

**THETFORD TOWN COUNCIL**

MINUTES OF A MEETING OF THE PERSONNEL COMMITTEE  
HELD IN THE COUNCIL CHAMBER, KING'S HOUSE, THETFORD,  
ON WEDNESDAY 6<sup>th</sup> JUNE 2018, STARTING AT 5:00 P.M.

Present:

The Mayor, Councillor R F W Brame

Councillors

M P Brindle  
C Harvey  
T Jermy  
D Crawford  
J Newton

B J Canham  
J Hollis  
S Armes  
M Robinson  
M Taylor

Officer present:  
Tina Cunnell

Town Clerk

**MINUTES**

- 65/18     ELECTION OF COMMITTEE CHAIRMAN AND VICE CHAIRMAN FOR THE MAYORAL YEAR 2018/19  
Chair  
**RESOLVED: That Councillor R Brame be elected Chairman of the Personnel Committee for the Mayoral year 2018/19.**  
Vice Chair  
**RESOLVED: That Councillor J Hollis be elected Vice Chairman of the Personnel Committee for the Mayoral year 2018/19.**
- 66/18     DECLARATIONS OF ANY DISCLOSABLE PECUNIARY INTERESTS  
None
- 67/18     APOLOGIES FOR ABSENCE  
None
- 68/18     MINUTES  
**RESOLVED: The minutes of the Committee's meeting held on 8<sup>th</sup> May 2018, received by Council on 29<sup>th</sup> May 2018 as a true record and signed/initialled by the Committee Chairman.**
- 69/18     TRAINING & STAFF UPDATE  
Clerk briefed on training undertaken and requested, and that Cllr Jane James and Joe Cunnell have completed their ILCA training and are awaiting their results. Feedback was sought on the course and it was found that an overview of how councils work outside of their current responsibilities are both informative and helpful. However the actual format of the course could be more user friendly.  
Cllr Harvey stated that the Cemeteries course was very informative and enjoyable and would recommended it to others.

A meeting has been booked with the HR consultants to discuss personal development plans (PDP's) in order for a quote to be sought for production and initiation of personal development plans for staff and councillors.

### Staff and Councillor Training 2018/19

Date of Course	Course	Attendees
13 <sup>th</sup> April	Assertiveness Training	K Leeder
3 <sup>rd</sup> May	Finance Training including annual return, transparency internal control and VAT	R Carter C Ashmore
15 <sup>th</sup> May 18	Cemetery Management	K Leeder N Thompson, C Harvey
19 <sup>th</sup> September	Effective report writing	M Robinson
Awaiting result	ILCA	J James J Cunnell
Training requests	Grants and funding	J James, M Brindle
	Management of open spaces	M Brindle
	Management of buildings including letting	M Brindle
	Public speaking	C Harvey, B Canham, D Crawford

70/18

#### GENERAL DATA PROTECTION REGULATION (GDPR)

To approve the following policies (see attached):

- Information & data protection policy
- Privacy Notice
- Subject Access required
- Email privacy policy
- Document retention and disposal policy

The following points were discussed:

- Still no written confirmation that town and parish councils do not need a data protection officer
- There may be a cost for registering councillors to be data controllers
- Issuing of data consent forms
- Email statement

Cllr Canham proposed and Cllr Brindle seconded that the listed policies be Adopted by Full Council.

**RECOMMENDATION: That Thetford Town Council adopt the following policies.**

- **Information & data protection policy (see Appendix A)**
- **Privacy Notice (see Appendix B)**
- **Subject Access required (see Appendix C)**
- **Email privacy policy (see Appendix D)**

- **Document retention and disposal policy (see Appendix E)**

71/18

ITEMS OF URGENT BUSINESS

Clerk has been looking into cloud servers and digital data protection as the server and phone contracts end this year. Councillors will be updated on this next month and councillors have requested to look into paperless working.

72/18

COMMUNITY ENGAGEMENT

None

73/18

EXCLUSION OF PRESS AND PUBLIC

To consider resolving that, pursuant to the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded for any remaining items of business on the grounds that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be discussed.

74/18

STAFF MATTERS

Chairman.

ASAP

## APPENDIX A



# INFORMATION & DATA PROTECTION POLICY

## INTRODUCTION

In order to conduct its business, services and duties, Thetford Town Council processes a wide range of data, relating to its own operations and some which it handles on behalf of partners. In broad terms, this data can be classified as:

- Data shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public.
- Confidential information and data not yet in the public arena such as ideas or policies that are being worked up.
- Confidential information about other organisations because of commercial sensitivity.
- Personal data concerning its current, past and potential employees, Councillors, and volunteers.
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

Thetford Town Council will adopt procedures and manage responsibly, all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public. In some cases, it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation.

