



COTSWOLD DISTRICT COUNCIL

DATA RETENTION POLICY

OCTOBER 2022

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1. INTRODUCTION

- 1.1 Cotswold District Council recognises that its records are an important public asset, and are a key resource to accountability and effective operation. They require careful management and this Policy sets out the Council's responsibilities and activities in regard to the management and retention of its records.
- 1.2 In the course of carrying out its functions and activities, the Council collects information from individuals and external organisations and generates a wide range of data and information. This can be retained as hard copies or in electronic form.
- 1.3 Retention of specific documents may be necessary to fulfil statutory or other regulatory requirements, evidence events in the case of a dispute and preserve documents of historic and other value.
- 1.4 The untimely destruction of documents could cause the Council to face difficulties in defending litigious claims, meeting operational requirements or failing to comply with the Freedom of Information or Data Protection legislation.
- 1.5 Conversely, the permanent retention of data and information is unfeasible and appropriate disposal is necessary to allow for adequate storage space and compliance with Data Protection legislation.
- 1.6 The effective management of records in all formats depends as much on their efficient disposal as well as their long-term preservation. As a Local Authority we must be consistent in the way we handle and dispose of our information. These guidelines will assist the Council by ensuring a consistent approach to record keeping across the organisation.

2. SCOPE AND PURPOSE

- 2.1 The purpose of this policy is to provide a corporate framework to govern how particular documents (or sets of documents) should be:
 - Retained – and if so, in what format, and for what period of time; or
 - Disposed of – and if so, when and by what method.

3. THE RETENTION/DISPOSAL PROTOCOL

- 3.1 Any decision whether to retain or dispose of a document should be taken in accordance with this Policy, including the key disposal/retention considerations criteria checklist, set out in Appendix 1 and the retention schedules set out in Appendix 2.

4. ROLES AND RESPONSIBILITIES

- 4.1 Responsibility for determining (in accordance with the Retention/Disposal checklist and schedule) whether to retain or dispose of specific documents rests with each individual Business Manager.
- 4.2 The Business Manager for Corporate Responsibility can advise on whether minimum retention periods are prescribed by law. However, they cannot be expected to possess the operational or background knowledge required to assess whether a

particular document may be required by the department concerned for operational need. This is the responsibility of the relevant service Business Manager.

- 4.3 The Business Manager for Corporate Responsibility and the Data Protection Officer are available to provide guidance on effective records management practices.
- 4.4 The Lead responsibility for records management has been assigned to the Business Manager for Corporate Responsibility.

5. DISPOSAL

5.1 Disposal can be achieved by a range of processes:

- Confidential waste;
- Physical destruction onsite (shredding);
- Deletion – where computer files are concerned;
- Migration of documents to an external body.

5.2 The following considerations should be taken into account when selecting any method of disposal:

- Under no circumstances should paper documents containing personal data or confidential information be simply deposited in non-confidential bins. If steps are taken to make data virtually impossible to retrieve then this will be regarded as equivalent to deletion.
- Migration of documents to a third party (other than for destruction or recycling) will be relevant where documents or records are of historic interest and/or have intrinsic value. Migration can include the transfer of data to a third party service provider – prior to any migration taking place care should be taken to ensure that any personal data is removed

6. UK GENERAL DATA PROTECTION REGULATIONS

6.1 All staff need to be aware that under the UK General Data Protection Regulations (UK GDPR) personal data processed for any purpose must not be kept for any 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. If legislation is silent on this provision; it is a matter for reasonable judgement and common sense as to how long personal data (which falls outside legislative guidance) should be retained.

7. FORMAT OF RECORDS

7.1 This Data Retention Policy is relevant to records which are electronic, paper or record which have been transferred to another format such as microfiche.

8. REVIEWING THE SCHEDULE

8.1 These guidelines prescribe minimum and permanent retention periods. The guidance will be reviewed at regular intervals to ensure it is still fit for purpose.

APPENDIX I: KEY DISPOSAL/RETENTION CONSIDERATIONS

No document should be earmarked for disposal unless due regard has been given to the five Key Disposal/Retention considerations detailed in this Appendix and with reference to the Retention Schedules at Appendix 2.

Key Consideration 1:

Has the document been appraised?

