

Record Retention and Disposal Policy

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Record Retention and Disposal Policy

1. Purpose

For the Council to meet its statutory responsibilities there is a need for efficient and effective records management. Records are the basic tool of the council's administration. They provide information for planning and decision making and they are the foundation of the council's accountability.

Records retention and disposal are subject to direct legal requirements. This policy contains guidelines ensuring compliance with legal, fiscal and good practice requirements for records retention.

2. Scope

This Policy applies to all records (including paper, electronic, microform, audio-visual etc.) commonly created and maintained by the council to support administrative, legal and fiscal activities, according to UK legislation and best practice guidelines.

This policy applies to all employees of the Council as well as any contractors or other organisations who hold council information.

This policy should be read alongside the IG Policy, Strategy and Framework and the IG Staff Handbook.

3. Objectives

The standard:

- Define minimum record retention periods
- Identify records that are to be kept indefinitely
- Ensure that the premature destruction of records that need to be retained for a specified period for either legal, financial and other requirements of public administration does not happen
- Provides a consistent method for destroying out of date records
- Provides consistent records management standards for the council.



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4. Review

The Information Governance Team will schedule a review every year of the Council's Register of Processing Activity (RoPA) which will include retention requirements and potential changes in working practices or legislation. The Information Governance Team will be responsible for coordinating reviews and issuing updates accordingly.

As this is a new policy, in the first instance, it will be reviewed after one year to determine whether any amendments are required based on an assessment of its practical implementation. Following this, the policy will be reviewed every three years or more frequently if needed in response to a specific issue to ensure it remains relevant.

5. Retention Policy

5.1 Procedural Requirements

- 5.1.1** Any decision to retain or dispose of a document should be taken in accordance with this policy having regard to the retention periods outlined in the RoPA.
- 5.1.2** Essentially, no document should be disposed of without consideration of this policy.
- 5.1.3** The [Retention Schedule](#) is on both the website and the intranet. It provides guidance on recommended and mandatory minimum retention periods for specific classes of documents/records.
- 5.1.4** Systematically disposing of materials at the end of their life is good business practice and is essential we comply with the law. For each of our activities, the retention schedule sets out:
 - What classes/series of information are held and their purpose.
 - How long materials need to be kept and what the trigger is for disposal, for example six years from date of case closure.
 - If the retention period is defined in law.



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- 5.1.5** 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 document. Such reviews need not necessarily be detailed or time consuming. Where the Information Asset Owner (IAO) (or Information Asset Manager (IAM)) is familiar with the contents of the document or where the contents are straightforward and apparent then such an exercise may only take a few minutes.
- 5.1.6** In the event that a decision is taken to dispose of a particular document or set of documents, then consideration should be given to the method of disposal.

5.2 Roles and Responsibilities

5.2.1 Role of Information Asset Owners (Executive Heads of Service)

- 5.2.2** Responsibility for determining whether to retain or dispose of specific documents rests with the individual IAO, in respect of those documents that properly fall within the remit or control of their Service.

- 5.2.3** The rationale is that IAO are both Accountable and Responsible for their service areas.

- 5.2.4** Because of the clear benefits resulting from the disposal of unnecessary documentation, IAO are expected to be proactive in carrying out or instigating audits of existing documentation that may be suitable for disposal.

- 5.2.5** IAO may delegate the operational aspects of this function to one or more IAM 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 in relation to document retention/disposal.

5.2.6 Role of Legal Services

- 5.2.7** The Legal Team 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 Executive Head of Service.



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5.2.8 The Information Governance Team will be available to provide Executive Heads of Service with advice and guidance on effective records management practices.

5.3 Applicable Legislation

5.3.1 There are various pieces of legislation which outline retention requirements. These include, but are not limited to:

- Freedom of Information Act 2000 – including the Code of Practice Section 46 (FOIA)
- The UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018 (DPA)
- Public Records Act 1958
- Limitation Act 1980
- Inquiries Act 2005

5.3.2 Under the DPA/UK GDPR, personal data processed for any purpose must not be kept for longer than is necessary for that purpose. In other words, retaining documents or records that contain personal data beyond the length of time necessary for the purpose for which that data was obtained is unlawful.

5.3.3 Clearly, in many instances the retention of personal data will be necessary and thus justified. In general, provided there is adherence to this Policy few problems should arise.

