



Odiham

Parish Council

DOCUMENT RETENTION POLICY MARCH 2015

**Adopted on 13 April 2015
Reviewed 4 July 2016
Updated 6 March 2017**

1. INTRODUCTION

There is a clear need to retain documentation for audit purposes, staff management, tax liabilities and the possible eventuality of legal disputes and legal proceedings. Subject to the mentioned reasons for retaining documents, and as a basic starting point, papers and records may be destroyed if they are no longer of use or relevant. If in doubt, document(s) should be retained until proper advice has been received. Many documents are now only held electronically so the same arrangements for keeping records and copies should be applied to an electronic document as for a paper document.

Odiham Parish Council will retain its important documents, both electronic and paper documents for the periods listed in the table below (consistent with advice from NALC Legal Topic Note 40 – September 2016). These periods are to be considered as minimum retention times. The Clerk will be responsible for ensuring that the documents are filed in an orderly and secure manner at all times. Documents will be made available on request according to the requirements of the Council's Document Publication Policy.

2. DOCUMENTATION RELATING TO STAFF

Should be kept securely and in accordance with the eight data protection principles contained in the Data Protection Act 1998. The principles provide that personal data in relation to staff should not be kept for longer than is necessary for the purpose it was held. However, even after an employment relationship has ended, a council may need to retain and access staff records for former staff for the purpose of giving references, payment of tax, NI and pensions and in respect of any related legal claims made against the council. The time limits within which a claim (and any appeal) may be lodged against an employer at an employment tribunal are set out in the legislation that contains the employment right in question or failing that by reference to the Limitation Act 1980 (as amended) considered in paragraph 7 below. The time for lodging a claim at an employment tribunal is usually measured from the date that the employment relationship ended or the date of the act complained of.

3. CORRESPONDENCE

If related to audit matters, correspondence should be kept for the appropriate period specified in the table. In planning matters, correspondence should be retained for the same period as suggested for other planning papers. For other correspondence (unless relating to staff), no firm guidelines can be laid down.

4. TRUST

As there is not limitation period in respect of trusts, councils are advised that they should never destroy trust deeds and scheme and other documentation.

5. RETENTION OF DOCUMENTS FOR LEGAL PURPOSES

Most legal proceedings are governed by the Limitation Act 1980 (as amended). This act provides that legal claims may not be commenced after a specified period. This period varies depending on the type of claim in question. The reference to "category" in the table refers to claims brought in respect of that category.

CATEGORY	LIMITATION PERIOD
Breach of trust	No limitation period
Contract	6 years
Defamation	1 year
Leases	12 years
Negligence (and other "torts")	6 years
Personal injury	3 years
Rent	6 years
Sums recoverable by statute	6 years
To recover land	12 years

Some types of legal proceedings may fall into two or more categories. NALC recommends that the longest of the limitations periods is adhered to.

6. RETENTION OF DOCUMENTS REQUIRED FOR THE AUDIT OF PARISH COUNCILS

Document Type	Minimum Retention Period (time is from the date on the document)	Retention Reason
Bank paying-in books	Last completed audit year	Audit
Bank statements, including deposit/savings accounts	Last completed audit year	Audit
Certificate 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
Cheque book stubs	Last completed audit year	Audit
Cllr's declarations of office	4 years or until they vacate office	Operational
Correspondence	According to content – Review at least every 5 years	Operational
For Allotments <ul style="list-style-type: none"> • Register and plans 	Indefinite	Audit, Management
For Burial Grounds <ul style="list-style-type: none"> • Register of fees collected • Register of burials • Register of purchased graves • Register/plan of grave spaces • Register of memorials • Applications for interment • Applications for right to erect memorials • Disposal certificates • Copy of certificates of grant of exclusive right of burial 	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (SI. 204)
Insurance policies	While valid	Management
Investments	Indefinite	Audit, Management
Magazines, journals and general information from associations	As long as they are useful and relevant	
Member's allowances register	6 years	Tax, Limitation Act 1980 (as amended)
Minutes	Indefinite	Archive signed copies
Paid cheques	6 years	Limitation Act 1980 (as

		amended)
Paid invoices	6 years	VAT
Parish Council response to planning applications and all associated documents where planning is granted	At least until completion of development – major/contentious developments only	
Parish Council response to planning applications and all associated documents where planning is refused	At least until the period within which an appeal can be made has expired	
Personnel files – annual leave / sick leave	2 years	Operational
Personnel files (including training records, appraisals, contract of employment)	6 years	Risk of investigation regarding any future litigation
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)
Policy documents	Until there is no longer an administrative requirement	Operational
Quotations and tenders	6 years	Limitation Act 1980 (as amended)
Receipt books of all kinds	6 years	VAT
Receipt and payment accounts(s)	Indefinite	Archive
Recruitment data	6 months after recruitment finalised	Sex Discrimination Acts, Race Relations Act, Disability Discrimination Act, Employment Equality Regulations
Risk assessments	Once superseded by a new risk assessment or once inactive	Operational
Scale of fees and charges	6 years	Management
Structure plans, Local Plans and similar documents	Retained for as long as they are in force	
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
VAT records	6 years	VAT
Wages books, PAYE & NI records	12 years	Superannuation (pensions)