

## Document retention and disposal policy

### 1. Introduction

- 1.1 The council recognises the need to retain documentation for audit purposes, staff management, tax liabilities and the eventuality of legal disputes and proceedings.
- 1.2 In agreeing a document retention scheme, the council has addressed these needs, and taken into account its obligations under the Local Government Act 1972, the Audit Commission Act 1998, the Public Records Act 1958, the Data Protection Act 1998 as updated 25<sup>th</sup> May 2018 with the General Data Protection Regulations (GDPR), the Employers' Liability (Compulsory Insurance) Regulations 1998, the Limitation Act 1980, the Employment Rights Act 1996, the Local Authorities Cemeteries Order 1977, the Local Government (Records) Act 1962, the Freedom of Information Act 2000 and the Lord Chancellor's Code of Practice on the Management of Records Code 2002.

### 2. Retention of documents for legal purposes

- 2.1 Most legal proceedings are governed by the Limitation Act 1980. 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 table below sets out the limitation periods for the different categories of claim.

Category	Limitation Period
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

- 2.2 Some types of legal proceedings may fall into two or more categories. In these circumstances, the documentation should be kept for the longest of the differing limitation periods.
- 2.3 As there is no limitation period in respect of trusts, the council will never destroy trust deeds and schemes and other similar documentation.
- 2.4 Some limitation periods can be extended. Examples include:
- where individuals first become aware of damage caused at a later date (e.g. in the case of personal injury);
  - where damage is latent (e.g. to a building);
  - where a person suffers from a mental incapacity;
  - where there has been a mistake or where one party has defrauded another or concealed relevant facts.
- 2.5 In such circumstances, the council will weigh up (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 documents be destroyed.

### 3. Document retention schedule

3.1 The council has agreed a minimum document retention schedule, based on the obligations under the previously named acts, codes, orders and regulations.

DOCUMENT	MINIMUM RETENTION PERIOD	REASON	Disposal
Minutes	Indefinite	Archive	Original signed paper copies of council minutes of meetings must be kept indefinitely in storage. At regular intervals of not more than 5 years they must be archived and deposited with the higher authority
Scale of fees and charges	6 years	Management	Bin
Receipt and payments account(s)	Indefinite	Archive	N/A
Receipt books of all kinds	6 years	VAT	Confidential waste
Bank statements, including savings/deposit accounts	Last completed audit year	Audit	Confidential waste
Bank paying-in books	Last completed audit year	Audit	Confidential waste
Cheque book stubs	Last completed audit year	Audit	Confidential waste
Quotations and tenders	6 years after completion of contract	Limitation Act 1980	Confidential waste
Paid invoices	6 years	VAT	Confidential waste
Paid cheques	6 years	Limitation Act 1980	Confidential waste
VAT records, P60s and P45s	6 years	VAT, Tax	Confidential waste
Postage books	6 years	Tax, VAT, Limitation Act 1980	Confidential waste
Timesheets	Last completed audit year	Audit	Bin
Wages payroll & pension records	6 years	Pensions Act 2014	Confidential waste
Personnel records, including application, references, SSP and maternity records	6 years	Limitations Act 1980	Confidential waste
Insurance policies	While valid (but see next two items below)	Management	Bin
Insurance company names and policy numbers	Indefinite	Management	N/A
Certificates for insurance against liability for employees	40 years from date on which the insurance commenced or was renewed	Employers' Liability (Compulsory Insurance) Regulations 1998, Management	Bin
Park equipment inspection contracted District Council and Annual reports	5 years	Management, Potential claims	Bin
Trees Local Survey &	Retained for as long as	Reference, management	Bin

maintenance records	relevant		
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management	N/A
Members allowances register	6 years	Tax, Limitation Act 1980	Confidential waste
Information from other bodies e.g. circulars from county associations, NALC, principal authorities	Retained for as long as it is useful and relevant		Bin
Magazines and journals	Council may wish to keep its own publications. For others retain for as long as they are useful and relevant	The Legal Deposit Libraries Act 2003 (the 2003 Act)( requires a local council which after the 1 <sup>st</sup> February 2004 has published works in print (this includes a pamphlet, magazine or newspapers, a map, plan, chart or table) to deliver, at its own expense, a copy of them to the British Library Board (which manages and controls the British Library). Printed works as defined by the 2003 Act published by a local council therefore constitute materials which the British Library holds	Bin if applicable
Local/historical information	Indefinite – to be securely kept for the Parish	Councils may acquire records of local interest in written or other form setting out facts or events or otherwise recording information	N/A
Record keeping; to ensure records are easily accessible it is necessary to comply with the following: <ul style="list-style-type: none"> <li>• A list of files stored in cabinets will be kept</li> <li>• Electronic files will be saved using relevant file names</li> </ul>	The electronic files will be backed up periodically on a portable hard drive and also to the cloud based programme used by the council which complies with UK/EU GDPR.	Management	Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste.
General correspondence and emails	1 year unless it relates to specific categories outlined in the policy, correspondence, both paper and electronic should be kept. Records should be kept for as long as they are needed for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests.	Management, Limitation Act 1980	Confidential waste.

Accident/ incident book/reports	3 years	Reporting of Injuries, potential claims, Diseases and Dangerous Occurrences Act 2013	Confidential waste
Annual accounts and asset registers	Indefinite	Archive	N/A
Previous versions of policies, standing orders, schemes of delegation	3 years	Data Protection Act 1998	Bin
<b>For community pavilion and recreation grounds</b> <ul style="list-style-type: none"> <li>• Application for hire &amp; lettings diaries</li> <li>• Copies of bills to hirers</li> <li>• Terms and Conditions</li> <li>• Minutes</li> <li>• Legal papers</li> </ul>	Last completed audit year 6 years 6 years Indefinite Indefinite	Management  Audit Management Archive Archive	Confidential waste  Confidential waste Bin N/A N/A
<b>For planning papers</b> <ul style="list-style-type: none"> <li>• Applications</li> <li>• Appeals</li> <li>• Trees</li> <li>• Local Development Plans</li> </ul>	1 year unless significant ongoing development 1 year unless significant ongoing development 1 year Retained for as long as in force	Management  Management  Reference/Management Reference	Bin  Bin  Bin Bin

3.2 The need to retain any documents not included in the above schedule should be considered on an individual basis. As a guide, and in the absence of any prevailing act, code, order or regulation to the contrary, documents may be destroyed if they are no longer of use or relevant. If in any doubt, advice should be sought from the Clerk.

<b>Reviewed &amp; Adopted by:</b> <b>Kingston Parish Council</b>	<b>Meeting Date: 18 July 2018</b>  <b>Minute item: 13</b>	<b>Review Date:</b>  May 2019	<b>Clerk:</b>  <b>JP</b>
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