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## **Bishop's Waltham Parish Council Data Retention Policy**

### **Statement**

It is the policy of Bishop's Waltham Parish Council (BWPC) to adhere to all statutory instruction and other guidance surrounding document retention.

### **Introduction**

BWPC accumulates a vast amount of information and data during its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in several types of documents.

Records created and maintained by BWPC are an important asset and measures need to be undertaken to safeguard this information. Responsibly managed records provide authentic and reliable evidence of the BWPC's transactions and are necessary to demonstrate accountability.

Documents may be retained in either 'hard' paper form or in electronic forms. For this policy, 'document' and 'record' refers to both hard copy and electronic records.

It is imperative that documents are retained for an adequate period. If documents are destroyed prematurely BWPC 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 BWPC.

In contrast to the above BWPC 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.

### **Scope and Objectives of the Policy**

The aim of this document is to provide a framework to determine which documents are:

- Retained – and for how long
- Disposed of – and if so by what method

There are some records that do not need to be kept at all or that are routinely destroyed during business. This usually applies to information that is duplicated, unimportant or only of short-term value.

Unimportant records of information include:

- 'With compliments' slips
- Catalogues and trade journals
- Non-acceptance of invitations
- Trivial electronic mail messages that are not related to BWPC's business
- Requests for information such as maps, plans, or advertising material
- Out of date distribution lists

Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.



Records should not be destroyed if the information can be used as evidence. to prove that something has happened. If destroyed, the disposal needs to be undertaken within the General Data Protection Regulation

### **Roles and Responsibilities of Document Retention and Disposal**

BWPC are responsible for determining whether to retain or dispose of documents and should undertake a review of documentation at least on an annual basis to ensure that any unnecessary documentation being held is disposed of under the General Data Protection Regulations.

BWPC should ensure that all employees are aware of the retention/disposal schedule.

### **Bishop's Waltham Parish Council – Document Retention Policy**

#### **Document Retention Protocol**

BWPC should have in place an adequate system for documenting the activities of their service. This system should consider the legislative and regulatory environments to which they work.

Records of each activity should be complete and accurate enough to allow employees and their successors to undertake appropriate actions in the context of their responsibilities to:

- Facilitate an audit or examination of the business by anyone so authorised
- Protect the legal and other rights of BWPC, its clients and any other persons affected by its actions
- Verify individual consent to record, manage and record disposal of their personal data
- Provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.

To facilitate this the following principles should be adopted:

- Records created and maintained should be arranged in a record-keeping system that will enable quick and easy retrieval of information under the General Data Protection Regulations
- Documents that are no longer required for operational purposes but need retaining should be placed at the records office.

Whenever there is a possibility of litigation, the records and information that are likely to be affected should not be amended or disposed of until the threat of litigation has been removed.

#### **Document Disposal Protocol**

Documents should only be disposed of if reviewed in accordance with the following:

- Is retention required to fulfil statutory or other regulatory requirements?
- Is retention required to meet the operational needs of the service?
- Is retention required to evidence events in the case of dispute?
- Is retention required because the document or record is of historic interest or intrinsic value?

When documents are scheduled for disposal the method of disposal should be appropriate to the nature and sensitivity of the documents concerned. A record of the disposal will be kept complying with the General Data Protection Regulations.

Documents can be disposed of by any of the following methods:

- Non-confidential records: place in wastepaper bin for disposal
- Confidential records or records giving personal information: shred documents
- Deletion of computer records
- Transmission of records to an external body such as the County Records Office.



The following principles should be followed when disposing of records:

- All records containing personal or confidential information should be destroyed at the end of the retention period. Failure to do so could lead to BWPC being prosecuted under the General Data Protection Regulations
- The Freedom of Information Act
- Where computer records are deleted, steps should be taken to ensure that data is 'Virtually impossible to retrieve' as advised by the Information Commissioner
- Where documents are of historical interest it may be appropriate that they are transmitted to the County Records office
- Back-up copies of documents should also be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).

#### **Bishop's Waltham Parish Council – Document Retention Policy**

Records should be maintained of appropriate disposals. These records should contain the following information:

- The name of the document destroyed
- The date the document was destroyed
- The method of disposal.