6. Record Disposal Policy

6.1 Procedural Requirements

6.1.1 Once it has been determined that a document or record is no longer required, disposal must be in accordance with the one of the following procedures:

- Non-Confidential waste – making use of the recycling bins within the council offices.
- Physical destruction on site (e.g. paper records - shredding)
- Deletion – where computer files are concerned – includes email
- Migration of document to external body



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6.1.2 The Following considerations should be taken into account when selecting any method of disposal:

- I. Under no circumstances should paper documents containing personal data or confidential information be simply binned or deposited in refuse tips. To do so could result in the unauthorised disclosure of such information to third parties and render the Council liable to prosecution or other enforcement action under UK GDPR. Such documents should be destroyed on site e.g. by shredding. Where there are large volumes of paper records to be disposed of a speciality confidential waste company can be used, the Facilities Team can arrange for confidential waste bags and secure storage of the bags until the company collects from us.
- II. Deletion – the Information Commissioner has advised that if steps are taken to make electronic data virtually impossible to retrieve, then this will be regarded as equivalent to deletion.
- III. Migration of documents to a third party (other than for destruction or recycling) is unlikely to be an option in most cases. However, this method of disposal will be relevant where documents or records are of historic interest and/or have intrinsic value. The third party could be the National Archives previously known as the Public Record Office. “Migration” can, of course, include the sale of documents to a third party.
- IV. Recycling – wherever practicable disposal should involve recycling in-line with Council’s commitment to sustainable development and promoting an alternative waste disposal strategy. The recycling waste bins should be used for this purpose.
- V. If a large-scale disposal is taking place, the disposal should be documented by keeping a record of the document disposed of, the date and method of disposal, and the officer who authorised disposal, to ensure Officers are able to understand what stage has been reached during that process. Routine disposal in accordance with the Policy does not require a record to be kept.



7. Key Disposal/Retention considerations

7.1 Introduction

- 7.1.1 No document should be marked for disposal unless due regard has first been given to the Key Disposal/Retention considerations detailed below, and to the council's Retention Schedule.

7.2 Retention required to fulfil Statutory or other Regulatory requirements.

- 7.2.1 There is little legislation that provides mandatory retention periods for local government as a whole, however the legislation governing the provision of individual services may provide specific retention periods. The legislation that does impose minimum retention periods, directly or indirectly are as follows:

- **Tax Legislation:** Minimum retention period for certain financial records are imposed by statutes such as the VAT Act 1994, and the Taxes Management Act 1970. These retention periods are identified in the retention schedules.
- **Statutory Registers:** Various local government statutes require registers to be kept of certain events, notifications, or transactions. It is implicit within such legislative requirement that these records be maintained on a permanent basis, unless the legislation concerned stipulates otherwise.
- **The Local Audit and Accountability Act 2014:** This provides auditors with a right of access to every document relating to the Council that appears necessary for the purposes of carrying out the auditor's functions under the Act.
- **The Local Government Act 1972, S.225:** Any document deposited with "the proper officer" of the Council in accordance with Statute should be retained permanently. (This is analogous to the position re Registers, above).



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- **Part VA of the Local Government Act 1972:** This governs public access to certain documents relating to Council and Committee meetings. Certain documents that form part of the public part of the agenda are required to be available for inspection by members of the public.

7.3 Is retention required to evidence events in the case of dispute?

- 7.3.1** The Council may be involved in disputes with third parties. Such disputes, if not satisfactorily resolved, can result in the dissatisfied party bringing legal proceedings against the Council. On the other hand, the Council may wish to institute legal proceedings against an individual or organisation e.g. to recover an unpaid debt, or in respect of faulty workmanship. Where a dispute arises, or litigation has been commenced it is important that the Council has access to all correspondence and other documentation that is relevant to the matter. Without such, there is the danger that the council's position will be compromised.
- 7.3.2** The six-year retention period and risk assessment: The majority of potential legal claims are statute barred on the expiry of 6 years. For this reason, it is common for organisations to retain files/records for a period of 6 years from the date when the subject matter was completed.
- 7.3.3** It is important, though, to keep in mind that in the course of the Council's everyday business large numbers of documents are generated that serve no purpose after relatively short periods of time. Many documents will relate to completed matters where, realistically, the risk of subsequent litigation or other dispute is minimal, if not non-existent. Long-term retention of such documents is counterproductive. IAOs should be prepared to carry out a risk analysis, with a view to disposal of such documents within a shorter period of than the 6 years' time frame.

7.4 Is retention required to meet the operational needs of the Service?

- 7.4.1** In some cases, retention may be desirable even though no minimum retention period applies or has expired. IAO should be open to the danger of discarding documents or records that might be useful for future reference purposes, as precedents, or for performance management.



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- 7.4.2** Where business need evidences that a longer retention period is required for particular set of information, the RoPA and retention schedule should be updated to reflect this at their next review.

7.5 Is retention required because the document or record is of historic interest or intrinsic value?

- 7.5.1** It is possible that some documents currently in Council storage may be of historic interest and/or even have some monetary value.
- 7.5.2** If it is suspected that the document falls within this description appropriate enquires should always be made before taking any further action. The IG Team should be contacted for advice and guidance in the first instance.



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Version control record

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V0.1	April 2025	Cheryl Lincoln	First Draft of Policy

