



REPORT of DIRECTOR OF RESOURCES

**to
STRATEGY AND RESOURCES COMMITTEE
24 NOVEMBER 2020 (SPECIAL MEETING)**

DOCUMENT RETENTION POLICY UPDATE

1. PURPOSE OF THE REPORT

- 1.1 To consider the draft Document Retention Policy, attached as **APPENDIX 1** to this report, and recommend the adoption of this policy to the Council.

2. RECOMMENDATIONS

To the Council:

- (i) That the Document Retention Policy, attached at **APPENDIX 1**, be approved;
- (ii) That Delegated Authority be given to the Director of Resources, in consultation with the Data Protection Officer to make any operational changes to the retention periods contained within the Policy.

3. SUMMARY OF KEY ISSUES PURPOSE OF THE REPORT

- 3.1 The Council's documents are its corporate memory, supporting its core functions and providing evidence of actions and decisions. They are a vital corporate asset, enabling effective management and compliance with statutory and regulatory obligations.
- 3.2 The Council has had a document retention policy in place for over 10 years. The policy was last updated in 2018 and while referring to anticipated changes in Data Protection Legislation now needs to be updated to reflect the provisions of the General Data Protection Regulations and the Data Protection Act 2018.
- 3.3 The Council has obligations under the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 one of which is to ensure that all personal information is kept for no longer than is necessary.
- 3.4 The Document Retention Policy provides a framework to govern management decisions on whether a particular document (or set of documents) should either be retained and if so for what period; or disposed of, and if so by when.

- 3.5 The Policy seeks to ensure:
- a degree of consistency in the management of records across the Council;
 - records of long term value are identified and preserved;
 - random destruction of records is avoided;
 - documents are kept for the optimum length of time;
 - that the Council complies with legal, audit and operational requirements affecting the retention of documents
- 3.6 The Council has been compliant with the Data Protection Act 2018 but the introduction has been updated to now make specific reference to the Act.
- 3.7 A change has been made to the retention period for Human Resources (HR) which relates to the retention of employment records for a longer period of time following the McCloud case. The results of this case may require a reassessment of pension entitlement and employment history information needs to be retained to allow for these recalculations to occur.
- 3.8 The retention periods are the accepted local authority tool for the management of documents and records. Based on work by the Records Management Society, as well as organisational requirements and common practice, it provides guidance on recommended and mandatory minimum retention periods for specific classes of document. It is proposed that given the operational nature of the Schedule it shall be reviewed and updated as and when changes in legislative or regulatory requirements dictate, outside the formal periodic review of the Policy itself.

4. CONCLUSION

- 4.1 That adoption of this revised policy will ensure a more efficient use of physical and electronic storage capacity.

5. IMPACT ON STRATEGIC THEMES

- 5.1 An adopted policy setting out the Council's approach to effective document management is in part a matter of compliance with legal and regulatory obligations and is also linked to high level outcomes associated with the Council's Strategic Themes.

6. IMPLICATIONS

- (i) **Impact on Customers** – No direct impact arising from this report, but adoption of the Policy provides customer reassurance that effective document management is incorporated into the Council's working practices.
- (ii) **Impact on Equalities** – Failure to have an up-to-date policy having regard to current statutory and regulatory requirements could potentially leave the Council open to challenge. Documents may be kept too long; or

indiscriminately destroyed; or disposed of without documented evidence of what has been destroyed, or documents with long-term value may not being preserved.

- (iii) **Impact on Risk** – Failure to have an up to date policy having regard to current statutory and regulatory requirements could potentially leave the Council open to challenge. Documents may be kept too long; or indiscriminately destroyed; or disposed of without documented evidence of what has been destroyed, or documents with long-term value may not being preserved.
- (iv) **Impact on Resources (financial)** – The Data Protection Legislation brings significant increases in the penalties which can now be imposed for data breaches or non-compliance. Penalties can be levied up to £17million or 4% or turnover.

Retaining documents longer than required will not only be in breach of GDPR, but also brings with it additional storage costs, whether in physical or digital storage.

- (v) **Impact on Resources (human)** – By retaining documents longer than is necessary, the resulting work required in searching, checking and administering Freedom of Information Act and Environmental Information Regulation requests can have an impact on staff resources.
- (vi) **Impact on the Environment** – No impact arising from this report.

Background Papers: None.

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