

Broughton Parish Council Records Management Policy

1. Scope of this policy

For the purposes of this policy 'document' and 'record' include paper & electronic versions of reports & other 'papers' and 'correspondence' including email- held on computers used by Broughton Parish Council and all documents received to the Council's registered address.

2. Overview

Broughton Parish Council ("The Council") will implement a system of paper & electronic records management which will include those records retained for audit purposes reviewed annually by a councils internal auditor.

The system will ensure the storage, security of, access to & disposal of, both paper & electronic records.

This system will include an annual review of the records themselves. This will ensure that documents that are no longer required, or are otherwise out of date, are securely destroyed.

3. Reason for retention/destruction of documents

The Council is required to retain paper & electronic data for a number of reasons. There is a clear need to retain documentation for audit purposes, staff management, tax liabilities, and the eventuality of legal disputes and legal proceedings. However, data protection legislation requires that records that permit the ID of individuals should only be kept for as long as necessary to fulfil the purpose for which they were originally collected. Therefore the timely and secure destruction of data is also an essential part of a record management system.

Subject to the requirements for retaining documents, and as a basic started point, papers and records will be destroyed if they are no longer of use, are without a context or relevant. Such documents will be destroyed after 6 years. Documents produced by, and readily available from, other sources will be destroyed when they are no longer required.

4. Retention

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

- a. Working documents and drafts will not be retained. These should be destroyed on completion/approval

- b. Final & approved documents will be saved in .docx format with all reasonable accessibility modifications included
- c. 'Live' documents are records or documents that are used regularly & are less than 2 years old
- d. Wherever possible all paper documents received by the office that require retention will be scanned & saved to the Broughton Google Drive Folder.

5. Insurance

- i. All insurance policies will be kept for as long as it is possible for a claim to be made under them
- ii. Irrespective of how long policies and correspondence are retained, the Council will keep a permanent record of insurance company names and policy number for all insured risks.
- iii. Article 4 of the Employers Liability (Compulsory Insurance) Regulations 1998 (SI.2753) requires local councils, as employers to retain certificates of insurance against liability for injury or disease to their employees arising out of their employment (this is mandatory- Employers Liability (Compulsory Insurance) Act 1969) for a period of 40 years from the date on which the insurance is commenced/renewed.

6. Documentation relating to staff

- a. This will be kept securely and in accordance with the seven data protection principles contained in the GDPR 2018.
- b. The principles provide that personal data in relation for staff should not be kept for longer than is necessary for the purpose it was held. However even after an employment has ended, the Council will retain and access records for former staff for the purposes of giving references, payment of tax, national insurance contributions & pensions, and in respect of any related legal claims made against the council.
- c. The time limits within which a claim (and appeal) may be lodged against an employer at an employment tribunal are set out in the legislation that contains the employment right in question, or if not by the Limitation Act 1980 (as amended). The time for filing a claim at an employment tribunal is usually measured from the date that the employment relationship ended, or the date of the act complained of.
- d. Subject to where the Limitation Act 1980 applies, the most common time limit for lodging a claim at an employment tribunal is 3 months (e.g. Unfair dismissal), although 6 months applies in redundancy & equal pay claims.

7. Local/Historic Records

The Local Government (Records) Act 1962 provided that parish councils may require records of local interest and accept gifts or records of general and local interest in order to promote the use of such records (defined as materials in written or other form setting out facts or events or otherwise recording information).

8. Deposition, storage & management of documents

Documents of local and or historical importance, if not retained and stored by the Council, will be offered first to the County Record Office where they are accessible to all members of the public.

9. Retention of documents for Legal Purposes

Most legal proceedings are governed by the Limitation Act 1980 (and amendments). This Act states that legal claims may not be commenced after a specified period. These specified periods vary depending on the claim in question. A summary of the main categories and their retention period is provided below. If a legal claim falls into more than one category then the relevant document will be kept for the longest of the limitation periods.

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

10. Retention Summary

The following documents will be retained for periods defined below and the reasons given, these timescales apply regardless of the media in which they are stored:

Document	Minimum Period of Retention	Reason
Minute Books	Indefinite	Archive
Annual Accounts	Indefinite	Archive
Annual Return	Indefinite	Archive
Bank Statements	7 years	Audit/management
Cheque book stubs	Last completed	Audit/management
Paying in books	Last completed	Audit/management
Quotations	7 years	Audit
Paid invoices	7 years	Audit/VAT
VAT records	7 years	Audit/VAT
Salary records	7 years	Audit
Tax & NI records	7 years	Audit
Insurance policies	Whilst valid	Audit
Cert of Employers Liability	40 years	Audit/legal
Cert of Public Liability	40 years	Audit/legal

Asset register	Indefinite	Audit
Deeds, leases	Indefinite	Audit
Declarations of acceptance	Term of Office + 1 year	Management
Members register of interest books	Term of Office + 1 year	Management
Complaints	1 year	Management
General information	3 months	Management
Allotment Tenancies	1 month after tenancy ended	Management

Planning Applications- All planning applications and relevant decision notices are available via Cumberland Council. There is no requirement to retain duplications locally. All Parish Council recommendations in connection with these requirements are recorded in the Council minutes and are retained indefinitely. Correspondence received in connection with the applications will be retained as stated in the above schedule.

Date of policy: April 2020

Review: Annually to see most recent review date please visit <https://broughtonparishcouncil.co.uk/policies-procedures/>