

Wirksworth Town Council



Data Retention Policy

Adopted 20/11/17 | Minute C119/17

Revised 16/03/26 | Minute C25/120

This policy will be reviewed annually
at the Annual Town Council Meeting

1. Introduction

1.1 Information is one of the Council's corporate assets; in the course of carrying out its' various functions, the Council accumulates information from both individuals and external organisations. The Council also generates a wide range of data, which is recorded in documents and records.

1.2 These documents and records are in several different formats, examples of which include, (but are not limited to) communications such as letters, emails and attendance notes; financial information including invoices, statements and reports; legal documents such as contracts and deeds; and information relating to various types of applications, including forms, plans, drawings, photographs and tape recordings.

1.3 For the purposes of this Policy, the terms 'document' and 'records' include information in both hard copy and electronic form.

1.4 In certain circumstances it will be necessary to retain specific documents in order to fulfil statutory or regulatory requirements and also to meet operational needs. Document retention may also be useful to evidence events or agreements in the case of disputes, and also to preserve information which has historic value.

1.5 Premature destruction of documents could result in inability to defend litigious claims, operational difficulties and failure to comply with the Freedom of Information Act 2000 and the Data Protection Act 1998 (*This will need to be updated in 2018 upon introduction of General Data Protection Regulations*)

1.6 Equally, the retention of all documents and records is impractical and appropriate disposal is encouraged. Disposal will assist the Council to maintain sufficient electronic and office storage space and will de-clutter office accommodation, resulting in a more desirable working environment. Lengthy or indefinite retention of personal information could result in the Council breaching the Data Protection Act 1998.

1.7 It is important for the above reasons that the Council has in place systems for the timely and secure disposal of documents and records that are no longer required for business purposes.

2. Aims and Objectives

2.1 The key objective of this policy is to provide the Council with a simple framework which will govern decisions on whether a particular document should be retained or disposed of. In the case of documents which are to be retained by the Council, the policy includes guidance on the format in which they should be retained and appropriate retention periods.

2.2 Implementation of the policy should save Officers' time when retrieving information, in particular by reducing the amount of information that may be held unnecessarily.

2.3 The policy in relation to document retention and disposal applies to both council records held and managed by officers and those held by Councillors. I

2.4 It is envisaged that this policy will assist the Council in securing compliance with legal and regulatory requirements, including the Freedom of Information Act 2000, the Environmental Information Regulations 2005, the Data Protection Act 1998 and the Code of Practice on the Management of Records under Section 46 of the Freedom of Information Act 2000. In addition to assisting officers in their day to day business, this should also ensure that searches for information requested under the Freedom of Information legislation are as quick as possible.

2.5 Additionally, the policy should help to ensure that the Council archives records and documents that are of historical value appropriately for the benefit of future generations.

3. Scope

3.1 This Document Retention Policy applies to all information held by the Council and its external service providers where they are processing information on the Council's behalf.

4. Policy Statement

4.1 Wirksworth Town Council will ensure that information is not kept longer than is necessary and will retain the minimum amount of information that it requires to carry out its' statutory functions and the provision of services.

5. Retention and Disposal Policy

5.1 Decisions relating to the retention and disposal of documentation should be taken in accordance with this Policy, in particular:

- Appendix 1 – Documents Type, Retention Period and Disposal Method

5.2 In circumstances where a retention period of a specific document has expired, a review should always be carried out prior to a decision being made to dispose of it. This review should not be particularly time consuming and should be straightforward. If the decision to dispose of a document is taken, then consideration should be given to the method of disposal to be used.

6. Roles and Responsibilities

6.1 Town Clerk will be responsible for determining (in accordance with this Policy) whether to retain or dispose of specific documents.

6.2 Town Clerk may delegate the operational aspect of this function to one or more officers within the Town Council.

6.3 Town Clerk should seek advice (DALC, SLCC or legal counsel) if they are uncertain as to whether minimum retention periods are prescribed by law, or whether the retention of a document is necessary to protect the Council's position where a potential claim has been identified.

