



Records & Document Retention Schedules

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1. INTRODUCTION

In the course of carrying out its various functions and activities the Council collects various information from individuals and external organisations which generates a wide range of data/information which is recorded in documents. Many of these documents are subsequently retained in one form or another e.g. as 'hard' paper records or on computer in digital form. For the avoidance of doubt the terms 'document' and 'records' should be taken to include documents/records which are in digital/electronic format.

Retention of specific documents may be necessary for one or more of the following reasons:

- To fulfill statutory or other regulatory requirements
- To evidence events/agreements in the case of dispute(s)
- To meet operational needs
- To ensure the preservation of documents of historic or other value

2. RETENTION/DISPOSAL GUIDANCE

Any decision whether to retain or dispose of a document should be taken in accordance with this retention/disposal guidance. This consists of:

- The **Key Disposal/Retention Considerations** criteria checklist set out in Appendix 1 – essentially, no document should be disposed of unless all these have been considered in relation to the document.
- The **Retention Periods** contained in Appendix 2. These provide guidance on recommended and mandatory minimum retention periods for specific classes of documents/records where special rules/considerations apply.

Where a retention period has expired in relation to a particular document a review should always be carried out before a final decision is made to dispose of that document. Such reviews need not necessarily be detailed or time consuming. In the event that a decision is taken to dispose of a particular document or set of documents regard should be had to the method of disposal; and the disposal should be documented.

3. DISPOSAL

Disposal can be achieved by a range of processes:

- Normal Recycling process (Physical destruction **off site** of paper records)
- Confidential Waste process (Physical destruction **on site** of paper records using provided confidential bins)
- Deletion – where computer files are concerned
- Transfer of document to external body

In the selection of the most appropriate method of disposal regard should be had to the considerations discussed below.

Paper documents containing personal data or confidential information **MUST BE DISPOSED BY THE CONFIDENTIAL WASTE PROCESS.**

4. DOCUMENTING DISPOSAL

Disposal should be documented – that is to say, a record should be kept detailing the document disposed of, the date, and the officer who authorised disposal. In particular, the record should be able to demonstrate that the disposal was in accordance with this Guidance or set out in writing the (exceptional) reasons for departing from it.

5. DATA PROTECTION ACT 2018 and EU GENERAL DATA PROTECTION REGULATION (GDPR)

Under the Data Protection Act 2018 and EU General Data Protection Regulation “personal data” is information that can directly or indirectly identify a living individual, which is processed for any purpose or purposes. Personal data **must not be kept for longer than is necessary for that purpose or those purposes** it was obtained for.

6. REVIEW

The retention schedules are a living document and subject to periodical changes to reflect legislative changes, notwithstanding reviews will be conducted on an annual basis.

APPENDIX 1: KEY DISPOSAL/RETENTION CONSIDERATIONS

1. HAS THE DOCUMENT BEEN APPRAISED?

Once a document has been initially highlighted for disposal it should be appraised to ensure it is suitable for disposal. In most cases this will only take a few minutes, but it is a skilled

task depending on the documents involved. It should therefore only be undertaken by officers who have sufficient operational knowledge to be able to identify the document and its requirements for continued need within the service area.

2. IS RETENTION REQUIRED FOR EVIDENCE?

Any document which may be required for legal proceedings should be kept until the threat of proceedings has passed. The Limitation Act 1980 specifies time limits for commencing litigation and therefore the starting point should be whether that period has expired. The main time limits directly relevant to the Council are as follows:

- Claims founded on simple contract or tort (other than personal injury claims) cannot be brought after the expiration of **6 years** from the date on which the cause of action occurred. These areas include such matters as debt recovery actions, and compensation claims in respect of sub-standard work, negligent advice, and damage to property.
- Compensation claims for personal injury are barred on expiry of 3 years from the date on which the cause of action occurred (this will usually be the date when the incident causing the injury occurred; or the date when the injured person first had knowledge of the injury).
- Claims that are based on provisions contained in documents that are under seal' are barred after the expiration of 12 years from the date on which the cause of the action occurred

3. IS RETENTION REQUIRED TO MEET THE OPERATIONAL NEEDS OF THE SERVICE AREA?

In some cases retention may be desirable (permanent or otherwise), where no minimum retention period applies, or has expired.

Documents or records might be useful for future reference purposes (e.g. training), as precedents, or for performance management (performance indicators, benchmarking and comparison exercises).

A professional judgment needs to be made as to the usefulness of a particular document. This decision should be made by the Assistant Director or his/her designated officer.

4. IS THE DOCUMENT OR RECORD OF HISTORIC INTEREST OR INTRINSIC VALUE?

In most cases this consideration will not be applicable. However, some documents currently in Council storage may be of historic interest. If the document is of historical value, disposal, rather than retention by the Council, the most appropriate option, will be a transfer of such documents to, the County Archivist or town museum.

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