1. As a first step, the nature/contents of any document being considered for disposal should be ascertained. No document(s) should be earmarked or designated for disposal unless this has been done. Insofar as existing documents are concerned it follows that the above can only be achieved by the carrying out of physical inspection and appraisal. The process may only take a few minutes – perhaps even seconds. Nonetheless it can be a skilled task – depending on the complexity of the document(s) concerned – and should only be undertaken by officers who possess the sufficient operational knowledge to enable them to identify the document concerned and its function within both the individual Department and corporate frameworks. Any decision to the effect that future documents of a specified description be disposed of on expiry of a specified retention period should be an informed one i.e. taken with a full appreciation and understanding of the nature and function of such documents.
2. The above is largely common-sense, and hardly needs to be stated. However, if appraisal is inadvertently overlooked or carried out negligently, or by an employee who lacks the necessary background operational knowledge, the Council runs the risk of important documents being destroyed in error.

Key Consideration 2:

Is retention required to fulfil statutory or other regulatory requirements?

There is, in fact, very little specific legislation that stipulates mandatory retention periods for documents in Local Government. The pieces of legislation which do, either directly or indirectly, impose minimum retention periods 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. The relevant retention periods are identified in the Retention Schedules Document.

Statutory Register: Various Local Government statutes require to be kept of certain events, notifications, or transactions. It is implicit with such legislative requirement that these records be maintained on a permanent basis, unless the legislation concerned stipulates otherwise.

The Audit Commission Act 1998: This provides auditors with a right of access to every document relating to the Council that appears necessary for the purpose of carrying out the auditor's function 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.

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.

Employers' Duties Regulations 2010 (regulations 5, 6 and 8): employers are required to keep information / documents regarding their employees' pension and remuneration

Key Consideration 3:

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

On occasions, the Council becomes involved in disputes with third parties. Such disputes, if not satisfactorily resolved, can result in the dissatisfied party bringing legal proceedings against the Council, usually (but not always) with a view to obtaining monetary compensation. Conversely, 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, and the possibility that an unmeritorious claim might succeed, or that the Council may be unable to assert legal entitlements. The Limitations Act 1980 specifies time limits for commencing litigation. The starting point therefore, is that the retention period is the length of time that has to elapse before a claim is barred.

Key Consideration 4:

Is retention required to meet the operational needs of the department?

In some cases retention may be desirable (whether permanent or otherwise) even though no minimum retention period applies. Business Managers (or designated officers) should be open to the danger of discarding documents or records that might be useful for future reference purposes (e.g. training), as precedence, or for performance management (performance indicators, benchmarking and comparison exercises). A professional judgement needs to be made as to the usefulness of a particular document.

Key Consideration 5:

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

In most cases this consideration will not be applicable. However, it is certainly possible that some documents may be of historic interest and/or even have some monetary value. Where it is suspected that the document falls within this description, appropriate enquires should always be made before taking any further action. Even if the document is of historical or

monetary value, disposal rather than retention by the Council may well be the appropriate option.

APPENDIX 2: RETENTION SCHEDULES

Where no period for retention is specified the document can be destroyed 3 years after its use has concluded.

All retention periods commence from the date on which the use of the document was concluded, unless otherwise stated.

Retention periods marked with a * indicate a statutory requirement

Except where required to meet a statutory period all emails should be deleted after 3 years

DATA	RETENTION PERIOD
ADDRESS MANAGEMENT (STREET NAME & NUMBERING)	
New address & address change request	7 years
Large development numbering plans, new street name request, and change of street name request	Permanent
Address query and confirmation requests	3 years
COMMUNITY WELLBEING SERVICE	
Referrals received from third party	3 years
Referrals from the Council to a third party	3 years
Payment records	7 years
CORPORATE	
Corporate/Council plans	Permanent
Community plans	Permanent
Public consultations where the consultation relates to the development of significant scheme or policy	6 years
Public consultation where the consultation relates to the development of a minor scheme or policy	1 year
Business discussions, debates, resolutions etc. e.g. management meeting notes and agendas	3 years
Complaints	3 years
Press Releases	3 years

