

# Record Retention Policy

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## Document History

Adopted by Council – 1 December 2020

Reviewed & Adopted – 22 December 2021

Reviewed & Adopted – 22 October 2024

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

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

## 2. Scope

This policy applies to all records created, received or maintained by Gainsborough Town Council in the course of carrying out its functions.

Records are defined as all those documents which facilitate the business carried out by Gainsborough Town Council and which are thereafter retained (for a set period) to provide evidence of its transactions or activities.

These records may be created, received or maintained in hard copy or electronically.

A small percentage of Gainsborough Town Council records may be selected for permanent preservation as part of the Councils archives and for historical research.

## 3. 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 from the Town Council's Proper Officer and designated Data Protection Officer.

Section 7 (Retention Schedule) to this policy is the appropriate minimum document retention periods which must be observed.

## 4. 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.

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

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 (e.g. in the case of disease)
- Where damage is hidden (e.g. 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 Town 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.

## 5. Disposal

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

As per the Town Council's Data Protection Policy and the UK General Data Protection Regulations (GDPR), any document which contains data on an individual/s or personal data will be retained for the relevant time period and disposed of confidentially. For paper documents this is via the confidential waste bin service within the Town Council offices.

In an effort to maintain the organisation and efficiency of the workplace and reduce the volume of printing carried out, Town 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 Town Councillors wishing to dispose of paper copies of confidential Town Council documentation may do so via the Town Council's confidential waste service or can ensure confidential documents are disposed of appropriately through their own methods.

Confidential electronic documents or emails can be deleted, as required and appropriate (i.e. where they are not required to be kept), in the usual manner – this will suffice as secure disposal. Computer users will need to be mindful of any confidential electronic documents that may have been downloaded to the device being used – if this is the case, users should ensure to delete the document from the device. If there is any uncertainty as to how to do this, seek the advice of a Town Council officer.

## 6. Responsibilities

Gainsborough Town Council has a corporate responsibility to maintain its records and record management systems in accordance with the regulatory environment. The person with overall responsibility for this policy is the Town Clerk.

The person responsible for records management will give guidance for good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and timely.

Individual staff and employees must ensure that records for which they are responsible are accurate and are maintained and disposed of in accordance with Gainsborough Town Council's records management guidelines.

## 7. Retention Schedule

Under the Freedom of Information Act 2000, the Town Council is required to maintain a retention schedule listing the record series which it creates in the course of its business. The retention schedule lays down the length of time which the record needs to be retained and the action which should be taken when it is of no further administrative use.

Members of staff are expected to manage their current record keeping systems using the retention schedule and to take account of the different kinds of retention periods when they are creating new record keeping systems.

The retention schedule refers to record series regardless of the media in which they are stored.

	Document	Minimum Retention Period	Retention Source	Disposal
<b>1</b>	<b>Minutes and Correspondence</b>			
1.1	Signed Minutes of Council and Committee meetings	Indefinite	Archive	Original signed paper copies of Council minutes of meetings must be kept indefinitely in safe storage. At regular intervals of not more than 5 years they must be archived and deposited with the Higher Authority.
1.2	Agendas	Indefinite	Archive	
1.3	Correspondence & papers on important local issues and activities	Indefinite	Archive	
1.4	Routine correspondence, papers and emails	Retain as long as useful	Management	
<b>2</b>	<b>Employment</b>			
2.1	Staff employment contracts	7 years after ceasing employment	Management	Confidential waste
2.2	PAYE Staff payroll information	3 years	Tax Income (PAYE) Regs 2003	Confidential waste
2.3	Rejected job applicant records <i>(including contact details,</i>	6 months after applicant is notified of rejection	Limitation Act 1980	Confidential waste

