

Document Control Sheet

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| Document title | Document Retention Policy |
| Summary of purpose | To prompt a corporate approach to considering the long-term usability of information and also the protection of historical information, and in turn it sets out the responsibilities and activities associated with this approach. |
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Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.

DOCUMENT RETENTION POLICY

1. INTRODUCTION

- 1.1 In the course of carrying out its various functions and activities, Maldon District Council collects a wide range of data / information from individuals and organisations. This information may relate to specific topics or individuals as well as records of decisions made by the Council, actions taken, and the rationale behind these decisions.
- 1.2 The Council recognises that this documented information is an important public asset and are a key resource to the effective operation and to accountability. Careful document management is therefore required. The aim of this Policy is to prompt a corporate approach to considering the long-term usability of information and also the protection of historical information, and in turn it sets out the responsibilities and activities associated with this approach.
- 1.3 Retention of specific documents may be necessary for one or more of the following reasons:
- To fulfil statutory or other regulatory requirements.
 - To evidence events/agreements in the case of dispute(s).
 - To meet operational needs.
 - To ensure the preservation of documents of historic or other value.
- 1.4 Conversely, the permanent retention of *all* documents is undesirable and to be discouraged. Disposal, where appropriate, is to be encouraged for the following reasons:
- Under the Data Protection Act 1998, to be replaced by the General Data Protection Regulations which comes into force in May 2018, “personal data” processed for any purpose(s) must not be kept for longer than is necessary for that purpose(s) hence retention which is no longer necessary may be unlawful.
 - The sheer volume of records otherwise retained can mean that physical access is difficult and that there is an increased fire risk.
 - To make best use of limited storage space in the Council basement.
 - To promote ‘good housekeeping’ and seek to ensure uncluttered office accommodation.
 - Staff resources committed to searching for information and the subsequent processing, (i.e. for Freedom of Information Act requests) is increased.
 - To provide clarity as to what documents are or are not held by the Council, as required by Section 46 of the Freedom of Information Act 2000.

2. PURPOSE AND SCOPE

- 2.1 The purpose of this Policy is to provide a corporate policy framework to govern management decisions on whether a particular document or set of documents should either be:
- Retained – and if so in what format, and for what period; or
 - Disposed of – and if so when and by what means.
- 2.2 The Policy seeks to:
- assist in maintaining records to meet the Authority’s business needs;
 - assist in identifying vital records that may be worth preserving permanently as part of the Council’s archives;

- prevent the premature destruction of records that need to be retained for a specified period to satisfy legal, financial or other requirements of public administration;
- provide for the destruction of those records not required permanently after specified periods in a consistent and appropriate manner; and
- promote improved records management practices within the Authority.
- ensure compliance with Government directives.

2.3 In addition, this Policy seeks to clarify the roles and responsibilities of senior management in the decision making process.

2.4 This Policy relates to both physical data protection elements, that is, documents that are retained by the Authority in ‘hard’ paper format, and digital copies of such records (although there may be different retention periods for physical and digital records). Such documents include:

- Letters received from third parties;
- Copy letters which have been sent out;
- File notes of meetings;
- Legal matters;
- Completed application forms;
- Plans / Drawings;
- Photographs;
- Invoices;
- Financial records;
- Registers;
- Contracts;
- Deeds.

2.5 This Policy does not cover the disposal or retention of unused materials such as unused application forms, duplicated documents and stocks of paper, for instance, which do not form part of a record of a Council business activity or transaction.

3. RETENTION / DISPOSAL DECISION MAKING

3.1 Any decision whether to retain or dispose of a document should only be taken in accordance with the following criteria:

- The key disposal/retention considerations checklist set out in **Appendix A**.
- The Document Retention Schedule set out in **Appendix B**. This has regard to the “Retention Guidelines for Local Authorities” produced by the Public Sector Group of The Information and Records Management Society of Great Britain which outlines recommended and mandatory minimum retention periods for specific classes of records where special rules and considerations apply.

3.2 Where a retention period has expired in relation to a particular document a review should always be carried out before a final decision is made to dispose of that record. Such reviews need not be detailed or time consuming.

