

# **BLACK NOTLEY PARISH COUNCIL**

## **DATA RETENTION AND DISPOSAL POLICY**

### **1. Introduction**

The Parish Council recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the overall good management of the Council

The Council has a corporate responsibility to maintain its records and record management systems in accordance with the regulatory requirements

This Data Retention and Disposal Policy applies to the Parish Council and covers all records and documentation created, received or maintained by the Council, whether physical or electronic, and are subject to the retention and disposal requirements of the Policy

For the purpose of this Policy, the terms 'document', 'data' and 'records' include information in both physical and electronic form and have the same meaning whether referred to as Documents, Data or Documentation

This Policy will also aid data storage issues identified e.g. secure storage and will eliminate the need to retain data unnecessarily

The Council will ensure that data is not kept longer than is necessary and will retain the minimum amount of information that it is required to hold to meet its statutory functions and the provision of its services

Any such system or policies relating to record management will include a review of Council documentation on an annual basis. Anything that is no longer of use or value can be disposed of lawfully but if the Council is in any doubt, it will seek advice and retain that data until that advice has been received

Documents of historical importance, if not retained by the Council, will be offered first to the County Record Office

### **2. Retention of Documents**

Appendix 1 indicates the appropriate retention period for audit and other purposes and the reasons for retention

In respect of the retention of documents in case of a legal dispute, the Council's policy is set out under Section 3

Other documents not mentioned in the Appendices will be treated as follows:

## **Planning Papers**

- Where planning permission is granted, the planning application, any plans and the decision letter will be retained until the development has been completed, so that, if necessary, the Clerk can check that the development proceeds in accordance with the terms and conditions of the permission
- Where planning permission is granted on appeal, a copy of the appeal decision will also be retained
- Where planning permission is refused, the papers will be retained until the period within which an appeal can be made has expired. If an appeal is made, and dismissed, the decision letter will be retained against further applications relating to that site
- Copies of Structure Plans, Local Plans and similar documents will be retained for as long as they are in force

## **Insurance Policies**

- Insurance policies and significant correspondence will be kept for as long as it is possible to make a claim under the policy

## **Correspondence**

- If related to audit matters, correspondence will be kept for the appropriate period specified in Annex 1
- In planning matters correspondence will be retained for the same period as suggested for other planning papers
- All other correspondence will be kept for as long as the matter is still outstanding or 1 year, whichever is the greater

## **Personnel matters**

- Article 5 of GDPR provides “personal data must be 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”. This Policy will ensure that necessary records, documents and electronic data of the Council are adequately protected, archived and disposed of at the correct retention period, and to provide all staff with clear instructions regarding the appropriate retention and disposal of such Documentation
- Circulars and advice notes will be retained for as long as the information contained therein is useful and relevant

### **3. Retention of Documents for Legal Purposes**

3.1 Most legal proceedings are governed by 'the Limitation Acts' which state that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question

3.2 The table below sets out the limitation periods for the different categories of claim

<b>Claims under Category</b>	<b>Limitation Period</b>
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

3.3 If a type of legal proceeding falls into two or more categories, the documentation will be kept for the longer of the limitation periods

3.4 As there is no limitation period in respect of trust, the Council will retain all trust deeds and schemes and other similar documentation

### **4. Retention of Encrypted Data**

For any information retained under this Policy that is in an encrypted format, consideration must be taken for the secure storage of any encryption keys

### **5. Disposal of Documents or Documentation**

When documents are scheduled for disposal, the method of disposal should be appropriate to the nature and sensitivity of the documents concerned

- Any record containing confidential information must either be disposed of in a confidential waste bin or shredded using a cross-cut shredder
- Disposal of documents that do not contain confidential information may be disposed of in the normal way or recycled
- Deletion – where computer files are concerned, they must be retained for as long as the data is relevant and then deleted
- Transfer of document to an external body - this method of disposal will be relevant where documents or records are of historic interest and/or have intrinsic value. Such a third party could be the County Records Office

## **6. Disposal of Electronic Hardware**

6.1 IT equipment and devices that have the ability and capability to store personal include:

PC's, Laptops, Mobile Phones, Multi-Functional Devices – printers / scanners, Servers, USB Memory Sticks and external hard drives

6.2 IT equipment disposal must be managed by the Clerk, having taken the relevant guidance

6.3 All computer equipment, recycling or refurbishing must be disposed of in accordance with the Waste Electric and Electronic Equipment Regulations 2013

## **7. Documenting Disposal**

The Council will keep a record detailing the document disposed of, the date, and the officer who authorised disposal

In particular, the record should be able to demonstrate that the disposal was in accordance with this Policy or set out the reasons for departing from it

This Policy was adopted by Black Notley Parish Council at its meeting on 25<sup>th</sup> March 2026

Review Date March 2028.

## **APPENDIX 1**

**RETENTION OF DOCUMENTS REQUIRED FOR AUDIT/LEGAL/MANAGEMENT PURPOSES**

<b>DOCUMENT</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>REASON</b>
Minute Books	Indefinite	Archive
Annual Accounts	Indefinite	Archive
Annual Return	Indefinite	Archive
Receipt Books	6 years	VAT
Budget and Precept information	Indefinite	
Bank Statements	6 years	Audit/Management
Bank Paying-in Books	Last completed audit year	Audit
Cheque books stubs	Last completed audit year	Audit
Supplier Contracts	6 years	Limitation Act 1980 (as amended)
Quotations/tenders	12 years	Statute of Limitation, Audit
Contracts executed as a deed	12 years	Limitation Act 1980 (as amended)
Scales of fees and charges	5 years	Management
Paid Invoices	6 years	Audit/VAT
Paid Cheques	6 years	Limitation Act 1980 (as amended)
VAT Records	6 years	VAT
Salary/Tax/NIC Records	6 years	Income Tax (PAYE) Regulation 2003, Audit
Timesheets	Last completed audit year	Audit
Insurance Policies	While valid	Audit/Management
Certificates of Employers Liability and Public Liability	40 years	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management
Title Deeds, Leases, Agreements, Contracts	Indefinite	Audit, Management, S148 Limitation Act 1980
Asset Register/s	Indefinite	Audit
Staff Attendance Records	Indefinite	Health & Safety Act 1974
Member Allowances Registers	6 years	Tax, Limitation Act 1980 (as amended)
Play Inspection Reports	21 years	Legal
Routine Correspondence and emails	2 years unless the email relates to another category in which case, it should be saved	Management