



INGLEBY BARWICK TOWN COUNCIL

RECORD MANAGEMENT and SECURITY POLICY

1.0 INTRODUCTION

- 1.1 The purpose of this document is to provide a policy framework to ensure that particular documents (or sets of documents) are dealt with in the correct manner; being retained and/or disposed of in the correct timescale.
- 1.2 This policy gives Ingleby Barwick Town Council a system for the management of paper and electronic records. The Town Clerk is responsible for ensuring all Council documents are managed accordingly.
- 1.3 This policy is based on the National Association of Local Councils' Legal Topic Note 40 'Local Councils' Documents and Records' dated January 2013, which outlines the legal requirements and recommended practice within the sector.
- 1.4 Where the policy refers to 'documents' this includes both paper and electronic copies.

2.0 RETENTION OF DOCUMENTS

- 2.1 Certain important documents must be retained for clear reasons such as audit purposes, staff management, tax liabilities and the eventuality of legal disputes and legal proceedings. Subject to the above reasons, and any other statutory legislation for retaining documents, papers and records may be destroyed if they are no longer of use or relevant. If there is any doubt, the document will be retained until proper advice has been sought.
- 2.2 Attached at Appendix A to this policy are the appropriate document retention periods.
- 2.3 Documents may be kept in hard copy or electronic format. A minimum amount of documentation should be kept in hard copy format but will include financial information such as paid and unpaid invoices (until the Audit is completed), legal documents such as leases and other contracts, which will be filed as appropriate in either the safe or in a lockable filing cabinet. All other documents should be kept electronically. Electronic files will be backed up in the Council's confidential cloud-based programme.

3.0 RETENTION OF DOCUMENTS FOR LEGAL PURPOSES

- 3.1 Most legal proceedings are governed by the Limitation Act 1980 (as amended). This Act provides that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question. The table below sets out the limitation periods for the different categories of claim. The reference to 'category' in the table refers to claims brought in respect of that category.

3.2 CATEGORY LIMITATION 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

- 3.3 Where the limitation periods above are longer than other periods specified in the Legal Topic Note, the documentation will be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories.
- 3.4 In these circumstances the relevant documentation will be kept for the longest of the limitation periods.
- 3.5 There is no limitation period in respect of trusts, and as advised by NALC, the Council will never destroy trust deeds and schemes and any other similar documentation it may hold. It should be noted that some limitation periods can be extended. Examples include:
- Where individuals do not become aware of damage until a later date (e.g. in the case of disease)
 - Where damage is hidden (e.g. to a building)
 - Where a person is a child or suffers from a mental capacity
 - Where there has been a mistake or where one party has defrauded another or concealed facts
- 3.6 Where the limitation periods above are longer than other periods specified in this policy, the documentation will be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories; in this instance, the longer period will be observed.
- 3.7 Correspondence if related to audit matters and/or legal proceedings should be kept for the appropriate period specified in the schedule unless the Town Council deem them to be relevant or useful or have historical interest to the Town Council.
- 3.8 Other correspondence including written or electronically generated (unless relating to staff) should be retained only for as long as it is useful and relevant.
- 4.0 DISPOSAL**
- 4.1 All Council documents will be handled in the correct manner for their sensitivity.
- 4.2 All hard copy documents, not only those which contain data on an individual or contain personal data, will be disposed of by use of a cross-shredder within the Council offices.
- 4.3 Any Councillors wishing to dispose of paper copies of confidential Council documentation will do so through the Council office.
- 4.4 A list of documents disposed of will be maintained in accordance with the General Data Protection Regulations.
- 4.5 Handwritten notes of meetings should be destroyed immediately after they have served their purpose (i.e. once the minutes have been approved). If this is not done, there is a risk that they may be the subject of a Freedom of Information Act request and may have to be disclosed.
- 4.6 Audio and Video recordings of meetings should be treated in the same way as handwritten notes.
- 4.7 Hard drives on computers or laptops should be destroyed before disposal of any such machine to prevent the Council's data falling into the wrong hands.
- 5.0 DATA PROTECTION AND FREEDOM OF INFORMATION**
- 5.1 All documentation will be held in line with the most recent Data Protection and Freedom of Information regulations.

APPENDIX A

DOCUMENT	RETENTION PERIOD	REASON
Signed Minutes & related papers	Indefinite	Archived after 5 years with Stockton Borough Council
Scales of fees and charges	6 years	Management
Receipts & Payments Account(s)	Indefinite	Archive
Receipt books of all kinds	6 years	VAT
Bank statements, including deposit/savings accounts	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	Limitation Act 1980 (as amended)
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act 1980 (as amended)
Applications for grants, and relevant documentation, made by or to the Town Council	5 years	Management
VAT records	6 years generally but 20 years for VAT on rents	VAT
Petty cash	6 years	Tax, VAT, Limitation Act 1980 (as amended)
Timesheets	3 years	Personal injury
Insurance policies	While valid	Management
Certificates for Insurance against liability for employees	40 years from date of which insurance commenced or was renewed	The Employer's Liability (Compulsory Insurance) Regulations 1998 (SI.2753), Management
Investments	Indefinite	Audit, Management
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
Members allowances register	6 years	Tax, Limitation Act 1980 (as amended)
Personal data of employees	6 years after employment terminates except for salary related information which will be kept for 12 years.	Recommended practice and Superannuation
Recruitment paperwork	1 year for all except successful candidate	Recommended practice
Accident books/reports	40 years from date of accident	Management in case of a claim and in line with retention period for insurance certificates
Statutory maternity, paternity and adoption pay records and evidence	3 years after the end of the tax year in which the pay period ends	Maternity and Parental Leave etc Regulations 1999
Formal complaints made under the Council's Complaints procedure	6 years	Management
Freedom of Information and Subject Access requests	6 years	Management
FOR COUNCIL PROPERTY:		
Applications to hire	6 years	VAT
Lettings diaries	6 years	VAT
Copies of bills to hirers	6 years	VAT