



OSWESTRY

Town Council

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Retention of Documents Policy

1. Policy Aim

Oswestry Town Council (OTC) recognises the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of OTC.

Information is an 'asset', and the records of OTC are important sources of administrative, evidential, and historical information. Good information and records management is vital for the current and future operations of OTC. It will ensure accountability and demonstrate an awareness and understanding of its history and procedures. Information and records form part of the memory of OTC. Records management can be defined as the systematic control, organisation, access to and protection of information from its creation, through its use, to its permanent retention or destruction. There are 3 basic stages in a records lifecycle:

- Creation or receipt
- Maintenance and use
- Retention and disposal

This Document and Management Retention Policy supports the principles of value, integrity, and accountability. The framework complies with Section 46 FOIA 2000, the UK General Data Protection Act 2018 (including General Data Protection Regulation), Environment Information Regulations (EIR) and Public records Act 1958.



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2. Retention of Documents

Attached is an annex indicating the appropriate minimum retention periods of documents. Documents should be retained for audit, staff management, tax liabilities, and the eventuality of legal disputes and legal proceedings.

3. Policy Scope

This policy applies to all records (electronic and paper) created, received, or maintained by OTC during all business activity and function. Records are defined as all those documents which facilitate the business carried out by OTC and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received, or maintained in hard copy or electronic format and email correspondence.

An information asset is regarded as a collection of data, or an entire data set for its ongoing activities. The value of an information asset is determined by considering the consequences likely to occur if data is lost, compromised in any way or not available for OTC, or delivery partners to be able to provide service to customers.

It is important to protect the data of customers and staff to demonstrate information and data security throughout OTC. The risks are not just about managing records and information, it is also about keeping data and information secure.

OTC staff are required to manage information and records, regardless of the format it is in, or where it is located, or that a body holds on OTC's behalf. This includes the management and control of records used for remote and home working. All staff have a duty to manage and address



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risks to information assets and to make sure the handling of data complies with legal requirements.

OTC is committed to establishing and maintaining good information and record keeping practices to meet legal requirements, the operational needs of OTC, its accountability requirements and stakeholder expectations. It applies to information and records in any format or medium that the OTC maintains. The management and destruction are applicable to diverse procedures and technical environments in which OTC operates.

4. Responsibilities

OTC has a responsibility to maintain its records and record management systems in accordance with the regulatory environment. The person with overall responsibility for this policy is the Town Clerk. The person responsible for records management will give guidance for good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately, and timely. Individual staff and employees must ensure that records for which they are responsible are accurate. Records must be maintained and disposed of in accordance with the OTC's records management guidelines.

5. OTC Records Management

OTC will create, use, manage and destroy or preserve its records, in all media and in all forms, in accordance with statutory requirements. It will ensure that correct information is:

- Captured, stored, retrieved, and destroyed or preserved according to need
- Fully exploited to meet current and future needs, and to support change



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- Accessible to those who need to make use of it

OTC will ensure that the appropriate technical, organisational, and human resource elements exist to make this possible.

6. How Records Should be Kept

Records should be held in paper based or electronic files in shared directories, databases, or controlled document management systems. The files should be organised in a structured way and have some indication as to their contents and relevance by function and activity. Where there are confidentially issues, files should be held in a separate paper or electronic file in a secure storage area. Irrespective of the method chosen to keep the records, a standard set of records management principles and tools can be used to manage them. The more important of these include filing schemes and retention schedules.

When records have been identified for disposal and they have reached the end of their administrative life (electronic or hard copy), records should be disposed of in an appropriate way. Electronic records can be deleted from the shared S drive network system. Confidential hard copy records containing personal information or sensitive policy information should be destroyed by (currently EvaStore). During the disposal process, any back-up copies stored on alternative media should also be destroyed.

