NORTHAW AND CUFFLEY PARISH COUNCIL

RECORDS MANAGEMENT POLICY

1. Policy Statement

Northaw and Cuffley Parish Council is required by law to manage its records appropriately. The Data Protection Act 1998, General Data Protection Regulations (GDPR) 2018, Freedom of Information Act 2000 and various other legislation and standards, set out specific requirements in relation to the creation, management and disposal of records to which Northaw and Cuffley Parish Council must comply. This Policy will be updated regularly as required.

2. Scope

a) This statement sets out the Council's policy for the management of records within Northaw and Cuffley Parish Council.

b) The policy identifies the requirements to achieve compliance with the ICO Employment Practices Code, UK Government's Code of Practice on the Management of Records **- for statutory sector only -** (issued under Section 46 of the Freedom of Information Act 2000) and the British Standard for Information and Documentation – records management (BS ISO – 15489).

c) The aim of this policy is to define a framework for managing records to ensure that Northaw and Cuffley Parish Council: -

- create and capture accurate, authentic and reliable records
- maintain records to comply with current legislation and to meet the Council's business/operational requirements
- securely dispose or transfer records that have passed their retention period
- digitise records in accordance with current standards
- protect vital records
- conforms to any legal and statutory requirements relating to record-keeping
- complies with current UK government directives.

d) This Policy applies to all records collected, created, received, processed and maintained by employees and contractors (or those acting as agents) of Northaw and Cuffley Parish Council.

3. What is records management?

a) Records management is a process that is used to ensure that reliable evidence of actions and decisions are kept and that they remain accessible for use when needed.

b) It does not exist in isolation but is connected to other functions such as management of personal information for compliance with the Data Protection Act, Information Security and Information Assurance.

4. What is a record?

a) Northaw & Cuffley Parish Council recognises a record to be "Information created, received and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transactions of business."

b) Records can be classified as structured or unstructured: -
   - **structured records** are created and mainly stored in systems, such as databases, and can be processed or manipulated by software, hardware, (or paper-based);
   - **unstructured records** are created and stored in a less organised manner and are processed by people rather than software or hardware, such as email or images, and include hand-written notes and checklists.

c) Not all documents created by Northaw and Cuffley Parish Council constitute a record. Periodicals, leaflets and uncompleted printed forms are not records. Similarly, documents which do not evidence action undertaken by an individual or service. Scanned copies and altered copies may still be required for legal proceedings.

d) Records created as part of Northaw and Cuffley Parish Council's activities are not the personal property of an individual or team and they belong to the Council as a whole and are part of corporate knowledge.

5. Obligations

a) Northaw and Cuffley Parish Council has an obligation to manage its records in a way that protects the right of the Parish Council, its Councillors, employees, volunteers, service users, customers or clients.

b) It is essential that Northaw and Cuffley Parish Council complies with a number of pieces of legislation and standards governing the management of records and these include but are not limited to the:
   - Data Protection Act 1998
   - Freedom of Information Act 2000 **- statutory sector**
   - Records Management Code of Practice **- statutory sector**
   - Information Commissioners Code of Practice
   - GDPR 2018.

6. Records management – good practice

Good practice in records management will be achieved by the Parish Council: -

- determining what records need to be created in each business process, and what information needs to be included in the records;
- establishing appropriate corporate systems for the capture, storage, long term preservation and disposal of records;
- ensuring that records are maintained in a safe and secure environment;
- ensuring records are retained only to meet operational and legal requirements;
- carrying out regular and appropriate destruction of records using Northaw and Cuffley Parish Council's retention schedule and destruction or transfer processes;

- identifying and evaluating opportunities for improving the effectiveness, efficiency or quality of its processes, decisions and actions;
- assessing the risks that would be entailed by failure to have authoritative records, or by records not being disposed of, or being disposed of inappropriately causing breaches of individual privacy and confidentiality leading to public disclosure;
- ensuring that destruction, deletion and transfer of records are appropriately recorded.

7. Responsibilities

a) The Clerk or their authorised delegate will ensure that: -

- this Policy is implemented in their work areas;
- appropriate staff are identified to assist with the implementation and compliance measurement of the Policy;
- new and existing staff are made aware of the requirements of the Policy and receive appropriate training in respect of its implementation.

b) The Parish Council, individual staff and each team will ensure that: -

- this policy is adhered to;
- appropriate metadata (data that describes other data) is applied to describe the content, context and structure of records;
- ownership and accountability at all times for records created by the creating department to reduce the risk of orphaned (records of data that no longer have connections to other data) records;
- records identified for archival purposes are forwarded to the Clerk;
- records are maintained in a recognised corporate/organisational records management repository for both hard copy and digital records;
- records are stored and managed in a safe and secure environment with access controls appropriate to the sensitivity of the document;
- appropriate contingency plans and procedures are in place to protect records which are vital to the operation of Northaw and Cuffley Parish Council should a disaster event occur;
- records are retained for as long as required but no longer and are disposed of accordingly.

