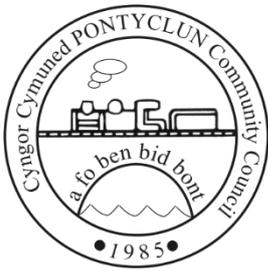


Cyngor Cymuned Pontyclun Community Council

Document retention policy
last review November 2019



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Document Retention Policy (the Policy)

Introduction

In carrying out services, the Council collects information internally, from external organisations and individuals and stores a vast number of data/information/images (the document(s)) and personal data. The documents can take various forms such as letters received from third parties, copy letters which have been sent out, invoices, completed application forms, plans/drawings, financial records, registers, contracts/deeds, e-mail communications (and any attachments), photographs, tape recordings, staffing details, archived material and CCTV images. The records can be retained as 'hard' paper records or in electronic form.

Data Protection legislation (the Legislation) requires the Council to have clearly defined policies including a consent policy (the Consent policy) and procedures for the retention/disposal of the documents, images (see below) and personal data and that these actions are documented. Where any conflict exists the Legislation Consent policy takes precedence over the Policy.

Retention of specific documents may be necessary to fulfil statutory or other regulatory requirement, evidence events/agreements in the case of disputes, meet operational need, and to achieve the preservation of documents of historic or other value, and for legislative reasons. Also, the destruction of documents could cause the council difficulty in defending claims, operational problems, reputational damage and failure to comply with the Freedom of Information legislation.

In having a policy, it is significant that the Legislation sets out rules regarding retention and destruction of documents and, for example, requires personal data processed must not be kept for longer than necessary for that purpose unless the appropriate consent has been obtained.

Purpose

Within the terms of the Legislation the purpose is to provide a Council policy to decide whether the documents should either be:
retained – and if so in what format, and for what period; or
destroyed – and if so when and by what method.

This policy is not concerned with the disposal/retention of unused materials.

The Retention/Disposal Policy

A decision whether to retain or dispose of the document should be taken in accordance with this policy and the Legislation.

Essentially no document should be disposed of unless all the considerations in the retention considerations criteria checklist in Appendix 1 and the Retention Schedules in Appendix 2.

Where a retention period has expired in relation to the document a review should always be carried out before a final decision is made to dispose of that document.

If a decision is taken to dispose of a document or set of documents, consideration must be given to the method of disposal.

Disposal and Action to be taken

Disposal can be achieved in many ways, for example:

Confidential waste—making available for collection by a designated refuse collection service,

Physical destruction on site – for example shredding of paper records,

Deletion – for computer files,

Migration of documents to external body.

Under no circumstances should paper documents containing personal data or confidential information be deposited in refuse tips. To do so could result in the unauthorised disclosure of such information to others and render the Council liable to prosecution or other enforcement action under the Legislation. Such documents should be destroyed in the office (e.g. by shredding) or placed in specially marked 'Confidential Waste' refuse bins.

It should be noted that the Information Commissioner's Office has advised that if steps are taken to make data impossible to retrieve, then this will be regarded as deletion.

Migration of documents to a third party (other than for destruction or recycling) is unlikely to be an option in most cases. However, this method of disposal will be relevant where documents or records are of historic interest and/or have intrinsic value.

Disposal must be documented by keeping a record of the document disposed of, the date and method of disposal, and the officer who authorised disposal. The documenting of disposal is particularly important due to the Freedom of Information Act and a requirement in the Legislation.

Data Protection

The legislation does not set out any specific minimum or maximum periods for retaining personal data. However, personal data shall not be kept for longer than is necessary for that purpose or those purposes.

In practice, the Council will need to:

- review the length of time it keeps personal data;
- consider the purpose or purposes and for how long the information is held;
- securely delete information that is no longer needed for this purpose or these purposes; and
- update, archive or securely delete information if it goes out of date.

Under the Legislation personal data processed for any purpose must not be kept for longer than is necessary for that purpose. In other words, retaining the documents that contain personal data beyond the length of time necessary for the purpose for which that data was obtained is unlawful.

No document should be marked for disposal unless due regard has first been given to the Legislation Consent policy and which, as mentioned, takes precedence over the Policy, the five Key Disposal/ Retention considerations detailed below, and the Retention Schedules contained in Appendix 2.

