



# DATA PROTECTION & DOCUMENT RETENTION POLICY

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## DATA PROTECTION

The Data Protection Act 1998 seeks to strike a balance between the rights of individuals and the sometimes competing interests of those with legitimate reasons for using personal information. The policy is based on these principles:

The Council will make any notifications required to the Information Commissioner's Office under the Data Protection Act and periodically update the information.

**A:** The Council will comply with the six principles for processing sensitive data:

1. Process lawfully, fairly and in a transparent manner.
2. Collect for specific, explicit and legitimate purpose.
3. Adequate, relevant and limited to what is necessary.
4. The data must be accurate and up to date.
5. The data must be retained only for as long as necessary.
6. Process in an appropriate manner to maintain security.

**B:** The Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:

1. The individual has consented to the processing
2. Processing is necessary for the performance of a contract with the individual
3. Processing is required under a legal obligation
4. Processing is necessary to protect the vital interests of the individual
5. Processing is necessary to carry out public functions
6. Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

**C:** Particular attention is paid to the processing of any sensitive personal information and the Council will ensure that at least one of the following conditions is met:

1. Explicit consent of the individual
2. Required by law to process the data for employment purposes
3. A requirement in order to protect the vital interests of the individual or another person

**D:** The Council will provide information on personnel data to employees via the Council Manager.

**E:** The Council will ensure that individuals on whom personal information is kept are aware of their rights and have access to that information on request.

**F:** The Council officers will lock computer screens on each occasion before moving away from their desks.

## DISCLOSURE INFORMATION

The Council will as necessary undertake checks on both employees and members with the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure information.

## DOCUMENT RETENTION

- 1 PURPOSE:** Neston Town Council (NTC) requires a wide variety of documents for transacting its business and is committed to retaining these documents in a format and for periods of time that:
  - Enables NTC to meet its statutory obligations in respect of documents subject to legislation;
  - Ensures security of documents;
  - Protects employees' privacy;
  - Facilitates access to information;
  - Optimises the use of storage space;
  - Is cost effective; and
  - Facilitates destruction of redundant documents.
- 2 SCOPE:** This Policy applies to users of NTC's information records, both paper and electronic, it includes Councillors and employees.
- 3 STATUTORY REQUIREMENTS:** Documents subject to a statutory period of retention are identified by their associated legislation in Annex A.
- 4 SECURITY OF DOCUMENTS:** NTC's records are held in paper and/or electronic format. To minimise the risk of accidental loss of valuable records, masters or copies (as deemed appropriate) of paper-documents will be stored off-site.
- 5 EMPLOYEES' PRIVACY:** The privacy of personnel records will be appropriately assured.
- 6 AVAILABILITY & ACCESS:** All records necessary for NTC's business will be retained for a period of time that reasonably assures the availability of records when needed.
- 7 STORAGE SPACE AND COST:** Redundant records may be destroyed in order to reduce the cost of storage, indexing and handling the vast quantity of documents that would otherwise accumulate. Destruction of documents will be undertaken in accordance with the provisions of this Policy to avoid any inference that a document was destroyed in anticipation of a problem.
- 8 ELECTRONIC STORAGE:** Records maintained on electronic data processing storage media will be subject to the same rules of retention and security as paper records.
- 9 IMPLEMENTATION OF POLICY:** The Council Manger will be responsible for the implementation of the Policy.
- 10 MONITORING & REVIEW OF POLICY:** The appropriate Committee will review the Policy periodically to monitor its effectiveness, taking account of users' comments.

## Annex A – Retention Periods: Statutory Requirement & Best Practice Guidance

Document/Type	Minimum Retention Period	Reason	Associated Legislation
<b>Agreements, Contracts &amp; Related Correspondence</b>			
Contract Executed as a Deed	12 years	<ul style="list-style-type: none"> <li>• Proceedings founded on a contract may be brought within these periods</li> <li>• Actions for latent damage may be brought up to fifteen years after the damage occurs</li> <li>• Audit, Management</li> </ul>	Limitation Act 1980 Section 5
Contracts with Customers, Suppliers or Agents,	Indefinite		
Licensing Agreements			
Rental/Hire Purchase Agreements			
Indemnities & Guarantees			
Other Agreements/Contracts			
Contracts for Grant funding and funding agreements	6 years plus current year		
Quotations and Tenders	12 years	Limitation Act 1980 (as amended)	
Leases, agreements, contracts	Indefinite	Audit, Management	Limitation Act 1980 Section 14B
Corporate plans, strategies, policies, business plans, annual reports, asset register	Indefinitely	Common Practice	
Operating Procedures	2 years after superseded	Common Practice	
Market Licences	Destroy after 6 years	Management	
Market Licence Holder Records	Destroy after 6 years after leaving the market	Management	
Other Licences	Destroy after 6 years after leaving the market	Management	
Funding Documents	As required by individual funders	Funding requirements	
Press Releases	Destroy after 3 years	Local Choice	
Consent forms	Indefinite	Local Choice	
<b>Property</b>			
Title Deeds	Indefinite	Audit, Management	Limitation Act 1980 Section 14B
<b>For Town Hall and Market</b>			
<ul style="list-style-type: none"> <li>• application to hire</li> <li>• lettings diaries</li> <li>• copies of bills to hires</li> <li>• records of tickets issued</li> </ul>	6 years	VAT	
<b>For Allotments</b>			
Register and plans	Indefinite	Audit, Management	

