

**Document Retention Policy**

1. **Introduction**

The purpose of this document is to provide a corporate policy framework to ensure that particular documents (or sets of documents) are dealt with in the correct manner; being retained and/or disposed of in the correct method and timescale.

This policy gives the Town Council a system for the management of paper and electronic records. The Town Clerk is responsible for ensuring all Town Council documents are managed accordingly.

This policy is based on the National Association of Local Council’s Legal Topic Note on Local Councils Documents and Records (legal topic note 40), therefore legal requirements and recommended practice within the sector.

Where the policy refers to ‘documents’ this includes both paper and electronic copies.

1. **Retention of Documents**

Certain important documents must be retained for clear reasons such as audit purposes, staff management, tax liabilities and the eventuality of legal disputes and legal proceedings.

Subject to the above reasons for retaining documents, papers and records may be destroyed if they are no longer of use or relevant. If there is any doubt, the document will be retained until proper advice has been sought from the Town Council’s Proper Officer and designated Data Protection Officer (the HR & Governance Manager).

Attached at Appendix A to this policy is the appropriate minimum document retention periods which must be observed.

1. **Retention of Documents for Legal Purposes**

Most legal proceedings are governed by the Limitation Act 1980 (as amended). This 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. The reference to ‘category’ in the table refers to claims brought in respect of that category.

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| **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 |

It should be noted that some limitation periods can be extended. Examples include:

* Where individuals do not become aware of damage until a later date (e.g. in the case of disease)
* Where damage is hidden (e.g. to a building)
* Where a person is a child or suffers from a mental capacity
* Where there has been a mistake by both parties
* Where one party has defrauded another or concealed facts.

Where the limitation periods above are longer than other periods specified in this policy, the documentation should be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories; in this instance, the longer period will be observed.

In such circumstances the Town Clerk will consider (i) the costs of storing relevant documents 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.

1. **Disposal**

All Town Council documents will be handled in the correct manner for their sensitivity.

As per the Town Council’s Data Protection Policy and the UK General Data Protection Regulations (GDPR), any document which contains data on an individual/s or personal data will be retained for the relevant time period and disposed of confidentially. For paper documents this is via the confidential waste bin service within the Town Council offices.

In an effort to maintain the organisation and efficiency of the workplace and reduce the volume of printing carried out, Town Council officers are committed to printing only those documents necessary to have in hard copy and disposing of those which are not necessary to be kept.

Any Town Councillors wishing to dispose of paper copies of confidential Town Council documentation may do so via the Town Council’s confidential waste service or cane ensure confidential documents are disposed of appropriately through their own methods.

Confidential electronic documents or emails can be deleted, as required and appropriate (i.e. where they are not required to be kept), in the usual manner – this will suffice as secure disposal. Computer users will need to be mindful of any confidential electronic documents that may have been downloaded to the device being used – if this is the case, users should ensure to delete the document from the device. If there is any uncertainty as to how to do this, seek the advice of a Town Council officer.

1. **Responsibility**

The Town Clerk holds responsibility for ensuring all Town Council employees are aware of and adhering to the Document Retention Policy, in particular the retention of the documents at Appendix A to the policy.

Adopted: October 2021

Review: October 2024 (or as legislation/recommended practice changes)

**APPENDIX A – Document Retention Policy**

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| **CORPORATE** | | |
| **Document** | **Minimum Retention Period** | **Reason** |
| Minute Books (Council, Committees & Sub-Committees) | Indefinite | Archive |
| Scales of fees and charges | 6 years | Management |
| Receipt and payments account (s) | Indefinite | Archive |
| Receipt books of all kinds | 6 years | VAT |
| Bank statements, including deposit/savings accounts | 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 | Limitation Act 1980 (as amended) |
| Paid invoices | 6 years | VAT |
| Paid cheques | 6 years | Limitation Act 1980 (as amended) |
| VAT records | 6 years generally but 20 years for VAT on rents | VAT |
| Petty cash | 6 years | Tax, VAT, Limitation Act 1980 (as amended) |
| Timesheets | 3 years | Personal injury |
| Wages book | 12 years | Superannuation |
| Insurance policies | While valid | Management |
| Certificates for Insurance against liability for employees | 40 years from date of which insurance commenced or was renewed | The Employer’s Liability (Compulsory Insurance) Regulations 1998 (SI.2753), Management |
| Investments | Indefinite | Audit, Management |
| Title deeds, leases, agreements, contracts | Indefinite | Audit, Management |
| Members allowances register (not currently applicable to Seaford Town Council) | 6 years | Tax, Limitation Act 1980 (as amended) |
| Personal data of employees | 6 years after employment terminates | Recommended practice |
| Recruitment paperwork | 1 year for all except successful candidate | Recommended practice |
| Accident books/reports | 3 years or if a child/young adult, until that person reaches the age of 21 | RIDDOR (SI.1995/3163) |
| Statutory maternity, paternity and adoption pay records and evidence | 3 years after the end of the tax year in which the pay period ends | Maternity and Parental Leave etc Regulations 1999 |
| Formal complaints made under the Town Council’s Complaints procedure | 6 years | Management |
| Freedom of Information Requests received | 6 years | Management |
| Adopted Town Council Policy documents | Indefinite (archive after superseded) | Management |
| Press releases/publications | Indefinite (electronically) | Management |

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| **SERVICES** (where applicable) | | |
| **Document** | **Minimum Retention Period** | **Reason** |
| For Halls, Centre, Recreation Grounds:  Application to hire  Lettings diaries  Copies of bills to hires  Record of tickets issued | 6 years | VAT |