#### **Data Protection Act 2018 – Obligation to Dispose of Certain Data**

The Data Protection Act 2018 ('Fifth Principle') requires that personal information must not be retained longer than is necessary for the purpose for which it was originally obtained. Section 1 of the Data Protection Act defines personal information as: Data that relates to a living individual who can be identified: a) from the data, or b) from those data and other information, which is in the possession of, or is likely to come into the possession of the data controller. It includes any expression of opinion about the individual and any indication of the intentions of BWPC or other person in respect of the individual.

The Data Protection Act provides 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.

BWPC are responsible for ensuring that they comply with the principles of the under the General Data Protection Regulations namely:

- Personal data is processed fairly and lawfully and shall not be processed unless specific conditions are met
- Personal data shall only be obtained for specific purposes and processed in an appropriate 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.

External storage providers or archivists that are holding BWPC documents must also comply with the above principles of the General Data Protection Regulations.

#### **Scanning of Documents**

In general, once a document has been scanned on to a document image system the original becomes redundant. There is no specific legislation covering the format for which local government records are retained following electronic storage, except for those prescribed by HM Revenue and Customs.



Hard copies of scanned documents should be retained for three months after scanning.

Original documents required for VAT and tax purposes should be retained for six years unless a shorter period has been agreed with HM Revenue and Customs.

### **Review of Document Retention**

It is planned to review, update and where appropriate amend this document on a regular basis (at least every three years in accordance with the Code of Practice on the Management of Records issued by the Lord Chancellor.

This document has been compiled from various sources of recommended best practice and with reference to the following documents and publications:

- Local Council Administration, Charles Arnold-Baker, 12th edition, Chapter11
- NALC LTN 40 – Local Councils' Documents and Records, January 2013
- NALC LTN 37 – Freedom of Information, July 2009
- Lord Chancellor's Code of Practice on the Management of Records issued under Section 46 of the Freedom of Information Act2000
- The Data Protection Act 2018

The retention schedules in Appendix A: List of Documents for Retention or Disposal provide guidance on the recommended minimum retention periods for specific classes of documents and records.

These schedules have been compiled in accordance with the documents above and the recommended best practice from the Public Records Office, the Records Management Society of Great Britain and in accordance with relevant legislation.

### **List of Documents**

The list of the BWPC's documents and the procedures for retention or disposal in Appendix A, is updated regularly in accordance with any changes to legal requirements.



## Appendix A

### Bishop's Waltham Parish Council Document Retention Policy

<b>1. The democratic process: Meetings</b>				
<b>Item no</b>	<b>Function/Records</b>	<b>Onsite in BWPC office</b>	<b>Total period required/Notes and information</b>	<b>Following Actions</b>
1A	Signed minutes of Council meetings, including confidential business, the signed agenda, reports and appendices circulated with the agenda, committee and sub-committee minutes	5 years In Minutes and Agenda Records  On website digitally and kept in perpetuity	Indefinitely – required by Local Government Act 1972  Original signed paper copy of Council meeting minutes must be kept indefinitely in safe storage	These are to be kept on site before being bound and transferred to higher authority every 5 years to be permanently retained.
1B	Full Council and Committee papers and packs (not including the above documents listed)	Retain papers for 12 months. To be kept digitally for a minimum of 5 years as reference documents	12 months	Then shred as confidential waste
1C	Draft/rough minutes. <i>Note that any retained may be required to be produced in response to a Freedom of Information request.</i>	To be kept until Minutes are agreed and sign	Until Minutes are agreed and signed	Then shred as confidential waste
1D	Terms of reference, Policies and Code of conduct	Reviewed annually, keep until superseded		Shred after superseded
1E	Correspondence listing	To be kept in either digital or hard copy for a minimum of 5 years		Then shred as confidential waste
1F	Procedural Standing Orders and committee terms of reference	To be kept on site in either digital or hard copy for a minimum of 5 years		Then shred as confidential waste
1G	Annual Parish Meeting Minutes and written reports	Kept indefinitely in Annual Parish meeting packs folder in hard copy. On website digitally and kept in perpetuity	Treat as Council papers – permanent records in hard copy and digital format	n/a