8. The Council's designated Data Protection Officer (DPO)

The DPO will: -

- provide assistance and guidance in implementing and complying with this Policy;
- assist in the completion of information audits;
- advise on strategies for reducing the number of physical records held;
- liaise between teams to make best use of available space and off-site storage facilities;
- carry out compliance audits to ensure Northaw and Cuffley Parish Council's statutory obligations are met and agree corrective action where required.

9. Special provisions

a) Special provisions may arise affecting the retention of, or access to, data. For example, the Investigatory Powers Act 2016 (IPA), deals with certain aspects of

data retention, but also contains provisions extending to the interception of communications. The sections relating to data retention already apply, but the remaining provisions have been subject to legal challenge and are not yet fully in force. Telecommunication companies must keep telephone call logs for one year. Internet service providers must retain communications data (including internet access, email and telephone calls - mobile and landline) for one year.

b) The IPA enables the Government to issue notices in relation to internet connection records including information about which websites a user has visited (their internet browsing history). If authorities wish to obtain details of the content of any communications, a special warrant will be required.

c) The UK Borders Act 2007 and the Immigration, Asylum and Nationality Act 2006 may enable access to personnel records in certain circumstances relating to immigration checks.

10. Destruction process

a) Northaw and Cuffley Parish Council will only use authorised and certified contractors to destroy records and will require the contractor to issue a certificate of destruction showing what has been destroyed, when and where and how records were destroyed.
b) Internal destruction of records must only be undertaken by an authorised officer and be observed by another person. In most cases small quantities can be shredded by a suitable shredder but any records with confidential and/or personal data must not be disposed of through domestic/industrial waste collection, recycled or taken to an authorised landfill site.
c) Electronic destruction of data records must only be undertaken by an IT specialist who will verify that the records have been deleted from all devices and the server.
d) Councillors, employees, volunteers, customers, service users, clients will have the right to have a written verification of how and when their personal data was deleted or destroyed. The Information Commissioner's Office may also demand to see evidence that the destruction process outlined above has been followed.
e) The Parish Council recognises that electronic data and records can be contained in more than one device, on servers, on computers, USBs, within emails, SMS etc and so all of these will need to be checked to ensure the personal data has been identified and destroyed.

11. Associated policies, procedures and guidance

This Policy should be used in conjunction with the Parish Council's Data Protection Policy and Freedom of Information Policy (where this applies).

a) Retention of records

a) There is a substantial amount of UK and EU legislation that has an impact upon the retention of personnel and other related records.

b) In the UK, the Data Protection Act 1998 (DPA) applies to most personnel records, whether held in paper or digital format. Data must not be kept any longer than is necessary for a particular purpose. Both computerised and manual systems can be covered by the law but to be covered, manual systems must be organised into a 'relevant filing system'.

c) Certain documents such as employment contracts, accident record books and other personnel records may be needed in a legal action. Original documents must usually be available, or the employer must explain what happened to the originals backed up by what is known as a 'statement of truth'. When employers really no longer need to keep certain data, destruction must take place securely and effectively, for example by shredding.

d) **Appendix "A"** sets out the statutory and recommended retention periods before destruction can take place. The Parish Council will ensure that they observe these periods before any destruction takes place.

13. Monitoring and review

a) In order to monitor and review the effectiveness of the Policy to meet their data protection legal obligations: -

- compliance with this Policy will be monitored by the DPO and the Parish Council in collaboration with relevant staff;
- deviations from the Policy which present a serious risk to Northaw and Cuffley Parish Council will be reported to the DPO;
- this policy will be reviewed every two years by the DPO and the Parish Council although changes to associated policies or relevant legislation may require further reviews within that period;
- all records reviewed for destruction must be approved by the Clerk prior to secure disposal or transfer to archives for long term preservation.

b) Any questions on this Policy and its implementation should be addressed in the first place to the Clerk.

Lisa Peters
Clerk and Proper Officer
For and on behalf of Northaw and Cuffley Parish Council

Note: This Policy was approved by Northaw and Cuffley Parish Council at the Council meeting on 15 March 2023

Appendix "A"

RECORDS RETENTION LIST

1. The checklist below is divided into two parts:-

- records where there are statutory retention periods, with the statutory authorities;
- records where there are no statutory retention periods but with recommended retention periods.

2. Statutory Retention Periods

The main UK legislation regulating statutory retention periods is summarised below. If organisations are in doubt, it's a good idea to keep records for at least 6 years (5 in Scotland), to cover the time limit for bringing any civil legal action.