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
<b>Financial Records</b>			
Cheques, cheque book stubs, bills of exchange and paying in books	6 years plus current year	Audit	
Instructions to banks	6 years after ceasing to be effective		
Investments	Indefinite	Audit, Management	
Scales of Fees and charges	6 years plus current year	Management	
Postage & Telephone Records	6 years plus current year	Tax, VAT, Statute of Limitations	
Receipt and payment account(s)	Indefinite	Archive	
Receipt books of all kinds	6 years plus current year	VAT	
Bank statements, including deposit/savings accounts	6 years plus current year	Audit	
Paid Invoices	6 years plus current year	VAT	
Paid cheques	6 years plus current year	Limitation Act 1980 (as amended)	Limitation Act 1980 (as amended)
VAT records	6 years generally but 20 years for VAT on rents	VAT	
Petty cash and postage	6 years plus current year	Tax, VAT, Limitation Act 1980 (as amended)	
Timesheets	3 years	Audit (requirement) Personal injury (best practice)	
Wages books	12 years	Company Pension	
Accounts and Audits	Indefinite, archive after administrative use	Common Practice	
Budget and estimates	Indefinite, archive after 3 years	Statutory	
Building contracts	Life of the building, plus 15 years	Statutory	
Loans	Destroy 7 years after loan repaid	Common Practice	
<b>Tax</b>			
Supporting documentation for VAT returns	6 years plus current year	If there is an enquiry into a tax return, records should be retained until the enquiry is complete	VAT Act 1994 s58 & Schedule 11 Para 6

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Supporting documentation for PAYE returns	6 years plus current year		Income Tax (PAYE) Regulation 2003 Reg.97
PAYE related records not required to be sent to Inland Revenue	Three years after the end of the tax year to which they relate		
<b>Electoral Roll</b>	Destroy when superseded		
<b>Councillors Records</b>			
Members allowances register	6 years	Tax, Limitation Act 1980 (as amended)	Tax, Limitation Act 1980 (as amended)
Councillors Notification of Members' Interests	1 year after end of service	Local Choice	Chapter 7 Localism Act 2011
Councillor contact	1 year after end of service	Local Choice	
Councillor emails	1 month after end of service	Data security	Data Protection Act
Consent forms	Indefinite	Local Choice	
<b>Employee Records</b>			
Personal Records, inclusive of appraisals, disciplinary records, leave, training records, contracts, redundancy, promotion/pay awards/pay levels etc	6 years after employment ceases 25 years for staff working with Children	Health & Safety Records may need to be kept longer	Limitation Act 1980
Basic Personal Details (name/address/dates of employment/role etc)	6 years after employment ceases 25 years for staff working with Children	Health and Safety or DBS records may need to be kept longer	Limitation Act 1980
Employee Handbook	Indefinitely	Common Practice	
Applications for jobs- where the candidate is unsuccessful, including CV's, Interview notes	6 months after notifying the unsuccessful candidate	Time Limit for employment claims	<ul style="list-style-type: none"> <li>• Equality Act 2010</li> <li>• Limitation Act 1980</li> </ul>
Salary/Payrolls/Wages/tax documents (Inland Revenue)	12 years after 31 January of the following year of assessment	Company Pension	Tax Management Act 1970 Sections 12 & 15.
LGPS Correspondence re individuals	12 years from date of leaving	LGPS regulations	
P Forms (P45 etc)	6 years		
Expense Accounts	6 years		
Labour Agreements	10 years	Best practice	
Sickness Records	6 years after employment ceases		Statutory Sick Pay (General) Regulations 1982 Reg.13

