

Llanelli Rural Council

Retention and Disposal Policy

1. Introduction

- 1.1 The Council accumulates large amounts of information and data during the course of its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in different types of documents.
- 1.2 Records created and maintained by the Council are an important asset and as such measures need to be undertaken to safeguard this information. Properly managed records provide authentic and reliable evidence of the Council's transactions and are necessary to ensure it can demonstrate accountability.
- 1.3 Documents may be retained in either 'hard' paper form or in electronic forms. For the purpose of this policy, 'document' and 'record' refers to both hard copy and electronic records.
- 1.4 Some Council documents must be retained for an adequate period of time. If documents are destroyed prematurely the Council and individual officers concerned could face prosecution for not complying with legislation and it could cause operational difficulties, reputational damage and difficulty in defending any claim brought against the Council.
- 1.5 In contrast to the above the Council will not retain documents longer than is necessary. Timely disposal will be undertaken to ensure compliance with the General Data Protection Regulations so that personal information is not retained longer than necessary.

2. Scope and Objectives of the Policy

- 2.1 The aim of this document is to provide a working framework to determine which documents are:
 - Retained – and for how long; or
 - Disposed of – and if so by what method.
- 2.2 There are some records that do not need to be kept at all or that are routinely destroyed in the course of business. This usually applies to information that is duplicated, unimportant or only of a short-term value. Unimportant records of information include:
 - 'With compliments' slips.
 - Catalogues and trade journals.
 - Non-acceptance of invitations.
 - Trivial electronic mail messages that are not related to Council business.
 - Requests for information such as maps, plans or advertising material.
 - Out of date distribution lists.
- 2.3 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.
- 2.4 Records should not be destroyed if the information can be used as evidence to prove that something has happened. If destroyed the disposal needs to be disposed of under the General Data Protection Regulations.

3. Roles and Responsibilities for Document Retention and Disposal

- 3.1 The Council is responsible for determining whether to retain or dispose of documents and will periodically review documentation to ensure that any unnecessary documentation being held is disposed of under the General Data Protection Regulations.
- 3.2 All Council employees will be provided with a copy of this retention and disposal policy to make them aware of the Council's document management requirements.

4. Document Retention Protocol

- 4.1 The Council has in place an adequate system for documenting its service activities. The system takes into account the legislative and regulatory environments under which it works.
- 4.2 Records must be complete and accurate enough to allow employees and their successors to undertake appropriate actions in the context of their responsibilities to:
- Facilitate an audit or examination of the business by anyone so authorised.
 - Protect the legal and other rights of the Council, its clients and any other persons affected by its actions.
 - Verify individual consent to record, manage and record disposal of their personal data.
 - Provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.
- 4.3 To facilitate this, the following principles are applied:
- Records created and maintained are arranged in a record-keeping system that enables quick and easy retrieval of information under the General Data Protection Regulations
 - Documents that are no longer required for operational purposes but need retaining are placed in the Council's secure archive.
- 4.4 The retention schedules in Appendix A: List of Documents for Retention or Disposal provide guidance on the recommended minimum retention periods for specific classes of documents and records. These schedules have been compiled from recommended best practice from the Public Records Office, the Records Management Society of Great Britain and in accordance with relevant legislation.
- 4.5 Whenever there is a possibility of litigation, the records and information that are likely to be affected shall not be amended or disposed of until the threat of litigation has been removed.

5. Document Disposal Protocol

- 5.1 Documents shall only be disposed of if reviewed in accordance with the following:
- Is retention required to fulfil statutory or other regulatory requirements?
 - Is retention required to meet the operational needs of the service?
 - Is retention required to evidence events in the case of dispute?
 - Is retention required because the document or record is of historic interest or intrinsic value?
- 5.2 When documents are scheduled for disposal the method of disposal will be appropriate to the nature and sensitivity of the documents concerned. A record of the disposal will be kept to comply with the General Data Protection Regulations.
- 5.3 Documents can be disposed of by any of the following methods:
- Non-confidential records: place in waste paper bin for disposal.
 - Confidential records or records giving personal information: shred documents; or buried or incinerated which will be supported by a certificate of disposal.
 - Deletion of computer records.
 - Transmission of records to an external body such as the County Archives Office.
- 5.4 The following principles will be followed when disposing of records:
- All records containing personal or confidential information will be destroyed at the end of the retention period.
 - Where computer records are deleted steps will be taken to ensure that data is 'virtually impossible to retrieve' as advised by the Information Commissioner.
 - Where documents are of historical interest it may be appropriate that they are transmitted to the County Archives office.
 - Back-up copies of documents will be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).
- 5.5 Records will be maintained of appropriate disposals. These records will contain the following information:

- The name of the document destroyed.
- The date the document was destroyed.
- The method of disposal.

