



## Lowestoft Town Council Data Retention Policy

The Council considers it necessary to implement a system of records management which also incorporates arrangements for the disposal of all or some of its records. This policy also sets out how long employment-related information will normally be held and when information will be confidentially destroyed.

### 1.0 Our Process

- 1.1 Information (hard copy and electronic) will be retained for at least the period specified in our Records retention schedule (sometimes known as a Data retention schedule or guidelines) (see Error! Reference source not found.).
- 1.2 All information must be reviewed before destruction to determine whether there are special factors that mean destruction should be delayed, such as potential litigation, complaints or grievances.
- 1.3 Hard copy and electronically-held documents and information must be deleted at the end of the retention period.
- 1.4 *Hard copy documents and information must be disposed of* placing in confidential waste bins for shredding.

### 2.0 General

- 2.1 Any such system or policies relating to record management will include a review of council documentation on an annual basis
- 2.2 Where it is necessary to retain or manage documents due regard will be made of the option to securely hold that information electronically, instead of in paper form and due regard will be made to the requirements of mandatory Data Protection legislation (General Data Protection Regulation and UK Data Protection Act 2018)
- 2.3 Anything that is no longer of use or value can be destroyed but if the council is in any doubt it will professional advice and retain that document until that advice has been received.
- 2.4 Documents of historical importance, if not retained by the council, will be offered to a repository agreed by the Council.

### 3.0 Retention of Documents

3.1 Attached is an Annex which indicates the appropriate retention period for audit and other purposes and the reasons for retention. In respect of the retention of documents in case of a legal dispute, Council's policy is set out under Section 3.

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

#### Planning Papers

- Where planning permission is granted, the planning application, any plans and the decision letter will be retained until the development has been completed, so that, if necessary, the Clerk can check that the development proceeds in accordance with the terms and conditions of the permission.
- Where planning permission is granted on appeal, a copy of the appeal decision will also be retained likewise
- Where planning permission is refused, the papers will be retained until the period within which an appeal can be made has expired. If an appeal is made, and dismissed, the decision letter will be retained against further applications relating to that site.
- Copies of Structure Plans, Local Plans and similar documents will be retained as long as they are in force.



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### Insurance Policies

- Insurance policies and significant correspondence will be kept for as long as it is possible to make a claim under the policy.
- Article 4 of the Employers Liability (Compulsory Insurance) Regulations 1998 (SI 2753) requires that local councils, as employers, retain certificates of insurance against liability for injury or disease to their employees arising out of their employment for a period of 40 years from the date on which the insurance is commenced or renewed.

### Information from other bodies

- Circulars and legal topic notes from the National Association of Local Councils 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 for the appropriate period specified to the Annex thereto.
- In planning matters correspondence will be retained for the same period as suggested for other planning papers.
- All other correspondence will be kept for as long as the matter contained therein is still of interest or use to the council and or the town.

### Personnel matters

Documentation relating to staff will be kept securely and for as long as it would be possible for a claim to be made against the council.

## **4.0 Retention of Documents for Legal Purposes**

4.1 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.

4.2 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
Leases	12 years
Sums recoverable by statute	6 years
Personal injury	3 years
To recover land	12 years
Rent	6 years
Breach of Trust	None



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## 5.0 Annex to Policy

### 5.1 Record Retention Schedule - Employment

#### Introduction

This Record retention schedule accompanies and is incorporated into Lowestoft Town Council’s Data Retention policy. It sets out the time periods that different types of (employment-related) business records must be retained for business and legal purposes. This is a relatively lengthy document listing the many types of employment-related records used by Lowestoft Town Council and the applicable retention periods for each record type.

The retention periods are based on business needs and legal requirements. If you maintain any types of records that are not listed in this Schedule, and it is not clear from the existing record types in this Schedule what retention period should apply, please contact the data protection officer for guidance.

Any deviation from the retention periods in this Schedule must be approved in advance by the Town Council.

