



## **Draft Document Retention Policy**

Reviewed and Re-Adopted at the Meeting of 4 June 2018

### **1. Introduction**

The purpose of this document is to provide a corporate policy framework to ensure that particular documents (or sets of documents) are dealt with in the correct manner; being retained and/or disposed of in the correct method and timescale.

This policy gives the Council a system for the management of paper and electronic records. The Clerk is responsible for ensuring all Council documents are managed accordingly.

This policy is based on the National Association of Local Council's Legal Topic Note on Local Council's Documents and Records (legal topic note 40), therefore reflects legal requirements and recommended practice within the sector.

Where the policy refers to 'documents' this includes both paper and electronic copies.

### **2. Retention of Documents**

Certain important documents must be retained for clear reasons such as audit purposes, staff management, tax liabilities and the eventuality of legal disputes and legal proceedings.

Subject to the above reasons for retaining documents, papers and records may be destroyed if they are no longer of use or relevant. If there is any doubt, the document will be retained until proper advice has been sought.

Attached at Appendix A to this policy is a schedule showing the appropriate minimum document retention periods.

### **3. Retention of Documents for Legal Purposes**

Most legal proceedings are governed by the Limitation Act 1980 (as amended). This 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 table below sets out the limitation periods for the different categories of claim. The reference to 'category' in the table refers to claims brought in respect of that category.

<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

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 (eg in the case of disease)
- Where damage is hidden (eg to a building)
- Where a person is a child or suffers from a mental capacity
- Where there has been a mistake by both parties
- Where one party has defrauded another or concealed facts.

Where the limitation periods above are longer than other periods specified in this policy, the documentation should be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories; in this instance, the longer period will be observed.

In such circumstances the Clerk will consider (i) the costs of storing relevant documents and (ii) the risks of:

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

#### **4. Disposal**

All Council documents will be handled in the correct manner for their sensitivity.

Any document which contains personal data will be disposed of confidentially by shredding or by being removed by a secure document disposal firm.

In an effort to maintain the organisation and efficiency of the workplace and reduce the volume of printing carried out, Council Officers are committed to printing only those documents necessary to have in hard copy and disposing of those which are not necessary to be kept.

Any Councillors wishing to dispose of paper copies of confidential Council documentation should return them to the Council office for disposal.

#### **5. Responsibility**

The Clerk holds responsibility for ensuring all Council employees are aware of the Document Retention Policy and adhere to it, particularly with reference to the retention of documents as listed at Appendix A to the Policy.

**APPENDIX A – Document Retention Schedule**

<b>Document</b>	<b>Minimum Retention Period</b>	<b>Reason</b>
Minute Books (Council, Committees & Sub-Committees)	Indefinite	Archive
Scales of fees and charges	6 years	Management
Receipt and payments account (s)	Indefinite	Archive
Receipt books of all kinds	6 years	VAT
Bank statements, including deposit/savings accounts	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	Limitation Act 1980 (as amended)
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act 1980 (as amended)
VAT records	6 years generally but 20 years for VAT on rents	VAT
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)
Timesheets	3 years	Personal injury
Wages book	12 years	Superannuation
Insurance policies	While valid	Management
Certificates for Insurance against liability for employees	40 years from date of which insurance commenced or was renewed	The Employer's Liability (Compulsory Insurance) Regulations 1998 (SI.2753), Management
Investments	Indefinite	Audit, Management
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
Members allowances register (not currently applicable)	6 years	Tax, Limitation Act 1980 (as amended)
Personal data of employees	6 years after employment terminates	Recommended practice
Recruitment paperwork	1 year for all except successful candidate	Recommended practice

Accident books/reports	3 years or if a child/young adult, until that person reaches the age of 21	RIDDOR (SI.1995/3163)
Statutory maternity, paternity and adoption pay records and evidence	3 years after the end of the tax year in which the pay period ends	Maternity and Parental Leave etc Regulations 1999
Formal complaints made under the Council's Complaints procedure	6 years	Management
Freedom of Information Requests received	6 years	Management
Adopted Council Policy Documents	Indefinite (archive after superseded)	Management
Press releases/publications	Indefinite (electronically)	Management