



## **Lyneham and Bradenstoke Parish Council**

# **Management and Retention of Documents Policy**

Adopted on

11<sup>th</sup> February 2020

To be reviewed every two years

Or

On change of relevant legislation (if sooner)



## INTRODUCTION

Chapter 11 of 'Arnold Baker on Local Council Administration' (Tenth Edition) contains information about local council documentation. This policy updates and supplements that information, with reference to the length of time documents should be retained by the parish council, using NALC LTN40 and NALC 'Clerk's Toolkit' training advice. This policy is in line with the Local Government (Records) Act 1962.

Lyneham and Bradenstoke Parish Council holds many documents in electronic form only. The same arrangements for keeping records and copies apply to electronic documents and paper documents alike.

## LEGAL POSITION

Lyneham and Bradenstoke Parish Council's Financial Regulations contain information on council audit and accounting requirements.

Most legal proceedings are governed by the Limitation Act 1980 (as amended). The 1980 Act provides that legal claims may not be commenced after a specified period. 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
Data Subject Access Requests	3 or 6 years <sup>1</sup>
To recover land	12 years
Rent	6 years
Breach of Trust	None

Where the limitation periods above are longer than other periods specified in this Policy, the documentation should be kept for the longer period specified. If the legal proceedings fall into more than one category, the longest limitation period should be used.

There is no limitation period in respect of trusts, all documentation should be kept.

Some limitation periods can be extended<sup>2</sup>, in such circumstances Lyneham and Bradenstoke Parish Council will weigh the costs of storing relevant documents and the risks. Wherever possible, such documents will be stored electronically to reduce costs of storage space. The council will also ensure the council's insurance terms for document storage, if any, are complied with.

Under GDPR the council must have a policy in place setting standard retention periods for new (as opposed to historic or archived) personal documentation.

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<sup>1</sup> 3 years after request or for 6 years if the request was appealed.

<sup>2</sup> NALC LTN40



## **COUNCIL'S COMMITMENT**

Lyneham and Bradenstoke Parish Council is clear of the need to retain documentation for audit purposes, staff management, tax liabilities and the eventuality of legal disputes and legal proceedings (summarised as above under 'LEGAL POSITION').

Subject to these reasons for retaining documents and as a basic starting point, papers and records may be destroyed if they are no longer of use or relevant.

## **RETENTION OF DOCUMENTS**

### **Indefinite**

Records in this category, when no longer regularly consulted in the parish should be deposited in the Wiltshire and Swindon History Centre, which is our County Records Office (CRO). They are generally easy to identify; the obvious examples are the main series of signed council and committee minutes and the receipt and payment books. Other records may be less easy to select, in particular correspondence files on important local issues and planning applications and papers for major or controversial developments. The following principles should assist.

Firstly, where detailed minutes survive there should be less need to preserve large amounts of correspondence. Secondly a filing system arranged by subject can ease considerably the process of selecting material on important issues. Lastly, important files can often be overloaded with material of an ephemeral nature; it is a good idea therefore to remove such papers from the files at a regular interval.



## **RECORDS TO BE DESTROYED BY THE PARISH CLERK**

A large number of parish council records can be destroyed once they become inactive or the minimum retention period expires. Financial records account for the majority of this category. Typically, these must be kept for a minimum of 6 years after the last entry (Limitation Act 1980, VAT Act 1994 etc.), but may be retained for longer depending on local circumstances. Records not given a minimum retention period can be destroyed once there is no longer an administrative requirement for their custody. If you are unsure whether a document or series of records should be destroyed, then please contact the Archive Service for further guidance.

To protect confidential information, all records assigned for disposal should be securely destroyed. Paper records containing confidential information should be shredded or pulped, and not simply thrown out with other classes of records. Electronic or machine-readable records will require a two-step process for assured confidential destruction: deletion of the contents of digital files, and the use of commercially available software applications to remove all residual data from the storage device.



