

DOCUMENT RETENTION GUIDELINES FOR COUNCIL RECORDS

1. Introduction

1.1 The Council accumulates a vast amount of information and data during its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in 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 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. 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 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 during business. This usually applies to information that is duplicated, unimportant or only of 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- Out-of-date distribution lists.

2.3 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.

2.4 Records should not be destroyed if the information can be used as evidence to prove that something has happened.

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 consider 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 person 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 Data Protection Act 2018
- Documents that are no longer required for operational purposes but need retaining should be placed at the records office.

4.4 The retention schedule: List of Documents for Retention or Disposal 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, Cornwall ALC 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?
- 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 as determined by following section 8 of this policy?

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 complying with the General Data Protection Regulations where appropriate.

- 5.3 Documents can be disposed of by any of the following methods:
- Non-confidential records: place in wastepaper bin for recycling.
 - Confidential records or records giving personal information: shredded documents prior to recycling.
 - 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 Data Protection Act 2018, 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 was destroyed.
- The date of the document was destroyed.
- The method of disposal.

6. Councils are responsible for ensuring that they comply with the principles under the Data Protection Act 2018, they must make sure the information is:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

6.1 External storage providers or archivists that hold Council

documents must also comply with the above principles of the Data Protection Act 2018.

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 Generally 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.

The schedule accompanying these guidelines lists the main types of council records and gives recommendations for their retention and/or disposal. The following notes provide an explanation of the terms used in the schedule and give additional guidance to clerks on how to assess the records in their care.

8. Appraising Future Historic Value

8.1 This section should give guidance on how to appraise documents of potential historic value.

8.2 Using set criteria will not give a definitive answer of “keep” or “don’t keep.” Appraisal involves weighing multiple factors in the light of context and research.

8.3 Records worth keeping must be informative. Archival records should evidence history; people, places, and events and are therefore tools for ensuring consistency and accountability. Properly maintained records function as proof of what happened, when, and why.

8.4 Consideration will be given to other types of artefactual value (the qualities items have because of their design or physical makeup) or aesthetic value (the artistic or appealing qualities of the items).

8.5 Rarity. Due to a premium on storage space, it is better to keep records that are unique or rare.

8.6 Reference access; retaining retired but still informative records with enduring value.

8.7 Records rich in information are more valuable than those containing little, when information is thinly dispersed over a large volume of records. Sampling should be considered.

Records to be preserved permanently at the Cornwall Records Office (Kresen Kernow)

Records in this category, no longer regularly consulted in the parish or town, should be deposited at Kresen Kernow (KK). They are generally easy to identify; the obvious examples are the main series of signed council and committee minutes and the receipt and payment books. Other records may be less easy to select, correspondence files on important local issues and planning applications and papers for major or controversial developments. Here individual clerks should be best placed to judge which documents relate to significant or contentious local issues about which more detailed information should be preserved. The following points, however, may assist clerks.

Firstly, where detailed minutes survive there should be less need to preserve large amounts of correspondence. Secondly a filing system arranged by subject can ease considerably the process of selecting material on important issues. Lastly, important files can often be overloaded with material of an ephemeral nature; it is a good idea therefore to remove such papers from the files at a regular interval.

Further information on how to deposit archives at the Cornwall Records Office can be found on the Cornwall Council website www.cornwall.gov.uk.

Records that may be destroyed by the Council

Many council records, mainly financial, may be safely disposed of by the town clerk, usually after a minimum retention period prescribed for audit or other statutory purposes, generally 6 years. Where no minimum period is given records in this category may be destroyed when they are no longer required in the parish or town council administrative purposes. We would recommend reviewing these files after 5 years or when an office holder retires sooner. All documents should be treated as confidential waste and shredded.