#### Employment records

##### Personnel records

Record	Recommended retention period	Storage format	Reference
Rejected job applicant records, including: contact details application letters or forms CVs references certificates of good conduct interview notes assessment and	Six months after applicant is notified of rejection or a longer period if there is a clearly communicated policy to keep candidates’ CVs for future reference.	Paper or electronic	<a href="#">ICO Employment Practices Code para 1.7</a> Equality Act 2010, s 123



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Record	Recommended retention period	Storage format	Reference
psychological test results			
<p>Application records of successful candidates, including:</p> <ul style="list-style-type: none"> <li>application letters or forms</li> <li>copies of academic and other training received</li> <li>references</li> <li>correspondence concerning employment</li> <li>CVs</li> <li>interview notes and evaluation forms</li> <li>assessment and psychological test papers and results</li> </ul>	Seven years after employment ceases	Paper or electronic	Limitation Act 1980 (LA 1980), s 5
<p>Criminal records information:</p> <ul style="list-style-type: none"> <li>criminal records requirement assessments for a particular post</li> <li>criminal records information forms</li> <li>the Disclosure and Barring Service (DBS)</li> </ul>	<p>Criminal records requirement assessments for a particular post—12 months after the assessment was last used</p> <p>All other information in this category—as soon as practicable after the check has been completed and the outcome recorded (ie whether satisfactory or not) unless, in exceptional circumstances, the data protection officer assesses that it is</p>	Paper or electronic	<p><a href="#">DBS guidance for employers: Duration of criminal record check validity</a></p> <p><a href="#">ICO Employment Practices Code Nov 2011, part 1.7.4</a></p>



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Record	Recommended retention period	Storage format	Reference
check forms DBS certificates	clearly relevant to the ongoing employment relationship eg to allow for consideration and resolution of any disputes or complaints in which case, six months  If the data protection officer considers it necessary to keep the information for longer than six months, the DBS should be consulted		
Employment contracts, including:  personnel and training records  written particulars of employment  changes to terms and conditions	Seven years after employment ceases, unless document executed as a deed, in which case 13 years after employment ceases	Paper or electronic	LA 1980, ss 5, 8
Directors' service contracts and any variations	Seven years from termination or expiry of the contract, unless executed as a deed, in which case 13 years from termination or expiry	Paper or electronic	LA 1980, ss 5, 8  Companies Act 2006, ss 227 and 228
Copies of identification documents (eg passports)	Not less than two years from date of termination of employment	Paper or electronic	Immigration (Restrictions on Employment) Order SI 2007/3290, Art 6(1)(b)
Identification documents of foreign nationals (including right to work)	Not less than two years from date of termination of employment	Paper or electronic	Immigration (Restrictions on Employment) Order SI 2007/3290, art 6(1)(b)
Records concerning a	Seven years after employment ceases	Paper or	LA 1980, s 5



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Record	Recommended retention period	Storage format	Reference
temporary worker		electronic	
Employee performance records, including:  <ul style="list-style-type: none"> <li>probationary period reviews</li> <li>review meeting and assessment interviews</li> <li>appraisals and evaluations</li> <li>promotions and demotions</li> </ul>	Seven years after employment ceases	Paper or electronic	LA 1980, s 5
Records relating to and/or showing compliance with Working Time Regulations 1998 including:  <ul style="list-style-type: none"> <li>registration of work and rest periods</li> <li>working time opt-out forms</li> </ul>	Two years from the date on which the record was made	Paper or electronic	Working Time Regulations 1998, SI 1998/1833, reg 9
Redundancy records	Seven years from date of redundancy	Paper or electronic	LA 1980, s 5
Annual leave records	Seven years after the end of each tax year	Paper or electronic	LA 1980, s 5
Parental leave records	Seven years after the end of each tax year	Paper or electronic	LA 1980, s 5
Sickness records	Seven years after the end of each tax year	Paper or	LA 1980, s 5



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Record	Recommended retention period	Storage format	Reference
		electronic	
Records of return to work meetings following sickness, maternity etc	Seven years the end of each tax year	Paper or electronic	LA 1980, s 5
Records relating to Disciplinary procedures and Grievance procedures.	Seven years after employment ceases	Paper or electronic	LA 1980, s 5

### Payroll and salary records

Record	Recommended retention period	Storage format	Reference
Records for the purposes of tax returns including wage or salary records, records of overtime, bonuses and expenses	Seven years	Paper or electronic	Taxes Management Act, 1970 s 12B Finance Act 1998, Schedule 18, para 21
Pay As You Earn (PAYE) records, including:  wage sheets  deductions working sheets  calculations of the PAYE income of employees and relevant payments to them, the deduction of tax from, or accounting for tax in respect of, such payments	Three years after the end of the tax year to which they relate	Paper or electronic	Income Tax (Pay As You Earn) Regulations 2003, SI 2003/2682, reg 97



