



BODMIN TOWN COUNCIL

DOCUMENT RETENTION POLICY

1 Introduction

- 1.1 A record can be defined as any information held by the Council relating to any topic, area of work, decision reached or action taken and regardless of the medium in which it is held (paper or electronic format). Section 227(1) of the Local Government Act 1972 requires the Town Council to provide a proper repository for its records.

The Council recognises that:

- Records are a corporate resource and a valuable asset;
- Information must be looked after properly in accordance with the General Data Protection Regulation (GDPR) and Data Protection Act 2018;
- An organised and co-ordinated approach has to be taken in its management.

- 1.2 In the course of carrying out its various functions and activities the Council receives a range of information from individuals and external organisations and generates a wide range of data/information which is recorded in documents. These documents can take many different forms including:

- Letters received from third parties;
- Copy letters which have been sent out;
- File notes recording meetings and telephone conversations;
- Invoices;
- Completed application forms;
- Plans/drawings;
- Financial records;
- Contracts/deeds;
- Email communications (and attachments).

- 1.3 Retention of specific documents may be necessary for one or more of the following reasons:

- To fulfil statutory or other regulatory requirements;
- To evidence events/agreements in the case of disputes;
- To meet operational needs;
- To ensure the preservation of documents of historic or other value.

- 1.4 The destruction of information has to be undertaken and also the ability to show conformity with the policy in the event of a challenge by someone requesting information. The untimely destruction of documents to which one or more of the above criteria is applicable has the potential to cause the Council:

- Difficulty in defending a claim brought against the Council;
- Operational difficulties;
- Bad press/embarrassment.

The permanent retention of all documents is undesirable and should be discouraged. Disposal, where possible, should be encouraged for the following reasons:

- There is a shortage of storage space;
- Retention of personal data which is no longer necessary may be unlawful;

- Decluttering of office accommodation;
- Reduction of the burden of Document Management as required by Freedom of Information Act 2000

2 **Scope & Purpose**

The purpose of this policy is to provide a corporate policy to govern decisions on whether, in any given case, a particular document or set of documents should be retained, and if so, for what period of time.

Each record of information will entail identifying when the retention period of each record is due to expire and taking immediate action to ensure its destruction in a proper and secure manner. The attached annexe details this procedure.

3 **Roles and Responsibility**

- 3.1 Responsibility for determining whether to retain or dispose of specific documents rests with the Town Clerk (in accordance with the Document Retention Policy) but s/he may wish to appoint someone else to carry out this task. The Town Clerk should ensure that any such officer is fully conversant with this Policy and is also familiar with the operational requirements of the service so that they are able to assess the significance of documents.

Officers are expected to be proactive in carrying out or instigating audits of existing documentation that may be suitable for disposal.

- 3.2 The Town Clerk will advise on whether minimum retention periods are prescribed by law and whether retention is necessary to protect the Council's position where the likelihood of claim has been identified.
- 3.3 If the retention of the information is justifiable, the Town Clerk will consider whether the retained information falls within a category included in the Publication Scheme or whether the information is capable of being included as a further category and the Publication Scheme amended as appropriate.

4 **Disposal of Documents/Records**

- 4.1 Upon the information reaching the expiry date for retention, the Town Clerk shall take steps to ensure that all copies of that information are permanently destroyed.

Disposal can be achieved by a range of processes:

- Waste bin;
- Recycling;
- Treated as confidential waste;
- Shredded on site;
- Deletion – where computer files are concerned;
- Transfer of document(s) to an external body.

Where the information is held in more than one media, the information must be removed from all the Council's records systems i.e. paper copies shredded as well as electronic copies being deleted from any memory source.

- 4.2 Under no circumstances should paper documents containing personal data or confidential information be simply binned or sent for recycling without being shredded. To do so could result in the unauthorised disclosure of such information to third parties and render the Council liable to prosecution or other enforcement action under the GDPR or Data Protection Act 2018 and also lead to serious embarrassment.

4.3 The transfer of documents to a third party is unlikely to be an option in most cases where it is personal data having regard to the GDPR and Data Protection Act 2018. However on some occasions this method of disposal will be relevant where documents or records are of historic interest and/or have intrinsic value (i.e. to the Town Museum or County Records Office).

5 **Documenting Disposal**

A record of all documents disposed of should be kept which includes the date and the officer who authorised disposal. This is to ensure that the disposal was in accordance with this policy.

6 **Links with other Policies**

This policy links with the Council's Data Protection Policy and its Publication Scheme.

7 **Review**

This procedure will be reviewed regularly (not less than annually) and amended as necessary based on changes to legislation or evidence taken forward.

8 **Alternative Formats**

The Equality Act 2010 – copies of this document in large print (A3 Format) or larger font size, or recorded onto tape as a 'talking book' can be made available for those with sight impairment on request from the Council Office or by telephoning 01208 76616 or e-mailing policy@bodmin.gov.uk

The Council can also arrange to provide versions in other languages for staff whose first language is not English.

9 **Freedom of Information**

In accordance with the Freedom of Information Act 2000, this document will be posted on the Council's Website www.bodmin.gov.uk and copies of this document will be available for inspection on deposit in the Council Office.