7. Disposal

7.1 When documents are disposed of, the method of disposal should be appropriate to the nature and sensitivity of the documents concerned.

7.2 Documents can be disposed of by any of the following methods:

- Non-Confidential records: place in wastepaper bin for disposal
- Confidential records*: shred documents
- Deletion of Computer Records.
- Transmission of records to an external body such as County Records Office.

* It is essential that any documents which are to be thrown away and may contain confidential or personal data are disposed of in this way, in order to avoid breaches of confidence or of the Data Protection Act 1998.

8. Security

7.1 The Council will need to ensure that all data (hard copy or electronic) is kept securely and access is only available to authorised personnel.

7.2 Councillors will need to assess how they manage the data they receive or generate on behalf of the Council and take steps to identify and address any potential weaknesses. E.g. access to email by a 3rd party.

APPENDIX 1

Document Retention Schedule

Where a minimum retention period has been set by law, statute etc., the Town Council will retain the document for an additional year

Document	Electronic/ Hard Copy	Retention Period	Reason	Disposal Method
Minutes	H E	Indefinite 7 years	Statutory No current obligation outside Open Transparent Government	n/a Deletion
Agendas	H E	7 years 4 years	Management No current obligation outside Open & Transparent Government	CW Deletion
Accident/Incident Reports	H/E	20 years	Legal	CW/Deletion
Scales of Fees and Charges	H/E	7 years	Management	Bin/Deletion
Deeds, Leases, Contracts and agreements	H	Indefinite	Legal	n/a
Playground Equipment Inspection reports	H/E	22	Legal	n/a
Quotation and Tenders	H	Indefinite	Statute of Limitations	n/a
Insurance	H	2	Management (retain current and previous year)	Bin
Correspondence – General	H/E	2 years	Management (retain current and previous year)	CW
Correspondence - Staff	H/E	4 years	Management & HR	CW
Correspondence – Planning	H/E	1 year	Information is held by Planning Authority (DDDC)	CW/Deletion
Enquiries from WTC website	E	6 months	Issue is generally resolved upon response	Deletion
Invoices	H	7 years	VAT/Audit	CW
Cheque Book stubs	H	7 years	To assist with audit	CW
Bank Paying in	H	7 years	To assist with audit	CW

As part of the external audit the following information is collated:				
Annual Accounts	H	Indefinite	Legal	n/a
Internal/External Audit Report & Returns	H	Indefinite	Audit	n/a
Receipt Book	H	7 years	VAT	CW
Bank Statements	H	7years	Audit	CW
VAT	H	7 years	VAT/Audit	CW
Bookings Diary	H	Default to 7 years	Normally only required for 1 year, but retain information alongside other audit materials	CW
Room Booking User Details	E	7 years	User details are linked to bookings	deletion
Decision made under delegated authority	H	Default to 7 years	No current guidance	CW
Salary Records	H	13 years	Tax/Audit	CW
Staff Sign-in Sheets	H	2 years	Audit	CW
Petty Cash	H	Default to 7 years	VAT/Audit	CW
Policies/Procedures	H	Default to 7 years	Audit	CW
Historical Information	H	Indefinite	Benefit of Town, although consideration should be given to transferring to records office/heritage centre.	n/a

Disposal Method

CW – Confidential Waste (Shredded)

Bin – General paper waste

Deletion – Deleted off local PC and non-local storage. Hard Drives and other storage media must be securely wiped before disposal.