6. Data Protection – Obligation to Dispose of Certain Data

- 6.1 Data Protection legislation requires that personal information must not be retained for longer than is necessary for the purpose for which it was originally obtained. Personal information is defined 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.
- 6.2 Data Protection legislation 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.
- 6.3 The Council is responsible for ensuring it complies with the principles of data protection 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.
- 6.4 External storage providers or archivists that are holding Council documents must also comply with the above principles of the General Data Protection Regulations.

7. Scanning of Documents

- 7.1 In general once a document has been scanned on to a document image system the original becomes redundant. There is no specific legislation covering the format for which local government records are retained following electronic storage, except for those prescribed by HM Revenue and Customs.
- 7.2 As a general rule hard copies of scanned documents will be retained for 12 months after scanning.
- 7.3 Original documents required for VAT and tax purposes will be retained for six years unless a shorter period has been agreed with HM Revenue and Customs.

8. Review of Retention and Disposal Policy

- 8.1 It is planned to review, update and where appropriate amend this document on a regular basis (at least every three years in accordance with the *Code of Practice on the Management of Records* issued by the Lord Chancellor).
- 8.2 This document has been compiled from various sources of recommended best practice and with reference to the following documents and publications:
- *Local Council Administration*, Charles Arnold-Baker, 10th edition, Chapter 11
 - Local Government Act 1972, sections 225 – 229, section 234
 - SLCC Advice Note 316 Retaining Important Documents

- SLCC Clerks' Manual: Storing Books and Documents
- *Lord Chancellor's Code of Practice on the Management of Records* issued under Section 46 of the *Freedom of Information Act 2000*

9. List of Documents

- 9.1 The full list of the Council's documents and the procedures for retention or disposal can be found in Appendix A: List of Documents for Retention and Disposal. This is updated regularly in accordance with any changes to legal requirements.

(Llanelli Rural Council) Appendix A: List of Documents for Retention or Disposal

Document	Minimum Retention Period	Reason	Location Retained	Disposal
Minutes	Indefinite	Archive	General Office Clerk's Office	Original signed paper copies of Council Minutes of meetings must be kept indefinitely.
Agendas	5 years	Management	Admin Offices Archive Room	Bin (shred confidential waste)
Accident/incident reports	20 years	Potential claims	Cemetery Office Archive Room	Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Statement of Accounts	Indefinite	Archive	Deputy Clerks Office	N/A
Cashbooks Daybooks and BACS listings Purchase and Sales Invoices Committee Reports Schedule of Payments VAT Returns	6 years	VAT	Archive Room	Bin
Statement of all bank accounts	Last completed audit year	Audit	Deputy Clerk's Office	Confidential waste
Bank paying-in books	Last completed audit year	Audit	Deputy Clerk's Office	Confidential waste
Cheque book stubs	Last completed audit year	Audit	Deputy Clerk's Office	Confidential waste
Quotations and tenders	6 years	Limitation Act 1980 (as amended)	Admin Office Cemetery Office	Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Petty Cash and Postage Books	6 years	Limitation Act 1980 (as amended)	General Office Archive Room	Confidential waste

Document	Minimum Retention Period	Reason	Location Retained	Disposal
Pension Forms and contributions data	Indefinite	Assist in calculation of individual deferred benefits	Archive Room	Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)	General Office Archive Room	Bin
Overtime/Claim Forms	3 years from the end of the tax year they relate to	HMRC	General Office Archive Room	Confidential waste
Annual Return to auditors and correspondence	6 years from the end of the tax year they relate to	Audit	Deputy Clerk's Office	Shred
Insurance Policies	While valid (but see next two items below)	Management	Safe	Bin
Insurance company names and policy numbers	Indefinite	Management	Deputy Clerk's Office	Shred
Certificates for insurance against liability for employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management	Safe	Bin
Loan Sanctions	6 years after year end of loan	Stature of Limitation	Deputy Clerk's Office	Bin
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management	Archive Room	N/A
Payments to Members – submission to the Independent Remuneration Panel for Wales.	6 years	Local Government Measure 2011	General Office	Bin (shred confidential waste)

Document	Minimum Retention Period	Reason	Location Retained	Disposal
Digital Images	The electronic files will be backed up periodically on a portable hard drive and also in the cloud-based programme supplied by the Council's IT company.	Management	General Office	Bin (shred confidential waste)
Parking Permits for Members	The electronic files will be backed up periodically on a portable hard drive and also in the cloud-based programme supplied by the Council's IT company.	Management	General Office	Bin (shred confidential waste)
Protocol Information	One month after event.	Information	General Office	Bin (shred confidential waste)
Information from other bodies e.g. circulars from county associations, NALC, principal authorities	Retained for as long as it is useful and relevant			Bin
Local/historical information	Indefinite – to be securely kept for benefit of the Parish	Councils may acquire records of local interest and accept gifts or records of general and local interest in order to promote the use for such records (defined as materials in written or other form setting out		N/A

