



MANAGEMENT AND RETENTION OF DOCUMENTS POLICY

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 particular reference to the length of time documents should be retained by the council, using NALC LTN40 and WALC 'Clerk's Toolkit' training advice.

Balsall 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

Balsall 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
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 (see NALC LTN40). In such circumstances Balsall 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.

COUNCIL'S COMMITMENT

Balsall 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



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(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

Document	Retention period	Reason	Location
Council official records:			
Signed minutes*	Indefinite	Archive, Audit, Legal	PO, SU
Acceptance of office	Duration of office + 1 year	Legal	PO
Declarations of interest	Indefinite	Legal	PO, SU
Members register of interest	Duration of office + 1 year	Legal	Online at SMBC
Members' allowances register	6 years	Tax, Limitation Act 1980 (as Amended), Audit	PO, SU
Scale of fees and charges	6 years	Management, Audit	PO, SU
Quotations, Tenders and Contracts	6 years	Limitation Act 1980 (as Amended), Audit	PO, SU
Asset Register	Indefinite	Management, Audit	PO, SU
Title deeds, leases, agreements, contracts	Indefinite	Management, Audit	PO, SU
Employee records:			
Accident reports	3 years	Legal	PO, SU
Actuarial valuation reports	Indefinite	Legal	PO, SU
Amended code number notice	6 years	Legal	PO, SU
Contribution records	Indefinite	Legal	PO, SU
Expenses accounts	7 years	Legal	PO, SU
Inland Revenue approvals	Indefinite	Legal	PO, SU
Payment changes	6 years	Legal	PO, SU
Pension investment policies	12 years after benefit ends	Legal	PO, SU
Records of ex-pensioners	6 years after benefit ends	Legal	PO, SU
Redundancy/long service awards	7 years	Legal	PO, SU
Staff overtime/additional hours	3 years	Audit	PO, SU
Staff personnel records	7 years after employment ends	Reference	PO, SU
Timesheets	Last completed audit year	Audit	PO



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	3 years	Personal injury (best practice)	PO, SU
Wages:			
Annual earnings summary	Current plus 12 years	Legal	PO, SU
Income tax/pay details	6 years	Legal	PO, SU
P45, P58, P48, P6, P60	6 years	Legal	PO, SU
Pay advice	Current plus 1 year	Legal	PO
Payroll	Current plus 6 years	Audit	PO, SU
Returned tax	6 years	Legal	PO, SU
Schedule of deductions	6 years	Audit	PO, SU
Wages book	12 years	Superannuation, Audit	PO, SU
Contractors:			
Time sheets	Current plus 1 year	Legal	PO
Insurance:			
Insurance company names and policy numbers	Indefinite	Management	PO, SU
Public and product liability policies	While valid	Management, Audit	PO, SU
Certificate of insurance (liability for employees)	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (Sl. 2753, Management, Audit	PO, SU
Accident/incident reports (public)	6 years	Legal	PO, SU
Cash records:			
Bank account statements	Last completed audit year	Audit	PO, SU
Bank paying-in counterfoils	Last completed audit year	Audit	PO, SU
Banking reconciliations	6 years	Legal	PO, SU
Banking returns	6 years	Legal	PO, SU
Paid cheques	6 years	Limitation Act 1980 (as Amended), Audit	PO, SU
Cheque stubs/remittance advice	Last completed audit year	Audit	PO, SU
Cash book	6 years	Legal	PO, SU
Investments	Indefinite	Management, Audit	PO, SU
Paid invoices	6 years	VAT, Audit	PO, SU
Annual accounts	Indefinite	Archive, Audit	PO, SU
Pension fund details	Indefinite	Legal	PO, SU



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Petty cash, postage, phone records	6 years	Tax, VAT, Limitation Act 1980 (as Amended), Audit	PO, SU
Purchase orders	2 years (revenue) 3 years after expiry (capital)	Audit	PO, SU
Purchase requisitions	2 years	Audit	PO, SU
Receipt books of all kinds	6 years	VAT, Audit	PO, SU
Unpresented cheque list	6 years	Legal	PO, SU
VAT records	6 years generally but 20 years for VAT on rents	VAT, Audit	PO, SU
Property receipts:			
Architect builder agreements	6 years after contract ends	Legal	PO, SU
Leases	12 years after contract ends	Legal	PO, SU
Planning permission	12 years after interest ends	Legal	PO, SU
Planning:			
Planning applications for comment	Not stored	Management	Online at SMBC
Local Plans and similar documents	While valid	Management	PO, online at SMBC
Halls, Centres, Recreation Grounds:			
<ul style="list-style-type: none"> • Applications to hire • Copies of bills to hirers • Lettings diaries • Record of tickets issued 	6 years	VAT	PO, SU
<ul style="list-style-type: none"> • Playground Inspections 	21 years	Legal	PO, SU
Allotments:			
Register and plans	Indefinite	Management, Audit	PO, SU
Burial Grounds:			
<ul style="list-style-type: none"> • Register of fees collected • Register of burials • Register of purchased graves • Register of grave spaces • Register of memorials • Applications for internment • Disposal certificates • Copy certification of grant of exclusive right of burial 	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (SI. 204), Legal	PO, SU
<ul style="list-style-type: none"> • Tree inspection • Memorial inspection 	Until superseded		PO
Standing Orders	Until superseded	Legal, Audit, Management	PO
Financial Regulations			



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Policies and Procedures			
NALC, WALC etc information	As long as relevant	Management, reference	PO
Magazines and journals	As long as relevant	Management, reference	PO
Complaints	1 year	Management	PO
Correspondence from the public on general issues	As long as pertinent	Management	PO
Correspondence from the public relating to audit or staff.	As long as legally required	Audit, Legal	PO, SU

PO: Parish office, SU: private storage unit, SMBC: Solihull Metropolitan Borough Council

* The council will offer SMBC original signed paper copies of council minutes for archive storage at no more than 7 year intervals.

Balsall Parish Council's own publications

The council may wish to keep its own publications. Currently Balsall Parish Council produces a bi-monthly e-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 off line, 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. 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 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.



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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). The council must now review whether it still needs to keep personal data if an individual asks for it to be deleted.

DEPOSIT, STORAGE AND MANAGEMENT OF DOCUMENTS

Balsall 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 annually.

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 Solihull Metropolitan Borough Council (SMBC) 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 Balsall Parish Council, or without reliance on the Act as above, should be offered first to the county record office.

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.

This policy is cross-referenced to the following Balsall Parish Council's adopted policies and procedures:

Financial Regulations

Publication Scheme

Data Protection

Communications

Freedom of Information Act and Procedure

Approved: 9 January 2019, Finance and General Purposes Committee

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