Sources of advice

Kresen Kernow

Cornwall Association of Local Councils

Little Vauxhall Rd
Redruth
Cornwall
TR15 1AS
01872 324 333
kresenkernow@cornwall.gov.uk

Unit 1a, Riverside House,
Heron Way
Truro
Cornwall
TR1 2XN
01872 326 969
enquiries@cornwallalc.gov.uk

STORAGE AND CARE OF RECORDS

Storage

The key to successful safe storage is to:

- i. Keep the records in a cool, clean and dry environment and out of direct sunlight and non-UV-filtered artificial light as much as possible.
- ii. Keep records away from outside walls which may be damp, windows and pipes that might leak and off the floor where flood water might reach them.
- iii. Also keep records away from sources of heat such as radiators which will dry them out. Reasonable ventilation is also desirable.
- iv. Records held in unsuitable conditions can be quickly and badly damaged by mold and pest infestations that thrive in warm, damp conditions and by accelerated chemical re: Minimum Retention Periods.
- v. Use acid free storage materials.
- vi. Check storage areas regularly to make sure they are well maintained and regularly cleaned.
- vii. Use acid free wrapping paper and folders and NOT brown paper, newspaper or other poor-quality wrapping;
- viii. Avoid using paper clips, bulldog clips, sticky tape, adhesive labels, 'Blu-tak' or rubber bands as they will rust or cause staining;
- ix. Protect photographs with inert polyester or silversafe paper;
- x. Tie bundles and books with unbleached cotton tape and;
- xi. Watch out for silverfish and other paper, parchment and leather-eating insects and beware of rodents!

Creating New Documents For Permanent Retention

Many records kept by parish and town clerks and councils will be transferred to the Cornwall Records Office for permanent preservation in due course. It is desirable that these should be created using good quality archival materials where possible, as well as being kept in sound condition. A few basic guidelines about materials are given below. Further advice can be obtained from the Cornwall Records Office and its Conservation Unit.

Paper

Many modern papers are made from wood pulp: they are acidic by nature and become brittle and darken when exposed to air pollution. Archival quality paper is available and, if possible, this should be used for key records which will be preserved permanently, such as council minutes.

Inks

Use good quality ink with a high carbon content. These are described as 'permanent', 'pigment', 'document', 'Indian', 'Calligraphers' and 'archival'.

Holding sheets together

Brass or plastic paper clips are better than staples which are prone to rusting.

Do not use Sellotape or glues most of which are acidic and will cause problems in the future. Rubber bands perish and shrink causing damage to the papers.

File Covers

File covers can cause a lot of damage because they are often made from acidic boards, chemically unstable plastics and metals which can rust. Buy archival covers which consist of acid free board, inert plastics and avoid metals.

Plastic enclosures and lamination

Only inert plastics such as polyester and polypropylene should be used. NEVER laminate documents.

Electronic records

Hard copies should be made because computer hardware and software will soon become obsolete, rendering the records potentially unreadable in the future.

Boxes

Should be acid free where possible but a good strong box with a lid will protect documents from dust and physical damage.

List of Documents for Retention or Disposal			
Document / Record	Minimum Retention Period	Disposal	Notes
Administration			
Agendas	Indefinite (If part of minutes otherwise, 5 years)	N/A (Recycle)	Once no longer needed in the parish send to records office, keep at least 5 years.
Byelaws & Orders	Indefinite	N/A	Once no longer needed in the parish send to records office.
Complaints	As long as needed for reference or accountability purposes	Confidential Disposal	
Declaration of Office	Term of office + 7 years	Recycle	
General Correspondence	As long as needed for reference or accountability purposes	Confidential Disposal	
Grouping Orders	Indefinite	N/A	Transfer to records office when no longer an administrative need.
Insurance company names and policy numbers	Indefinite	N/A	
Insurance Policies	7 years after expiration (unless asbestos involved then minimum 40 years)	Recycle	
Leases, agreements, contracts and wayleaves	Indefinite	N/A	Transfer to records office when no longer an administrative need.
Maps, plans and surveys of property owned by the council	Indefinite	N/A	Transfer to records office when no longer an administrative need.
Minutes of Council/meeting (signed series)	Indefinite	N/A	Once no longer needed in the parish send to records office, keep at least 5 years.
Planning Applications	Until not needed	Recycle	Kept by LPA
Playground Assessments	21 years	Recycle	
Policy Documents	Indefinite	N/A	Transfer to records office when no longer an administrative need.
Property registers and terriers including registers of allotments	Indefinite	N/A	Transfer to records office when no longer an administrative need.
Register of Interests	Until councillor not in office	Recycle	A copy is kept by the monitoring officer.
Reports & Other Docs circulated with agendas	Indefinite (Unless in signed minutes then 5 years)	N/A (Recycle)	Once no longer needed in the parish send to records office, keep at least 5 years.
Risk Assessments	Until replaced	Recycle	
Scale of Fees/Charges	Once replaced by new charges.	Recycle	