Document	Minimum Retention Period	Reason	Location Retained	Disposal
		facts or events or otherwise recording information).		
Magazines and journals	Council may wish to keep its own publications For others retain for as long as they are useful and relevant.	The Legal Deposit Libraries Act 2003 (the 2003 Act) requires a local council which after 1 st February 2004 has published works in print (this includes a pamphlet, magazine or newspaper, a map, plan, chart or table) to deliver, at its own expense, a copy of them to the British Library Board (which manages and controls the British Library). Printed works as defined by the 2003 Act published by a local council therefore constitute materials which the British Library holds.		Bin if applicable
Year Book	12 months	Management	General Office	Bin (shred confidential work)

Document	Minimum Retention Period	Reason	Location Retained	Disposal
Record-keeping				
<p>To ensure records are easily accessible it is necessary to comply with the following:</p> <ul style="list-style-type: none"> • A list of files stored in cabinets will be kept • Electronic files will be saved using relevant file names 	<p>The electronic files will be backed up periodically on a portable hard drive and also in the cloud-based programme supplied by the Council's IT company.</p>	<p>Management</p>		<p>Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.</p>
<p>General correspondence</p>	<p>Unless it relates to specific categories outlined in the policy, correspondence, both paper and electronic, should be kept. Records should be kept for as long as they are needed for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests.</p>	<p>Management</p>		<p>Bin (shred confidential waste) A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.</p>
<p>Correspondence relating to staff</p>	<p>If related to Audit, see relevant sections above. Should be kept securely and personal data in relation to staff should not be kept for longer than is necessary for the purpose</p>	<p>After an employment relationship has ended, a council may need to retain and access staff records for former staff for the purpose of giving references, payment of</p>		<p>Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.</p>

Document	Minimum Retention Period	Reason	Location Retained	Disposal
	it was held. Likely time limits for tribunal claims between 3–6 months Recommend this period be for 3 years	tax, national insurance contributions and pensions, and in respect of any related legal claims made against the council.		
Digital Images	While valid	Management		Bin (shred confidential waste). Delete from website and social media.
Identify badge/photograph	One month after production	Management	Server	Bin (shred confidential waste)
Civic diary/invitations	If related to Audit, see relevant sections above	Audit Management	General Office/Archive Room	Bin (shred confidential waste).

Document	Minimum Retention Period	Reason	Location Retained	Disposal
	<p>Documents from legal matters, negligence and other torts</p> <p>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. Where the limitation periods are longer than other periods specified the documentation should be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories.</p> <p>If in doubt, keep for the longest of the three limitation periods.</p>			
Negligence	6 years			Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Defamation	1 year			Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Contract	6 years			Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Leases	12 years			Confidential waste.
Sums recoverable by statute	6 years			Confidential waste.
Personal injury	3 years			Confidential waste.
To recover land	12 years			Confidential waste.
Rent	6 years			Confidential waste.
Breach of trust	None			Confidential waste.
Trust deeds	Indefinite			N/A

Document	Minimum Retention Period	Reason	Location Retained	Disposal
	Planning Papers			
Applications	1 year	Management		Bin
Appeals	1 year unless significant development	Management		Bin
Trees	1 year	Management		Bin
Local Development Plans	Retained as long as in force	Reference		Bin
Local Plans	Retained as long as in force	Reference		Bin
Town/Neighbourhood Plans	Indefinite – final adopted plans	Historical purposes		N/A

Document	Minimum Retention Period	Reason	Location Retained	Disposal
CDO General Enquiry Database	6 years	Record keeping, monitoring & evaluation	Shared Drive	Delete from the shared drive
General Enquiry Forms	6 years	Record keeping, monitoring & evaluation	CDO office Archive room	Confidential waste
General Correspondence	6 years	Record keeping	CDO office Shared Drive	Confidential waste Delete from the shared drive
Grant Application Forms	6 years	Open projects: to manage grant claims Closed projects: Audit	CDO office Archive room Omega accounts system	Confidential waste
Council News Email mailing list	Indefinite	To share Council and other community relevant information	Outlook Mail Chimp	Confidential waste Records of individuals requesting the removal of their information from a mailing list will be held on file
Removal requests from email lists	6 years	For proof of requests made by public	CDO office Archive room	Confidential waste
Time Credits New Member Form	Year 1: Until 2027 for grant purposes Year 2 + (Awaiting guidance from Spice)	Record keeping, monitoring & evaluation	Time Credits reporting website Shared drive CDO office Archive Room	Tbc by Spice
Time Credits Equal Opportunities Form	Year 1: Until 2027 for grant purposes Year 2 + (Awaiting guidance from Spice)	Record keeping, monitoring & evaluation	Time Credits reporting website Shared drive CDO office Archive Room	Tbc by Spice