Appendix 1

Retention Considerations.

1. Has the document been appraised?

The nature/contents of the document being considered for disposal should be ascertained. No document/s should be marked or designated for disposal unless this has been done. It follows that the above can only be achieved by the carrying out a physical inspection and appraisal.

If appraisal is inadvertently overlooked or carried out negligently, the Council runs the very real risk of important documents being destroyed in error.

2. Is retention/destruction required to fulfil statutory or other regulatory requirements?

There is specific legislation that stipulates mandatory retention periods for some local government documents. The legislation that affects retention periods include the following: the Legislation, financial legislation, and various local government statutes.

3. Is retention required to evidence events in the case of a dispute?

On occasions, the Council becomes involved in disputes with third parties. Such as disputes, if not satisfactorily resolved, can result in the dissatisfied party bringing legal proceedings against the Council. Conversely, the Council may wish to institute legal proceedings against an individual or organisation e.g. to recover an unpaid debt, or in respect of faulty workmanship. Where a dispute arises, or litigation has been commenced it is important that the Council has access to all correspondence and other documentation that is relevant to the matter. Without such, there is the danger that the Council's position will be compromised, an unmeritorious claim might succeed, or the Council may be unable to assert its legal entitlements.

Further, the limitation legislation specifies time limits for commencing litigation. The starting point therefore, is that the retention period is the length of time that must elapse before a claim is barred. The position is further complicated if a child or a person lacking mental capacity is involved.

4. Is retention required to meet the operational needs of the service?

In some cases retention may be desirable (whether permanent or otherwise) even though no minimum retention period applies or has expired. A professional judgement needs to be made as to the usefulness of a document and at all times taking full note of the legislation and the consent given by an individual.

5. Is retention required because the document or record is of historic interest or intrinsic value?

In most cases this consideration will not be applicable. However, some documents currently held by the Council may be of historic interest and/or have some monetary value. Where it is suspected that the document falls within this description appropriate enquires should always be made before taking any further action.

Even if the document is of historic or monetary value, disposal rather than retention by the Council, may well be the appropriate option.

6. Documents relating to Council assets or on contentious issues which may recur in future

Officers are to use judgement when reviewing document retention regarding Council asset ownership or any contentious issues where there is likelihood of recurrence. In those instances, documents should be retained until asset is disposed of and/or the objections/issues raised become obsolete. Where there is doubt presumption should be for retention as the preferred option even if beyond normal retention period.

Appendix 2

The Retention Schedules

what needs to be kept, for how long and the method of disposal.

Note

GDPR consent granted documents take priority over this Policy and will be destroyed once consent is withdrawn

Standard retention timescales are subject to comments and review under Appendix 1 of this document

Documents where long term retention is needed will where possible be retained in electronic format only

Ref no.	Document examples	Retention Action
1. Democratic Process		
1.1 Council and Committee Meetings		
	Council minutes Council agenda and reports (for meetings) Council notice papers Committee minutes	Indefinite, Indefinite, Retain for 6 years Retain for 6 years
1.2 Members		
	Register of members interests ; gifts and hospitality	Indefinite,
1.3 Working Groups, Partnerships, Agency and External Meetings (where the Council legally owns the record)		
	Documents establishing Agenda Minutes Council reports Recommendations & supporting documents	Retain for 6 years Indefinite Indefinite Retain for 6 years Retain for 6 years
1.4 Working Group, Partnership, Agency and External Meetings (where the Council does not legally own the record)		
	Documents establishing the committee Agenda Minutes Council reports Recommendations & supporting documents	Destroy 3 years after the last action
2. Management and Administration		
2.1 Statutory Returns		
	Reports to Unitary Authority	Destroy 7 years after the last action
	Policy and Procedure Policy implementation and development Organisational Charts	Destroy after use is concluded
2.2 Public Consultation		
	Survey returns for the development of significant policy Survey analysis/summary for the development of significant policy	Destroy 5 years after the last action
	Survey returns for the development of minor policy Survey analysis/summary for the development of minor policy	Destroy 1 years after the last action
2.4 Enquiries and Complaints		
	Register of enquiries and complaints directed to the Council Correspondence detailing responses on Council actions/policy Public Services Ombudsman responses on Council actions/policy	Destroy 5 years after the last action Destroy 5 years after the last action
	Printed material of responses on Council actions/policy	Destroy 2 years after the last action
2.5 Quality and Performance Management		
	Review of the quality, efficiency or performance of local service	Destroy 5 years after the last action
	Assessment of the quality, efficiency or performance of local service	Destroy 3 years after the last action
2.6 Public Relations		
	Flyers, leaflets etc. of the Council	Destroy after last relevant use. May retain examples/templates to support future activities
2.7 Media Relations		
	Interaction with the media	Destroy 3 years after the last action
	Media publications concerning the Council	Destroy 6 years after publication
2.8 Marketing		
	Promotional material of Council campaigns and events	Destroy 6 years after the last action
2.9 Civic Events		
	Materials relating to Civic events	Destroy after use is concluded. May retain some materials to act as template for future or for ongoing publicity
3. Legal and Contracts		
2.1 Litigation		