Record Type	**Statutory Retention Period**
Accident books, accident records/reports	3 years from the date of the last entry (or, if the accident involves a child/ young adult, then until that person reaches the age of 21). (See below for accidents involving chemicals or asbestos)
Accounting records	7 years
Income tax and NI returns, income tax records and correspondence with HMRC	Not less than 3 years after the end of the financial year to which they relate.
Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH	40 years from the date of the last entry.
Medical records under the Control of Asbestos at Work Regulations: medical records containing details of employees exposed to asbestos and medical examination certificates	40 years from the date of the last entry; (medical examination certificates) 4 years from the date of issue.
Records relating to children and young adults	Until the child/young adult reaches the age of 21.
Retirement Benefits Schemes	6 years from the end of the scheme year in which the event took place.
Statutory Maternity Pay records, calculations, certificates (Mat B1s) or other medical evidence	3 years after the end of the tax year in which the maternity period ends.
Wage/salary records (also overtime, bonuses, expenses)	6 years.
National minimum wage records	3 years after the end of the pay reference period following the one that the records cover.
Records relating to working time	2 years from date on which they were made.

3. Non-Statutory Retention Periods

For many types of HR records, there is no definitive retention period: it is up to the employer to decide how long to keep them. Different organisations make widely differing decisions about the retention periods to adopt. Employers must consider what a necessary retention period is for them, depending on the type of record.

The advice in this appendix is based on the time limits for potential UK tribunal or civil claims. The period is often a question of judgement rather than there being any definitive right answer. The UK Limitation Act 1980 contains a 6-year time limit for starting many legal proceedings and so where documents may be relevant to a contractual claim, it is recommended that these are kept for at least a corresponding 6-year period.

Record Type	**Recommended retention period**
Application forms and interview notes (for unsuccessful candidates)	6 months to a year. (Because of the time limits in the various discrimination Acts, minimum retention periods for records relating to advertising of vacancies and job applications should be at least 6 months. A year may be more advisable as the time limits for bringing claims can be extended. Successful job applicant's documents transferred to the personnel file.
Assessments under health and safety regulations and records of consultations with safety representatives and committees	Permanently.
Inland Revenue/HMRC approvals	Permanently.
Money purchase details	6 years after transfer or value taken.
Parental leave	5 years from birth/adoption of the child or 18 years if the child receives a disability allowance.
Pension scheme investment policies	12 years from the ending of any benefit payable under the policy.
Pensioners' records	12 years after benefit ceases.
Personnel files and training records (including disciplinary records and working time records)	6 years after employment ceases.
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years from the date of redundancy
Senior executives' records (that is, those on a senior management team or their equivalents)	Permanently for historical purposes
Statutory Sick Pay records, calculations, certificates, self-certificates	The Statutory Sick Pay (Maintenance of Records) (Revocation) Regulations 2014 (SI 2014/55) abolished the former obligation on employers to keep these records. Although there is

Record Type	Recommended retention period
	no longer a specific statutory retention period, employers still have to keep sickness records to best suit their business needs. It is advisable to keep records for at least 3 months after the end of the period of sick leave in case of a disability discrimination claim. However, if there were to be a contractual claim for breach of an employment contract it may be safer to keep records for 6 years after the employment ceases.
Time cards	2 years after audit.
Trade union agreements	10 years after ceasing to be effective
Trust deeds Trustees' minute books and rules	Permanently
Works council minutes	Permanently

Source: Chartered Institute of Personnel & Development (CIPD) 2018

4. SLCC Advice

The following schedule has been recommended by the Society of Local Council Clerks (SLCC) for relevant retention periods.

Specific local council document	Retention period
Minutes	Indefinite – particularly signed paper copies of council minutes of meetings
Agendas	5 years
Accidents/incident reports	20 years (NB: This is much longer than that recommended by the CIPD) Normally civil claims have to be made within 6 years.
Scales of fees and charges	6 years
Receipt and payment accounts	Indefinite
Receipt books	6 years
Bank statements including savings/deposit accounts	Last completed audit year
Bank paying in books	Last completed audit year
Cheque book stubs	Last completed audit year
Quotations and tenders	6 years
Paid invoices	6 years
Paid cheques	6 years
VAT records	6 years generally but 20 years for VAT on rents
Petty cash, postage, and telephone books	6 years
Timesheets	Last completed audit year 3 years
Wages books/payroll	12 years

Specific local council document	Retention period
Insurance policies	While valid unless claim in progress or imminent
Insurance company names and policy numbers	Indefinite
Certificates of insurance against liability for employees	40 years from date on which insurance commenced or was renewed
Parish Council Park equipment inspection reports	21 years

Source: SLCC Data Management and GDPR