



Document and Data Retention Policy

This Document Retention Policy applies to all information held by Tidworth Town Council

1. Introduction

1.1 Purpose

Information is one of Tidworth Town Council's (hereafter known as the Council) assets. In the course of carrying out its functions, the Council accumulates information from both individuals and external organisations. The Council also generates a wide range of data, which is recorded in documents and records.

- a) These documents and records are in several different formats, examples of which include, (but are not limited to) communications such as letters, emails and attendance notes; financial information including invoices, statements and reports; legal documents such as contracts, deeds, loan and finance agreements; and information relating to various types of financial transactions, including bank statements, investment statements, asset registers, tax records, payroll information and insurance policies.
- b) For the purposes of this Policy, the terms 'document' and 'records' include information in both hard copy and electronic form.
- c) In certain circumstances it will be necessary to retain specific documents in order to fulfil statutory or regulatory requirements as a Town Council and also to meet operational needs. Document retention may also be useful for evidence, and also to preserve information which has evidential value.
- d) Premature destruction of documents could result in inability to defend litigious claims, operational difficulties and failure to comply with the Freedom of Information Act 2000 and General Data Protection Regulation 2018.
- e) The retention of all documents and records is impractical. Disposal assists the Council to maintain sufficient electronic and office storage space and will de-clutter office accommodation, resulting in a more desirable working environment. It also ensures that the Council complies with the General Data Protection Regulation 2018.
- f) It is important for the above reasons that the Council has in place systems for the timely and secure disposal of documents and records that are no longer required for business or statutory purposes.



2. Aims and Objectives

- a) The key objective of this Policy is to provide the Council with a simple framework which will govern decisions on whether a particular document should be retained or disposed of. In the case of documents which are to be retained by the Council, the Policy includes guidance on the format in which they should be retained and appropriate retention periods.
- b) Implementation of the Policy should save the Council's officers time when retrieving information, in particular by reducing the amount of information that may be held unnecessarily.
- c) The Policy clarifies the different roles of the Council's officers in relation to document retention and disposal in order that they understand their responsibilities, and who to refer to if they are unsure about any document and require clarification.
- d) It is envisaged that this Policy will assist the Council in securing compliance with legal and regulatory requirements, including the Freedom of Information Act 2000, the Environmental Information Regulations 2005, the General Data Protection Regulation 2018 and the Code of Practice on the Management of Records under Section 46 of the Freedom of Information Act 2000. In addition to assisting officers in their day to day business, this should also ensure that searches for information requested under the Freedom of Information legislation are as quick as possible.
- e) Additionally, the Policy should help to ensure that the Council archives records and documents that are of historical value appropriately for the benefit of future generations.

3. Policy Statement

- a) The Council will ensure that information is not kept longer than is necessary and will retain the minimum amount of information that it requires to carry out its' statutory functions.



4.Retention and Disposal Policy

- a) Decisions relating to the retention and disposal of documentation should be taken in accordance with this Policy, in particular:
 - Appendix 1 – Disposal and Retention Considerations – a checklist to be followed where the disposal of any document is being considered.
 - Appendix 2 – Document Retention Schedules – Comprehensive guidance on the recommended and statutory minimum retention periods for specific types of documents and records.
- b) In circumstances where a retention period of a specific document has expired, a review should always be carried out prior to a decision being made to dispose of it. This review should not be particularly time consuming and should be straightforward. If the decision to dispose of a document is taken, then that document will be disposed of securely by shredding and subsequent destruction in relation to paper documents or deleted from electronic storage using a permanent delete application.

5. Roles and Responsibilities

- a) The Town Clerk/Data Protection Officer will be responsible for determining (in accordance with this Policy) whether to retain or dispose of specific documents within the remit of their service area.
- b) The Town Clerk/Data Protection Officer should seek legal advice if they are uncertain as to whether minimum retention periods are prescribed by law, or whether the retention of a document is necessary to protect the Council's position where a potential evidentiary issue has been identified.
- c) The Town Clerk/Data Protection Officer should ensure that the Schedule in Appendix 2 which is relevant to the Council's services is kept up to date.

