



Stratford-upon-Avon Town Council

Document Retention Policy

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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 and are retained and/or disposed of in the correct method and timescale.

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

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

Where the policy refers to 'documents' this includes both paper and electronic copies. Many documents are now only held electronically. An electronic document can be signed by the relevant person typing their name on it. Documents that have specific requirements, such as witnesses to a deed, must comply with those requirements when in electronic form.

2. 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 will be destroyed if they are no longer needed. If there is any doubt, the document will be retained until proper advice has been sought.

Attached at Appendix A to this policy is the appropriate minimum document retention periods.

3. 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.

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

As there is no limitation period in respect of trusts, councils should never destroy trust deeds and schemes and other similar documentation.

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

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

Where the limitation periods above are longer than other periods specified in this policy (see Appendix A), 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.

4. Disposal

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

Documents can be disposed of by any of the following methods:

- Non-confidential records: place in re-cycle paper bin for disposal.
- Confidential records or records giving personal information: shredded documents.
- Deletion of computer records.
- Transmission of records to an external body such as the County Records Office

An internal register of data processing activities in terms of disposal is maintained by Council staff.

Any Councillors wishing to dispose of paper copies of confidential Council documentation will do so via the Council's confidential waste service.

Data Protection Act 2018 – Obligation to Dispose of Certain Data

The Data Protection Act 2018 ('Fifth Principle') requires that personal information must not be retained longer than is necessary for the purpose for which it was originally obtained. Section 1 of the Data Protection Act defines personal information as:

Data that relates to a living individual who can be identified:

- a) from the data, or

- b) from those data and other information which is in the possession of or is likely to come into the possession of the data controller. It includes any expression of opinion about the individual and any indication of the intentions of the Council or other person in respect of the individual.

The Data Protection Act provides an exemption for information about identifiable living individuals that is held for research, statistical or historical purposes to be held indefinitely provided that the specific requirements are met.

Councils are responsible for ensuring that they comply with the principles of the under the General Data Protection Regulations namely:

- Personal data is processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.
- Personal data shall only be obtained for specific purposes and processed in a compatible manner.
- Personal data shall be adequate, relevant, but not excessive.
- Personal data shall be accurate and up to date.
- Personal data shall not be kept for longer than is necessary.
- Personal data shall be processed in accordance with the rights of the data subject.
- Personal data shall be kept secure.

External storage providers or archivists that are holding Council documents must also comply with the above principles of the General Data Protection Regulations.

5. Responsibility

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

APPENDIX A – Document Retention Policy

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, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)
Timesheets	Last completed audit year 3 years	Audit (requirement) and personal injury (best practice)
Wages book	12 years	Superannuation
Insurance policies	As long as it is possible for a claim to be made under it	Management and legal proceedings
Certificates for Insurance against liability for employees	Indefinitely	Future claims
Investments	Indefinite	Audit and management
Title deeds, leases, agreements, contracts	Indefinite	Audit and management
Members allowances register (if applicable)	6 years	Tax, Limitation Act 1980 (as amended)
Routine correspondence (hard copy and electronic)	Retain whilst relevant – maximum 12 months Where correspondence needs to be kept longer, personal information should be redacted.	Management

Document	Minimum Retention Period	Reason
For Town Hall Hire: <ul style="list-style-type: none"> • Application to hire • Lettings diaries • Copies of bills to hirers • Record of tickets issued 	6 years	VAT
For allotments: <ul style="list-style-type: none"> • Register & plans 	Indefinite	Audit and management
For burial grounds: <ul style="list-style-type: none"> • Register of fees collected • Register of burials • Register of purchased graves • Register/plan of grave spaces • Register of memorials • Applications for interment • Applications for right to erect memorials • Disposal certificates • Copy certificates of grant of exclusive right of burial 	Indefinite	Archives and Local Authorities Cemeteries Order 1977 (Sl. 204)
Planning: <ul style="list-style-type: none"> • Applications • Appeals • Trees • Local Development Plans • Local Plans 	One year One year – unless significant One year Retained as long as in force Retained as long as in force	Management and Reference
For play areas: <ul style="list-style-type: none"> • Inspection reports 	Indefinite	Insurance, Management
For trees: <ul style="list-style-type: none"> • Inspection reports 	Until next inspection	Insurance, Management

Control Sheet

Version	Amendment (Including paragraph)	Review Date	Date Adopted