

PULBOROUGH PARISH COUNCIL DOCUMENT RETENTION SCHEME

1. Introduction

- 1.1 The Council recognises the need to retain documentation for audit purposes, staff management, tax liabilities and the eventuality of legal disputes and proceedings.
- 1.2 In agreeing a document retention scheme, the Council has addressed these needs, and taken into account its obligations under the Local Government Act 1972, the Audit Commission Act 1998, the Public Records Act 1958, the Data Protection Act 1998, the Employers' Liability (Compulsory Insurance) Regulations 1998, the Limitation Act 1980, the Employment Rights Act 1996, the Local Authorities Cemeteries Order 1977, the Local Government (Records) Act 1962, the Freedom of Information Act 2000, the Lord Chancellor's Code of Practice on the Management of Records Code 2002 and compliance with General Data Protection Regulations (GDPR) legislation 25th May 2018.

2. Retention of documents for legal purposes

- 2.1 Most legal proceedings are governed by the Limitation Act 1980. The 1980 Act provides that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question. The table below sets out the limitation periods for the different categories of claim.

Category	Limitation Period
Negligence (and other torts)	6 years
Defamation	1 year
Contract	6 years
Leases	12 years
Sums recoverable by statute	6 years
Personal Injury	3 years (21 years for playground injury compensation)
To recover land	12 years
Rent	6 years
Breach of trust	None

- 2.2 Some types of legal proceedings may fall into two or more categories. In these circumstances, the documentation should be kept for the longest of the differing limitation periods.
- 2.3 As there is no limitation period in respect of trusts, the Council will never destroy trust deeds and schemes and other similar documentation.
- 2.4 Some limitation periods can be extended. Examples include:
- where individuals first become aware of damage caused at a later date (e.g. in the case of personal injury);
 - where damage is latent (e.g. to a building);
 - where a person suffers from a mental incapacity;
 - where there has been a mistake or where one party has defrauded another or concealed relevant facts.

2.5 In such circumstances, the Council will weigh up (i) the costs of storing relevant documents and (ii) the risks of:

- claims being made;
- the value of the claims; and
- the inability to defend any claims made should relevant documents be destroyed.

3. Document retention schedule

3.1 The Council has agreed a minimum document retention schedule, based on the obligations under the previously named acts, codes, orders and regulations.

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Minute books	Indefinite	Archive
Scale of fees and charges	6 years	Management
Receipt and payments account(s)	6 years	VAT
Receipt books of all kinds, including ledgers	6 years	VAT
Bank statements, including savings/deposit accounts	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Quotations and tenders	6 years after completion of contract	Limitation Act 1980
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act 1980
VAT records, P60s and P45s	6 years	VAT, Tax
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980
Timesheets	Last completed audit year	Audit
Wages, salaries, HMRC documents	12 years	Superannuation
Insurance policies	While valid	Management
Certificates for insurance against liability for employees	40 years from date on which the insurance commenced or was renewed	Employers' Liability (Compulsory Insurance) Regulations 1998, Management
Investments	Indefinite	Audit, Management
Playground Inspection Records	21 years	Statute of Limitations
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
Members allowances register	6 years	Tax, Limitation Act 1980
Correspondence and emails / general information not required for historical purposes	1 year	Limitation Act 1980
Accident book	3 years	Reporting of Injuries, Diseases and Dangerous Occurrences Act 2013
Annual accounts and asset registers	Indefinite	Archive / electronic
Pension contribution records	6 years	Pensions Act 2014

Personnel records, including SSP and maternity records	6 years	Limitations Act 1980
Asbestos /hazardous materials records	Indefinite	Asbestos Regulations
Members' Registers of Interests	Term of office	Management/GDPR 2018
Declarations of Acceptance of Office	Term of office	Management/GDPR 2018
Planning applications	Until considered by Committee	Held by Horsham DC
Previous versions of policies, standing orders, schemes of delegation	3 years	Data Protection Act 1998
For halls, centre, recreation grounds <ul style="list-style-type: none"> • Application for hire • Lettings diaries • Copies of bills to hirers • Record of tickets issued 	6 years	VAT
For allotments <ul style="list-style-type: none"> • Register and plans (land & plots) • Personal data 	Indefinite For tenancy period	Audit, Management GDPR 2018

4. Document disposal

4.1 The need to retain any documents not included in the above schedule should be considered on an individual basis. As a guide, and in the absence of any prevailing act, code, order or regulation to the contrary, documents may be destroyed if they are no longer of use or relevant. Records containing personal data will only be retained where justified, or lawful, in order to fulfil services or functions the Council provides (eg employer responsibilities). If in any doubt, advice should be sought from the Clerk.

4.2 Decision whether to dispose of a document will be taken in accordance with the following criteria:-

- Has the document been appraised?
- Is retention required to fulfil statutory or other regulatory requirements?
- Is retention required to evidence events in the case of dispute?
- Is retention required to meet the operational needs of the Council?
- Does retention meet requirements of GDPR legislation?

4.3 If the decision is taken to dispose of a document or set of documents then consideration will be given to the method of disposal, which can be by a range of processes:-

- Recycling (except for paper documents containing personal data or confidential information, which will be destroyed)
- Confidential waste collection by a designated collection service
- Physical destruction (eg paper records - shredding)
- Deletion (eg electronic record)
- Migration (where appropriate and/or lawful, eg archive of historical interest documents)