The FOIA 2000 requires for a list of records which have been destroyed. A destruction list should be retained for the destruction of records. Staff responsible for hard copy record collections should maintain a notification of the destruction of records and include:

- File reference (or another unique identifier)
- File title (or brief description)



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- Number of files
- The name of the officer authorising destruction
- Date of destruction

This information may be retained in an Excel spreadsheet or other database format and the information retained for a minimum of 12 years and then reviewed. The disposal of records (archive, destruction, or deletion from system) must also include the weeding and disposal of personal data.

7. Data Protection

The Data Protection Act 2018 transposes the General Data Protection Regulation (GDPR), an EU Regulation, into UK law and controls how personal data of UK data subjects is used by organisations, businesses, and government institutions. The law came into force in 2018 before the GDPR and replaced the UK Data Protection Act 1998, which was the law in force prior to the new 2018 Act. The Data Protection Act 2018 seeks to strike a balance between the rights of individuals and the interests of those with legitimate reasons for using personal information. The policy is based on these principles. OTC will periodically update its information and comply with the 7 principles for processing sensitive data:

- Lawfulness, fairness, and transparency.
- Purpose limitation.
- Data minimisation.
- Accuracy.
- Storage limitation.
- Integrity and confidentiality (security)



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- Accountability.

Particular attention will be paid to the processing of any sensitive personal information and OTC will ensure the following conditions is met:

- Explicit consent of the individual
- Required by law to process the data for employment purposes
- A requirement to protect the vital interests of the individual or another person

OTC will provide information on personnel data to employees. OTC will ensure that individuals on whom personal information is kept are aware of their rights and have access to that information on request.

8. Email Management

Emails are just another form of correspondence and official communication as a letter, memo, or a fax, and may be disclosed in response to a Freedom of Information or Data Protection request, including some legal cases. Electronic messages can be legally binding. Contracts can be set up via email and OTC may be held liable for defamatory statements in emails. For these reasons, nothing should be stated in email correspondence that would not be stated in other forms of written communication.

If an email contains important information or an important decision, it should be added to the relevant paper or electronic file/folder in the S drive. Most emails are about trivial matters. It is a drain on resources to store them in the records management system and to search them when responding to a subject access request. Under the Data Protection Act,



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OTC should keep information about people for no longer than is necessary; this includes emails to/from or about people.

Out-of-date trivial emails and those that have been copied to the relevant subject file should be deleted as soon as possible, so that a backlog does not accumulate as this becomes difficult to manage. The content and subject matter of the email will denote whether it is a record that needs to be retained.

9. Management of Electronic Records

Documents and folders should have file titles which are easily understood by others. Personal file names or uncommon abbreviations should not be used, as they will be meaningless to others. Out-of-date material should not accumulate in a file, and if a document is not accessed in 7 years, they should be deleted from the drive if it is backed-up on the external hard drive.

10. Retention

Under the Freedom of Information Act 2000, OTC is required to maintain a retention schedule listing the record series which it creates during its business. The retention schedule lays down the length of time which the record needs to be retained and the action which should be taken when it is of no further administrative use.

Citations are given for key Acts of Parliament, Statutory Instruments and regulations which are relevant to determining statutory retention periods for specific groups of records. These should be regarded as minimum retention periods. The stated retention periods in the schedule are recommended minimum periods, based on assessments of common needs and potential legal liabilities. See attached Annex for specific retention and disposal.



11. Archives

Paper copies of the archived records should be indexed and safely stored at in the OTC Archive stores. Arrangements and processes are in place for archival storage. Digital archives is a future concept that requires further exploration subject to legislative requirements and resources/staffing.

12. Retention of Documents for Legal Purposes

The below table lists the limitation periods of time where legal claims may be brought under the Limitation Act 1980 (as amended). The 1980 Act provides that legal claims may not be commenced after a specified period.

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

Where the limitation period above are longer than other periods specified in the attached annex, the documentation should be kept for the longer period specified.



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13. This Policy Will:

- Be publicised to staff and made available for reference.
- Apply to all the Council's records, regardless of how they are held.
- Be reviewed annually, amended and re-issued as necessary and members of staff notified accordingly.
- Operation in conjunction with the Council's existing policies on Data Protection (Private Policy) and Freedom of Information.

