

# WRETHAM PARISH COUNCIL

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## **Retention and Disposal Policy**

### **1. Introduction**

- 1.1. The Council accumulates a vast amount of information and data during the course of its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in various different types of document.
- 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 the purpose of 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 of time. 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 limited 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 in the course of business. This usually applies to information that is duplicated, unimportant or only of a 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  - Out of date distribution lists.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 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.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. If destroyed the disposal needs to be undertaken as prescribed under the Data Protection Act 2018.

### **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 as prescribed under the Data Protection Act 2018.

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 take into account 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 persons 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 Norfolk Record Office.

4.4. The Retention Schedule in *Appendix A: 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 recognised sector bodies NALC and SLCC.

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?

5.2. When documents are scheduled for disposal the method of disposal should be appropriate to the nature and sensitivity of the documents concerned.

5.3. Documents can be disposed of by any of the following methods:

- Non-confidential records: place in waste paper bin for disposal.
- Confidential records or records giving personal information: shred documents.
- Deletion of computer records.
- Transmission of records to an external body such as the Norfolk Record 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.
- Where computer records are deleted steps should be taken to ensure that data is 'virtually impossible to retrieve' as advised by the Information Commissioner's Office.
- Where documents are of historical interest it may be appropriate that they are transmitted to Norfolk Record Office.
- Back-up copies of documents should also be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).

## **6. Data Protection Act 2018 - Obligation to Dispose of Certain Data**

6.1. The Retention and Disposal Policy sits side by side with the Council's Information and Data Protection Policy as well as the Data Protection Act 2018.

6.2. The Council is responsible for ensuring that we comply with the six Data Protection Principles which are set out in the Data Protection Act 2018 and summarised below:

- Personal data shall be processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up to date.
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- 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.

## **7. Review of Document Retention**

7.1. It is planned to review, update and where appropriate amend the Document Retention and Disposal Policy on a regular basis in accordance with advice and recommendations from the recognised sector bodies NALC and SLCC.

## **8. List of Documents**

9. The full list of the Council's documents and the procedures for retention or disposal can be found in Appendix A: List of Documents for Retention and Disposal. This is updated regularly in accordance with any changes to legal requirements.