Document	Minimum Retention Period	Reason	Location Retained	Disposal
Time Credits Email mailing list	Year 1: Until 2027 for grant purposes Year 2 + (Awaiting guidance from Spice)	To share latest news and updates relevant to Time Credits programme	Outlook Mail Chimp	Tbc by Spice Records of individuals requesting the removal of their email from a mailing list will be held on file
Community Groups Time Credits agreement	Year 1: Until 2027 for grant purposes Year 2 + (Awaiting guidance from Spice)	Record keeping	CDO office Shared Drive	Tbc by Spice
Volunteer information	6 years	Management	CDO office Shared Drive	Confidential Waste Delete from the shared drive
Community Consultation Sign in sheets	6 years or as long as is needed	To provide updates on situation	CDO office Shared Drive Outlook	Confidential Waste Delete from the shared drive
Digital Images	6 years	For website, news releases and social media	Shared Drive	Delete from the shared drive
Meeting notebook	2 years	Record keeping	CDO office	Confidential Waste

LRC TRAINING Appendix A: List of Documents for Retention or Disposal

Document	Minimum Retention Period	Reason	Location Retained	Disposal
LEARNER DOCUMENTATION LLWR -- including information collected in forms ref - attached zip file - app1.	As per WG guidelines. Currently 31/12/2023	WEFO funded requirements as programmes are European funded	LRC Archive Storage	Managed waste disposal
LEARNER REFERRAL INFORMATION (for learners who do not start programme) - YOUTH PROGRAMME	N/A		Training Locations	Referral information is destroyed when it is decided the learner will not start programme.
LEARNER WORK (QUALIFICATIONS)	To verification of qualification.	Documentation has to be made available for the awarding body to see during the visit following completion of the work.	Training Locations	Returned to Learner or destroyed – shredded.
MANAGEMENT INFORMATION LISTS	N/A	Not time bound	Training Locations	Shredded
LEARNING PLANS AND PROGRESS REVIEWS (INCLUDING SEN, ILP)	As per WG guidelines. Currently 31/12/2023	WEFO funded requirements as programmes are European funded	LRC Archive Storage	Managed waste disposal
EMPLOYER DETAILS	As per WG guidelines. Currently 31/12/2023 H&S details need to be kept for 8 years.	WEFO funded requirements as programmes are European funded	LRC Archive Storage	Managed waste disposal
LEARNER BANK DETAILS	N/A	Only required whilst learner is on programme.	Admin Locations	Shredded

(LRC Burial Services) Appendix A: List of Documents for Retention or Disposal

Document	Minimum Retention Period	Reason	Location Retained	Disposal
Burial and Exhumation Registers	Indefinite	Archive	Cemetery Office in Fire proof safe. Digital BACAS Database. PC based. Backup copies in safe.	N/A
Register of grave owners EROB	Indefinite	EROB Management	Cemetery Office in Fire proof safe. Digital BACAS Database. PC based. Backup copies in safe.	N/A
Memorial Permit Forms	Indefinite	Memorial safety	Cemetery Office	N/A
Memorial bench rights	Whilst rights are in place	Management	Cemetery Office	Confidential waste
Purchase of memorial plaques	Whilst rights are in place	Management	Cemetery Office	Confidential waste
Grave reservations	Indefinite	Management	Cemetery Office	N/A
Statement of all bank accounts	Last completed audit year	Audit	Deputy Clerk's Office	Confidential waste
Bank paying-in books	Last completed audit year	Audit	Cemetery Office	Confidential waste
Cheque book stubs	Last completed audit year	Audit	Cemetery Office	Confidential waste
Quotations and tenders	6 years	Limitation Act 1980 (as amended)	Admin Office Cemetery Office	Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Petty Cash and Postage Books	6 years	Limitation Act 1980 (as amended)	Cemetery Office	Confidential waste

Document	Minimum Retention Period	Reason	Location Retained	Disposal
Digital Images/ CCTV	The electronic files will be backed up periodically on a portable hard drive.	Management	General Office	Bin (shred confidential waste)
Record-keeping				
To ensure records are easily accessible it is necessary to comply with the following: <ul style="list-style-type: none"> • A list of files stored in cabinets will be kept • Electronic files will be saved using relevant file names 	The electronic files will be backed up periodically on a portable hard drive and also in the cloud-based programme supplied by the Council's IT company.	Management		Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
General correspondence	Unless it relates to specific categories outlined in the policy, correspondence, both paper and electronic, should be kept. Records should be kept for as long as they are needed for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests.	Management		Bin (shred confidential waste) A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.