

Retention and Disposal Policy

1. Introduction

1.1 The Council collects and generates a significant volume of information and data during its daily operations. This includes both internally generated data and information received from individuals and external organisations, recorded in a variety of formats.

1.2 Records created and maintained by the Council are vital assets. Measures must be taken to protect them. Well-managed records provide authentic and reliable evidence of the Council's actions and support its accountability.

1.3 Records may be held in either hard copy (paper) or electronic form. For the purposes of this policy, the terms *document* and *record* apply to both.

1.4 It is essential that documents are retained for an appropriate length of time. Premature disposal may result in non-compliance with legal obligations, operational disruption, reputational damage, or difficulty in defending the Council against claims.

1.5 Conversely, documents should not be kept longer than necessary. Timely disposal ensures compliance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018, especially regarding the retention of personal data. It also improves storage efficiency.

2. Scope and Objectives

2.1 This policy provides a framework to determine which documents should be:

- Retained – and for how long.
- Disposed of – and by which method.

2.2 Some documents do not require retention and may be routinely destroyed. These are typically duplicates or items of temporary or insignificant value. Examples include:

- 'With compliments' slips.
- Catalogues and trade journals.
- Declined invitations.
- Trivial emails not related to Council business.
- General requests for maps, plans, or advertising material.
- Obsolete distribution lists.

2.3 Superseded materials such as old stationery, draft documents, forms, and reference copies of reports may also be destroyed.

2.4 Records that may be needed as evidence must not be destroyed. Disposal must comply with the GDPR.

3. Responsibilities

3.1 The Council is responsible for deciding whether documents should be retained or disposed of. An annual review should be carried out to ensure unnecessary documents are disposed of in accordance with the GDPR.

3.2 All employees must be aware of and adhere to the Council's document retention and disposal schedule.

4. Retention Protocol

4.1 The Council should implement systems that effectively document its operations, taking into account the relevant legal and regulatory context.

4.2 Records must be complete and accurate to:

- Enable authorised audits or reviews.
- Protect the legal rights of the Council, its clients, and affected individuals.
- Verify individual consent to process and dispose of personal data.
- Provide reliable, authoritative evidence.

4.3 The following principles apply:

- Records must be organised for easy and timely retrieval; particularly where personal data is concerned.
- Documents no longer needed for daily operations but still requiring retention should be stored securely, such as in a designated records office.

4.4 Appendix A: *List of Documents for Retention or Disposal* sets out the recommended retention periods, based on guidance from the Public Records Office, the Records Management Society, and relevant legislation.

4.5 If there is a risk of litigation, records that may be relevant must not be altered or destroyed until that risk has passed.

5. Disposal Protocol

5.1 Documents should only be disposed of after considering the following:

- Is retention required for legal or regulatory reasons?
- Is the document still needed for operational purposes?
- Could the document be relevant in a dispute?
- Does it have historical or archival value?

5.2 The method of disposal must reflect the nature and sensitivity of the document. Disposal must be recorded in line with GDPR requirements.

5.3 Acceptable disposal methods:

- Non-confidential waste: general recycling or waste bin.
- Confidential/personal information: shredding.
- Digital records: permanent deletion.
- Archival: transfer to an appropriate external archive (e.g. County Records Office).

5.4 Disposal principles:

- All records containing personal or confidential information must be destroyed at the end of their retention period to comply with legal obligations and avoid reputational risk.
- Digital deletion must make recovery "virtually impossible", following Information Commissioner's Office (ICO) guidance.
- Historical documents may be transferred to a records office.
- Backups (including electronic or photographic copies) must also be destroyed if no longer required.

5.5 A disposal log must be maintained, recording:

- The document name or description.
- Date of disposal.
- Method used.

6. Data Protection Act 2018 – Disposal Obligations

6.1 Under the Data Protection Act 2018, personal data must not be kept longer than necessary. *Personal data* refers to any information relating to a living person who can be identified from that data or other data held by the Council.

6.2 An exemption allows personal data to be retained indefinitely for research, statistical, or historical purposes if specific conditions are met.

6.3 The Council must ensure compliance with the data protection principles:

- Fair, lawful, and transparent processing.
- Collection for specified, legitimate purposes.
- Adequacy, relevance, and limitation to what is necessary.
- Accuracy and currency.
- Storage limitation.
- Integrity and confidentiality.
- Accountability and compliance with data subject rights.

6.4 External storage providers acting on the Council's behalf must also comply with these principles.

7. Scanning of Documents

7.1 Generally, once a document is scanned and stored digitally, the original can be destroyed, except where otherwise required by law (e.g. HMRC).

7.2 As best practice, hard copies should be retained for three months after scanning.

7.3 Original VAT and tax-related documents must be kept for six years, unless HMRC agrees to a shorter period.

8. Policy Review

8.1 This policy will be reviewed at least every three years, in line with the Lord Chancellor's Code of Practice on the Management of Records.

8.2 Key references used to develop this policy:

- *Local Council Administration* by Charles Arnold-Baker (12th Edition), Chapter 11.
- NALC Legal Topic Note 40: *Local Councils' Documents and Records* (January 2013).
- NALC Legal Topic Note 37: *Freedom of Information* (July 2009).
- Lord Chancellor's Code of Practice under Section 46 of the Freedom of Information Act 2000.

9. List of Documents

9.1 A comprehensive list of documents with their retention or disposal schedules is maintained separately in **Appendix A: List of Documents for Retention and Disposal**, which is reviewed and updated regularly to reflect legal requirements and best practice.

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Due for review: May 2027