**PINXTON PARISH COUNCIL**

**RETENTION OF DOCUMENTS POLICY**

**Retention of documents**

Attached is an Annex indicating the appropriate minimum retention periods documents. Documents should be retained for audit, staff management, tax liabilities, and the eventuality of legal disputes and legal proceedings.

**Retention of documents for legal purposes**

The below table lists the limitation periods of time where legal claims may be brought under the Limitation Act 1980 (as amended). The 1980 Act provides that legal claims may not be commenced after a specified period.

**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 the attached annex, the documentation should be kept for the longer period specified.

**Data Protection and Freedom of Information Considerations**

The Lord Chancellor's Code of Practice on the Management of Records issued under section 46 of the Freedom of Information Act 2000 applies to public authorities and also bodies which are subject to the Public Records Act 1958 (the 1958 Act). Although local councils are not subject to the 1958 Act, they should familiarise themselves with the contents of the Code of Practice so they can formulate their own system of records management.

The General Data Protection Regulations (GDPR) will be applied from 25th May 2018.

Under the GDPR, the data protection principles set out the main responsibilities for organisations.

Article 5 of the GDPR requires that personal data shall be:

a) processed lawfully, fairly and in a transparent manner in relation to individuals;

b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;

c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;

d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;

e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and

f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

**ANNEX TO RETENTION OF DOCUMENTS POLICY**

RETENTION OF DOCUMENTS REQUIRED FOR THE AUDIT OF PARISH COUNCILS

**DOCUMENT MINIMUM RETENTION REASON**

**PERIOD**

**Personnel**

Personnel records 3 years after employee leaves Limitation Act 1980 (as

amended)

Disciplinary/grievances Review 6 years after last action Management

Recruitment documents 6 months Management

Wages records 6 years Audit

Pension records 12 years Superannuation

Timesheets Last completed audit year Audit (requirement)

3 years Personal injury (best

practice)

Members allowances 6 years + current Tax Limitation Act 1980 register (as amended)

**Audit**

Scales of fees 6 years + current Management

Receipt and payment Indefinite Archive

account(s)

Receipt books 6 years + current VAT

Bank statements Last completed audit year Audit

Bank paying-in books Last completed audit year Audit

Cheque book stubs Last completed audit year Audit

Quotations and tenders 6 years + current Limitation Act 1980 (as

amended)

Paid invoices 6 years + current VAT

Paid cheques 6 years + current Limitation Act 1980 (as

amended)

VAT records 6 years + current year generally VAT

but 20 years for VAT on rents

Petty cash 6 years + current year Tax, VAT, Limitation

Act 1980 (as amended)

Investments Indefinite Audit, Management

**Contracts and Procurement**

Unsuccessful tenders 2 years Audit

Successful tenders 6 years + current year Audit

**Administration**

Minute books Indefinite Archive

Insurance policies While valid Management

Certificates for 40 years from date on which The Employers’ Liability

Insurance against insurance commenced or Compulsory Insurance Liability for employees was renewed Regulations 1998 (SI.

2753), Management

Litigation 6 years after folder closure Limitation Act 1980

Title deeds, leases, Indefinite Audit, Management

agreements, contracts

**For Halls, Centre, Recreation Grounds**

application to hire 6 years + current year VAT

lettings diaries

copies of bills to hires

record of tickets issued

**For Allotments**

register and plans Indefinite Audit, Management

Plot holder tenancy records 6 years + current year Audit.

**For Burial Grounds**

Register of fees collected Indefinite Archives, Local

Register of burials Indefinite Authorities Cemeteries

Register of purchased graves Indefinite Order 1977 (SI.204)

Register/plan of grave spaces Indefinite

Register of memorials Indefinite

Applications for interment Indefinite

Applications for right to erect memorials Indefinite

Disposal certifications Indefinite

Copy certificated of grant of exclusive Indefinite

Right of Burial

**This policy will:**

* Be publicised to staff and made available for reference
* Apply to all the council’s records, regardless of how they are held
* Be reviewed annually, amended and re-issued as necessary and members of staff notified accordingly
* Operate in conjunction with the council’s existing policies on Data Protection (Privacy Policy) and Freedom of Information.