7. Disposal

- a) Confidential waste documents should be made available for collection by use of the confidential waste sacks in order that they can be destroyed. It is essential that any documents which are to be thrown away and contain confidential or personal data must be disposed of in this way, in order to avoid breaches of confidence or of the General Data Protection Regulation 2018.



- b) Disposal of documents other than those containing confidential or personal data may be disposed of by binning, recycling, and permanent deletion (in the case of electronic documents), and the transfer of documents to external bodies. Transfer of documents to external bodies will be unusual but could be relevant where documents are of evidentiary interest and may therefore be sent to the investigating authority, i.e. the Police or HMRC.
- c) Records of disposal should be maintained by the Data Protection Officer, and should detail the document disposed of, the date and the staff member who provided the document for disposal.



Appendix 1

Disposal and Retention Considerations

Each of the following questions and guidance underneath them should be considered prior to the disposal of any document.

1. Has the document been appraised? Check that the nature and contents of the document is suitable for disposal.

2. Is retention required to fulfil statutory obligations or other investigatory obligations? Specific legislation setting out mandatory retention periods for documentation held by local government is very limited, but includes the following:

- Tax legislation – minimum retention periods for certain financial information are stipulated by the VAT Act 1994 and the Taxes Management Act 1970.
- The Local Government Act 1972, Part VA – Governs public access to certain documents relating to Council's minutes and the management of Committee meetings.

3. Is retention required for evidence?

- Keep any documents which may be required for legal proceedings until the threat of proceedings has passed.
- The limitation period for commencing litigation should also be a key consideration. This is governed by the Limitation Act 1980 and the main time limits that apply directly to local government are:
 - Contract or tort (such as negligence or nuisance) claims (other than personal injury) cannot be brought after six years from the date on which the cause of the action occurred.
 - Personal injury claims cannot be brought after three years from the date on which the cause of action occurred.
 - Claims based on provisions contained in documents that are 'under seal' cannot be brought after twelve years from the date on which the cause of action occurred.
- There is no statute of limitation for a criminal offence. Any document deemed to be evidentiary in nature in result of a



criminal offence will be passed to the relevant investigating authority and a copy retained until the conclusion of the investigation.



Document Retention Schedules

1. Introduction

The following schedules provide guidance on the retention periods applicable to a wide range of TTCs Documents. Copies may be retained electronically or in hard copy on the proviso that electronic copies of all documents should be acquired for retention where it is possible to do so.

Data Retention Schedule – Documents Required for the Audit of Town Councils

	Document	Minimum Retention	Reason	Notes
1	Minute Books	Indefinite	Archive	
2	Scales of Fees and Charges	5 years	Management	
3	Receipts and Payment Accounts	Indefinite	Archive	
4	Receipt Books of all kinds	7 years	VAT	
5	Bank Statements inc deposit and savings accounts	Last completed audit year	Audit	
6	Bank Paying in books	Last completed audit year	Audit	
7	Cheque Book stubs	Last completed audit year	Audit	
8	Quotations and tenders	12 years	Statute of Limitations	



9	Paid Invoices/Paid Cheques	7 years	VAT	
10	VAT records	7 years	VAT	
11	Timesheets	7 years	Audit and Working Time Regulations	
12	Wage Books	12 years	Superannuation	
13	Insurance Employers Liability Public Liability and Health and Safety inspection records	40 years	Management/Statute Limitations	
14	Investments	Indefinite	Audit/Management	
15	Title Deeds, leases, agreements, contracts	Indefinite	Management	



Appendix 3

E-mail Retention Guidance

To ensure fair Processing, E-mails will not be retained by the Council for longer than necessary in relation to the purposes for which it was originally retained.

The length of time for which the Council is required to retain E-mails is set out in the 'Data Retention Schedule' above. This takes into account the legal and contractual requirements, both minimum and maximum, that influence the retention periods set forth in the schedule. All E-mails shall be deleted or destroyed as soon as possible where it has been confirmed that there is no longer a need to retain them.

Signed: _____ Date: _____

(Print Name) _____ Chair, Tidworth Town Council