The Town Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office.

The Council will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. Therefore, in the case of all information which is not personal or confidential, it will be prepared to make it available to partners and members of the Town's communities. Details of information which is routinely available is contained in the Council's Publication Scheme which is based on the statutory model publication scheme for local councils.

## Protecting Confidential or Sensitive Information

(Your Council Name) recognises it must at times, keep and process sensitive and personal information about both employees and the public, it has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.

The General Data Protection Regulation (GDPR) which became law on 25<sup>th</sup> May 2018 and will like the the Data Protection Act 1998 before them, seek to strike a balance between the rights of individuals and the sometimes, competing interests of those such as the Town Council with legitimate reasons for using personal information.

### The policy is based on the premise that Personal Data must be:

- Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up to date.
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

### Data Protection Terminology

**Data subject** - means the person whose personal data is being processed. That may be an employee, prospective employee, associate or prospective associate of BTC or someone transacting with it in some way, or an employee, Member or volunteer with one of our clients, or persons transacting or contracting with one of our clients when we process data for them.

**Personal data** - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

**Sensitive personal data** - includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

**Data controller** - means a person who (either alone or jointly or in common with other persons) (e.g. Town Council, employer, council) determines the purposes for which and the manner in which any personal data is to be processed.

**Data processor** - in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

**Processing information or data** - means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organising, adapting or altering it
  - retrieving, consulting or using the information or data
  - disclosing the information or data by transmission, dissemination or otherwise making it available
  - aligning, combining, blocking, erasing or destroying the information or data.
- regardless of the  
Technology used.

Thetford Town Council processes **personal data** in order to:

- fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law.
- pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law.
- monitor its activities including the equality and diversity of its activities
- fulfil its duties in operating the business premises including security
- assist regulatory and law enforcement agencies
- process information including the recording and updating details about its Councillors, employees, partners and volunteers.
- process information including the recording and updating details about individuals who contact it for information, or to access a service, or make a complaint.
- undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council.
- undertake research, audit and quality improvement work to fulfil its objects and purposes.
- carry out Council administration.

Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other appropriate bodies from time to time.

**The Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:**

- The individual has consented to the processing
- Processing is necessary for the performance of a contract or agreement with the individual
- Processing is required under a legal obligation
- Processing is necessary to protect the vital interests of the individual
- Processing is necessary to carry out public functions
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

Particular attention is paid to the processing of any **sensitive personal information** and the Town Council will ensure that at least one of the following conditions is met:

- Explicit consent of the individual
- Required by law to process the data for employment purposes
- A requirement in order to protect the vital interests of the individual or another person

**Who is responsible for protecting a person's personal data?**

The Town Council as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation.

Please contact us at:

Email: [mail@thetfordtowncouncil.gov.uk](mailto:mail@thetfordtowncouncil.gov.uk)

Phone: 01842 754247

Post: Thetford Town Council, Kings House, King Street, Thetford, IP24 2AT.

**Diversity Monitoring**

Thetford Town Council monitors the diversity of its employees, and Councillors, in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It undertakes similar data handling in respect of prospective employees. This data will always be treated as confidential. It will only be accessed by authorised individuals within the Council and will not be disclosed to any other bodies or individuals. Diversity information will never be used as selection criteria and will not be made available to others involved in the recruitment process. Anonymised data derived from diversity monitoring will be used for monitoring purposes and may be published and passed to other bodies.

The Council will always give guidance on personnel data to employees, councillors, partners and volunteers through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Appropriate technical and organisational measures will be taken against Unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Personal data shall not be transferred to a country or territory outside the European Economic Areas unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

**Information provided to us**

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By

transacting with Thetford Town Council, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however where ever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that the Town Council is able to keep their personal data accurate and up-to-date. The personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided.

### **The Councils Right to Process Information**

General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e)

Processing is with consent of the data subject, or

Processing is necessary for compliance with a legal obligation.

Processing is necessary for the legitimate interests of the Council.

### **Information Security**

The Town Council cares to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies.

We will only keep your data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

### **Children**

We will not process any data relating to a child (under 13) without the express parental/ guardian consent of the child concerned.

### **Rights of a Data Subject**

**Access to Information:** an individual has the right to request access to the information we have on them. They can do this by contacting our Town Clerk .

