



## 1. Introduction

The guidelines set out in this document support the Swillington Village Council Data Protection Policy and assist us in compliance with the Freedom of Information Act 2000, the General Data Protection Regulation (GDPR) and other associated legislation.

It is important that Swillington Village Council has in place arrangements for the retention and disposal of documents necessary for the adequate management of services in undertaking its responsibilities. This policy sets out the minimum requirements for the retention of documents and sets out the requirements for the disposal of documents. However, it is important to note that this is a live document and will be updated on a regular basis.

Swillington Village Council will ensure that information is not kept for longer than is necessary and will retain the minimum amount of information that it requires to carry out its functions and the provision of services, whilst adhering to any legal or statutory requirements.

## 2. Aims & Objectives

It is recognised that up-to-date, reliable and accurate information is vital to support the work that Swillington Village Council does and the services that we provide to our residents. This document will help us to:

- Ensure the retention and availability of the minimum amount of relevant information that is necessary for the Council to operate and provide services to the public.
- Comply with legal and regulatory requirements, including the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the GDPR.
- Save employees' time and effort when retrieving information by reducing the amount of information that may be held unnecessarily.
- Ensure archival records that are of historical value are appropriately retained for the benefit of future generations.

## 3. Scope

For the purpose of this policy, 'documents' includes electronic, microfilm, microfiche and paper records.

Where storage is by means of paper records, originals rather than photocopies should be retained where possible.

#### **4. Standards of good practice**

Swillington Village Council will make every effort to ensure that it meets the following standards of good practice:

- Adhere to legal requirements for the retention of information as specified in the Retention Schedule in the Appendix.
- Personal information will be retained in password-protected personnel files on the Clerk's laptop. Access to these documents will only be by authorised personnel.
- Disclosure information will be retained in a password-protected file on the Clerk's laptop.
- Appropriately dispose of information that is no longer required.
- Appropriate measures will be taken to ensure that confidential and sensitive information is securely destroyed.
- Information about unidentifiable individuals is permitted to be held indefinitely for historical, statistical or research purposes e.g. equalities data.
- Wherever possible only one copy of any personal information will be retained and that will be held within the Clerk's laptop in a password-protected file.

#### **5. Breach of policy & standards**

Any employee who knowingly or recklessly contravenes any instruction contained in, or following from, this Policy may, depending on the circumstances of the case, have disciplinary action, which could include dismissal, taken against them.

Any Councillor who knowingly or recklessly contravenes any instruction contained in, or following from, this Policy may, depending on the circumstances of the case, have action taken under the Code of Conduct.

Where there is a breach of the policy, the Council may need to consider whether there is also a breach of the GDPR.

#### **6. Roles & responsibilities**

The Swillington Village Council Clerk has responsibility for implementation of the policy under delegation of Swillington Village Council.

The Clerk is responsible for the maintenance and operation of this policy including ad-hoc checks to ensure compliance.

#### **7. Retention**

Timeframes for retention of documents have been set using legislative requirements and guidance from the National Association of Local Councils (NALC) and the Chartered Institute of Personnel and Professional Development (CIPD).

Throughout retention the conditions regarding safe storage and controlled access will remain in place. Where possible, original documents will be archived with Leeds City Council for safekeeping as soon as practicable; copies can be retained by Swillington Village Council for the duration of the retention period.

The attached Appendix shows the minimum requirements for the retention of documents as determined by Swillington Village Council for the management of specific documentation types. Officers holding documents should exercise judgement as to whether they can be disposed of at the end of those periods detailed in the attached Appendix.

## 8. Disposal

Documents/data no longer required by Swillington Village Council for administrative purposes must be finely shredded or disposed of through specialist waste removal contractors and deleted entirely and securely from Swillington Village Council's computer systems.

*Date of policy: March 2024*

*Approving committee: Full Council*

*Date of committee meeting: 05/03/2024*

*Policy version reference: Version 1*

*Policy effective from: 05/03/2024*

*Date for next review: As necessary*

## Appendix – Document Retention Timescales

| Document   | Retention Period  |
|--|---|
| <b>Finance</b>   |   |
| Financial Published Final Accounts   | Indefinitely  |
| Annual Governance and Accountability Return                                    | Indefinitely  |
| Final Account working papers   | 6 years   |
| Records of all accounting transactions held in the financial management system | At least 6 years  |
| Cash Books (records of monies paid out and received)                           | 12 years  |
| Purchase Orders  | 6 years   |
| Invoices received  | 6 years   |
| Goods received notes, advice notes and delivery notes                          | 3 years (or until end of warranty period if longer)           |
| Expenses and travel allowance claims   | 6 years   |
| Asset register for statutory accounting purposes                               | 10 years  |
| Adopted annual budget  | 6 years   |
| Budget estimates – detailed working papers and summaries                       | 3 years   |
| Bank statements & instructions to banks  | 6 years   |
| Bank reconciliations   | 3 years   |
| Grant/funding applications and claims  | 3 years   |
| Precept forms  | Indefinitely  |
| Internal audit plans & reports   | 3 years   |
| Current and expired insurance contracts and policies, and insurance records    | 3 years (or as long as it is possible for a claim to be made) |
| Claims correspondence  | 3 years after settlement                                      |
| Employers Liability Insurance Certificate                                      | 40 years  |
| VAT records, input and output  | 10 years  |