	<i>applications, CV's, references and interview notes)</i>			
2.4	Successful Recruitment Candidate Information <i>(including third party referee details provided by the applicant)</i>	7 years after ceasing employment	Management	Confidential waste
2.5	Disciplinary files	7 years after ceasing employment	Limitation Act 1980	Confidential waste
2.6	Staff appraisals	7 years after ceasing employment	Limitation Act 1980	Confidential waste
2.7	Timesheets	Last completed audit year	Audit (requirement) Personal injury (best practice)	Bin
2.8	Employee Files and Personal Development Records	7 years after ceasing employment	Limitation Act 1980	Confidential waste
2.9	Disciplinary and Grievance, Examination and Testing, Accident, and Ill Health	7 years after ceasing employment	Limitation Act 1980	Confidential waste
2.10	Job Descriptions and Terms & Conditions	6 years after last action	Limitation Act 1980	Confidential waste
2.11	Industrial Relations	6 years after last action	Limitation Act 1980	Confidential waste
2.12	Wage or salary records for the purpose of tax returns	7 years after end of financial year	Tax Management Act 1970 Finance Act 1998	Confidential waste
2.13	General Annual Leave Information	3 years after end of financial year	Employee Personnel Records	Confidential waste
2.14	Maternity, Paternity, Adoption and Sick Leave	4 years after end of financial year	Statutory Sick Pay (General) Director of People and Workforce Planning Retention and Disposal Policy 25 Regulations 1982 Statutory Maternity Pay (General) Regulations	Confidential waste

			1986 Statutory Paternity and Statutory Adoption Pay (Administration) Regulations 2002	
2.15	Health Surveillance	40 years after last action	Health and Safety at Work Act 1974	Confidential waste
2.16	Register of officers interests	18 months after the officer ceases employment with the Council	Management	
2.17	Third party emergency contact details provided by the staff member	Immediately at end of employment	Business Need	Confidential waste
2.18	Medical/Self Certificates – unrelated to industrial injury	4 years after end of absence	Employee Personnel Records	Confidential waste
2.19	Secondary Employment and Outside Interests Declaration	6 years after Superseded or End of Employment	Business Need	Confidential waste
<b>3</b>	<b>Finance</b>			
3.1	Scales of fees and charges	6 years	Management	Bin
3.2	Income and expenditure accounts	Indefinite	Archive	N/A
3.3	Accounts/Financial Annual Return	Indefinite	Archive	N/A
3.4	Bank statements	Last completed audit year	Audit	Confidential waste
3.5	Receipt books of all kinds	6 years	VAT	Bin
3.6	Bank paying-in books	Last completed audit year	Audit	Confidential waste
3.7	Cheque book stubs	Last completed audit year	Audit	Confidential waste
3.8	Paid invoices	6 years	VAT	Confidential waste
3.9	Paid cheques	6 years	Limitation Act 1980	Confidential waste
3.10	Petty cash accounts	6 years	Audit	
3.11	VAT records	6 years generally but 20 years for VAT on rents	VAT	Confidential waste
3.12	Unsuccessful Quotations and Tenders	1 year	Management	Confidential waste

3.13	Contracts with suppliers for services	6 years	Limitation Act 1980 (as amended)	Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
3.14	Investments	Indefinite	Audit, Management	N/A
<b>4</b>	<b>Insurance</b>			
4.1	Insurance policies	While valid (but see next two items below)	Management	Bin
4.2	Insurance company names and policy numbers	Indefinite	Management	N/A
4.3	Certificates for insurance against liability for employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management	Bin
4.4	Certificate of Employers Liability	50 years	Legal requirement	
4.5	Certificate of Public Liability	21 years	Legal requirement	
4.6	Insurance claim records	7 years after all obligations are concluded (allowing for claimant to reach age of 25)	Legal requirement	
4.7	Insurance policies	While valid (but see next two items below)	Management	Bin
4.8	Insurance company names and policy numbers	Indefinite	Management	N/A
4.9	Certificates for insurance against liability for employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management	Bin
<b>5</b>	<b>Health and Safety</b>			
5.1	Records of reportable injuries, diseases or dangerous occurrences	3 years from date of last entry	RIDDOR 2013	



