

# GRAFFHAM PARISH COUNCIL

## RETENTION OF DOCUMENTS AND RECORDS MANAGEMENT POLICY

Revised, reviewed and Adopted 9 March 2018 - Minute number 116d  
Revised following GDPR Impact Risk Assessment (1 February 2018).  
Reviewed by DM Payroll Services Ltd (GDPR DPO Service) in December 2018.  
Reviewed and adopted 8<sup>th</sup> March 2019 – Minute number 110d.  
Revised in December 2019, using an updated Retention of Documents Policy from DM Payroll (GDPR DPO Service). Reviewed and adopted 17.01.20 Minute 95f  
**Revised in December 2020, including highlighted revisions in italics by DM Payroll (GDPR DPO Service). REVIEWED AND ADOPTED 15.01.21. Minute 76e**

Graffham Parish Council recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the Parish Council. This document provides the policy framework through which this effective management can be achieved and audited. It covers:

- Scope
- Responsibilities
- Relationships with existing policies
- Retention Schedule

### **Scope of the policy**

This policy applies to all records created, received or maintained by the Parish Council in the course of carrying out its functions. Records are defined as all those documents which facilitate the business carried out by the Parish Council and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. A small percentage of the Parish Council's records will be selected for permanent preservation as part of the Council's archives and for historical research.

This Policy will:

- Be publicised to staff and councillors and will be made available for reference
- Apply to all the council's records, regardless of how they are held
- Be reviewed annually, amended and re-issued as necessary and members of staff/councillors notified accordingly.

### **Responsibilities**

The Parish Council has corporate responsibility to maintain its records and record management systems in accordance with the regulatory environment. The person with overall responsibility for this policy is the Clerk to the Parish Council.

The person responsible for records management will give guidance for good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and timely. Individual staff and employees and councillors must ensure that records for which they are responsible are accurate, and are maintained and disposed of in accordance with the Parish Council's records management guidelines.

### **Relationship with existing policies**

This policy, which will take effect from the date adopted, has been drawn up within the context of:

- Freedom of Information policy
- General Data Protection policy /Publication Scheme

### **Retention of Documents**

Attached is an Annex indicating the appropriate minimum retention periods for documents. Documents should be retained for audit, staff management, tax liabilities, and the eventuality of legal disputes and legal proceedings.

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

The below table lists the limitation periods of time where legal claims may be brought under the Limitation Act 1980 (as amended). The 1980 Act provides that legal claims may not be commenced after a specified period.

<b>Category</b>	<b>Limitation Period</b>
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

Where the limitation periods above are longer than other periods specified in the attached annex, the documentation should be kept for the longer period specified.

## **Data Protection and Freedom of Information Considerations**

The Lord Chancellor's 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.

The General Data Protection Regulations (GDPR) will be applied from 25th May 2018. Under the GDPR, the data protection principles set out the main responsibilities for organisations.

Article 5 of the GDPR requires that personal data shall be:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e) 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; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

ANNEX TO RETENTION OF DOCUMENTS POLICY

RETENTION OF DOCUMENTS REQUIRED FOR THE AUDIT OF PARISH COUNCILS

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
<b><u>Personnel</u></b>		
Personnel records	3 years after employee leaves	Limitation Act 1980 (as amended)
Disciplinary/grievances	Review 6 years after last action	Management
Recruitment documents	6 months	Management
Wages records	6 years	Audit
Pension records	12 years	Superannuation
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)
Members allowances	6 years + current	Tax Limitation Act 1980 register (as amended)
<b><u>Audit</u></b>		
Scales of fees	6 years + current	Management
Receipt and payment account(s) including Audit paperwork	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 and tenders	6 years + current	Limitation Act 1980 (as amended)
Paid invoices	6 years + current	VAT
Paid cheques	6 years + current	Limitation Act 1980 (as amended)
VAT records	6 years + current year generally but 20 years for VAT on rents	VAT
Petty cash	6 years + current year	Tax, VAT, Limitation Act 1980 (as Amended)
Investments	Indefinite	Audit, Management
Budgetary Control papers	2 years + current audit	
<b><u>Contracts and Procurement</u></b>		
Unsuccessful tenders	2 years	Audit
Successful tenders	6 years + current year	Audit

## **Administration**

Minute books	Indefinite	Archive
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)
Insurance Claim	7 years after all obligations are concluded	
Litigation	6 years after folder closure	Limitation Act 1980
Title deeds, leases, agreements, contract	Indefinite	Audit, Management

## **Health and Safety**

Accident Books – 25 years from closure  
Equipment Inspection Records – 25 years  
Premises Inspection Records 25 Years  
Risk Assessments 3 years from last assessment

## **For Halls, Centre, Recreation Grounds**

Application to hire Lettings diaries Copies of bills to hires Record of tickets issued	6 years + current year	VAT
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## **For Allotments**

register and plans	Indefinite	Audit, Management
Plot holder tenancy records	6 years + current year	Audit.

## **For Burial Grounds**

Register of fees collected	Indefinite	Archives, Local
Register of burials	Indefinite	Authorities Cemeteries
Register of purchased graves	Indefinite	Order 1977 (SI.204)
Register/plan of grave spaces	Indefinite	
Register of memorials	Indefinite	
Applications for interment	Indefinite	
Applications for right to erect memorials	Indefinite	
Disposal certifications	Indefinite	
Copy certificated of grant of exclusive Right of Burial	Indefinite	

Continues..

## **Planning Papers (This section is from GPC's earlier version)**

### Planning Permission Granted

All papers retained until the development has been completed, but personal data removed.

### Appeal decisions

These should be retained indefinitely as it may be required should there be longer term implications e.g. the decision creates a precedent for other developments in the locality. Personal data removed.

### Planning Permission Refused

All papers should be retained until the period in which an appeal can be made has expired. If a resulting appeal is dismissed the documentation should be retained in case further applications relating to the same site result. **Personal data is to be removed.**

- Structure Plans and Local Plans should also be retained.

**DOCUMENTS TO BE STORED AT WSCC RECORDS OFFICE** *GPC should also check what is already stored at WSCC and dispose of anything that is outside this policy. Quite often documentation is deposited and then forgotten about. Some county deposit facilities offer a reviewing service however it is the council's responsibility to ensure the documentation stored is as per your policy.*

Documents can be deposited at West Sussex County Council Records Office 3 Orchard Street, Chichester. PO19 1DD Tel 01243 753602.

Ideally phone the day before and let them know you are coming so they can be ready.

Open for deposits Tuesday to Friday 9.15 – 4.15 – best to avoid lunchtime

Open for deposits Saturdays 9.15 - 12.30 and 1.30 - 4.15

Closed Sundays and Mondays.

Take the boxes of paperwork, along with your own list of what is in boxes – **please keep a copy of the list for GPC's use.**

There is no specific WSCC form to fill in in advance but you have to fill in a form when you get there

There is no charge.