RETENTION AND DISPOSAL POLICY

1. INTRODUCTION

It is important that the Council has in place arrangements for the retention and disposal of documents necessary for the adequate management of services in undertaking its responsibilities.

Documents may be retained in either 'hard' paper form or in electronic form. For this policy, 'document' and 'record' refers to both hard copy and electronic records.

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.

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.

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.

The aim of this policy 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

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 concur with the General Data Protection Regulations

2. DOCUMENT RETENTION PROTOCOL

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.

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.

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 General Data Protection Regulations
- Documents that are no longer required for operational purposes but need retaining should be placed at the records office.

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.

3. REVIEW OF DOCUMENT RETENTION

It is planned to review, update and where appropriate amend the list of documents and retention (Appendix A), on a regular basis (at least every three years in accordance with the *Code of Practice on the Management of Records* issued by the Lord Chancellor).

4. CONFIDENTIAL WASTE

Fundamentally any information that is required to be produced under the Freedom of Information Act or Environmental Information Regulations, is available on the website or is open to public inspection should **NOT** be treated as confidential waste.

However, any information that is protected by the Data Protection Act or as Confidential under the Councils Standing Orders should be treated as confidential waste for disposal purposes.

5. DISPOSAL OF DOCUMENTATION

Confidential waste which clearly shows any personal information or information will be shredded by use of the shredder in the office or a professional shredding company.

Councillors will be informed if a company is to be used so that they may deposit any such council papers they hold with the Clerk so that they can be included for shredding.

6. RETENTION

Timeframes for retention of documents have been set using legislative requirements. The attached 'Appendix' shows the minimum requirements for the retention of documents. The Clerk should exercise judgement as to whether they can be disposed of at the end of those periods detailed in the appendix.

Throughout retention the conditions regarding safe storage and controlled access will remain in place.

7 HANDLING

Personal information will only be available to those who are authorised. The Council complies with s124 of the Police Act 1997, so that Disclosure Information is only passed to those who are authorised to receive it in the course of their duties.