**Information Correction:** If they believe that the information we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. Please contact: Town Clerk.

**Information Deletion:** If the individual wishes the Town Council to delete the information about them, they can do so by contacting the Town Clerk.

**Right to Object:** If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Town Clerk.

The Town Council does not use automated decision making or profiling of individual personal data.

**Complaints:** If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Town Clerk, or the Information Commissioners Office [casework@ico.org.uk](mailto:casework@ico.org.uk) Tel: 0303 123 1113.

The Council will always give guidance on personnel data to employees through the Employee handbook.

The Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

### **Making Information Available**

The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community.

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish. It is supplemented with an Information Guide which will give greater detail of what the Council will make available and hopefully make it easier for people to access it.

All formal meetings of Council and its committees are subject to statutory notice being given on notice boards, as well as the Website and social media. The Council publishes an annual programme in May each year. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public participation session on each Council and committee meeting. Details can be seen in the Council's Standing Orders, which are available on its Website or at its Offices.

Occasionally, Council or committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and administrative decisions such as giving instructions to the workforce or paying an invoice approved by Council, but would include urgent action taken after consultation with the Chairman, such as responding to a planning application in advance of Council. In other words, decisions which would have been made by Council or committee had the delegation not been in place.

The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of council and committee meetings normally open to the public. The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.

The Council will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

### **Disclosure Information**

The Council will as necessary undertake checks on both staff and Members with the the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information. It will include an appropriate operating procedure in its integrated quality management system.

### **Data Transparency**

The Council has resolved to act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the key principles for local authorities in creating greater transparency through the publication of public data and is intended to help them meet obligations of the legislative framework concerning information.

“Public data” means the objective, factual data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery.

The Code will therefore underpin the Council’s decisions on the release of public data and ensure it is proactive in pursuing higher standards and responding to best practice as it develops.

The principles of the Code are:

**Demand led:** new technologies and publication of data should support transparency and accountability

**Open:** the provision of public data will be integral to the Council’s engagement with residents so that it drives accountability to them.

**Timely:** data will be published as soon as possible following production.

Government has also issued a further Code of Recommended Practice on Transparency, compliance of which is compulsory for parish councils with turnover (gross income or gross expenditure) not exceeding £25,000 per annum. These councils will be exempt from the requirement to have an external audit from April 2017. Thetford Town Council exceeds this turnover but will never the less ensure the following information is published on its Website for ease of access:

- All transactions above £100.
- End of year accounts
- Annual Governance Statements
- Internal Audit Reports
- List of Councillor or Member responsibilities
- Details of public land and building assets
- Draft minutes of Council and committees within one month
- Agendas and associated papers no later than three clear days before the meeting.

## **APPENDIX B**

### **Councillor Privacy Notice When you sign your acceptance of office and take your seat**

The information you provide (personal information such as name, address, email address, phone number, register of interests and other relevant information) will be processed and stored so that it is possible to contact you, respond to your correspondence and retain information relating to your time in office with the Council. (The Council ask that you provide a dedicated email address for conducting Council business). Your personal information will not be shared with any third party other than those related to a statutory or lawful requirement or with your consent.

#### **When you contact us**

The information you provide (personal information such as name, address, email address, phone number, organisation) will be processed and stored to enable us to contact you and respond to your correspondence, provide information and/or access our facilities and services. Your personal information will be not shared or provided to any other third party.

#### **The Councils Right to Process Information**

General Data Protection Regulations Article 6 (1) (a) (b) and (e)

Processing is with consent of the data subject or  
Processing is necessary for compliance with a legal obligation or  
Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

#### **Information Security**

Thetford Town Council has a duty to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies. Copies of these policies can be requested.

We will only keep your data for the purpose it was collected for and only for as long as is necessary. After which it will be deleted. (You may request the deletion of your data held by Thetford Town Council at any time).

#### **Access to Information**

You have the right to request access to the information we have on you. You can do this by contacting us via email [mail@thetfordtowncouncil.gov.uk](mailto:mail@thetfordtowncouncil.gov.uk)

#### **Information Correction**

If you believe that the information we have about you is incorrect, you may contact us so that we can update it and keep your data accurate. You can do this by contacting us via email [mail@thetfordtowncouncil.gov.uk](mailto:mail@thetfordtowncouncil.gov.uk)

#### **Information Deletion**

If you wish Thetford Town Council to delete your information, you can do this by contacting us via email [mail@thetfordtowncouncil.gov.uk](mailto:mail@thetfordtowncouncil.gov.uk)

### **Right to Object**

If you believe that your data is not being processed for the purpose it has been collected for, you may object: You can do this by contacting us via email [mail@thetfordtowncouncil.gov.uk](mailto:mail@thetfordtowncouncil.gov.uk)

### **Rights Related to Automated Decision Making and Profiling**

Thetford Town Council does not use any form of automated decision making or the profiling of individual personal data.

