

FORNHAM ALL SAINTS PARISH COUNCIL

RETENTION OF DOCUMENTS POLICY

1. POLICY STATEMENT:

THIS COUNCIL CONSIDERS IT NECESSARY TO IMPLEMENT A SYSTEM OF RECORDS MANAGEMENT WHICH INCORPORATES ARRANGEMENTS FOR THE DISPOSAL OF ALL OR SOME OF ITS RECORDS.

2. GENERAL

- 2.1 Any such system or policies relating to record management will include a review of council documentation on an annual basis
- 2.2 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 SALC and retain that document until that advice has been received.
- 2.3 Documents of historical importance, if not retained by the council, will be offered first to the county record office.

3. RETENTION OF DOCUMENTS

- 3.1 Attached is an Annex which indicates the appropriate retention period for audit and other purposes and the reasons for retention. In respect of the retention of documents in case of a legal dispute, Council's policy is set out under Section 3.
- 3.2 Other documents not mentioned in the Annex will be treated as follows:
 - Planning Papers:
 - Where planning permission is granted, the planning application, any plans and the decision letter will be retained until the development has been completed, so that, if necessary, the Clerk can check that the development proceeds in accordance with the terms and conditions of the permission.
 - Where planning permission is granted on appeal, a copy of the appeal decision will also be retained likewise
 - Where planning permission is refused, the papers will be retained until the period within which an appeal can be made has expired. If an appeal is made, and dismissed, the decision letter will be retained against further applications relating to that site.
 - Copies of Structure Plans, Local Plans and similar documents will be retained as long as they are in force.
 - Insurance Policies:
 - Insurance policies and significant correspondence will be kept for as long as it is possible to make a claim under the policy.
Article 4 of the Employers Liability (Compulsory Insurance) Regulations 1998 (SI 2753) requires that local councils, as employers, retain certificates of insurance against liability for injury or disease to their employees arising out of their employment for a period of 40 years from the date on which the insurance is commenced or renewed.
 - Information from other bodies:
 - Circulars and legal topic notes from SALC, NALC and other bodies such as principal authorities will be retained for as long as the information contained therein is useful and relevant.

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- Correspondence
 - If related to audit matters, correspondence will be kept for the appropriate period specified to the Annex thereto.
 - In planning matters correspondence will be retained for the same period as suggested for other planning papers.
 - All other correspondence will be kept for as long as the matter contained therein is still of interest or use to the council and or the parish.
- Personnel matters
 - Article 5 of GDPR provides “personal data must be 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”. This Policy will ensure that necessary records, documents and electronic data of the Parish Council are adequately protected, archived and disposed of at the correct retention period, and to provide all staff with clear instructions regarding the appropriate retention and disposal of such Documentation. Documentation relating to staff will be kept securely and for as long as it would be possible for a claim to be made against the council.

4. RETENTION OF DOCUMENTS FOR LEGAL PURPOSES

- 4.1 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.
- 4.2 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 trust	None

- 4.3 If a type of legal proceeding falls into two or more categories, the documentation will be kept for the longer of the limitation period.
- 4.4 As there is no limitation period in respect of trust, the council will retain all trust deeds and schemes and other similar documentation.

5. RETENTION OF ENCRYPTED DATA

- 5.1 For any information retained under this Policy that is in an encrypted format, consideration must be taken for the secure storage of any encryption keys. Encryption keys must be retained as long as the data that the keys decrypt is retained.

6. DISPOSAL OF DOCUMENTS OR DOCUMENTATION

- 6.1 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.

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- 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.

7. REVIEW OF THE POLICY

7.1 This policy will be reviewed on an annual basis.

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ANNEX TO POLICY

RETENTION OF DOCUMENTS REQUIRED FOR THE AUDIT OF PARISH COUNCILS

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
• Minute Books	Indefinite	Archive
• Receipt and payment accounts	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
• Quotations / tenders	Last completed audit year	Statute of limitations
• Paid invoices	6 years	VAT
• Paid cheques	6 years	Statute of limitations
• VAT records	6 years	VAT
• Petty cash, postage	6 years	Tax, VAT, Statute of limitations
• Timesheets	Last completed audit year	Audit
• Insurance policies	While valid	Management
• 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
• Title deeds, leases, Agreements, contracts	Indefinite	Audit, Management
• Members Allowance Registers	6 years	Tax, Statute of Limitations
• For Recreation Grounds: 1. Application to hire 2. Lettings diaries 3. Copies of bills to hires	6 years	VAT
• For Allotments: 1. Register and plans 2. Details of holders	Indefinite 6 years	Audit, Management Audit, Management