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Record	Recommended retention period	Storage format	Reference
all documents relating to any information which an employer is required to provide to HMRC under Form P11D (benefits in kind)			
Income tax and NI returns, income tax records and correspondence with HMRC	Three years after the end of the financial year to which they relate	Paper or electronic	Income Tax (Employments) Regulations 1993, SI 1993/744, reg 55
Records demonstrating compliance with national minimum wage requirements, including hours worked	Three years beginning with the day upon which the pay reference period immediately following that to which they relate ends	Paper or electronic	National Minimum Wage Regulations 2015, SI 2015/621, reg 59
Details of benefits in kind, income tax records (P45, P60, P58, P48 etc), annual return of taxable pay and tax paid	Six years (but general time limit under the TMA 1970 is reducing to four years from 1 April 2012)	Paper or electronic	Taxes Management Act 1970
Employee income tax and national insurance returns and associated HMRC correspondence	Three years from end of tax year to which they relate	Paper or electronic	Income Tax (Pay as You Earn) Regulations 2003, SI 2003/2682, reg 97
Statutory sick pay (SSP) records	Three years after the end of the tax year to which they relate	Paper or electronic	The requirement to maintain SSP records for three years after the end of the tax year to which they relate was revoked in 2014, but an employer may still be required by HMRC to produce such records as are in his possession or power which contain, or may contain,





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			information relevant to satisfy HMRC that statutory sick pay has been and is being paid.  The Statutory Sick Pay (General) Regulations 1982, SI 1982/894, reg 13(A)
Wage or salary records (including overtime, bonuses and expenses)	Seven years	Paper or electronic	Taxes Management Act 1970, s 43
Records relating to hours worked and payments made to workers	Three years	Paper or electronic	National Wage Act 1998, s 9  The National Wage Regulations 1999, reg 38
Statutory maternity, paternity and shared parental pay records, calculations, certificates or other evidence	Three years after the end of the tax year in which the period of statutory pay ends	Paper or electronic	Statutory Maternity Pay (General) Regulations 1986, SI 1986/1960, reg 26

### Record Retention Schedule – Health and Safety

Record	Recommended retention period	Storage format	Reference
Records of reportable injuries, diseases or dangerous occurrences  reportable incidents  reportable diagnoses  injury arising out of accident at work (including Lowestoft Town Council's accident)	Three years from date of the entry	Paper or electronic	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR 2013), SI 2013/1471, reg 12



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Record	Recommended retention period	Storage format	Reference
book)			
Lists or register of employees who have been exposed to asbestos dust, including health records of each employee	40 years from the date of the last entry made in the record	Paper or electronic	Control of Asbestos Regulations 2012, SI 2012/63, reg 22(1)
Medical records and details of biological tests under the Control of Lead at Work Regulations	40 years from the date of the last entry made in the record	Paper or electronic	The Control of Lead at Work Regulations 2002 (CLAW 2002), SI 2002/2676, reg 10
Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)	40 years from the date of the last entry made in the record	Paper or electronic	The Control of Substances Hazardous to Health Regulations 2002 (COSHH 2002), SI 2002/2677, reg 11
Records of monitoring of exposures to hazardous substances (where exposure monitoring is required under COSHH)	Where the record is representative of the personal exposures of identifiable employee—40 years from the date of the last entry made in the record  Otherwise, five years from the date of the last entry made in the record	Paper or electronic	COSHH 2002, reg 10(5)
Records of tests and examinations of control systems and protective equipment under COSHH	Five years from the date on which the record was made	Paper or electronic	COSHH 2002, reg 9

### Retention of documents required for the audit of Town Councils

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
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## Lowestoft Town Council Data Retention Policy

Minutes Book	Indefinite	Archive
Receipt and payment accounts	Indefinite	Archive
Receipt books	Six years	VAT
Bank Statements	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Quotations/tenders	Last completed audit year	Statute of Limitations
Paid invoices	Six years	VAT
Paid cheques	Six years	Statute of Limitations
VAT records	Six years	VAT
Petty cash, postage	Six years	Tax. VAT. Statute of Limitations
Timesheets	Last completed audit year	Audit
Insurance policies	While valid	Management
Certificates for insurance against liability for employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management.
Title deeds, leases, agreements and contracts	Indefinite	Audit. Management
Members allowances registers	Six years	Tax, Statute of Limitations

Revisions	
Date	Amendment
September 2023	