Successful quotes & tenders	12 years	Confidential Disposal	Statute of limitations
Title deeds	Indefinite	N/A	Transfer to records office when no longer required to prove title.
Un-successful quotes & tenders	2 years	Confidential Disposal	
People (Contact HR for specific document retention periods)			
Certificates for insurance against liability for employees	40 years from date on which insurance commenced or was renewed	Recycle	
Staff Files	6 years after left employ (unless through ill-health or industrial tribunal case keep until person is 65(If possible asbestos related ill health keep until person is 100))	Confidential Disposal	
Finance			
Bank Paying-in books	Last completed audit year	Recycle	
Bank Statements	Last completed audit year	Recycle	
Cheque book stubs	Last completed audit year	Recycle	
Investments	Last completed audit year	Recycle	
Loan sanctions	6 years after end of loan	Recycle	
Paid Cheques	6 years	Recycle	
Paid Invoices	6 years	Recycle	
Payroll	12 years	Confidential Disposal	
Petty Cash, postage, rent & telephone books	6 years	Recycle	
Precept books & contribution orders	6 years	Recycle	
Receipt & payment accounts	Indefinite	N/A	Transfer to records office when no longer an administrative need.
Receipt & Payment books	6 years for VAT purposes	Recycle	
Records relating to halls, centres & grounds applications to hire, letting diaries, copies of bills to hirers and records of tickets issued	6 years	Confidential Disposal	

Timesheets	Last completed audit year	Confidential Disposal	
VAT records	6 years	Recycle	
Burial			
Plans, registers of graves	Retained in parish for as long as useful.	N/A	Burial records have a historical interest, and careful consideration should be taken to ensure they are stored appropriately in the parish. Transfer to records office when no longer an administrative need.
Records of disinterment and applications for interment			
Records of memorial applications and those removed from graves			
Agreements concerning maintenance of ground, graves, and memorials			
Papers for minor works (grass cutting, repairs etc.)			
Records of other bodies such as burial boards, charities, fire brigades, home guard, local societies, ad hoc committees			
Burial ground records listed in Local Authorities Cemetery Order 1977 No 204 Section 12			
Allotments			
Tenancy Agreement	6 years from end of tenancy	Confidential Disposal	
Correspondence	As long as needed for reference or accountability purposes (ideally for as long as a tenant)	Confidential Disposal	
Register of tenants, plot maps	No minimum.	N/A	Transfer to records office when no longer an administrative need.
Other			
Information from other bodies. e.g. circulars from county associations, NALC, principal authorities	Retained for as long as it is useful and relevant	Recycle	
Local/historical information	Indefinite – to be securely kept for benefit of the Parish	N/A	
Correspondence & papers on important local issues / activities	No minimum.	N/A	Transfer to records office if of historic value.

Parish appraisals, plans & millennium projects	No minimum.	N/A	Transfer to records office if of future historic value.
Press cuttings	No minimum.	N/A	Transfer to records office if of historic value.
Photographs	No minimum.	N/A	Transfer to records office if of historic value.
Terms & Conditions	6 years	Recycle	
Subject Access Request	One year from request completion	Confidential Disposal	
Maps created under the provision of the rights of way act 1932	Indefinite	N/A	Transfer to records office when no longer an administrative need.
Accident Book	3 years from last entry	Confidential Disposal	
Safety Certificates (e.g. Fixed Wiring)	5 years (if superseded)	Recycle	