**DOCUMENT AND ELECTRONIC DATA RETENTION POLICY**

This Policy covers all records and documentation, whether analogue or digital and are subject to the retention requirements of this Policy.

For the purpose of this Policy, the terms ‘document’ and ‘records’ include information in both hard copy and electronic form and have the same meaning hereby referred to as Documents or Documentation.

In certain circumstances it will be necessary to retain specific records in order to fulfil statutory or regulatory requirements and to meet operational needs. Any retention of specific records should be retained under the retention period specified in Retention of Records Schedule 1 and Retention of Digital Records Schedule 2.

Data Protection Legislation means the Data Protection Act 2018 which incorporates the General Data Protection Regulation (GDPR), the Privacy and Electronic Communications (EC Directive) Regulations 2003 and any legislation implemented in connection with the General Data Protection Regulation which is the governing legislation that regulates data protection across the EEA. This includes any replacement legislation coming into effect from time to time.

**SCOPE**

Offton and WIllisham Parish Council (OWPC) is bound by various obligations with regard to the Documentation it retains. These obligations include the period of retention for Documentation and when and how this Documentation is disposed.

Article 5 of GDPR provides “personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed”. The purpose of this Policy is to ensure that necessary records, documents and electronic data of OWPC are adequately protected, archived and disposed of at the correct retention period, and to provide all staff and those using the OWPC data with clear instructions regarding the appropriate retention and disposal of Documentation.

This Policy will also aid paper records and electronic data storage issues identified throughout the Council and to eliminate the need to retain paper and electronic records unnecessarily.

OWPC will ensure that information is not kept longer than is necessary and will retain the minimum amount of information that it is required to hold to meet its statutory functions and the provision of its services under:-

General Data Protection Regulation (GDPR)

Data Protection Act 2018 (DPA)

Freedom of Information Act 2000 (FOI)

Limitation Act 1980

Companies Act 2006

The Waste Electric and Electronic Equipment Regulations 2013

And new UK legislation since leaving the EU

**PROCEDURE**

All decisions relating to the retention and disposal of Documents should be taken in accordance with this Policy in particular:

Schedule 1 – Retention of Records Schedule - Provides the required retention periods, including the statutory minimum retention period for specific Documents.

Schedule 2 – Retention of Digital Records – Provides the required retention periods for all digital Documents.

A regular **bi-annual** review should be carried out to identify those documents meeting the expiry of retention periods.

**Retention of Digital Data**

Any digital data including media and e mail files are retained on the OWPC Chromebook, the OWPC cloud if applicable, the OWPC website and with the existing email & website providers. The backup of electronic data is placed on a memory stick each year, and the hard drive of the OWPC Chromebook. This data is stored only when following the retention policy schedules 1 & 2, otherwise data is not stored but deleted once no longer in use by the OWPC.

The process for accessing OWPC stored electronic data is via the Clerk, by written request from the public (Subject Access Request or SAR) or requested at a parish council meeting by the council. Confirmation that a valid request is identified and confirmed would be part of the SAR procedure or by normal working practice. Email records are stored with existing regulation compliant companies. Data is also stored within the OWPC Chromebook on the hard drive, which is PIN encrypted and passwords are 9 characters or more. The OWPC Chromebook stays within the secure property of the Clerk. Memory sticks are stored within a locked filing cabinet situated within the secure property of the Clerk.

All portable / removable storage media are destroyed when the data is of no use to the OWPC and does not fall under statutory time limits.

**Archiving and Retention of Documentation**

Archiving is defined as the process by which inactive data, in any format, is securely stored for long periods of time in accordance with a retention schedule.

OWPC archives paper records on site, with the Clerk at their home address.

Documentation is retained either under statutory time limits, or for twelve months, or shredded following one month of completion of use of the documentation. All documentation which is to be legally held indefinitely is transferred to the Suffolk Records Office (eg: OWPC Meeting Minutes).

The Clerk will be responsible for ensuring that the documentation is held in a safe and secure location in a timely manner.

**Archiving Process**

Any questions regarding archiving should be raised in the first instance with the Clerk.

In all cases, identify the documents that need to be retained in accordance with the Retention of records Schedule (attached at Schedule 1). Remove all duplicates and any unnecessary papers. Store within the secure filing cabinet, clearly labelled, and over longer periods correctly sealed for transfer to the Suffolk Records Office.

**Disposal of Records**

Any record containing confidential information eg: Personal Identifiable Information or PII’s must either be disposed of in a confidential waste bin or shredded using a cross-cut shredder.

Disposal of documents that do not contain confidential information , such as PII’s, may be disposed of in the normal way or recycled.

**Disposal of Electrical Hardware**

IT equipment and devices that have the ability and capability to store personal data include:

PC’s / Laptops / Chromebooks

Mobile Phones

Multi-Functional Devices – printers / scanners

Servers

USB Memory Sticks and external hard drives

IT equipment disposal must be managed by the Clerk.

All computer equipment, recycling or refurbishing must be disposed of in accordance with the Waste Electric and Electronic Equipment Regulations 2013.

The OWPC is the owner of this document and is responsible for ensuring that this Policy is reviewed annually.

Readopted at the May Annual Parish Council Meeting

**SCHEDULE 1 - RETENTION OF RECORDS**

| **RECORD TYPE** | **RETENTION PERIOD** | **RETENTION JUSTIFICATION** |
| --- | --- | --- |
| Staff attendance records | Indefinitely | Health & Safety Act 1974 |
| Meeting Minutes | Indefinitely | Local Government Act 1972 |
| Title Deeds, Lease agreements, Contracts | Indefinitely | Local Government Act 1972 / Limitation Act 1980 |
| Investments | Indefinitely | Local Government Act 1972 |
| Register of members allowances | 6 years | Income Tax / Limitation Act 1980 |
| Scales of fees / charges | 5 years | Local Government Act 1972 |
| Receipt / payment accounts | Indefinitely | Local Government Act 1972 |
| Receipt books | 6 years | VAT Regulation |
| Bank Statements | Last completed Audit Yr | Audit Regulation |
| Bank paying in books | Last completed Audit Yr | Audit Regulation |
| Cheque book stubs | Last completed Audit Yr | Audit Regulation |
| Quotations / Tenders | 12 years / Indefinite | Limitation Act 1980 |
| Paid Invoices / Paid Cheques | 6 years / 6 years | VAT Regulation / Limitation Act 1980 |
| Insurance Certificates | 40 years | Health & Safety Act 1974 |
| VAT records | 6 years | VAT Regulation |
| Wage records | 12 years | Superannuation |

**SCHEDULE 2 - RETENTION OF DIGITAL RECORDS SCHEDULE**

| **RECORD TYPE** | **RETENTION PERIOD** | **RETENTION JUSTIFICATION** | **OPERATING SYSTEM** | **APPLICATION / HARDWARE REQUIREMENT** | **DISPOSAL METHOD** |
| --- | --- | --- | --- | --- | --- |
| Email | 1 month after use by OWPC if not in Schedule 1 | Information needed to carry out business of OWPC | names.co.uk | Office Chromebook | Deletion from account. |
| Email  Attachments | 1 month after use by OWPC if not in schedule 1 | Information needed to carry out business of OWPC | Google Docs  PDF viewer | Office Chromebook | Deletion from account and hard drive. |
| Website | Kept when in use by OWPC if not in schedule 1 | Information needed to carry out business and legislation requirements of OWPC | N/a | N/a | Deletion from Website & Website Host |