

Radcliffe on Trent Parish Council

Data Retention and Disposal Policy

Introduction

Radcliffe on Trent Parish Council (the "Council") recognises the importance of maintaining accurate records and ensuring that they are retained and disposed of in accordance with statutory and regulatory obligations. This policy outlines the Council's approach to the retention, storage, and disposal of records in compliance with relevant legislation, including the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018, the Freedom of Information Act 2000 (FOIA), and local government legislation.

Purpose

The purpose of this policy is to:

- Ensure that records are retained for the appropriate periods in line with legal, regulatory, and operational requirements.
 - Outline how records are to be securely disposed of when no longer required.
 - Protect the confidentiality and integrity of information, particularly personal data.
 - Enable the Council to comply with UK GDPR and Data Protection Act 2018 by ensuring personal data is not retained longer than necessary.
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Legislative Framework

This policy is designed to ensure compliance with the following legislation:

- UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018: These laws provide the legal framework for the handling and retention of personal data, ensuring it is not kept longer than necessary for the purposes for which it is processed.
- Freedom of Information Act 2000 (FOIA): Governs access to public information held by the Council and requires retention of records that may be subject to FOI requests.

- Local Government Act 1972: Establishes retention periods for various local government records, including meeting minutes, contracts, and other statutory documents.
- Limitation Act 1980: Outlines timeframes for the retention of documents based on potential legal action.

Scope

This policy applies to all records held by the Council in any format (including paper, electronic, and audio) and covers the creation, retention, storage, and disposal of:

- Administrative documents
 - Financial records
 - Personnel and payroll records
 - Contracts and agreements
 - Emails and correspondence
 - Planning documents
 - Minutes and agendas of Council and committee meetings
 - Other records necessary for the functioning of the Council
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Retention Periods

The retention periods for records are determined by legal, regulatory, and operational requirements. The following table outlines the minimum retention periods for key categories of records:

Record Type	Minimum Retention Period	Legislative/Regulatory Basis
Council minutes (including committees)	Indefinite	Local Government Act 1972
Annual Accounts	Indefinite	Local Government Act 1972
Financial records (receipts, payments, invoices)	6 years	VAT Act 1994, Limitation Act 1980
Bank statements, cheque stubs	6 years	Limitation Act 1980

Payroll records (including PAYE, tax records)	6 years	Income Tax (Employment) Regulations 1993
Employment contracts and personnel records	6 years after termination of employment	Limitation Act 1980
Planning applications and associated documents	10 years (major developments); 3 years (minor)	Town and Country Planning Act 1990
Insurance policies	40 years	Employers' Liability (Compulsory Insurance) Act 1969
Correspondence (general)	2 years	Best practice
Emails	2 years (unless related to statutory matters)	Best practice
Contracts and agreements	6 years (12 years if under seal)	Limitation Act 1980
Health and safety records	Indefinite	Health and Safety at Work Act 1974
Freedom of Information requests	2 years	Freedom of Information Act 2000
Subject Access Requests (SARs)	2 years	UK GDPR, Data Protection Act 2018

Storage and Security

Records, whether paper or electronic, must be stored securely to prevent unauthorised access, accidental loss, or destruction. The Council will take appropriate technical and organisational measures to ensure the security of personal data in line with GDPR principles, including:

- **Physical Records:** Paper records are to be stored in locked cabinets or secure areas, accessible only to authorised personnel.
- **Electronic Records:** Digital records are to be stored on secure servers with appropriate access controls (e.g., password protection and encryption).

- Backups: Regular backups of key records should be maintained to ensure recovery in the event of data loss or system failure.
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Disposal of Records

Once records reach the end of their retention period, they must be securely disposed of. The method of disposal will depend on the nature and format of the records:

- Paper Records: Must be shredded or incinerated to ensure confidentiality is maintained.
 - Electronic Records: Must be permanently deleted from the system, including any backups, to prevent recovery. This may be done via a reputable third party who is approved to undertake such activities.
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Responsibilities

- Proper Officer to the Council: The Proper Officer is responsible for ensuring that records are retained and disposed of in accordance with this policy. The Proper Officer must ensure that all staff and councillors are aware of their responsibilities under this policy.
 - Staff and Councillors: All staff and councillors are responsible for ensuring that they comply with the retention schedules and maintain the confidentiality and integrity of records in their care.
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Subject Access Requests and Freedom of Information Requests

Records must be retained to allow for lawful responses to Subject Access Requests (SARs) under UK GDPR and Freedom of Information (FOI) Requests under the Freedom of Information Act 2000. The Council must ensure that records potentially subject to such requests are retained for a sufficient period to comply with these obligations.

Vexatious Requests

The Council reserves the right to refuse to comply with FOI or SAR requests that are deemed vexatious or excessive, in line with relevant provisions under the GDPR and the Freedom of Information Act 2000.

Monitoring and Review

This policy will be reviewed regularly to ensure that it complies with legal requirements and best practices. The Council reserves the right to amend this policy as necessary to reflect changes in legislation or operational needs.

Date	Item	Next Review
07.11.2024	Document created	19.11.2024
19.11.2024	Full Council consideration and adoption	19.11.2024