Kingskerswell Parish Council

Retention and Disposal Policy

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 documents.

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- Out of date distribution lists.

2.3 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.

© Copyright 2022
SLCC Members may use and adapt these documents within their own councils on the understanding that the copyright remains with the SLCC.
The Society of Local Council Clerks is a company limited by guarantee and registered in England and Wales with company registration number 10566132.

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.

3.2 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 NALC LTN 40: Local Council Documents and Records (attached) 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?

© Copyright 2022
SLCC Members may use and adapt these documents within their own councils on the understanding that the copyright remains with the SLCC.
The Society of Local Council Clerks is a company limited by guarantee and registered in England and Wales with company registration number 10566132.

- 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 to comply 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.

© Copyright 2022
SLCC Members may use and adapt these documents within their own councils on the understanding that the copyright remains with the SLCC.
The Society of Local Council Clerks is a company limited by guarantee and registered in England and Wales with company registration number 10566132.

- 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. Review of Document Retention

8.1 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).

8.2 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*

This Policy was adopted by Kingskerswell Parish Council at its meeting of Monday 16th February 2026. It will be reviewed periodically.

© Copyright 2022
SLCC Members may use and adapt these documents within their own councils on the understanding that the copyright remains with the SLCC.
The Society of Local Council Clerks is a company limited by guarantee and registered in England and Wales with company registration number 10566132.

LTN 40 - Local council documents and records

This advice note was written by our in-house solicitors and last updated on 3 August 2022.

The information and commentary in the note do not constitute legal advice for any individual case or matter. For specific advice on your circumstances, we strongly encourage you to seek tailored legal advice.

Introduction

Information about local council documentation is contained in Chapter 11 of Arnold-Baker on Local Council Administration. This advice note is intended to update and supplement that information, with reference to the length of time documents should be retained by local councils. Many documents are now only held electronically, so the same arrangements for keeping records and copies should be applied to an electronic document as for a paper document. An electronic document can be signed by the relevant person typing their name on it. Documents that have specific requirements, such as witnesses to a deed, must comply with those requirements when in electronic form.

Financial returns and accounts

NALC's Model Financial Regulations (England and Wales) contain information on council audit and accounting requirements.

Retention of documents

Documents and records should be retained until they are no longer needed. The Annex to this Note contains a table containing the appropriate minimum retention periods for the most important documents for audit and other purposes, such as staff management, tax liabilities, cemetery management and the possibility of legal disputes and legal proceedings. If in doubt, document(s) should be retained until legal advice has been received.

Planning papers

Where planning permission is granted, the planning application, any plans, and the decision letter should normally be retained until the development has been completed. Where planning permission is granted on appeal, a copy of the appeal decision should also be retained. It may sometimes be sensible to retain an appeal decision indefinitely because of wider implications (e.g. the decision may set a precedent for other developments in the locality). Where planning permission is refused, the papers should be retained until the appeal period has expired. If an appeal is made and dismissed, the decision letter may be worth retaining against further applications relating to the same site.

Copies of local plans and similar documents should be retained as long as they are in force. Councils are encouraged to use electronic copies of planning documents, which are widely accessible and available via the planning portal or their local planning authority's website.

Insurance policies

All insurance policies should be kept for as long as it is possible for a claim to be made under them. Irrespective of how long policies and correspondence are retained, the recommendation is that councils ensure that they keep a permanent record of insurance company names and policy numbers for all insured risks. The certificate of employers' liability insurance must be prominently displayed throughout the period of cover. Alternatively, councils can make the certificate available electronically to all employees (Regulation 5 of the Employers' Liability (Compulsory Insurance) Regulations 1998).

Information from other bodies

© Copyright 2022
SLCC Members may use and adapt these documents within their own councils on the understanding that the copyright remains with the SLCC.
The Society of Local Council Clerks is a company limited by guarantee and registered in England and Wales with company registration number 10566132.

Documents such as circulars, etc. from county associations, NALC and other bodies (e.g. principal authorities) should be retained for as long as is useful and relevant.