Document	Retention period	Reason	Notes
<b>Council official records:</b>			
Signed minutes <sup>3</sup>	<b>Indefinite</b>	Archive, Audit, Legal	WSHC
Acceptance of office	4 years or until they vacate office if before <sup>4</sup>	Legal	
Declarations of interest	<b>Indefinite</b>	Legal	WSHC
Members register of interest	Duration of office <sup>4</sup>	Legal	Online Wilts Council
Members' allowances register	6 years	Tax, Limitation Act 1980 (as Amended), Audit	
Scale of fees and charges	6 years	Management, Audit	
Quotations, Tenders and Contracts	6 years	Limitation Act 1980 (as Amended), Audit	
Asset Register	<b>Indefinite</b>	Management, Audit	WSHC

<sup>3</sup> It the signed minutes are not available or lost, the agenda for the meeting must be stored indefinitely as a replacement to the minutes.

<sup>4</sup> GDPR treats storage limitation in a similar way to the fifth principle (retention) of the 1998 Data Protection Act. Personal data must not be kept for longer than the council needs it.



Title deeds, leases, agreements, contracts	<b>Indefinite</b>	Management, Audit	WSHC
<b>Employee records:</b>			
Accident reports	3 years	Legal	
Actuarial valuation reports	<b>Indefinite</b>	Legal	WSHC
Amended code number notice	6 years	Legal	
Contribution records	<b>Indefinite</b>	Legal	WSHC
Expenses accounts	7 years	Legal	
Inland Revenue approvals	<b>Indefinite</b>	Legal	WSHC
Payment changes	6 years	Legal	
Pension investment policies	12 years after benefit ends	Legal	
Records of ex-pensioners	6 years after benefit ends	Legal	



Redundancy/long service awards	7 years	Legal	
Staff overtime/additional hours	3 years	Audit	
Staff personnel records <sup>5</sup>	7 years after employment ends	Reference	
Timesheets	Last completed audit year	Audit	
<b>Wages:</b>			
Annual earnings summary	Current plus 12 years	Legal	
Income tax/pay details	6 years	Legal	
P45, P58, P48, P6, P60	6 years	Legal	
Pay advice	Current plus 1 year	Legal	
Payroll	Current plus 6 years	Audit	
Returned tax	6 years	Legal	

<sup>5</sup> Unless they left due to ill health and it may be Asbestos related, then the records must be retained until the person is 100 years old.





Schedule of deductions	6 years	Audit	
Wages book	12 years	Superannuation, Audit	
<b>Contractors:</b>			
Time sheets	Current plus 1 year	Legal	
<b>Insurance:</b>			
Insurance company names and policy numbers	<b>Indefinite</b>	Management	WSHC
Public and product liability policies	While valid	Management, Audit	
Certificate of insurance (liability for employees)	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753, Management, Audit	
Accident/incident reports (public)	6 years	Legal	



Cash records:			
Bank account statements	Last completed audit year	Audit	
Bank paying-in counterfoils	Last completed audit year	Audit	
Banking reconciliations	6 years	Legal	
Banking returns	6 years	Legal	
Paid cheques	6 years	Limitation Act 1980 (as Amended), Audit	
Cheque stubs/remittance advice	Last completed audit year	Audit	
Cash and petty cash books and rent books	6 years <sup>6</sup>	Legal	WSHC
Investments	<b>Indefinite</b>	Management, Audit	WSHC
Paid invoices	6 years	VAT, Audit	

<sup>6</sup> Indefinite if the receipt and payment books have not survived



Annual accounts	<b>Indefinite</b>	Archive, Audit	WSHC
Pension fund details	<b>Indefinite</b>	Legal	WSHC
Petty cash, postage, phone records	6 years	Tax, VAT, Limitation Act 1980 (as Amended), Audit	
Purchase orders	2 years (revenue) 3 years after expiry (capital)	Audit	
Purchase requisitions	2 years	Audit	
Receipt books of all kinds	6 years	VAT, Audit	
Unpresented cheque list	6 years	Legal	
VAT records	4 years generally but 20 years for VAT on rents	VAT, Audit	
<b>Property receipts:</b>			
Architect builder agreements	6 years after contract ends	Legal	



Leases	12 years after contract ends	Legal	
Planning permission	12 years after interest ends	Legal	
<b>Planning:</b>			
Planning applications for comment	Not stored	Management	Online Wilts Council
Local Plans and similar documents	Not Stored	Management	Online Wilts Council
<b>Halls, Centres, Recreation Grounds:</b>			
Applications to hire Copies of bills to hirers Lettings diaries Record of tickets issued	6 years	VAT	