July 2023

Annex to Retention of Documents Policy

Document	Retention Period	Reason
Personnel		



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Personnel records	3 years after employee leaves	Limitation Act 1980 (as amended)
Disciplinary/grievances	Review 6 years after last action	Management
Recruitment documents	6 months	Management
Wages records	6 years + current year	Audit
Pension records	12 years	Superannuation
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)
Members allowances register	6 years + current year	Tax Limitation Act 1980 (as amended)

Audit

Scales of fees	6 years + current year	Management
Receipt and payment accounts(s)	Indefinite	Archive
Receipt books	6 years + current year	VAT
Bank statements	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Quotations and tenders	6 years + current year	Limitation Act 1980 (as amended)

Document

Retention Period

Reason

Paid invoices	6 years + current year	VAT
Paid cheques	6 years + current year	Limitation Act 1980 (as amended)
VAT records	6 years + current year generally, but 20 years for	VAT



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VAT on rents

Petty cash	6 years + current year	Tax, VAT, Limitation Act 1980 (as amended)
Investments	Indefinite	Audit, Management
Successful grant applications	6 years + current year	Audit
Unsuccessful grant applications	3 months after decision	Management

Contracts and Procurement

Unsuccessful tenders	2 years	Audit
Successful tenders	6 years + current year	Audit

Administration

Minute books	Indefinite	Archive
Draft minutes	Until date of confirmation of minutes	Management
Agenda	Indefinite	Archive
Reports and other documents circulated with agenda	Refer to retention policy for matter content	Refer to retention policy for matter content
Insurance policies	While valid	Management
Certificate for Document	40 years from date on which Retention Period	The Employers' Liability Reason
Insurance against Liability for employees	insurance commenced or was renewed	Compulsory Insurance Regulations 1990 (SI. 2753), Management
Litigation	6 years after folder closure	Limitation Act 1980
Title deeds, leases,	Indefinite	Audit, Management



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agreements, contracts

Standing Orders, Town Council Policies and procedures	Whilst current	Management
Members' attendance Register	Term of office	Management
Members' Declaration of Acceptance of Office	Term of office	Management
Members' Register of Interests	Term of office	Localism Act 2011
Register of Electors	Whilst current	Management

CCTV

CCTV review requests	3 years	Management
Recorded discs	Whilst legally required	Management
Photographs and digital prints	31 days or as long as legally required	Management

Property

Application to hire lettings diaries copies of bills to hires record of tickets issued	6 years + current year	VAT
Premises inspection records	12 years	Statute of Limitations

Document

	Retention Period	Reason
Asset equipment records	21 years	Statute of Limitations

For Burial Grounds

Register of Fees collected	Indefinite	Archives, Local
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Register of burials	Indefinite	Authorities Cemeteries Order 1977 (S1.204)
Register of purchased graves	Indefinite	
Register/plan of grave spaces	Indefinite	
Register of memorials	Indefinite	
Applications for interment	Indefinite	
Applications for right to erect memorials	Indefinite	
Disposal certifications	Indefinite	
Copy certificated of grant of exclusive right of burial	Indefinite	

Planning

Planning Applications	Whilst being considered	Management
	All personal data is the property of the Unitary Council	Management
Correspondence relating to planning applications	Whilst being considered all personal data is the property of the Unitary Council	Management

Document

Retention Period

Reason

Local Connections

Local connections applications and evidence	3 months following consideration	To verify applications for local connections
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Newsletters

Town Council newsletters,	A copy should be sent to	Legal Deposit
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pamphlets, magazine,
plan chart or table

the British Library Board

Libraries Act 2003

General

Surveys and returns

Until project completed

Management

Press releases

2 years

Management

General Correspondence

Unless it relates to specific categories outlined in the policy above, correspondence, both paper and electronic should be kept whilst the content matter is being dealt with and with a maximum retention of 1 year.