Wirksworth Town Council GDPR Data Map

Information type	What personal information (data) is collected?	Category of individual	Where does the data go?	Where and how is the data stored?	What security measures do you use?	Why do you need the data? Processing purpose	Lawful basis for processing	How long do you retain the data?
Information in								
Email in	Email address, person's name and possibly phone number	Resident/councillor/employee/contractor	To the intended recipient/Council meeting	Email server/Electronic filing (Network/Cloud)/hard copy	Password/encryption	Management	Public interest/legal obligation/contract	As long as necessary
Phone message	Person's name and phone number	Resident/councillor/employee/contractor	To the intended recipient	Telephone system/written note	None	Management	Public interest/legal obligation/contract	Until actioned
Phone call	Person's name, phone number and possibly email address for follow up	Resident/councillor/employee/contractor	To recipient	N/A	None	Management	Public interest/legal obligation/contract	Until actioned
Invoices	Persons name, email address, address, bank details	Contractor/Supplier	To recipient and to council meeting	Physical filing cabinet/email system/Electronic filing (Network/Cloud)	Electronic devices password protected / Physical filing cabinet in locked office	Financial requirements	Public interest/legal obligation/contract	7 years
Residents' letters	Names, addresses, telephone no and email	Resident	To recipient and to council meeting	Scanned and saved on Electronic filing (Network/Cloud), original destroyed	Electronic devices password protected	Unrequested	Legal obligation/public interest	Until actioned
Councillors acceptance of office forms	Name	Councillor	To officer	Physical filing cabinet	Locked cabinet	Legal requirement	Legal obligation	As long as necessary
Councillors register of interests	Name, address	Councillor	To officer	Physical filing cabinet/Electronic filing (Network/Cloud)/website	Electronic devices password protected / Physical filing cabinet in locked office	Legal requirement	Legal obligation	Term of office
Planning applications	Name, address	Resident	To councillors	Electronic filing (Network/Cloud)/Website	Electronic devices password protected	Consultation	Public interest	Until completed
Photographs/ Historical Information	Names, addresses, telephone no and email	Resident/councillor/employee/contractor	Website/newsletter/archive	Electronic filing (Network/Cloud)	Electronic devices password protected / Physical filing cabinet in locked office	Public Record	Consent	As long as necessary
Market stallholders information	Names, addresses, telephone no and email	Stallholder	To officer	Physical filing cabinet / Electronic filing (Network/Cloud)	Electronic devices password protected / Physical filing cabinet in locked office	Legal /Management	Contract	As long as necessary
Occasion Hire Agreements	Name, address, telephone number. email	Resident/Business	To officer, councillor	Physical filing cabinet / Electronic filing (Network/Cloud)	Electronic devices password protected / Physical filing cabinet in locked office	Legal /Management	Contract	7 years
Lease agreements	Names, addresses, telephone no and email	Residents/contractors/ businesses	To officer, council, solicitor	Electronic filing (Network/Cloud)/physical filing cabinet	Electronic devices password protected / Physical filing cabinet in locked office	Legal /Management	Contract	As long as necessary
Contractors insurance documents	Names, addresses, telephone no and email	Contractor	To officer	Electronic filing (Network/Cloud)/physical filing cabinet	Electronic devices password protected / Physical filing cabinet in locked office	Management	Contract	7 years
Contractor details	Name, address, telephone number. email	Contractor	To the Council Office	Electronic filing (Network/Cloud)/physical filing cabinet	Electronic devices password protected / Physical filing cabinet in locked office	Management	Contract	As long as necessary
Grant applications to the council	Name, address, telephone number, email, bank details	Groups	To officer and to council meeting	Electronic filing (Network/Cloud)/physical filing cabinet	Electronic devices password protected / Physical filing cabinet in locked office	Management/Financial	Public interest	3 years
Contingency plan contacts	Name, address, telephone number	residents/contractors	To officer, council	Electronic filing (Network/Cloud)/physical in locked safe	Electronic devices password protected / physical in locked safe	In case of emergency	Public Interest	Term of Plan
Accident reports	Name, address, telephone number	any	To officer, chairman, committee	Physical filing cabinet	Locked cabinet	Legal requirement	Legal obligation	3 years

