

## **TCP 10 – ELECTRONIC RETENTION DATA PROTECTION POLICY**

### **1. INTRODUCTION**

This Retention Policy applies to Woodbridge Town Council (WTC) and covers all records and documentation, whether analogue or digital which 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 whether referred to as Documents or Documentation.

This Policy will also help manage the storage issues identified with paper records and electronic data and will eliminate the need to retain paper and electronic records unnecessarily.

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

Any such system or policies relating to record management will include a review of council documentation on an annual basis.

Anything that is no longer of use or value can be destroyed but if the council is in any doubt it will seek advice from the Suffolk Association of Local Councils (SALC) and retain that document until that advice has been received.

Documents of historical importance, if not retained by the council, will be offered first to the county record office and then to the Woodbridge Museum.

Woodbridge Town Council respects the right of electors to know how a decision was made and implemented, therefore the Council's minutes provide a record such decisions and their implementation (through reporting by the Clerk and Committees). This provides WTC with a method to answer FOI requests regarding public spending on projects.

## **2. RETENTION OF DOCUMENTS**

2.1 Attached is an Annex which indicates the appropriate retention period for audit and other purposes and the reasons for retention.

2.2 In respect of the retention of documents in case of a legal dispute, Council's policy is set out under Section 3.

2.3 Other documents not mentioned in the Annex will be treated as follows:

### Planning Papers

- Copies of Structure Plans, Local Plans and similar documents will be retained as long as they are in force.

### Insurance Policies

- Insurance policies and significant correspondence will be kept for as long as it is possible to make a claim under the policy.

Circulars and legal topic notes from SALC, NALC and other bodies such as principal authorities will be retained for as long as the information contained therein is useful and relevant.

### Correspondence

- If related to audit matters, correspondence will be kept as specified in the Annex.
- All other correspondence will be kept for as long as the matter contained therein is still of interest or use to WTC.

### Personnel matters

- 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". This Policy will ensure that necessary records, documents and electronic data of WTC are adequately protected, archived and disposed of at the correct retention period, and to provide all staff with clear instructions regarding the appropriate retention and disposal of such Documentation.

### 3. RETENTION OF DOCUMENTS FOR LEGAL PURPOSES

3.1 Most legal proceedings are governed by 'the Limitation Acts' which state that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question.

3.2 The table below sets out the limitation periods for the different categories of claim.

<b>Claims under category</b>	<b>Limitation period</b>
Negligence (and other Torts)	6 years
Defamation	1 year
Contract	6 years
Contract (if signed under seal or deed)	12 years
Leases	12 years
Sums recoverable by statute	6 years
Personal injury	3 years
To recover land	12 years
Rent	6 years
Breach of Trust terms	None

3.3 If a type of legal proceeding falls into two or more categories, the documentation will be kept for the longer of the limitation period.

3.4 As there is no limitation period in respect of trust, the council will retain all trust deeds and schemes and other similar documentation indefinitely.

### 4. RETENTION OF ENCRYPTED DATA

For any information retained under this Policy that is in an encrypted format, consideration must be taken for the secure storage of any encryption keys. Encryption keys must be retained for as long as the data that the keys decrypt is retained.

### 5. DISPOSAL OF DOCUMENTS OR DOCUMENTATION

Disposal can be achieved by a range of processes:

5.1 Any record containing confidential information must either be disposed of in a confidential waste bin or shredded using a cross-cut shredder.

5.2 Disposal of documents that do not contain confidential information may be disposed of in the normal way or recycled.

5.3 Deletion – where computer files are concerned

5.4 Transfer of document to external body – this method of disposal will be relevant where documents or records are of historic interest and/or have intrinsic value. Such a third party could be the County Archivist or a local Museum.

## **6. DISPOSAL OF ELECTRONIC HARDWARE**

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

- PC's
- Laptops
- Mobile Phones
- Multi-Functional Devices – printers / scanners
- Servers
- USB Memory Sticks and external hard drives.

6.2 IT equipment disposal must be overseen by the Chair of Finance Committee in conjunction with the Proper Officer.

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

## **7. DOCUMENTING DISPOSAL**

WTC will keep a record detailing the document disposed of, the date, and the officer who authorised disposal. In particular, the record should be able to demonstrate that the disposal was in accordance with this policy or set out the reasons for departing from it.

The table at Appendix 1 – Retention of Records Schedule sets out the limitation periods for the different categories of claim.

The table at Appendix 2 – Retention of Digital Records – provides the required retention periods for all digital Documents.

## **8. THIRD PARTY DATA PROCESSING**

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Review: Annually

Latest review – 22.05.24

As per the GDPR, "third party" means a natural or legal person, public authority, agency or body who, under the direct authority of the controller or processor, are authorised to process personal data. WTC will only supply to third parties' personal data with the permission of the data subject.

APPENDIX 1 – RETENTION OF DOCUMENTS REQUIRED FOR THE AUDIT OF PARISH COUNCILS

<b>DOCUMENT</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>REASON</b>
Minutes Books	Indefinite	Archive
Receipt and Account(s)	Indefinite	Archive
Receipt books	6 years	VAT
Bank Statements	6 years	Audit
Bank paying-in books	6 years	Audit
Cheque book stubs	6 years	Audit
Orders for goods, services, or work	6 years	Limitation Act 1980 (as amended)
Supplier Contracts	6 years	Limitation Act 1980 (as amended)
Quotations/tenders	12 years / indefinite	Limitation Act 1980 (as amended)
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act 1980 (as amended)
VAT records	6 years	VAT
Timesheets	Last year completed audit	Audit
Insurance policies	While valid, or whilst a claim may still be made	Management
Title deeds, leases, Agreements, contracts	Indefinite	Audit, Management
Staff attendance records	Indefinitely	Health & Safety Act 1974
Members Allowanc	6 years	Tax, Limitation Act 1980 (as amended)

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es Registers		
Health & Safety Records	Indefinitely	
<b>Recreation Grounds/Shire Hall/Whisstocks</b>		
1. application to hire 2. lettings diaries 3. copies of bills to hires	6 years	VAT

APPENDIX 2 - RETENTION OF DOCUMENTS REQUIRED  
RELATING TO INFORMATION TECHNOLOGY

In all cases identify the documents that need to be retained in accordance with the Retention of records Schedule (attached at Appendix 1).

<b>DOCUMENT</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>REASON</b>
Email	6 years	To satisfy customer complaints
Electronic Bank Files	6 years	To protect records from loss, destruction or falsification
Electronic files	6 years from date last used	To protect records from loss, destruction or falsification
All portable / removeable storage media	At end of work cycle / project	Data shall be copied or stored on removable media only by authorised users in the performance of official duties
Cryptographic keys - access limited to user/role	Encryption keys must be retained for as long as the data that the keys decrypt is retained.	See Appendix 1 relating to legislation in place