Details of organising ceremonial/civic events	6 years
Recording of civic events e.g. video footage	Permanent
Reports of major incidents in the community, whether or not emergency plan was activated	10 years
Reports of minor incidents in the community	6 years
Civil Contingency notes of meetings, training records etc.	6 years
Business Continuity Plans	Until superseded
Statutory returns to Government	7 years
Freedom of Information requests and responses	1 year
Data Protection - Subject Access Requests	3 years
DEMOCRATIC	
Committee minutes and agendas	Permanent
Draft minutes and notes	Destroy when minutes confirmed
Partnership, agency and external meetings (where the Council is required to retain the official record)	Permanent
Partnership, agency and external meetings (where the Council is NOT required to retain the official record)	3 years
ELECTIONS	
Electoral Register	Permanent
Ballot papers (local elections)	1 year from close of poll
Declaration of results (local elections)	6 months from announcement of result
Staff personal details & proof of entitlement to work in the UK (includes date of birth, national insurance number, evidence of proof of work eligibility and address)	2 years after end of employment.
ENVIRONMENTAL AND REGULATORY SERVICES	
Application process e.g. gaming licenses, animal registrations etc.	2 years after registration* (or 5 years if the application is revoked or refused)

<p>Application process for Taxi and Private Hire Licensing</p> <ul style="list-style-type: none"> Information submitted as part of an application Information held in respect of a Licence Information received as part of an enforcement investigation Information held on the NR3 database 	<p>6 years after the date in which the application is refused</p> <p>6 years after the date from which the licence ceases to be held</p> <p>For a minimum of 6 years and then for only so long as may be necessary to inform a decision to protect the public</p> <p>25 years</p>
Contaminated land, health and safety licenses etc.	Permanent*
Abandoned Vehicles Documentation	6 years*
Statutory Enforcement Notices	6 Years
<p>Other general filing:</p> <ul style="list-style-type: none"> - Food safety e.g. inspection notes - Health and Safety e.g. inspection notes - Environmental Protection investigations - Housing grant work 	7 years after case closed
Temporary event notices and road closures	1 year
Building control files	15 years
FINANCE	
Annual reports, financial statements	Permanent
Annual Budget	Permanent
Draft budgets	2 years after final budget adopted
Audit investigations	7 years from end of financial year to which it relates*

Arrangements for the provision of goods and services	7 years from end of financial year to which it relates
Receipts, invoices, credit card statements, bank statements, cheque counterfoils etc.	6 years from end of financial year to which it relates*
Loans	7 years after repaid
Disabled Facilities Grants (£30,000 maximum)	10 years if there is a charge placed on the property and/or the applicant paid a contribution towards the works. 5 years for all other applications (WODC) and 7 years for all other applications (CDC & FOD).
Taxation documents	6 years from end of financial year to which it relates*
Employee pay and tax records	7 years from end of financial year to which it relates*
Insurance registers	Permanent
Insurance policies and renewals	6 years after expiry
Insurance claims	6 years (but allow the Claimant to reach the age of 25)
PROCUREMENT	
Tendering – Successful tender – ordinary contract Successful tender – contract under seal	6 years 12 years
Contract management and monitoring	2 years after expiry of contract

Contracts: The process of developing a specification	6 years after expiry or termination or 12 years if under seal*
Contracts: The process of issuing tenders	1 year after start of contract*
Contracts: Expressions of interest	2 years after contract let or not proceeded with*
Contracts: Evaluation of tenders	6 years after expiry or termination or 12 years if under seal*
Contracts: Successful tenders	6 years after expiry or termination or 12 years if under seal*
Contracts: Unsuccessful tenders	1 year after start of contract*
Contracts: Process of awarding the contract including the signed contract	6 years after expiry or termination or 12 years if under seal*
HOUSING	
Homeseeker Plus applications – permanent housed status	3 years
Homeless applications – Duty accepted	3 years
Homeless – Temporary Accommodation arrangements	3 years
Homeless – Relief/discharge of homeless duty	3 years
HUMAN RESOURCES	
Individual personnel records	6 years after date of termination of employment
Major Industrial actions	Permanent
Minor Industrial actions	2 years
Disciplinary records	Oral warning - 6 months Written warning - 1 year Final warning - 18 months*
Discipline/grievance documents where the matter was unfounded	1 year