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Information out								
Email out	Email address, persons name	Resident/Contractor/Hirer/Stall Holder/Cllr/ employee	To intended recipients	Email	Electronic devices password	Management	Contract/legal obligation/consent	As long as necessary
Invoices sent hard copy	Name and address	Hirers	To intended recipients	Electronic filing (Network/Cloud)/physical filing cabinet	Physical filing cabinet locked	Management	Contract	As long as necessary
Invoices sent via email	Email address, persons name	Hirers	To intended recipients	Email/Electronic filing (Network/Cloud)/physical filing cabinet	Electronic devices password protected	Financial	Contract	As long as necessary
Newsletters	Email address, persons name,	Residents	To intended recipients, website	Website / Electronic filing (Network/Cloud) / Hard copy	Electronic devices & website password protected	Consent/Publishing	Consent	As long as necessary
Council contact details	Email address, name, Address, telephone number	Councillors	To Derbyshire ALC and other intended recipients	Electronic filing (Network/Cloud)/website	Electronic devices password protected / Physical filing cabinet in locked office	Management	Contract	As long as necessary
Minutes	Names	Residents/Councillors/Contractors	To Councillors, website	Email/Electronic filing (Network/Cloud)/physical filing cabinet/ website	Electronic devices password protected / Physical filing cabinet in locked office	Legal requirement	Public interest	Indefinitely – passed to Archive
Councillors register of interests	Name, address	Councillor	To Electoral Officer	Physical filing cabinet/Electronic filing (Network/Cloud)/website	Electronic devices password protected / Physical filing cabinet in locked office	Legal requirement	Legal obligation	Term of office
Emergency Plan contacts	Email address, persons name, address	Residents/Councillors/contractors	To councillors, other agencies	Physical filing cabinet/Electronic filing (Network/Cloud)/website	Electronic devices password protected / Physical filing cabinet in locked office	Management	Public interest	As long as necessary
Lease agreements	Names and addresses	Tenants	To recipient	Physical filing cabinet/Electronic filing (Network/Cloud)	Electronic devices password protected / Physical filing cabinet in locked office	Management	Financial	As long as necessary
Bank mandate	Names, addresses and bank details	Officer/Bank	To relevant banks	Physical filing cabinet/Electronic filing (Network/Cloud)/bank website	Bank security passwords and electronic devices password protected	Financial/management	Financial	As long as necessary
Grant request	Email address, persons name, address, bank details	Officer	To grant provider	Electronic filing (Network/Cloud)/email/physical filing cabinet	Electronic devices password protected / Physical filing cabinet in locked office	Financial/management	Contract/public interest	3 years
Accident book	Name, address	Officer, councillor, resident, contractor	To council/insurers	Hard copy/email	Email account password protected	Health and Safety	Legal obligation	3 years
Employment information								
Staff information	Name, address, NI number, bank details, DOB	Staff	Officer/Deputy Officer/chairman/FBP committee/payroll provider	Physical filing cabinet/Electronic filing (Network/Cloud)	Electronic devices password protected / Physical filing cabinet locked	Management	Contract/legal obligation/consent	As long as necessary plus 6 years
Payroll	Name, address, NI number, bank details	Staff	HMRC/payroll provider/pension provider	Email/Electronic filing (Network/Cloud)	Electronic devices password protected / Physical filing cabinet locked	Financial	Legal obligation	13 years
Employment contracts	Name, address	Staff	Officer/chairman/FBP Committee	Physical filing cabinet/Electronic filing (Network/Cloud)	Electronic devices password protected / Physical filing cabinet locked	Contract	Contract	As long as necessary plus 6 years
Appraisals	Name	Staff	Officer/Deputy Officer/chairman/FBP committee	Physical filing cabinet/Electronic filing (Network/Cloud)	Electronic devices password protected / Physical filing cabinet locked	Contract	Contract	As long as necessary plus 6 years