Playground Inspections	21 years <sup>7</sup>	Legal	
Tree inspection	Until superseded		
<b>Allotments:</b>			
Register and plans	<b>Indefinite</b>	Management, Audit	WSHC
<b>Policies and Procedures</b>			
Standing Orders	Until superseded	Legal, Audit, Management	
Financial Regulations	Until superseded	Legal, Audit, Management	
NALC, WALC etc information	As long as relevant	Management, reference	
Magazines and journals	As long as relevant	Management, reference	
Complaints	1 year	Management	
Correspondence from the public on general issues	As long as pertinent	Management	

<sup>7</sup> Individuals (or the parents/guardians/carers if they are not able to) are able to claim for injury against the Council up to attaining the age of 21



Correspondence from the public relating to audit or staff.	As long as legally required	Audit, Legal	
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## Lyneham and Bradenstoke Parish Council's own publications

The council may wish to keep its own publications. Currently Lyneham and Bradenstoke Parish Council produces newsletter.

The Legal Deposit Libraries Act 2003 and the Legal Deposit Libraries (Non-Print Works) Regulations 2013 require the council to deliver, at its own expense, a copy of published works in print or published electronic works offline, to the British Library Board. Electronic works only have to be delivered to the British Library if requested. Printed and electronic works are defined as a pamphlet, magazine, newspaper, map, plan, chart or table.

## Documentation relating to staff (including correspondence)

The council retains documentation relating to staff in accordance with the eight data protection principles contained in the Data Protection Act 1998, which is reinforced under the General Data Protection Regulations and the Data Protection Act 2018. Personal data is not kept for longer than is necessary for the purpose it was held.

After an employment relationship has ended, the council may retain and access staff records for former staff for the purpose of giving references, payment of tax, national insurance contributions and pensions,



and in respect of any legal claims made against the council (see time limitations listed under 'LEGAL POSITION').

The time limits within a claim (and any appeal) may be lodged against the employer are set out in the legislation that contains the employment right in question or failing that, by reference to the Limitation Act 1980 (see time limitations listed under 'LEGAL POSITION').

The time for lodging a claim at an Employment Tribunal is usually measured from the date that the employment relationship ended, or the date of the act complained of.

## **Local/historical information**

There is provision in the Local Government (Records) Act 1962 for the council to acquire records of local interest.

## **Storage Limitation and the GDPR**

GDPR treats storage limitation in a similar way to the fifth principle (retention) of the 1998 Data Protection Act. Personal data must not be kept for longer than the council needs it.

The council can keep personal data for longer for public interest archiving, scientific or historical research, or statistical purposes with appropriate safeguards in place.

Anonymised data can be kept for an unlimited period.



There are also clear links to the new right to erasure (right to be forgotten)<sup>8</sup>. The council must now review whether it still needs to keep personal data if a subject asks for it to be deleted.

## **Deposit, storage and Management of Documents**

Lyneham and Bradenstoke Parish Council makes provision for the secure storage and security of, access to and disposal of both paper and electronic records. The effectiveness of this system and the records themselves should be reviewed every two years or on the change of applicable legislation.

The Council will need to ensure that all data (hard copy or electronic) is kept securely and access is only available to authorised personnel.

Councillors will need to assess how they manage the data they receive or generate on behalf of the Council and take steps to identify and address any potential weaknesses. e.g. access to emails/contact details by a 3rd party.

In accordance with s.227 of the Local Government Act, the council may request Wiltshire Council to provide proper depositories for all the specified papers (defined as public books, writings, council papers, and all documents directed by law to be kept) for which there is no other provision. Documents of local or historical importance, if not retained and stored by Lyneham and Bradenstoke Parish Council, or without reliance on the Act as above, should be offered first to the Wiltshire county record office, which is the Wiltshire and Swindon Heritage Centre.

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<sup>8</sup> GDPR 16 and DPA 18





## Disposal

All documents that are no longer required for administrative reasons should be stored in boxes labelled with relevant destruction dates.

When documents are disposed of, the method of disposal should be appropriate to the nature and sensitivity of the documents concerned.