

# WESTLETON PARISH COUNCIL

## DATA RETENTION POLICY

The Council considers it necessary to implement a system of records management which incorporates arrangements for the disposal of all or some of its records.

### 1. GENERAL

- 1.1 Any such systems or policies relating to record management will include a review of Council documentation on an annual basis.
- 1.2 Where it is necessary to retain or manage documents due regard will be made of the option to securely hold that information electronically, instead of in paper form and due regard will be made to the requirements of the mandatory legislation.
- 1.3 Anything that is no longer of use or value can be destroyed but if the Council is in any doubt it will seek advice from the Suffolk Association of Local Councils (SALC) and retain that document until that advice has been received.
- 1.4 Documents of historical importance, if not retained by the Council, will be offered first to the Westleton Village Archives or to the County Record Office.

### 2. RETENTION OF DOCUMENTS

- 2.1 Attached is an Annex which indicates the appropriate retention period for audit and other purposes and the reasons for retention. In respect of the retention of documents in case of a legal dispute, Council's policy is set out under Section 3.
- 2.2 Other documents not mentioned in this Annex will be treated as follows:

#### Planning Papers

Where planning permission is granted, the planning application, any plans and the decision letter will be retained until the development has been completed, so that, if necessary, the Clerk or elected representative of the Council can check the development proceeds in accordance with the terms and conditions of the permission.

Where planning permission is granted on appeal, a copy of the appeal decision will also be retained likewise.

Where planning permission is refused, the papers will be retained until the period within which an appeal can be made has expired. If an appeal is made and dismissed, the decision letter will be retained against further applications relating to that site.

Copies of Structure Plans, Local Plans and similar documents will be retained as long as they are in force.

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## **Insurance Policies**

Insurance policies and significant correspondence will be kept for as long as possible to make a claim under the policy.

Article 4 of the Employers Liability (Compulsory Insurance) Regulations 1998 (SI 2753) requires that local councils, as employers, retain certificates of insurance against liability for injury or disease to their employees arising out of their employment for a period of 40 years from the date on which the insurance is commenced or renewed.

## **Information from other bodies**

Circulars and legal topic notes from SALC, National Association of Local Councils and other bodies such as principal authorities will be retained for as long as the information contained therein is useful and relevant.

## **Correspondence**

If related to audit matters, correspondence will be kept for the appropriate period specified in the Annex thereto.

In planning matters, correspondence will be retained for the same period as suggested for other planning papers.

All other correspondence will be kept for as long as the matter contained therein is still of interest or use to the Council and/or the village.

## **Personnel Matters**

Documentation relating to staff will be kept securely and for as long as it would be possible for a claim to be made against the Council.

### **3. RETENTION OF DOCUMENTS FOR LEGAL PURPOSES**

3.1 Most legal proceedings are governed by 'the Limitation Acts' which state that legal claims may not be commenced after a specified period. The specified period varies depending on the type of claim in question.

3.2 The table below sets out the limitation periods for the different categories of claim.

**Claims under 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     |

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## Annex to Policy

### Retention of documents required for the audit of Parish Councils

| <b>DOCUMENT</b>  | <b>MINIMUM RETENTION PERIOD</b>                              | <b>REASON</b>  |
|--|--|--|
| Minute Book  | Indefinite   | Archive  |
| Receipt & payment accounts                                 | Indefinite   | Archive  |
| Receipt books  | Six years  | VAT  |
| Bank Statements  | Six years  | VAT  |
| Bank paying-in books                                       | Last completed audit year                                    | Audit  |
| Cheque book stubs  | Last completed audit year                                    | Audit  |
| Quotations/tenders   | Last completed audit year                                    | Statute of Limitations   |
| Paid Invoices  | Six years  | VAT  |
| Paid Cheques   | Six years  | Statute of Limitations   |
| VAT records  | Six years  | VAT  |
| Clerk Time sheets & Expenses                               | Last completed audit year                                    | Audit  |
| Insurance Policies   | While valid  | Management   |
| Certificates for Insurance against liability for employees | 40 years from date which insurance commenced or was renewed. | The Employer's Liability (Compulsory Insurance) Regulations 1998 (SI 2753)<br>Management |
| Title deeds, agreements leases & contracts                 | Indefinite   | Audit, Management  |
| Members records/register incl allowances                   | Six years  | Tax, Statute of Limitations  |

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