	Criminal case files on behalf of the Council Civil case files on behalf of the Council Correspondence relating to litigation on behalf of the Council	Destroy 7 years after the last action
3.2 Advice		
	Legal advice on a point of law	Destroy 7 years after the last action
3.3 Agreements		
	Not including contractual agreements	Destroy 6 years after the last action
3.4 Conveyance (see also Property Acquisition and Disposal)		
	Conveyancing files changing ownership of land or property	Destroy 12 years after the last action
3.5 Contracts and Tendering		
	Expressions of interest – Contract let or not proceeded with	Destroy 2 years after the last action
3.6 Specification and Contract Development		
	Ordinary Contracts, Contracts under seal	Destroy 6 years after the last action Destroy 12 years after the last action
3.7 Tender issuing and Return		
	Opening notice for issuing and returning of a tender	Destroy 1 year after the last action
3.8 Evaluation of Tender		
	Evaluation criteria for Ordinary Contract Evaluation criteria for Contracts under seal	Destroy 6 years after the last action Destroy 12 years after the last action
3.9 Successful Tender Document		
	Tender documents for Ordinary Contract Quotations for Ordinary Contract Tender documents for Contracts under Seal Quotations for Contracts under Seal	Destroy 6 years after the last action Destroy 6 years after the last action Destroy 12 years after the last action Destroy 12 years after the last action
3.10 Unsuccessful Tender Document		
	Tender documents Quotations	Destroy 1 year after the last action
3.11 Post Tender Negotiation		
	Clarification of Contract Post tender negotiation minutes	Destroy 1 year after the last action
3.12 Awarding of Contract		
	Signed Ordinary Contract Signed Contract Under Seal	Destroy 6 years after the last action Destroy 12 years after the last action
3.13 Contract Management		
	Service level Agreements Compliance reports Performance reports	Destroy 2 years after the last action
	Changes to requirements to Ordinary Contracts Variation forms to Ordinary Contracts Extension of an Ordinary Contract Complaints relating to an Ordinary Contract Disputes on payment of an Ordinary Contract	Destroy 6 years after the last action
	Changes to requirements to Contracts Under Seal Variation forms to Contracts Under Seal Extension of a Contract Under Seal Complaints relating to a Contract Under Seal Disputes on payment of a Contract Under Seal	Destroy 12 years after the last action
4. Human Resources		
3.1 Personnel Administration		
	Parental leave records Maternity leave records; Support/Paternity leave records Holiday records	Destroy 5 years from birth/adoption STAT: Destroy 3 years after end of tax year in which Mat period ends Destroy 6 years after end of tax year to which they refer
	References for mortgages/landlords DBS forms Salary master record – Tax/NI information	Destroy 1 year after last action Destroy as soon as info is recorded on Personnel file Destroy 6 years after end of tax year to which they refer
	Personnel file & training records Medical clearance/examinations Letter of Appointment & Employment contracts Letter of Acceptance Personal particulars, qualifications etc. Declarations of pecuniary interests	Destroy 6 years after employment terminates Destroy as soon as info is recorded on Personnel file Termination + 6 years Termination + 6 years
	All other records	Termination + 6 years
4.2 Employees Relations		
	Generic Agreements and Awards Negotiations, Disputes & Claims lodged	Termination + 6 years