4. DISPOSAL

4.1 Disposal can take place in a number of ways:

- Binning;
- Recycling;
- Treatment as Confidential Waste;

- Physical destruction on site;
- Transfer of the document to an external body.

- 4.2 Where documents are destroyed a record needs to be kept, containing the reference, a description, the date, method of destruction and the Officer who authorised the disposal. The record should be able to demonstrate that the disposal was in accordance with this Policy or a written record should be made justifying the reasons for departure from the Policy. Only exceptional circumstances should justify departure from the Policy.
- 4.3 Once documents are selected for disposal the method of disposal should be appropriate to the confidentiality of the document and the destruction should take place in a secure manner.
- 4.4 Documents containing personal data or confidential information should not be binned or sent for recycling without being shredded as this could result in the unauthorised disclosure of such information to third parties.
- 4.5 Transfer of documents to a third party may not be an option in cases where there is personal data having regard to the Data Protection Act 1998, to be replaced by the General Data Protection Regulations incorporated within the new Data Protection Bill (2016).
- 4.6 Whenever possible methods of disposal should further the Council's commitment to recycling and sustainable development.
- 4.7 Particular care must be taken if outside contractors are dealing with the destruction of documents, off the Council's premises. The Council has a duty of care to protect documents while they are awaiting collection. They should not be left unattended on a loading bay, for example. Contracts should be carefully drawn up to ensure that the documents are kept secure in transit, and during the disposal process itself. Such contracts should allow for spot checks to be made of the contractor's premises to ensure compliance. These checks and findings should be recorded and kept with the contract. The contractor should supply a dated, signed consignment note showing a consignment number and the Council should be able to link this number with specific documents so that the Council can say with certainty that certain records were destroyed under a particular consignment number.

5. ARCHIVES

- 5.1 Where documents are transferred to an archive system these must be carefully documented and recorded. Only those records that are no longer of active use may be selected for transfer to an archive.

6. DOCUMENTS DUE FOR DESTRUCTION

- 6.1 Where a document which is due for destruction becomes the subject of a request for information then destruction should be delayed until the request has been satisfied or in the case of a refusal, until any complaint and appeal mechanisms have been exhausted. However, before a formal request for information has been received, routine amendments, or even disposal can take place.

- 6.2 Where a document is destroyed, a record must be kept which gives enough detail to make it clear what records have been destroyed (i.e. file name and short note of content if file name is not clear), the date, reason for destruction, method of destruction and authorising officer.

7. ROLES AND RESPONSIBILITIES

- 7.1 Responsibility for determining, in accordance with this Policy, whether to retain or dispose of specific documents rests ultimately with the individual Director, in respect of those documents that fall within the remit or control of their Service. The rationale for this is that it is reasonable to both assume and expect that each Director should be broadly conversant with the types of documents received, generated and stored by their Service.
- 7.2 Directors may delegate the operational aspects of this function to one or more senior officers within their Service. However in doing so they should ensure that any such Officer is fully conversant with this Policy and is also familiar with the operational requirements of the Service so that they are able to assess the significance of the documents.
- 7.3 Since the majority of Maldon District Council employees are involved in creating, maintaining and using documents, it is vital that everyone is aware of the approach and practices set out in this Policy. Line Managers will ensure that staff responsible for managing documents are appropriately trained or experienced and that all staff understand the need for sound document management. The Staff Induction policy and procedure toolkit and periodic training will seek to ensure that all staff are aware of their obligations regarding Data Protection, Freedom of Information and Document Management.
- 7.4 Because of the clear benefits resulting from the disposal of unnecessary documentation, Directors are expected to be proactive in carrying out or instigating assessments of existing documentation that may be suitable for disposal.
- 7.5 The Council's Legal and Democratic Services Manager or Data Protection Officer can advise on whether minimum retention periods are prescribed by law, and whether retention is necessary to protect the Council's position where the likelihood of a claim has been identified by the relevant Director. Legal Services staff cannot be expected to possess the operational or background knowledge required to assess whether a particular document may be required by the Service concerned for operational need. This is the responsibility of the relevant Director or their designated Officers.

8. REVIEWING THE SCHEDULE

- 8.1 The Schedule attached to this Policy prescribes minimum and permanent retention periods. It will be reviewed and updated at regular intervals.