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Accident Books	7 years from the date of last entry	Local Choice	
Health & Safety Records	3 years	<ul style="list-style-type: none"> <li>• Personal injury actions must generally be commenced within three years of the injury.</li> <li>• The time periods are extended in relation to employees exposed to hazardous substances.</li> </ul>	
Time-Keeping Records	Last Completed Audit	Last completed audit year	Audit
Recruitment documents, including Person Specification, Job Descriptions	5 year	Equal Opportunities claims	
Statutory Maternity/Paternity pay and leave records	Current tax year plus 3 years	Local Choice	
References	Destroy after 5 years of leaving employment	Insurance	
<b>Correspondence with residents</b>	Two years	Local Choice	
<b>Photographs of living people</b>	Securely stored for an indefinite period	Historical Interest	
<b>Insurance</b>			
Policies	40 years	Statutory	
Claims Correspondence	Three years after settlement	See NALC LTN 40 Para 7 replicated below	
Employer's Liability Insurance Certificate	40 years from the date on which insurance commenced or was renewed	The Employers' liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management	
Accident Reports and relevant correspondence	3years after settlement		
<b>Donations &amp; Subscription Records</b>			
Donations given & related correspondence	6 years		Companies Act 1985 Sections 221-222
Deeds of Covenant	<ul style="list-style-type: none"> <li>• 6 years after the last payment made</li> <li>• 12 years if payments are still</li> </ul>		

Document/Type	Minimum Retention Period	Reason	Associated Legislation
	outstanding or there is a dispute re the Deed		
Subscription records	3 years after cessation of membership		Companies Act 1985 Section 222
<b>Planning Applications &amp; Associated Documents &amp; Licensing</b>	Where planning permission is granted, the application, any plans and the decision letter should be retained until the development has been completed. Advice from CWaC: Six years from the date of NTC meeting at which Planning Application discussed (Planning Authority's records, available for inspection, go back to 1973)		
Planning Memos	<ul style="list-style-type: none"> <li>• NTC's Comments &amp; Planning Authority's Decision – 6 years</li> <li>• Other related documents – 2 years</li> </ul>	Until the development has been completed	Freedom of Information Act 2000
Private Applications (Rejected)	5 Years	Until the period within which an appeal can be made has expired	
Appeal Decision relating to rejected Private Applications	Indefinitely	NALC LTN 40 refers	
Major Developments	Indefinitely		
Copies of Structure Plans, Local Plans and similar documents	As long as document is in force	NALC LTN 40 refers	
Licensing Memos	<ul style="list-style-type: none"> <li>• NTC's comments – 6 years</li> <li>• Other related documents – 2 years</li> </ul>	Local Choice	
<b>Publications</b> <ul style="list-style-type: none"> <li>• Neston Matters, Newsletters</li> <li>• Guides, Pamphlets, Leaflets, Maps, Plans</li> </ul>	Local choice	A COPY OF PUBLISHED WORKS IN PRINT AFTER 01.02.04 OR AFTER 06.04.13 ELECTRONIC WORKS OFF LINE, TO DELIVER, AT ITS OWN EXPENSE, A COPY OF THEM TO THE BRITISH LIBRARY BOARD. ELECTRONIC WORKS PUBLISHED ON LINE AFTER 2013 <b>ONLY</b> IF REQUESTED NALC LTN 40 refers	The Legal Deposit Libraries Act 2003
<b>Meetings Records</b> <ul style="list-style-type: none"> <li>• Agendas</li> <li>• Minutes – NTC Meetings</li> <li>• Minutes – Committees, Subcommittees</li> </ul>	Following the meeting <ul style="list-style-type: none"> <li>• Indefinite</li> <li>• Indefinite</li> <li>• Indefinite</li> </ul>	<ul style="list-style-type: none"> <li>• Facility for back-checking</li> <li>• Hard copies – at NTC or CW&amp;C Archives</li> <li>• On electronic media – 1 copy at a separate location</li> </ul>	
<b>Electronic Documents</b>			

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
E-mail	2years	Local Choice	
Scanned Documents	2years	Local Choice	

NALC LTN 40 Para 7: Most legal proceedings are governed by the Limitation Act 1980 (as amended). The 1980 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:

<b>Category</b>	<b>Limitation Period</b>	<b>Category</b>	<b>Limitation Period</b>	<b>Category</b>	<b>Limitation Period</b>
Negligence (and other 'Torts')	6 years	Contract	6 years	Sums recoverable by statute	6 years
Defamation	1 year	Leases	12 years	Personal Injury	3 years
To Recover Land	12 years	Rent	6 years	Breach of Trust	None

Where limitation periods are longer than other periods specified, the documentation should be kept for the longer period specified. The same principals apply in the case of debts NALC LTN 40 refers to this in more detail.