

KEY DISPOSAL / RETENTION CONSIDERATIONS CHECKLIST**1. HAS THE DOCUMENT BEEN APPRAISED?**

- 1.1 Before a document is designated for disposal the nature and contents of it needs to be ascertained. This process may only take a few minutes. However, this can be a more complicated task depending on the complexity of the document concerned. This evaluation process should only be undertaken by Officers who possess sufficient operational knowledge to enable them to identify the record concerned and its function within both the individual Service and corporate framework.

2. IS RETENTION REQUIRED TO FULFIL STATUTORY OR OTHER REGULATORY REQUIREMENTS?

- 2.1 Identifying how long documents need to be kept is one of the most important areas to be addressed. The document produced at **Appendix B** entitled 'Document Retention Schedule' provides guidelines for how long records need to be kept.
- 2.2 In many cases there are statutory rules, or standard practices which govern how long documents must or should be retained. These can vary from once their administrative use is completed, 3-years, 6-years, or longer. Some legal records and notices, or records which the Council is legally required to maintain in a public register, correspondence about ongoing contracts and building works less than 15-years old, leases and matters about which a dispute is known or anticipated, must be kept longer. In addition advice can be sought from the Council's Legal and Democratic Services Manager or Data Protection Officer. However, there may come a point at which the balance of convenience and safety rests with retaining a document rather than conducting extensive inquiries to determine whether it is safe to dispose of the record.

3. IS THE RETENTION REQUIRED FOR EVIDENCE?

- 3.1 Occasionally, the Council may become involved in disputes with third parties. Such disputes can result in the party who is dissatisfied bringing legal proceedings against the Council. Alternatively, the Council may wish or be required to institute legal proceedings against an individual or organisation. Such proceedings may be civil or criminal in nature. Where a dispute arises, or litigation has been commenced it is important that the Council has access to all documents that are relevant to the matter. Without such documents there is the danger that the Council's position will be compromised. Conversely, retaining documents for longer than is necessary, could leave the Council vulnerable to action from the Regulator, or other actions that may arise from documents which may have to be shared under Freedom of Information rules.
- 3.2 Specific time limits are laid down for the commencement of litigation. The time limits are different according to the nature of the claim. The starting point therefore, is that the retention period is the length of time that has to elapse before a claim is barred. ECC Legal Services will be able to give advice if there are areas of doubt.

4. IS RETENTION REQUIRED TO MEET THE OPERATIONS NEEDS OF THE SERVICE?

- 4.1 In some cases retention may be desirable even though no minimum retention period applies, or has expired. Documents may be useful for future reference purposes, as precedents, or for performance management. Skilled judgment may be needed to assess the usefulness of a particular document.

5. IS THE DOCUMENT OF HISTORIC INTEREST?

- 5.1 In most cases this consideration will not be applicable. However, some documents currently in Council storage may be of historic interest. If the document is of historic interest consideration may be given to transfer to the County Archivist rather than retention or disposal by the Council.

6. DOCUMENT DISPOSAL REGISTER

- 6.1 A register of which documents have been destroyed must be kept, both in order to show compliance with the Document Retention Policy, but also to assist in future searches in response to Freedom of Information requests, etc.
- 6.2 The register should include the following details:
- Details of the documents destroyed included name of file & sufficient detail to make clear what has been destroyed. In many cases, the name of the file will be specific enough not to require any further explanation.
 - Date of destruction
 - Method of destruction (i.e. binned, shredded, digital deletion, etc.)
 - Reference to policy for destruction (i.e. Statutory as per Document Retention Policy)
 - Name of person authorising destruction