s)	Indefinite	Archive	N/A
Receipt books of all kinds	6 years	VAT	Bin
Bank statements, including deposit/savings accounts	Last completed audit year	Audit	Confidential waste

Bank paying-in books	Last completed audit year	Audit	Confidential waste
Cheque book stubs	Last completed audit year	Audit	Confidential waste
Quotations and tenders	6 years	Limitation Act 1980 (as amended)	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Paid invoices	6 years	VAT	Confidential waste
Paid cheques	6 years	Limitation Act 1980 (as amended)	Confidential waste
VAT records	6 years generally but 20 years for VAT on rents	VAT	Confidential waste
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)	Confidential waste
Insurance policies	While valid	Management	Bin
Insurance company names and policy numbers	Indefinite	Management	N/A
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	Bin
Investments	Indefinite	Audit, Management	N/A

Title deeds, leases, agreements, contracts	Indefinite	Audit, Management	N/A
Maps, plans and surveys of property owned by the council	Indefinite	Management	N/A
Members allowances register	6 years	Tax, Limitation Act 1980 (as amended)	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Councillors' Register/Declarations of Interests	1 years after member leaves Council	Management	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Information from other bodies e.g. circulars from county associations, NALC, principal authorities	Retained for as long as it is useful and relevant		Bin
Local/historical information	Indefinite – to be securely kept for benefit of the Parish	Councils may acquire records of local interest and accept gifts or records of general and local interest in order to promote the use for such records (defined as materials in written or other form setting out facts or events or otherwise recording information).	N/A
Press releases/ publications/magazines and journals	Council may wish to keep its own publications  For others retain for as long as they are useful and relevant.	The Legal Deposit Libraries Act 2003 (the 2003 Act) requires a local council which after 1 <sup>st</sup> February 2004 has published works in print (this includes a pamphlet, magazine or newspaper, a map, plan, chart or table) to deliver, at its own expense, a copy of them to the British Library Board (which manages and controls the British Library). Printed works as defined by the 2003 Act published by a local council therefore constitute materials which the British Library holds.	Bin if applicable

Documentation relating to staff	If related to Audit, see relevant sections above. Should be kept securely and personal data in relation to staff should not be kept for longer than is necessary for the purpose it was held. Likely time limits for tribunal claims between 3–6 months Recommend this period be for 3 years	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.	Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Personal data of employees	6 years after employment terminates	Recommended practice	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Pension Records	2 years after former employee dies	Recommended practice	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Recruitment paperwork	1 year for all expect successful candidate	Recommended practice	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)	Bin
Payroll (including PAYE records)	12 years	Superannuation	Confidential waste
Freedom of Information requests received	6 years	Management	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Adopted Council Policy Documents	Indefinite	Management	Bin
Project/event files	1 years	For as long as is useful and relevant	Bin

Grant Application Forms	6 years+	Audit	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
<b>RECORD KEEPING</b>			
To ensure records are easily accessible it is necessary to comply with the following: <ul style="list-style-type: none"> <li>• A list of files stored in cabinets will be kept</li> <li>• Electronic files will be saved using relevant file names</li> </ul>	The electronic files will be backed up periodically on a portable hard drive and also in the cloud-based programme supplied by the Council's IT company.	Management	Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Routine correspondence, papers & emails	2 years (Unless it relates to specific categories outlined in the policy)	For reference	Bin (shred confidential waste) A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Correspondence on important local issues & activities	6 years	For reference	Bin (shred confidential waste) A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
<b>DOCUMENTS FROM LEGAL MATTERS, NEGLIGENCE AND OTHER TORTS</b>			
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. Where the limitation periods are longer than other periods specified the documentation should be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories. If in doubt, keep for the longest of the three limitation periods.			
Negligence	6 years		Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Defamation	1 year		Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.

Contract	6 years		Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Leases	12 years		Confidential waste.
Sums recoverable by statute	6 years		Confidential waste.
Personal injury	3 years		Confidential waste.
To recover land	12 years		Confidential waste.
Rent	6 years		Confidential waste.
Breach of trust	None		Confidential waste.
Trust deeds	Indefinite		N/A
<b>FOR HALLS, CENTRES, RECREATION GROUNDS</b>			
<ul style="list-style-type: none"> <li>• Application to hire</li> <li>• Invoices</li> <li>• Record of tickets issued</li> </ul>	6 years	VAT	Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Lettings diaries	Electronic files linked to accounts	VAT	N/A



Terms and Conditions	6 years	Management	Bin
Event Monitoring Forms	6 years unless required for claims, insurance or legal purposes	Management	Bin. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
<b>FOR ALLOTMENTS</b>			
Register and plans	Indefinite	Audit, Management	N/A
Legal papers	Indefinite	Audit, Management	N/A
<b>PLANNING PAPERS</b>			
Applications	1 year	Management	Bin
Local Development Plans	Retained as long as in force	Reference	Bin
Local Plans	Retained as long as in force	Reference	Bin
Town/Neighbourhood Plans	Indefinite – final adopted plans	Historical purposes	N/A
<b>CCTV</b>			

Daily notes	Daily	Data protection	Confidential waste
Radio rotas	1 week	Management	Confidential waste
Work rotas	1 month	Management	Confidential waste
Observation sheets	3 years	Data protection	Confidential waste
Stats	3 years	Data protection	Confidential waste
Signing in sheets	3 years	Management	Confidential waste
Review requests	3 years	Data protection	Confidential waste
Discs – master and working	For as long as required	Data protection	Confidential waste
Internal Operations Procedure Manual	Destroy on renewal Review annually	Management	Confidential waste
Code of Practice	Destroy on renewal Review annually	Management	Confidential waste
Photographs/digital prints	31 days	Data protection	Confidential waste