	Employee relations management	Destroy 2 years after the last action
	Disciplinary written warning Disciplinary final warning	Destroy 6 months after the last action Destroy 12 months after the last action unless extended
	Disciplinary investigations where grievance unfounded	Destroy immediately after found to have been unfounded; or after appeal
4.3 Equal Employment Opportunities		
	Investigation that entitlements & obligations are in accordance with agreed Equal opportunities policies Monitoring form	Destroy 5 years after last action Do not retain once details recorded for monitoring
4.4 Occupational Health		
	Health questionnaire & Medical clearance Adjustment to work place, Restrictions, Recommendations DSE Eye Test forms Accident books, records /reports	Destroy as soon as info is recorded on Personnel file Destroy as soon as info is recorded on Personnel file Retain only current STAT: 3 years after date of last entry
4.5 Recruitment		
	Application Forms Interview notes & correspondence with all applicants	Destroy 1 year after recruitment has been finalised
4.6 Staff Performance Monitoring		
	Probation reports Performance plans	Destroy 1 year after recruitment has been finalised. Destroy 5 years after last action
	Sick leave inc. Self-certificates, Fit notes & SSP records Special leave such as Jury service, Study leave Special and personal leave Attendance records Flexitime sheets Annual leave	Destroy 6 years after end of tax year to which they refer Destroy 3 years after last action Destroy 3 years after last action Destroy 6 years after last action Destroy 2 years after last action Destroy 2 years after last action
4.7 Termination		
	Resignation Redundancy (Section 188) details, calculation of payments, refunds, notification to Secretary of State Dismissal Death Retirement	Destroy 6 years after termination Destroy 6 years after termination Destroy 6 years after termination Destroy 6 years after termination Destroy 6 years after last pension payment
4.8 Training and Development		
	Routine staff training (not occupational H&S or child related)	Destroy 3 years after last action
	Training concerning children	Destroy 35 years after training completed, or last entry
	Training concerning occupational health and safety	Destroy 50 years after training completed
	Individual training reports	Individual course assessment records should be destroyed once the training has been renewed every 3 years
	Training (materials)	Destroy 1 year after course is superseded
	Training (proof of completion)	Destroy 7 years after action completed
5. Financial Management		
5.1 Accounts and Audit		
	Consolidated annual reports Consolidated financial statements Statement of financial position Operating statements General ledger	Retain in accounting software for as long as system retains
	Consolidated monthly and quarterly reports Consolidated monthly and quarterly financial statements Working papers for the preparation of the above Creditor listings and reports	Destroy after use – some will be retained in meeting minutes
	Debtor listings and reports	Destroy after use
	Audit investigations	Destroy 7 years after the end of the financial year in which the records were created
	Official Quotations/or estimates {held by managers} Orders & Invoices Credit card statements Cash collection books Receipts Cheque counterfoils Bank statements Journals	Destroy 6 years after the conclusion of the financial transaction that the record supports
	Reconciliation of financial accounts Summaries of accounts	Destroy 6 years after administrative use is concluded

	Taxation records	Destroy 6 years after the end of the financial year in which the records were created
	National Insurance numbers Employee notification and input records	Destroy 6 years after employee ceases employment
	Authority sheets relating to payment of employees Payroll deduction authorities Payroll disbursement Employee pay records Employee taxation records Bonuses, expenses and overtime records	Destroy 7 years after the conclusion of the financial transaction that the record supports
	National Minimum Wage records	STAT: Retain for 3 years after the end of the pay reference period following the one that the records cover
	Pensioners records	12 years after benefit ceases
	Non-accountable processes relating to payment of employees	Destroy after administrative use is concluded

5.4 Financial Provision

	Annual budget (only final version needs to be kept)	Retained as part of Council meeting minutes
	Draft budgets Departmental budgets	Destroy 3 years after annual budget has been adopted
	Budget monitoring statements	Destroy after next year's annual budget has been adopted

5.5 Assets Management

	Schedules of acquisitions Consolidated current asset reports Asset registers	Retain up to date copy only – reviewed annually
	Routine returns and reports on asset status Inventories Stocktaking	Destroy 2 years after administrative use is concluded

