

BABRAHAM PARISH COUNCIL

**RECORD MANAGEMENT POLICY
(INCLUDING RECORD RETENTION, DESTRUCTION & ARCHIVE)**

THE LEGAL POSITION

Babraham Parish Council has custody of the papers of the parish council (LGA 1972 s.226). These papers are defined as the public books, writings and papers of the parish council including photographic copies) and all documents directed by law to be kept therewith. (LGA 1972 s.270(1))

The Council has powers to provide depositories for parish documents and may require the district council to provide a depository.

Local government electors have a right to inspect the minutes of copies and, usually, committee meetings and to make copies(LGA 1972 s.228). Electors may also inspect orders for the payment of money and, at audit time, any interested person may inspect the accounts and supporting papers (LGA 1972 s.228: ACA 1998 s.15) Local council members have a separate statutory right to inspect the council's accounts and to make copies. (LGA 1972.s228 (3))

As a general rule, it is desirable in the interests of open government, and good community relations to allow Interested persons, whether electors or not, to inspect any documents they please. However, due regard should be given to the need for security and, in relation to personal information about individuals, for confidentiality. Due regard must also be had for the relevant statutory controls over the disclosure of information in the Data Protection Act 1998 and the Human Rights Act 1998. The statutory provisions regarding exempt information set out in Part VA of the Local Government Act 1972 (inserted by the Local Government (Access to Information) Act 1985) do not apply to local councils as a matter of law, but there is nothing to prevent a local council from adopting them wholly or in part. The Freedom of Information Act 2000 applies to local councils, although most of the information required to be provided under the Act is covered by the Local Government Act 1972.

FILING CURRENT PAPERS

Normally, these will be kept in a filing cabinet in folders according to subject matter or by number.

RETENTION OF DOCUMENTS

The table below gives guidance on the retention of documents, based on the recommendations from the Audit Commission for audit purposes.

Document	Minimum Retention Period	Reason for Retention
Minute Books	Indefinite	Archive/public inspection

Title deeds, lease agreements, contracts	Indefinite	Audit/Management
Investments	Indefinite	Audit/Management
Scales of fees/charges	5 years	Management
Receipt/payment accounts	Indefinite	Archive
Bank statements inc. deposit/savings accounts	Last completed audit year	Audit
Receipt books of all kinds	Indefinite	VAT
Bank paying in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Quotations/tenders	12 years/indefinite	Limitation Act*
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act*
VAT records	6 years	VAT
Petty cash/postage books	6 years	Tax, VAT & Limitation Act*
Timesheets	Last completed audit year	Audit
Wages books	12 years	Superannuation
Insurance policies	While valid	Management
Allotment registers/plans	Indefinite	Audit/management

*The Limitations Act 1980 (amended) sets down time limits within which court action for breach of contract, to recover damages for tortious actions and to recover land must be started. If not started within the relevant time limits (or during any extension the court might grant at its discretion) legal action is barred.

PLANNING DOCUMENTS

Copies of **Planning Policy Statements** should be kept as long as they are in force.

Planning Application papers.

If planning is granted the papers should be retained until the development is complete and should include any appeal letters if granted on appeal.

If planning is not granted then the papers can be destroyed when the time for lodging an appeal is over. Any appeal letters turning down the application should be kept in case another application is made for the same site.

South Cambridgeshire District Council has all planning applications from 1947 on computer so any application can be accessed at any time

CORRESPONDENCE

Correspondence relating to audit or planning matters should be retained for the same period as for other documentation. Otherwise, correspondence should only be kept whilst the matter is "live". The Clerk should make decisions on these papers.

OTHER DOCUMENTATION

Documents of title and leases must be stored securely and it is usual to store with a solicitor.

Minute books, registers of burials and allotments and other items which must be retained indefinitely, when no longer in current use, may be given on loan to the Local Record Office situated at the Shire Hall, Cambridge. This in no way affects the rights of the public to inspect these documents

REVIEW AND DESTRUCTION OF DOCUMENTS

The Parish Council should review this policy annually and records no longer in use should be disposed of by shredding or by burning.

Documentation relating to staff/personal information.

Should be kept securely and in accordance with the 8 Data Protection principles contained in the Data Protection Act 1998. The principles provide that person data in relation to staff should not be kept for longer than is necessary for the purpose it was held. However, after an employment relationship has ended, the Parish Council will need to retain and access staff records for former staff for the purposes of giving references, payment of tax, national insurance contributions and pensions, and in respect of any related legal claims made against the Parish Council.

Data received and created by Parish Councillors

All data received and created by Councillors acting on behalf of the Parish Council and in their role as an elected member is subject to the Data Protection Act 1998 and Freedom of Information Act 2000.

It is recognised that members of the public may contact Babraham Parish Councillors directly through email or letter from time to time. Councillors should forward the email or letter to the Parish Clerk to respond and delete any electronic copy from their system; or respond to the email or letter directly and provide a copy to the clerk for the formal record.

Councillors should not retain personal information either in paper format or electronically about individuals such as their addresses, emails, and telephone numbers.

The Council must delete any correspondence once a matter has come to a natural conclusion rather than hold the information indefinitely.

The General Data Protection Regulations (GDPR) policy deals with Data Management,

Adopted by Babraham Parish Council March 2017