



**Bollington**

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# Data Retention Policy

This Data Retention Policy was adopted by the Council at its meeting held on 7<sup>th</sup> February 2023.

This version of the Data Retention Policy supersedes any previous versions.

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Table 1 Document Version Control

<b>Version</b>	<b>Date</b>	<b>Initials</b>	<b>Comment</b>
00.01_2022	10/11/2022	HW	General review of former version
01.00_2023	07/02/23	HW	Approved by Personnel, Policy & Governance Committee on 11/01/23. Adopted by Full Council on 07/02/23.

Date of next review – Quarter 3 2024

# **1. Principles and Purpose**

## **1.1. Purpose**

Bollington Town Council ( 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 the Council 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.

## **1.2. Scope**

This Policy applies to users of the Council's information records, both paper and electronic. It includes Councillors and employees.

## **1.3. Statutory Requirements**

Documents subject to a statutory period of retention are identified by their associated legislation in Annex A.

## **1.4. Employees' Privacy**

The privacy of personnel records will be appropriately assured.

## **1.5. Availability & Access**

All records necessary for the Council's business will be retained for a period of time that reasonably assures the availability of records when needed.

## **1.6. Storage Space and Cost**

Redundant records may be destroyed 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.

## **1.7. Electronic Storage**

Records maintained on electronic data processing storage media will be subject to the same rules of retention and security as paper records.

## **1.8. Implementation of Policy**

The Council staff will be responsible for the implementation of the Policy.

## **1.9. 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

**Table 2 Agreements, Contracts & Related Correspondence**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Contract Executed as a Deed	15 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	15 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
Licensing Agreements	15 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

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Rental/Hire Purchase Agreements	15 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
Indemnities & Guarantees	15 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
Other Agreements/Contracts	15 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
Quotations and Tenders	7 years		Limitation Act 1980 (as amended)
Applications for Civic Hall and Town Hall Hire	7 years	VAT	

**Table 3 Property**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Allotment rental agreements	12 months after termination of agreement	• Audit, Management	Limitation Act 1980 Section 14B
Deeds of Title	Indefinite	• Audit, Management	Limitation Act 1980 Section 14B
Leases, agreements, contracts	Indefinite	• Audit, Management	Limitation Act 1980 Section 14B

**Table 4 Accounts & Banking**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Assets Register	Kept up to date	Management	
Scales of Fees and charges	7 years	Management	
Postage & Telephone Records	7 years	Tax, VAT, Statute of Limitations	
Receipt and payment account(s)	7 years	VAT	
Paying in Books, Cheque Book Stubs	Last completed audit	Audit	
Paid Invoices	7 years	VAT	
Debtors	Until debt cleared +1 Fin Yr or 6 Fin Yrs after year in which invoice was issued		Statute of Limitations
Bank statements including deposit/savings accounts	Last completed audit year	Audit	

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Instructions to banks	7 years after ceasing to be effective		
VAT records	7 years	VAT	
Investments	Indefinite	Audit, Management	

**Table 5 Tax**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Supporting documentation for VAT returns	7 years	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
Supporting documentation for PAYE returns	7 years		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		Income Tax (PAYE) Regulation 2003 Reg.97

**Table 6 Councillors Records**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Minute books	Indefinite	Archive	
Councillors Acceptance of Office	Permanently retained while a member.	Management	
Member Register of Interests	Permanently retained while a member.	Tax Statute of Legislations	
Training records	Permanently retained while a member.		

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
DBS certificate	Permanently retained while a member plus one year		

**Table 7 Council Documents**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Council Agendas and Minutes	Indefinite	Archive	
Council Committees Agendas and Minutes	Indefinite	Archive	
Council policies	Indefinite unless superseded	Operational usage	
Meeting schedules	4 years		

**Table 8 Employee records**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Personnel records including Staff Appraisals, training records	6 years after employment ceases	Health & Safety Records may need to be kept longer	Limitation Act 1980
Applications for jobs-where the candidate is unsuccessful	One year after notifying the unsuccessful candidate	Defamation action limit	Discrimination Acts 1975 & 1986 Race Relations Act 1976 Limitation Act 1980
Job Descriptions	Life of post plus 1 year or until superseded		
Payrolls/Wages	12 years after 31 January of	Superannuation	Tax Management Act 1970



<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
	the following year of assessment		Sections 12 & 15.
P Forms (P45 etc)	6 years		
Expense Accounts	7 years		
Sickness Records	3 years after the end of each tax year		Statutory Sick Pay (General) Regulations 1982 Reg.13
Accident Books	3 years from the date of last entry		
Health & Safety Records	3 years	Personal injury actions must generally be commenced within three years of the injury. The time periods are extended in relation to employees exposed to hazardous substances.	
Timesheets	Last Completed Audit	Last completed audit year	Audit
DBS certificate	Permanently retained while an employee plus one year.		

**Table 9 Insurance**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Policies	While Valid	While Valid	Management
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	The Employers' liability (Compulsory Insurance)	

	insurance commenced or was renewed	Regulations 1998 (SI. 2753), Management	
Accident Reports and relevant correspondence	3 years after settlement		

**Table 10 Grant applications**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Paper and Digital Application Forms	a) year of grant + 6 years (b) 2 years from date of notification of unsuccessful application		
General Grant Award Information	Indefinite	All personal data is deleted. Only high-level details of grant award and project retained for historical reference	

**Table 11 Donations & Subscription Records**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Donations given & related correspondence	7 years		Companies Act 1985 Sections 221-222
Subscription records	3 years after cessation of membership		Companies Act 1985 Section 222

**Table 12 Neighbourhood Plan**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Neighbourhood Plan and similar documents	As long as document is in force		

**Table 13 Consultations & Surveys**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Project Consultations	3 years after project completion		Freedom of Information

**Table 14 Publications (inc. visual media)**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Newsletters	5 years	Archive	
Video footage	5 years		

**Table 15 CCTV**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Data stored on HDD	30 days	Automatically overwritten when disk capacity reached	

**Table 16 Contact lists**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Email Distribution Lists	Only as long as still in use	Must be kept up to date and have legal basis	

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Mailing Databases	Only as long as still in use	Must be kept up to date and have legal basis	
Allotments Waiting List	Kept up to date		

**Table 17 Complaints & Enquiries**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Complainant/Enquirer	On resolution of issue		
Nature of complaint	As long as may be relevant	No personal data retained.	

**Table 18 Sensitive Personal Data**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Youth Council application forms	As long as individual is an active member of youth council plus one year		

**Table 19 Information Security**

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
Data breach log	8 years		
Data shred certificates	8 years		

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.

**Table 20 Limitation period for legal claims**

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