<b>2. The democratic process: Code of Conduct</b>				
<b>Item No</b>	<b>Function/records</b>	<b>Onsite in BWPC Officer</b>	<b>Total period required/Notes and information</b>	<b>Following Actions</b>
2A	Councillors' Declarations of Acceptance of Office	Keep current Councillor information onsite	Executive Officer acts as agent for Monitoring Officer	Transfer to archives after Councillor ceases to serve/declaration superseded
2B	Councillors' Register of Interests	As 2A	As 2A	As 2A
2C	Chairman's Declarations of Acceptance of Office	As 2A	As 2A	As 2A
2D	Notifications of complaint, process papers	For Councillor related issues – keep until Councillor ceases to serve. Staff related incidences kept on file for 7 years	For Councillor related issues – keep until Councillor ceases to serve. Staff related incidences kept on file for 7 years	Then shred as confidential

<b>3. The democratic process: Elections &amp; Casual Vacancies</b>				
<b>Item No</b>	<b>Function/records</b>	<b>Onsite in BWPC Office</b>	<b>Total period required/Notes and information</b>	<b>Following Actions</b>
3A	Notices of elections/vacancies	To be kept in digital or hard copy	Minutes will note that notices have been posted	N/A
3B	Co-option application papers	To be kept in digital or hard copy	Minutes will note application received	Transfer to archives after Councillor ceases to serve Shred unsuccessful applicants as confidential

<b>4. Boundary Plans, byelaws and orders, policies, and strategic plans</b>				
<b>Item No</b>	<b>Function/records</b>	<b>Onsite in BWPC Office</b>	<b>Total period required/Notes and information</b>	<b>Following Actions</b>
4A	Notices and plans relating to warding and boundary changes	To be kept in hard copy for record	Permanent retention	N/A
4B	Byelaws and orders (primary copy)	As 4A	As 4A	N/A
4C	Policy documents and strategic plans (including publication scheme)	As 4A	As 4A	N/A
4D	Consultation papers, drafts relating to the above	As 4A	Until superseded	Shred after superseded



<b>5. Public relations and publications</b>				
<b>Item No</b>	<b>Function/records</b>	<b>Onsite in BWPC Office</b>	<b>Total period required/Notes and information</b>	<b>Following Actions</b>
5A	Publications, including parish Newsletter	12 months hard copies plus available digitally on website indefinitely	Until superseded	Shred after superseded

<b>6. Legal, Contracts, Insurance, CCTV, Risk Assessments, Event Monitoring &amp; Health &amp; Safety</b>				
<b>Item No</b>	<b>Function/records</b>	<b>Onsite in BWPC Office</b>	<b>Total period required/Notes and information</b>	<b>Following Actions</b>
6A	Proceedings against/litigation to defend the authority	Kept indefinitely	Permanent retention	N/A
6B	Contracts, Tenders and Quotations	7 years (if contract is longer kept for 7 years after contract closure)	7 years	Then shred as confidential waste
6C	Unsuccessful Tenders and Quotes	As 6B	As 6B	As 6B
6D	Leases, wayleaves, Licence Agreements, Title Deeds and Trust Deeds	As 6A	As 6A	As 6A
6E	Insurance Policy Documents	Whilst valid (see below)	Whilst valid	Then shred as confidential waste
6F	Insurance Company name and policy no.	Indefinitely digitally	Indefinitely	N/A
6G	Claims against the authority – correspondence	As 6A	As 6A	N/A
6H	Certificates for insurance against liability for employees	40 years from date on which the insurance commenced (digitally)	40 years	Then shred as confidential waste
6I	Risk Assessments and Inspection Reports	Kept for 21 years	21 years	Then shred as confidential waste
6J	Monitoring records	As 6I	As 6I	As 6I
6K	Accident Book	As 6I	As 6I	As 6I
6L	CCTV – Data	30 days	30 days	Destroy – recorded over
6M	CCTV – Data review requests	3 years	3 years	Destroy after 3 years
6N	CCTV - Photographs and digital prints	As 6L	As 6L	As 6L