Magazines, journals and other publications

A council may want to keep its own publications (e.g. newsletters) permanently for archive purposes. Journals published by others (e.g. local government news journals and magazines) should be retained as long as they are useful and relevant.

The Legal Deposit Libraries Act 2003 (the 2003 Act) and the Legal Deposit Libraries (Non-Print Works) Regulations 2013 (the 2013 Regulations) require anybody who after 1 February 2004 has published works in print or after 6 April 2013 has published electronic works offline, to deliver, at its own expense, a copy of them to the British Library Board (which manages and controls the British Library). (Offline publication includes documents on CD, USB drive, and similar). Electronic works published online after 6 April 2013 only must be delivered to the British Library if requested. The British Library holds books, periodicals, manuscripts and other publications for reference, study, and information. Printed and electronic works, as defined by the 2003 Act, include those published by a local council (or a parish or community meeting without a separate parish or community council), including a pamphlet, magazine, newspaper, map, plan, chart or table. Some other deposit libraries are entitled to copies of works if they request them, but it is unlikely that they will request documents from local councils. More information about depositing printed materials with the **British Library** can be found on their website.

Correspondence

If related to audit matters, correspondence should be kept for the appropriate period specified in the Annex. In planning matters, correspondence should be retained for the same period as suggested for other planning papers. For other correspondence (unless relating to staff), no firm guidelines can be laid down.

Documentation relating to staff

Such documents should be kept securely and in accordance with the data protection principles contained in data protection legislation. The principles provide that personal data in relation to staff should not be kept for longer than is necessary for the purpose for which it was held. However, even after an employment relationship has ended, or in some cases, when there is no employment relationship, a council may need to retain and access 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. Such claims could be made, for example, by job applicants, so records of the selection process will need to be retained. The time limits within which a claim (and any appeal) may be lodged against an employer at an employment tribunal are set out in the legislation that contains the employment right in question or failing that by reference to the Limitation Act 1980 (as amended).

Local and historical information

The Local Government (Records) Act 1962 provides that parish councils (and parish meetings in parishes without a separate parish council) may acquire records of local interest and accept gifts or records of general and local interest to promote the use of such records (defined as materials in written or other form setting out facts or events or otherwise recording information).

Arrangements for the deposit, storage and management of documents

In accordance with section 227 of the Local Government Act 1972 (the 1972 Act), if a parish council requests the district council in which the parish is situated or a community council in Wales requests

© Copyright 2022
SLCC Members may use and adapt these documents within their own councils on the understanding that the copyright remains with the SLCC.
The Society of Local Council Clerks is a company limited by guarantee and registered in England and Wales with company registration number 10566132.

the county or county borough council in which the community is situated, the relevant principal authority must provide proper depositories for all the specified papers (defined as public books, writings, council papers and all documents directed by law to be kept) belonging to the parish or community for which there is no other provision. (In the case of a parish or community not having a separate parish or community council, the council of the district in which the parish or the county or county borough council in which the community is situated must provide proper depositories for all the specified papers under the control of the parish meeting or belonging to the community but in England only with the consent of the parish meeting). Documents of local and or historical importance, if not retained and stored by a local council, with or without reliance on the provisions of section 227 of the 1972 Act, should be offered first to the county record office if there is one. The county archivist there will always be willing to advise on which records should be permanently preserved.

Local councils (and parish or community meetings of parishes or communities without a separate council) are advised to implement the system(s) of paper and electronic records management (including those records retained for audit purposes reviewed annually by a council's internal auditor). Such systems should ensure the storage and security of, access to and disposal of both paper and electronic records. It is essential that any such system(s) (and policies) relating to record management include an annual review of the records themselves and also the effectiveness of such systems(s) (and policies).

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 information (category/limitation period) below sets out the limitation periods for the different categories of claims. The reference to 'category' refers to claims brought in respect of that category.