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| Final accounts of contracts  | 12 years from completion of contract  |
| Redundancy records   | 6 years from the date of redundancy   |
| <b>Personnel/employment</b>  |   |
| Unsuccessful application forms   | 6 months to 1 year  |
| Unsuccessful reference requests  | 1 year  |
| Successful application forms and CVs   | For duration of employment + 6 years  |
| References received  | For duration of employment + 6 years  |
| Statutory sick records, pay, calculations, certificates etc.                 | For duration of employment + 6 years  |
| Annual leave records   | For duration of employment + 6 years  |
| Unpaid leave/special leave   | For duration of employment + 6 years  |
| Annual appraisal/assessment records  | Current year and previous 2 years   |
| Employee personnel files, training records, and discipline/grievance records | For duration of employment + 6 years  |
| Disciplinary or grievance investigations – unproven                          | Destroy immediately after investigation or appeal   |
| Statutory maternity/paternity records, calculations, certificates etc.       | 3 years after the tax year in which the maternity period ended  |
| Timesheets and overtime claims   | 6 years   |
| Statutory end of year returns to HMRC and Pensions records                   | Indefinitely  |
| Tax and NI records   | Not less than 3 years after the end of the financial year to which they relate  |
| Wages/salary records, overtime, bonuses, expenses etc.                       | 6 years   |
| Accident books, records and reports  | 3 years after the date of the last entry (unless an accident involving chemicals or asbestos is contained within, then 40 years). If the accident concerns a child or young adult, retain until the person reaches the age of 21. |
| Redundancy records   | 6 years from the date of redundancy   |
| Supporting documentation for tax returns                                     | 6 years   |

| <b>Corporate</b>   |  |
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| Councillors Register of Interests  | When a Cllr is no longer a public office holder          |
| Councillors Declaration of Acceptance of Office forms  | When councillor is no longer a public office holder      |
| Chairman's Declaration of Acceptance of Office forms   | When the term of office comes to an end                  |
| All Swillington Village Council minutes including minutes of committees, sub-committee meetings and any working group minutes  | Permanently (in perpetuity) and archived after two years |
| Policies or procedures   | Until updated or reviewed                                |
| Asset management records   | Indefinitely   |
| Internal audit fraud investigations  | 7 years from date of final outcome of investigation      |
| Risk register  | Indefinitely   |
| Risk assessments   | 6 years  |
| Allotment application forms  | Length of tenancy + 2 years                              |
| Allotment agreements   | Length of tenancy + 6 years                              |
| Pre-tender qualification document, summary list of expression of interest received, a summary of any financial or technical evaluation supplied with the expressions of interest initial application | 1 year   |
| Successful tender documentation  | Life of contract + 6 years from date of final payment    |
| Unsuccessful tender documentation  | Until final payment of contract                          |
| Deeds of land and property   | Permanently, or until property is disposed of            |
| Land and property rental agreements  | 6 years after expiry of the agreement                    |
| Property evaluation lists  | Indefinitely   |
| Lease agreements, variation and valuation queries  | 15 years after the expiry of the agreement               |

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| Documentation referring to externally funded projects   | 6 years  |
| Booking diaries   | 6 years  |
| Premises licence applications   | Indefinitely   |
| <b>Health &amp; Safety</b>  |  |
| Health & Safety accident books and records  | 3 years after the date of the last entry (unless an accident involving chemicals or asbestos is contained within, then 40 years). If the accident concerns a child or young adult, retain until the person reaches the age of 21.                        |
| Medical records containing details of an employee exposed to asbestos or chemicals as specified by the Control of Substances Hazardous to Health Regulations 1999 | 40 years from the date of the last entry   |
| Medical examination certificates  | 4 years from date of issue   |
| Parks and play area inspection reports  | 6 years  |
| All inspection certificates   | 6 years  |
| Repairs job sheets  | 2 years  |
| Periodic machinery inspection tests (PAT, equipment calibration, boiler servicing, etc.)  | 2 years  |
| Documents relating to the process of collecting, transporting and disposal of general waste   | 3 years  |
| Manual Handling Assessment Forms  | 3 years  |
| <b>Other</b>  |  |
| Routine correspondence  | File management – retain until matter dealt with; maximum period 6 months. Where Swillington Village Council believes that it is necessary to keep correspondence for an increased length of time, it will redact personal data from the correspondence. |
| Requests under the Freedom of Information Act 2000  | File management – retain until matter dealt with + 6 months. Where Swillington Village Council believes that it is   |

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|  | necessary to keep correspondence for an increased length of time, it will redact personal data from the correspondence.   |
| Planning Applications                          | <p>Recommendations in connection with relevant planning applications are recorded in the minutes which are retained indefinitely. Correspondence received in connection with planning applications will be retained in accordance with the routine documents/correspondence policy noted above.</p> <p>Where an application is refused by the local planning authority, the application will be retained until the period within which an appeal can be made has expired.</p> |
| <b>Agreements &amp; related correspondence</b> |   |
| Contracts with customers and suppliers         | Six years after expiry or termination of contract   |
| Licensing agreements and purchase agreements   | Six years is generally the time limit within which proceedings founded on a contract may be brought   |
| Indemnities and guarantees                     | If the contract is executed as a deed, the limitation period is 12 years  |
| Other agreements and contracts                 | Actions for latent damage may be brought up to 15 years after the damage occurs   |
| <b>Donations &amp; Subscription Records</b>    |   |
| Donations granted & related correspondence     | Six years   |
| Deed of covenant                               | Six years after last payment made but up to 12 years if any payments are still outstanding or there is any dispute regarding the Deed   |
| Subscription records                           | 3 years after cessation of membership   |