5.6 Asset Acquisition and Disposal

	Tenders for provision of goods and/or services {held by City Clerk} Legal documents relating to acquisition /sale of assets Particulars of sale documents Leases, licences and rental agreements Applications for leases, licences and rental agreements Tender documents Contract documentation Certificates of approval	Destroy 6 years, if under £50,000 or 12 years if over £50,000, after all obligations/entitlements are concluded
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6. Property and Land Management

	Consolidated property & buildings annual reports Summary of leased property Summary of owned property Site register Register of leases	Destroy after use is concluded
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6.2 Property Acquisition and Disposal

	Plans (See also Conveyance)	Retain for the life of the property or building plus 12 years
	Legal documents relating to the sale/write off for real property Particulars of sale documents Board of survey Tender documents Conditions of contracts	Destroy 15 years after all obligations/entitlements are concluded

6.3 Property Development and Renovation

	Project specifications for buildings of 'special interest' Plans Installation manuals Certificates of approval	Transfer to Archives after use is concluded
	Project specifications for all other buildings Plans Installation manuals Certificates of approval	Retain for the life of the building
	Works orders for the development of property Tender documents Conditions of contracts	Destroy 7 years after the conclusion of the transaction that the record supports

6.4 Leasing and Occupancy

	Lease agreements Rental expenditure authorities Valuation queries Applications for leases, licences & rental revision	Destroy 15 years after the expiry of the lease
	Requests for works, cleaning, etc	Destroy 7 years after the conclusion of the transaction that the record supports
6.5 Transport		
	Lease for the acquisition and disposal of vehicles Contracts for the acquisition and disposal of vehicles Quotes for the acquisition and disposal of vehicles	Destroy 7 years after the disposal of the vehicle
	Maintenance of vehicles	Destroy 7 years after the disposal of the vehicle
	Vehicle usage reports	Destroy 7 years after the disposal of the vehicle
	Vehicle log books	Destroy 7 years after closure
6.6 Insurance – Property Management		
	Insurance register	Transfer to Archives after use is concluded
	Insurance policies Correspondence	Destroy 7 years after the terms of the policy have expired
	Insurance policy renewal records Correspondence	Destroy 5 years after the insurance policy has been renewed
6.7 Claims Management		
	Claims records	Destroy 7 years after all obligations/entitlements are concluded (if a child allow for the claimant to reach 25 years of age)
7. General Public Service		
7.1 Health & Safety		
	Equipment inspection records	Destroy 6 years from the destruction of the equipment
	Playground equipment inspection records	Destroy 21 years from the destruction of the equipment. If a child is injured they have until their 21 st birthday to make a claim
	Property asbestos files	Destroy 40 years from last action
	Radon monitoring records	Destroy 50 years from the last action or at age 75 years of employees whichever is the greater
	Risk assessment records	Destroy 3 years from last assessment
	Accident books for adults	Destroy 3 years from closure
	Accident book for children	Destroy 25 years from closure
	Assessment under H&S regulations and records of consultation with H&S Reps and committees	Retain permanently
	Applications to hire café 50 or other Council assets including lettings diaries, copies of bills to hire and tickets issued	Destroy after 6 years
	Café 50 lunchtime attendance records	Destroy after 1 month (anonymised summary held for 5 years)
	Grant requests	Destroy after 6 years
	Café 50 group details	Destroy 1 year after group stops using Café 50
	Café 50 user information	Destroy 1 year after user stops using Café 50 or on request
	Planning applications	Applications not considered at Council meeting held for 3 months. Those considered will become part of permanent record of Council minutes

Notes

Insurance

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 council will keep a permanent record of insurance company names and policy numbers for all insured risks.

Article 4 of the Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753) requires local councils, as employers, to retain certificates of insurance against liability for injury or disease to their employees arising out of their employment (this insurance is mandatory pursuant to the Employers' Liability (Compulsory Insurance) Act 1969) for a period of 40 years from the date on which the insurance is commenced or renewed.

Local/historical information

The Local Government (Records) Act 1962 provides that the council may acquire records of local interest and accept gifts or records of general and local interest in order to promote the use of such records (defined as materials in written or other form setting out facts or events or otherwise recording information).

Any such items held by the Council will be retained whilst they remain relevant.

Planning papers

RCT CBC as the planning authority will retain full details, however the Council will retain some planning application information sent to us for up to 3 months from when we received them