### **Complaints**

If you have a complaint regarding the way your personal data has been processed you may make a complaint to Thetford Town via email [mail@thetfordtowncouncil.gov.uk](mailto:mail@thetfordtowncouncil.gov.uk) and the Information Commissioners Office [casework@ico.org.uk](mailto:casework@ico.org.uk) Tel: 0303 123 1113

**Summary:** In accordance with the law, Thetford Town Council only collect a limited amount of information about you that is necessary for correspondence, information and service provision. Thetford Town Council do not use profiling, we do not sell or pass your data to third parties. Thetford Town Council do not use your data for purposes other than those specified. Thetford Town Council make sure your data is stored securely. Thetford Town Council delete all information deemed to be no longer necessary. Thetford Town Council constantly review our Privacy Policies to keep it up to date in protecting your data. (You can request a copy of our policies at any time).

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**APPENDIX C**

**THETFORD TOWN COUNCIL  
Subject Access Request Form**

<b>Process to Action</b>		
Name of requester (Method of communication) Email Address Phone number Postal Address		
Date Subject Access Request made		
Is the request made under the Data Protection Legislation	Yes	No
Date Subject Access Request action to be completed by (One month after receipt time limit)		
Extension to the date of reply requested ( An extension of another two months is permissible provided it is communicated to the subject within the one month period)	Yes	No
Extension date advised to the Subject Requester and method of contact		
Identification must be proven from the below list: Current UK/EEA Passport UK Photo card Driving Licence (Full or Provisional) EEA National Identity Card Full UK Paper Driving Licence State Benefits Entitlement Document State Pension Entitlement Document HMRC Tax Credit Document Local Authority Benefit Document State/Local Authority Educational Grant Document HMRC Tax Notification Document Disabled Driver's Pass Financial Statement issued by bank, building society or credit card company Utility bill for supply of gas, electric, water or telephone landline A recent Mortgage Statement A recent council Tax Bill/Demand or Statement Tenancy Agreement Building Society Passbook which shows a transaction in the last 3 months and their address		
Verification sought that the Subject Access request is substantiated	Yes	No
Verification received	Yes	No
Verification if the Council cannot provide the information requested	Yes	No
Is the request excessive or unfounded?	Yes	No
Request to be actioned	Yes	No
Fee to be charged (Subject Access requests must be undertaken free of charge to a requester unless the legislation permits a reasonable charge)	Yes	No
If the request is to be refused, action to be taken and by whom.		

Changes requested to data/ or removal	
<b>Complaint Process</b> (Where a requestor is not satisfied with a response to a SAR, the council must manage this as a complaint)	
Completion date of request	
Date complaint received by requested and details of the complaint	
Date complaint completed and outcome	

Categories of Data to Check

Data	Filing Cabinet	Laptop	Checked	Corrected/Deleted	Actioned by
HR					
Democracy					
Statutory Function					
legal					
Business					
Legal requirement					
General Data					
Consultation Data					

## APPENDIX D

### Email Contact Privacy Notice

#### When you contact us

The information you provide (personal information such as name, address, email address, phone number, organisation) will be processed and stored to enable us to contact you and respond to your correspondence, provide information and/or access our facilities and services. Your personal information will be not shared or provided to any other third party.

#### The Councils Right to Process Information

General Data Protection Regulations Article 6 (1) (a) (b) and (e)

Processing is with consent of the data subject or

Processing is necessary for compliance with a legal obligation or

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

#### Information Security

Thetford Town Council has a duty to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies. Copies of these policies can be requested.

We will only keep your data for the purpose it was collected for and only for as long as is necessary. After which it will be deleted. (You may request the deletion of your data held by Thetford Town Council at any time)

#### Children

We will not process any data relating to a child (under 13) without the express parental/ guardian consent of the child concerned.