- Negligence (and other torts except for personal injury) — Six years
- Personal injury — Three years
- Defamation — One year
- Contract — Six years
- Leases — 12 years
- Sums recoverable by statute — Six years
- To recover land — 12 years
- Rent — Six years
- Breach of trust — None

Where the limitation periods above are longer than other periods specified in this Note, 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):

1. Contract (six years) — Because all tenancies and leases are contracts.
2. Leases (12 years) — If the arrears are due under a lease.
3. Rent (six years) — If the arrears are due under a tenancy (and not a lease).

In these circumstances, 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

© Copyright 2022
SLCC Members may use and adapt these documents within their own councils on the understanding that the copyright remains with the SLCC.
The Society of Local Council Clerks is a company limited by guarantee and registered in England and Wales with company registration number 10566132.

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 should never destroy trust deeds and schemes and other similar documentation.

For the sake of completeness, it should 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.

In such circumstances, individual councils will need to weigh (i) the costs of storing relevant documents and (ii) the risks of:

- Claims being made.
- The value of the claims.
- The inability to defend any claims made should relevant documentation be destroyed.

It hardly needs to be said that the higher the value of a contract or the higher the risk or value of a claim being made, the more likely it is that, the greater expense/ inconvenience of storing documents for longer periods can be justified. It may be possible to have documents kept electronically to reduce the cost of storage space. Councils should also confirm the precise wording of any insurance policies they have to ensure that they comply with any terms they contain in respect of the retention of documents and information. Advice should be sought from the insurers if there is any doubt.

Data Protection and Freedom of Information Considerations

The Code of Practice on the Management of Records issued under section 46 of the Freedom of Information Act 2000 applies to public authorities and also bodies which are subject to the Public Records Act 1958 (the 1958 Act). Although local councils are not subject to the 1958 Act, they should familiarise themselves with the contents of the **Code of Practice** so they can formulate their own system of records management.

Annexe one: Retention of documents required for the audit of parish and town councils

Document	Minimum retention period	Reason
Minute books	Indefinite	Archive
Scales of fees and charges	Six years	Management
Receipt and payment account(s)	Indefinite	Archive
Receipt books of all kinds	Six years	VAT
Bank statements, including deposit/savings accounts	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit

© Copyright 2022
SLCC Members may use and adapt these documents within their own councils on the understanding that the copyright remains with the SLCC.
The Society of Local Council Clerks is a company limited by guarantee and registered in England and Wales with company registration number 10566132.

Cheque book stubs	Last completed audit year	Audit
Quotations and tenders	Six years	Limitation Act 1980 (as amended)
Paid invoices	Six years	VAT
Paid cheques	Six years	Limitation Act 1980 (as amended)
VAT records	Six years generally but 20 years for VAT on rents	VAT
Petty cash, postage, and telephone books	Six years	Tax, VAT, and Limitation Act 1980 (as amended)
Timesheets	Three years (or last completed audit year)	Audit (requirement) and personal injury (best practice)
Wages books	12 years	Superannuation
Insurance policies	As long as a claim can be made under it	Management and legal proceedings
Certificates for Insurance against liability for employees	Indefinitely	Future claims
Investments	Indefinite	Audit and management
Title deeds, leases, agreements, contracts	Indefinite	Audit and management
Members allowances register	Six years	Tax and Limitation Act 1980 (as amended)
For halls, centre, and recreation grounds:		
Application to hire lettings diaries copies of bills to hires record of tickets issue	Six years	VAT
For allotments:		
Register and plans	Indefinite	Audit and management
For burial grounds:		
Register of fees collected, register of burials, register of purchased graves, register/plan of grave spaces, register of memorials, applications for interment, applications for right to erect memorials, disposal certificates, and copy certificates of grant of exclusive right of burial.	Indefinite	Archives and Local Authorities Cemeteries Order 1977 (SI. 204)

© Copyright 2022
SLCC Members may use and adapt these documents within their own councils on the understanding that the copyright remains with the SLCC.
The Society of Local Council Clerks is a company limited by guarantee and registered in England and Wales with company registration number 10566132.