Recruitment e.g. adverts, unsuccessful applications, interview notes etc.	1 year after recruitment is finalised
Performance reports e.g. probation records and performance plans	5 years
Leave and absence monitoring e.g. sick records, flexi time records	2 years for paper records
Financial rewards	6 years after actioned
Termination documents e.g. resignation, redundancy, dismissal records	6 years after termination
Staff training records	2 years
Appointment of statutory officers	Permanent
Selection details for statutory officers	2 years
ICT	
IT – Monitoring Records relating to usage of systems	1 year
IT – Security <ul style="list-style-type: none"> Records relating to breaches or attempted breaches of ICT security 	6 years
IT – Users Records relating to the provision of IT function for all service areas allowing them to store personal data and custodians for all business software used across the council: <ul style="list-style-type: none"> Opening, maintenance & closure of user accounts Reported faults with IT user groups and action taken to resolve issues 	3 years
IT – Emails Journals Emails can act as evidence of the Councils / Public's activities, i.e. in business and fulfilling statutory duties, so all relevant emails.	3 years
INTERNAL AUDIT	
Records relating to: <ul style="list-style-type: none"> Assurance work: Audit reports (draft & final) Testing Index Testing Summaries 	Current year and last files after accounting period/close of audit

<ul style="list-style-type: none"> • Work Programme/Matrix • Working papers (which may contain personal data) 	
Records relating to annual reports	Retain for 5 years after accounting period/close of audit
Records relating to fraud reports (& file)	Retain for 6 years (where offence identified/proven) Retain for 3 years (if unproven) after accounting period/close of audit
Records relating to: <ul style="list-style-type: none"> • consultancy work (including member requests) • System development reviews 	Retain for 3 years after accounting period/close of audit
Records relating to permanent audit file (standing information)	Retain until superseded
Records relating to contract final accounts	Retain for 12 years after accounting period/close of audit
LAND AND PROPERTY	
Asset Register	Permanent
Process of managing the Council's property portfolio	12 years
Maintenance records e.g. works orders etc.	12 years
Management of disposal of assets process	12 years
Management of acquisitions	Retain for life of asset plus 12 years
Management of leased properties	Retain for life of Lease plus 6 years
Acquisition and disposal of vehicles	7 years after disposal
Records of vehicle usage	3 years
Parking - records of enforcement of parking e.g. charge notices, correspondence, receipts etc.	6 years
CCTV footage	31 days
LEGAL	
General Legal Advice	6 years
Conveyancing	12 years after closure*

Tenancy Agreements	6 years after expiry or termination or 12 years if under seal*
Leases	12 years after the expiry of the lease
Mortgages	12 years from date of last payment
Right to Buys	12 years after sale
RIPA Authorisations	3 years after cancellation
Tree Preservation Orders, Footpath Orders and other Statutory Orders and Notices	Permanent*
Investigation files	3 years
Penalties e.g. cautions, administrative penalties	7 years
Prosecutions/Litigation	7 years*
Contracts	6 years after expiry or termination or 12 years if under seal*
PLANNING	
Planning Policies e.g. Core Strategy, Allocations Plans etc.	Permanent
Consultations on planning policies e.g. objections, public inquiries etc.	Permanent
Listed building register	Permanent
Planning register (Application files)	Permanent (paper files destroyed 6 months after conclusion e.g. decision notice or appeal)
Planning enforcement files	Permanent
Planning enforcement notices (includes all notices such as breach of conditions, section 215 etc.)	Permanent
Planning Agreements	6 years after expiry or termination or 12 years if under seal

REVENUES AND BENEFITS	
Valuation Lists: <ul style="list-style-type: none"> • Council Tax • Business Rates • General Rates 	Permanent
Court Lists – Council Tax and Business Rates	6 years
Liability Orders	6 years
Correspondence with council tax and business rate payers in relation to valuations, rates, charges, liability, submissions, appeals etc.	6 years
Housing Benefit & Council Tax support Records relating: <ul style="list-style-type: none"> • Application forms/Details • Copies of personal documents • Assessment • Payment/Backdated claims • Discretionary housing payments • Appeals • Claims • Fraud cases & prosecution 	From 1/04/2019 - 7 years
Correspondence with debtors in relation to invoices, liability, outstanding debt, etc.	6 years
Benefit application forms, supporting evidence, correspondence in relation to claims, appeals, etc.	From 1/04/2019 (paper records to be destroyed after 6 months)
Government Returns e.g. DLUHC, DWP	7 years