

MANLEY PARISH COUNCIL

Record Retention Policy

6th March 2024

This policy will be reviewed annually by the Parish Council members (or sooner if relevant changes are needed). Reviews will take place at the January meeting each year.

Reasons for Policy

The purpose of this Policy is to ensure that the necessary records and documents of Manley Parish Council (“MPC”) are adequately protected and maintained, and to ensure that records that are no longer needed or are of no value, are discarded at the proper time.

General Data Protection Regulations (Regulation (EU) 2016/679) (“GDPR”) and the Data Protection Act 2018 (“DPA”) require MPC to retain certain records, because they contain information that:

- Serves as MPC’s memory.
- Has an enduring value (for example, it provides a record of a business transaction, evidences our rights or obligations, protects our legal interests or ensures operational continuity).
- Must be kept to satisfy legal, accounting, or other necessary requirements.

Any document that is required to be maintained by law or regulation should be retained for the time and in the form that is mandated by law. Documents to be retained and the period of retention are listed in the attached schedule. The period of retention listed in the schedule is based on the time limits for potential tribunal or civil claims and aims to draw sensible conclusions as to how long keeping the records will protect MPC. In general, documents that are not subject to a retention requirement should be kept long enough to accomplish the task for which they were generated.

Where the recommended retention period given is six years, this is based on the six-year time limit within which legal proceedings must be commenced as laid down under the Limitation Act 1980. Where documents may be relevant to a contractual claim, it is recommended that these be retained for at least the corresponding six-year limitation period.

Administration

Attached as an Appendix is a Record Retention Schedule that is the initial retention and disposal schedule for physical records of MPC and the retention and disposal of electronic documents.

In addition, any retained information can only be used for the purpose for which it is stored. This is compliant with both DPA and GDPR rules.

Types of Documents

This policy explains the differences among records, disposable information, and confidential information belonging to others.

Records: A record is any type of information created, received, or transmitted in the transaction of MPC’s business, regardless of physical format. Examples of where the various types of information are located include:

- Audio and video recordings;
- Computer programs;
- Contracts;
- Electronic files;
- Emails;
- Handwritten notes;
- Printed documents;
- Invoices;
- Letters and other correspondence;

- Online postings, such as on Facebook, Twitter, Instagram, Snapchat and other social media platforms and websites; and
- Voicemails.

Documents listed in the Records Retention Schedule contained in the Appendix to this policy, must be retained for the amount of time indicated. A record must not be retained beyond the period indicated in the Record Retention Schedule, unless for a valid reason calls for its continued retention. Reasons must be approved by the Chair.

Disposable Information: Disposable information consists of data that may be discarded or deleted at the discretion of the user once it has served its temporary useful purpose and/or data that may be safely destroyed because it is not a record as defined by this policy. Examples may include:

- Duplicates of originals that have not been annotated;
- Preliminary drafts of letters, memoranda, reports, worksheets, and informal notes that do not represent significant steps or decisions in the preparation of an official record;
- Books, periodicals, manuals, training binders, and other printed materials obtained from sources outside of MPV and retained primarily for reference purposes; and
- Spam and junk mail.

Confidential Information Belonging to Others: Any confidential information that may have been obtained from a source outside of MPC, must not, so long as such information remains confidential, be disclosed or used.

How to Store and Destroy Records

Storage: MPC's records must be stored in a safe, secure, and accessible manner.

Destruction: The Clerk is responsible for the continuing process of identifying the records that have met their required retention period and for supervising their destruction. The destruction of confidential, financial, and personnel-related records must be conducted by shredding if possible. Non-confidential records may be destroyed by recycling.

Suspension of Record Disposal in the event of Legal Proceedings or Claims

There are certain occasions when information needs to be preserved beyond any limits set out in the Policy. The Policy must be suspended relating to a specific document and the information retained beyond the period specified in the data retention schedule in the following circumstances:

- Legal proceedings or a regulatory or similar investigation or obligation to produce information are known to be likely, threatened or actual.
- A crime is suspected or detected.
- Information is relevant to a company in liquidation or receivership, where a debt is due to MPC and/or where any other claim action is outstanding.
- Information that is considered by MPC to be of potential historical importance.

Security of personal information

MPC will take all reasonable technical and organisational precautions to prevent the loss, misuse or alteration of personal information. Personal information is stored on our secure (password and firewall protected) Cloud servers.

The transmission of information over the internet is inherently insecure, and MPC cannot guarantee the security of data sent over the internet.

Applicability

This Policy applies to all physical records generated, including both original documents and reproductions. It also applies to electronic documents.

Appendix

The Record Retention Schedule is organised as follows:

Document type	Period of retention
Articles of Incorporation, constitutional documents, and Bylaws	Permanent
Signed minutes of MPC and any sub committees, record of incorporation, articles of incorporation, annual corporate reports, register of members, register of clerks	Permanent
Licenses and Permits	Permanent
Documents presented to the Parish Council at meetings	Permanent
Policy Documents	Permanent
Documentation evidencing the rights to design art and work on logos used	Permanent
Contracts with customers, suppliers or agents, rental/hire purchase agreements, indemnities and guarantees, other agreements/contracts	Seven years after expiry or termination of the contract If the contract is executed as a deed, twelve years after termination of the deed
Domain name registrations, trademark registrations, Patents and copyright registrations	Ten years following expiry of the specific registration
Deeds of Title	Permanent or until sold or transferred
Annual Audit Reports	Permanent
Annual Audit Records, including work papers and other documents that relate to the audit	7 years after completion of audit

Document type	Period of retention
Accounts (giving information sufficient to comply with Companies Act 2006)	Under the Companies Act accounting records must be retained for a minimum of six years from the date they are made
Cheques, bills of exchange and other negotiable instruments, bank statements	Minimum of three years
Income tax and NI returns, income tax records and correspondence with HMRC	Not less than three years after the end of the financial year to which they relate
Correspondence on tax matters with HMRC and professional advisers	Permanent
Payroll and wage records	These must be kept for at least three years after the end of the tax year to which they relate.
Donations granted and related funding documentation	Permanent
Deeds of covenant	Six years after the last payment made but up to twelve years if any payments are still outstanding or there is any dispute regarding the deed
Inbox and drafts	6 years, where reasonable and proportionate
Sent Items	6 years, where reasonable and proportionate
Contacts	Retained for period of need, then deleted as appropriate
Minute Books	Indefinite
Scales of fees and charges	6 years
Receipt and payment accounts	Indefinite
ALL receipt books	6 years
Bank statements, including deposit/savings accounts	Last completed Audit year
Bank paying in books	Last completed Audit year
Cheque book stubs	Last completed Audit year
Quotations and tenders	6 years

Document type	Period of retention
Paid invoices	6 years
Paid cheques	6 years
VAT records	6 years
Petty cash, postage and telephone	6 years
Timesheets	Last completed Audit year
Wages books	12 years
Insurance policies	While valid
Certificates for insurance against liability for employees	40 years from date insurance commenced or was renewed
Investments	Indefinite
Title deeds, leases, agreements, contracts	Indefinite
Members allowance register	6 years