6O	Event monitoring forms, risk assessment, and public liability records	As 6I	As 6I	Then shred as confidential waste
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<b>7. Staff Records</b>				
<b>Item No</b>	<b>Function/records</b>	<b>Onsite in BWPC Office</b>	<b>Total period required/Notes and information</b>	<b>Following Actions</b>
7A	Recruitment: adverts, applications interview papers (unsuccessful candidates)	1 year	To be kept for 1 year	Then shred as confidential waste
7B	Application and interview papers, successful candidate	7 years after termination of contract	Statute of limitations	As 7A
7C	Contract of employment	As 7B	As 7B (tax)	As 7A
7D	Staff performance monitoring	1 year after termination of contract	As 7C (tax)	As 7A
7E	Leave records	As 7B	As 7B (tax)	As 7A
7F	Attendance records	As 7A	As 7A	As 7A
7G	Time sheets	As 7A	As 7A	As 7A
7H	Training record	As 7D	1 year after employment ceases	As 7A
7I	Pay records	As 7B	7 years	As 7A
7J	Income tax records	As 7B	As 7I	As 7A
7K	Pension/related payment	As 7B	As 7I	As 7A

<b>8. Finance Records</b>				
<b>Item No</b>	<b>Function/records</b>	<b>Onsite in BWPC Office</b>	<b>Total period required/Notes and information</b>	<b>Following Actions</b>
8A	Annual return and accounts	7 years	Permanent records	Transfer to archives following 7 years
8B	Receipt and payment books or other principal accounting books	As 8A	As 8A	As 8A
8C	Precept papers	As 8A	Audit regulations require that precept can be justified. Permanent records	As 8A





8D	Reconciliations and summaries of accounts	As 8A	As 8A	As 8A
8E	Tax (VAT) records	As 8A	7 years	As 8A
8F	Orders, invoices, receipts, bank statements and cheque books, VAT records	As 8A	As 8E	As 8A
8G	Loan files and Investments	As 8A	Minutes will record	As 8A
8H	Grants to local bodies – papers	As 8A	Minutes will record	As 8A
8I	Scales of fees and charges	As 8A	7 years	As 8A
8J	Cash, petty cash, receipt books	As 8A	Tax, VAT, Statute of Limitations	As 8A

#### 9. Cemetery & Burial Records

Item No	Function/records	Onsite in BWPC Office	Total period required/Notes and information	Following Actions
9A	Registers and plans	Indefinite	Permanent records	
9B	Papers relating to regulation of burials: permits, applications, orders, grants of rights of burial	As 9A	As 9A	
9C	<i>For scales of fees and charges and financial records, see section 8 Finance</i>			

#### 10. Lane, Rights of Way, Statutory Designations

Item No	Function/records	Onsite in BWPC Office	Total period required/Notes and information	Following Actions
10A	Papers relating to initial registration	Indefinite	Retain copy as long as administratively useful	Offer to archives when registration effected
10B	Register Entry and Plan	As 10A	Statutory copy retained by county/unitary council as permanent records	Archive with higher authority



10C	<i>Rights of Way map</i>	Retain digital copy	Statutory copy retained by county/unitary council as permanent records	As 10B
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#### 11. Planning Records

Item No	Function/records	Onsite in BWPC Office	Total period required/Notes and information	Following Actions
11A	Regional, county and local framework plans	Retain for use, destroy when superseded	Statutory copy of final document retained by originating authority as permanent record	Retain for use, shred when superseded
11B	Planning applications, permission notices and documents	Retain for use, destroy when superseded	Statutory copies retained by local planning authority. Appeal and judicial review periods	Retain for use, then shred as
11C	Local Plan	Retained as long as in force	Retained by local authority	Then shred
11D	Neighbourhood Plan	Indefinitely	Retain permanently	

#### 12. Information, Records Management and General Administration

Item No	Function/records	Onsite in BWPC Office	Total period required/Notes and information	Following Actions
12A	Receipts for records transferred to archives	Hard copy, documents listing kept until superseded	Permanent to assist with FOI enquiries Archives service will retain copy	Retain securely locally
12B	Register of disposals	Indefinite	Good practice	Transfer to archives 20 years after last entry
12C	Information from other bodies i.e. NALC, HALC and SLCC	Retain if it is useful and relevant	Retain whilst relevant	Shred once superseded
12D	Local Historical Information	Indefinitely in hard copies	Permanent retention	N/A
12E	Correspondence and papers relating to local issues of lasting or major significance	File by separate issue – assessed independently	File separately, issue by issue	Review after 3 years then shred as confidential waste
12F	Correspondence and papers relating to local issues of small significance	File by separate issue – assessed independently	File separately, issue by issue	Review after 3 years then shred as confidential waste



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