



Much Wenlock Town Council

DOCUMENT RETENTION POLICY

Approved 6th October 2022

1. Introduction

- 1.1 The Council accumulates a large amount of information and data during the course of its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in various different types of document.
- 1.2 Records created and maintained by the Council are an important asset and as such measures need to be undertaken to safeguard this information. Properly managed records provide authentic and reliable evidence of the Council's transactions and are necessary to ensure it can demonstrate accountability.
- 1.3 Documents may be retained in either 'hard' paper form or in electronic forms. For the purpose of this policy, 'document' and 'record' refers to both hard copy and electronic records.
- 1.4 Documents must be retained for an adequate period of time. If documents are destroyed prematurely the Council and individual officers concerned could face prosecution for not complying with legislation and it could cause operational difficulties, reputational damage and difficulty in defending any claim brought against the Council.
- 1.5 In contrast to the above, the Council should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with the General Data Protection Regulations so that personal information is not retained longer than necessary. This will also ensure the most efficient use of limited storage space.
- 1.6 The Council strives to comply with the laws, rules and regulations by which it is governed and with recognised compliance practices. All Town Councillors and Council employees must comply with this policy, the Document Retention Schedule and any litigation hold communications. Failure to do so may subject the Council, its employees and representatives to civil and/or criminal liability.

2. Retention of Documents

- 2.1 Some records do not need to be kept and are routinely destroyed or disposed of in the course of business. This includes unimportant items such as circulars, catalogues, magazines, duplicate information, internal messages, etc.
- 2.2 Attached is an annex indicating the appropriate minimum retention periods for documents. Documents should be retained for audit, staff management, tax liabilities and the eventuality of legal disputes or proceedings.
- 2.3 The table below 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 periods above are longer than other periods specified in the attached annex, the documentation should be kept for the longer period specified.

3. Data Protection and Freedom of Information Considerations

3.1 The General Data Protection Regulations (GDPR) came into effect in May 2018 and set out the data protection principles for organisations.

3.2 Councils are responsible for ensuring that they comply with the principles of the GDPR, namely:

- Personal data is processed fairly and lawfully and in a transparent manner in relation to individuals
- Personal data shall only be obtained for specific, legitimate purposes and processed in a compatible manner
- Personal data shall be adequate, relevant, but not excessive
- Personal data shall be accurate and up to date
- Personal data shall not be kept for longer than is necessary
- Personal data shall be processed in accordance with the rights of the data subject
- Personal data shall be kept secure.

3.3 Personal data is defined in the GDPR as: “any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”

3.2 There is an exemption for information about identifiable living individuals that is held for research, statistical or historical purposes to be held indefinitely provided that the specific requirements are met.

4. Use of this Policy

4.1 The policy will apply to all the Council’s records, regardless of how they are stored, i.e. digital or hard copy.

4.2 The policy will be publicised to staff and made available on the Town Council’s website.

4.3 The policy will operate in conjunction with the Council’s policies on Data Protection (Privacy Policy) and Freedom of Information.

5. Review of Document Retention

5.1 It is planned to review, update and, where appropriate, amend this document on a regular basis and at least every three years (in accordance with Lord Chancellor’s Code of Practice on the Management of Records issued under Section 46 of the Freedom of Information Act 2000).