

Hunington Parish Council

Data Protection Policy

The council considers it necessary to implement a system of records management which incorporates arrangements for the disposal of all or some of its records.

1. General

- a. Any such systems or policies relating to record management will include a review of council documentation on an annual basis.
- b. 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.
- c. Anything that is no longer of use or value can be destroyed if the council is in any doubt it will seek advice from Worcestershire CACL and retain that document until that advice has been received.
- d. Documents of historical importance, if not retained by the council, will be offered first to the county record office.

2. Retention of Documents

- a. Attached is an Annex which indicates the appropriate retention period for audit and other purposes and the reasons for retention. In respect of documents and in case of a legal dispute, council's policy is set out under Section 3.
- b. Other documents not mentioned in the Annex will be treated as follows:

Planning

- All planning applications, plans, decision notices and appeals are available to view online at Bromsgrove District Council. Therefore copy plans will be deleted after the parish council meeting.

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 CALC, NALC 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.
- 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 parish.

Personnel Matters

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

3. Retention of Documents for Legal Purposes

- a. 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.
- b. The table below sets out the limitation periods for the different categories of claim.

| Claims under Category | Limitation Period |
|------------------------------|--------------------------|
| Negligence (and other torts) | 6 years |
| Defamation | 1 year |
| Contract | 6 years |
| Leases | 12 years |
| Sums recovered by statute | 6 years |
| Personal injury | 3 years |
| To recover land | 12 years |
| Rent | 6 years |
| Breach of Trust | None |

Annex to Policy

Retention of Documents Required for the Audit of Parish Councils

| DOCUMENT | MINIMUM RETENTION TIME | REASON |
|--|--|---|
| Minutes Book | Indefinite | Archive |
| Receipts and Payments Accounts | Indefinite | Archive |
| 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 |
| Timesheets | Last completed audit year | Audit |
| Insurance Policies | While valid | Management |
| Certificates for insurance against liability for employers | 40 years from date on which insurance commenced or was renewed | The Employer's Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management |
| Title deeds, leases, agreements and contracts | Indefinite | Audit Management |