5.2	Accident books	25 Years from closure	Management	
5.3	Risk assessment	6 years	Management	
5.4	Equipment inspection records	25 years	Management	
5.5	Premises inspection records	25 years	Management	
5.6	Accident/incident reports	20 years	Potential claims	Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
5.7	Play equipment inspection reports	21 years	Insurance Claims	
<b>6</b>	<b>General Management</b>			
6.1	Councillors contact details	Duration of membership	Management	
6.2	Lease agreements	12 years	Limitation Act 1980	
6.3	Contracts	6 years	Limitation Act 1980	
6.4	Email messages	At end of useful life	Management	
6.5	Consent forms	5 years	Management	
6.6	GDPR Security Compliance form	Duration of membership	Management	
6.7	Title deeds, leases, agreements, contracts	Indefinite	Audit, Management	N/A
6.8	Formal complaints made under the Town Council's Complaints procedure	5 years after closure of case	Management	
6.9	Public consultation: surveys and returns	5 years	Management	
6.10	Freedom of Information Requests received	6 years	Management	
6.11	Adopted Town Council Policy documents	Indefinite (archive after superseded)	Management	
6.12	Members' allowances register	6 years	Tax, Limitation Act 1980 (as amended)	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.

6.13	Information from other bodies e.g. circulars from county associations, NALC, principal authorities	Retained for as long as it is useful and relevant	Information purposes	Bin
6.14	Local/historical information	Indefinite – to be securely kept for benefit of the Parish	Councils may acquire records of local interest and accept gifts or records of general and local interest in order to promote the use for such records (defined as materials in written or other form setting out facts or events or otherwise recording information).	N/A
6.15	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 1 <sup>st</sup> February 2004 has published works in print (this includes a pamphlet, magazine or newspaper, 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	Bin if applicable

			Library holds.	
<b>7</b>	<b>Recreation Grounds</b>			
7.1	<ul style="list-style-type: none"> <li>• Application to hire</li> <li>• Invoices</li> <li>• Record of tickets issued</li> </ul>	6 years	VAT	Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
7.2	Lettings diaries	6 years Electronic files linked to accounts	VAT	N/A
7.3	Terms and Conditions	6 years	Management	Bin
7.4	Document	Minimum Retention Period	Reason	Disposal
7.5	Event Monitoring Forms	6 years unless required for claims, insurance or legal purposes	Management	Bin. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
<b>8</b>	<b>Allotments</b>			
8.1	Register and plans	Indefinite	Audit, Management	N/A
8.2	Legal papers	Indefinite	Audit, Management	N/A
<b>9</b>	<b>Burial Grounds</b>			
9.1	Register of burials	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (SI 204)	N/A
9.2	Register of purchased graves	Indefinite	Management	N/A
9.3	Register/plan of grave spaces	Indefinite	Management	N/A
9.4	Applications for interment	Indefinite	Management	N/A
9.5	Disposal certificates	Indefinite	Management	N/A
9.6	Copy certificates of grant of exclusive right of burial	Indefinite	Management	N/A
9.7	Register of memorials	Indefinite	Management	N/A
9.8	Applications for right to erect	Indefinite	Management	N/A

	memorials			
9.9	Register of fees collected	Indefinite	Management	N/A
9.10	Transfer of grave documents	Indefinite	Management	N/A
9.11	General Correspondence	6 Years	Management	
<b>10</b>	<b>Planning Papers</b>			
10.1	Applications	Held by Local Planning Authority (West Lindsey District Council)	Management	Bin
10.2	Appeals	1 year unless significant development	Management	Bin
10.3	Trees	Held by Local Planning Authority (West Lindsey District Council)	Management	Bin
10.4	Local Development Plans	Retained as long as in force	Reference	Bin
10.5	Local Plans	Retained as long as in force	Reference	Bin
10.6	Town/Neighbourhood Plans	Indefinite – final adopted plans	Historical purposes	N/A
<b>11</b>	<b>Record-keeping</b>			
11.1	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> </ul> Electronic files will be saved using relevant file names	The electronic files will be backed up periodically on a portable hard drive and also in the cloud-based programme supplied by the Council's IT company.	Management	Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
11.2	General correspondence	Unless it relates to specific categories outlined in the policy, correspondence, both paper and electronic, should be kept. Records should be kept for as	Management	Bin (shred confidential waste) A list will be kept of those documents disposed of to meet the requirements of

		long as they are needed for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests.		the GDPR regulations.
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