

Records Management, Retention & Disposal Policy

1. Introduction

- 1.1. There are statutory and administrative requirements for the Parish Council to retain certain records. However, the Parish Council does not have its own office premises and recognises that the management of records requires clarity to ensure that valuable information is accessible, relevant and appropriate. It also important to ensure that records are not retained unnecessarily and that storage costs and the burden upon the Parish Clerk are minimised.
- 1.2. Where possible records will be stored electronically and this policy identifies where that is possible and which documents must be stored in paper form. Back-up procedures for electronic storage are also covered.

2. The Statutory Background

- 2.1. The Parish Council recognises the need to retain documentation for audit purposes, staff management, tax liabilities, and the eventuality of legal disputes and proceedings.
- 2.2. In agreeing a records management, retention and disposal policy, the Parish Council has addressed these needs, and taken into account its obligations under the Local Government Act 1972, the Local Audit & Accountability Act 2014, the Public Records Act 1958, the Data Protection Act 1998, the Employers' Liability (Compulsory Insurance) Regulations 1998, the Limitation Act 1980, the VAT Act 1994, the Taxes Management Act 1970, the Employments Rights Act 1996, the Local Government (Records) Act 1962, the Freedom of Information Act 2000 and the Code of Practice on the Management of Records under Section 46 of the Freedom of Information Act 2000.

3. Retention of records for legal purposes

- 3.1. Most legal proceedings are governed by the Limitation Act 1980. The 1980 Act provides that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question. 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

- 3.2. Some types of legal proceedings may fall into two or more categories. In these circumstances, the records should be kept for the longest of the differing limitation periods.
- 3.3. As there is no limitation period in respect of trusts, the Parish Council will never destroy trust deeds and schemes and other similar documentation.
- 3.4. Some limitation periods can be extended. Examples include:
- where individuals first become aware of damage caused at a later date (e.g. in the case of personal injury);
 - where damage is latent (e.g. to a building);
 - where a person suffers from a mental incapacity;
 - where there has been a mistake or where one party has defrauded another or concealed relevant facts.
- 3.5. In such circumstances, the Parish Council will weigh up (i) the costs of storing relevant records and (ii) the risks of:
- claims being made;
 - the value of the claims; and
 - the inability to defend any claims made should relevant documentation be destroyed.

4. Record retention and disposal schedule

- 4.1. The Council has agreed a minimum record retention and disposal schedule, based on the obligations under the previously named Acts, Codes, Orders and Regulations.

RECORD	MINIMUM RETENTION PERIOD	REASON
Minute books (paper)	Indefinite	Archive
Members' Declarations of Acceptance of Office (paper)	Indefinite	Archive
Annual Return (paper)	Indefinite	Archive
Investments (paper or electronic)	Indefinite	Audit, Management
Title deeds, leases, agreements, contracts (paper or electronic)	Indefinite	Audit, Management
For allotments <ul style="list-style-type: none"> • Register and plans (paper or electronic) 	Indefinite	Audit, Management
Playground Inspection Reports (electronic)	21 years to Indefinite (pending further advice)	Limitation Act 1980
Certificates for insurance against liability for employees (paper or electronic)	40 years from date on which the insurance commenced or was renewed	Employers' Liability (Compulsory Insurance) Regulations 1998, Management

RECORD	MINIMUM RETENTION PERIOD	REASON
Wages books (paper or electronic)	12 years	Superannuation
Receipt and payment account(s) other than the Annual Return (electronic)	6 years	Management
Receipt books of all kinds (paper or electronic)	6 years	VAT
Paid invoices (paper)	6 years	VAT
Paid cheques (these are retained by the bank under the Banking Code)	6 years	Limitation Act 1980
VAT records (paper or electronic)	6 years	VAT
Petty cash and postage books (paper or electronic)	6 years	Tax, VAT, Limitation Act 1980
Quotations and tenders (paper or electronic)	6 years after completion of the contract	Limitation Act 1980
Agendas (electronic)	3 years	Management
Parish Council Newsletters ¹ . (paper)	3 years	Management
General Correspondence (paper)	2 years	Management
Bank statements, including savings/deposit accounts (paper or electronic)	Last completed audit year	Audit
Bank paying-in books (paper or electronic)	Last completed audit year	Audit
Cheque book stubs (paper)	Last completed audit year	Audit
Members' Register of Interests (paper or electronic – original lodged with CDC)	While valid	Management
Insurance policies (paper or electronic)	While valid	Management
Risk Assessments (paper or electronic)	While valid	Management

¹ Note: The Legal Deposit Libraries Act 2003 requires a local council which after February 2004 has published works in print (this includes a pamphlet, magazine or newspaper, a map, plan chart or table) to deliver, at its own expense, a copy of them to the British Library Board for study and information.

RECORD	MINIMUM RETENTION PERIOD	REASON
Emails (electronic)	While valid	Management
Agendas (paper – Clerk's marked copy)	Until the approval of the minutes of the relevant meeting	Management
Recordings of meetings (electronic)	Until the approval of the minutes of the relevant meeting	Management

5. Storage of and access to records

- 5.1. It is the responsibility of the Parish Clerk to arrange for the storage of the Parish Council's records in accordance with this policy. It is also the Clerk's responsibility to deliver all the records to the Parish Council Chairman (or other individual specifically nominated by the Council) at the end of a contract of employment.
- 5.2. Where records are to be stored indefinitely consideration will be given to lodging those records which are no longer required for management reasons with the West Sussex Records Office.
- 5.3. Wherever possible records in the public domain will be made available on the Westbourne Parish Council website. Where a record in the public domain is not on the website then upon the request of someone entitled to inspect that record the Parish Clerk will make arrangements for its inspection or deliver a copy of the record in accordance with the Council's Publication Scheme.
- 5.4. Electronic records are stored on the Parish Council's laptop computer issued to the Parish Clerk. The laptop computer will be backed up to a separate hard drive at least once a month and one copy of the back-up will be stored at an address other than the Clerk's home.

6. Application of this policy

- 6.1. This policy shall apply from the date of its adoption by Westbourne Parish Council. It cannot be applied retrospectively; that is to say if any of the records detailed above are no longer in existence or in the possession of the Parish Clerk (or locum acting as the Parish Clerk) at that date then it is accepted that it cannot be retained.