#### Access to Information

You have the right to request access to the information we have on you. You can do this by emailing us on [mail@thetfordtowncouncil.gov.uk](mailto:mail@thetfordtowncouncil.gov.uk)

#### Information Correction

If you believe that the information we have about you is incorrect, you may contact us so that we can update it and keep your data accurate. You can do this by emailing us on [mail@thetfordtowncouncil.gov.uk](mailto:mail@thetfordtowncouncil.gov.uk)

#### Information Deletion

If you wish Thetford Town council to delete the information about you can do this by emailing us on [mail@thetfordtowncouncil.gov.uk](mailto:mail@thetfordtowncouncil.gov.uk)

#### Right to Object

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#### Rights Related to Automated Decision Making and Profiling

Thetford Town Council does not use any form of automated decision making or the profiling of individual personal data.

## **Complaints**

If you have a complaint regarding the way your personal data has been processed you may make a complaint, you can do this by emailing us on [mail@thetfordtowncouncil.gov.uk](mailto:mail@thetfordtowncouncil.gov.uk) and the Information Commissioners Office [casework@ico.org.uk](mailto:casework@ico.org.uk) Tel: 0303 123 1113

**Summary:** In accordance with the law, Thetford Town Council only collect a limited amount of information about you that is necessary for correspondence, information and service provision. Thetford Town Council do not use profiling, we do not sell or pass your data to third parties. Thetford Town Council do not use your data for purposes other than those specified. Thetford Town Council make sure your data is stored securely. Thetford Town Council delete all information deemed to be no longer necessary. Thetford Town Council constantly review our Privacy Policies to keep it up to date in protecting your data. (You can request a copy of our policies at any time).

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## APPENDIX E

# Retention and Disposal Policy

## 1. Introduction

- 1.1 The Council accumulates a vast amount of information and data during the course of its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in various different types of document.
- 1.2 Records created and maintained by the Council are an important asset and as such measures need to be undertaken to safeguard this information. Properly managed records provide authentic and reliable evidence of the Council's transactions and are necessary to ensure it can demonstrate accountability.
- 1.3 Documents may be retained in either 'hard' paper form or in electronic forms. For the purpose of this policy, 'document' and 'record' refers to both hard copy and electronic records.
- 1.4 It is imperative that documents are retained for an adequate period of time. If documents are destroyed prematurely the Council and individual officers concerned could face prosecution for not complying with legislation and it could cause operational difficulties, reputational damage and difficulty in defending any claim brought against the Council.
- 1.5 In contrast to the above the Council should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with the General Data Protection Regulations so that personal information is not retained longer than necessary. This will also ensure the most efficient use of limited storage space.

## 2. Scope and Objectives of the Policy

- 2.1 The aim of this document is to provide a working framework to determine which documents are:
  - Retained – and for how long; or
  - Disposed of – and if so by what method.
- 2.2 There are some records that do not need to be kept at all or that are routinely destroyed in the course of business. This usually applies to information that is duplicated, unimportant or only of a short-term value. Unimportant records of information include:
  - 'With compliments' slips.
  - Catalogues and trade journals.
  - Non-acceptance of invitations.
  - Trivial electronic mail messages that are not related to Council business.
  - Requests for information such as maps, plans or advertising material.
  - Out of date distribution lists.
- 2.3 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.

- 2.4 Records should not be destroyed if the information can be used as evidence to prove that something has happened. If destroyed the disposal needs to be disposed of under the General Data Protection Regulations

### **3. Roles and Responsibilities for Document Retention and Disposal**

- 3.1 Councils are responsible for determining whether to retain or dispose of documents and should undertake a review of documentation at least on an annual basis to ensure that any unnecessary documentation being held is disposed of under the General Data Protection Regulations.
- 3.2 Councils should ensure that all employees are aware of the retention/disposal schedule.

### **4. Document Retention Protocol**

- 4.1 Councils should have in place an adequate system for documenting the activities of their service. This system should take into account the legislative and regulatory environments to which they work.
- 4.2 Records of each activity should be complete and accurate enough to allow employees and their successors to undertake appropriate actions in the context of their responsibilities to:
- Facilitate an audit or examination of the business by anyone so authorised.
  - Protect the legal and other rights of the Council, its clients and any other persons affected by its actions.
  - Verify individual consent to record, manage and record disposal of their personal data.
  - Provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.
- 4.3 To facilitate this the following principles should be adopted:
- Records created and maintained should be arranged in a record-keeping system that will enable quick and easy retrieval of information under the General Data Protection Regulations
  - Documents that are no longer required for operational purposes but need retaining should be placed at the records office.
- 4.4 The retention schedules in Appendix A: List of Documents for Retention or Disposal provide guidance on the recommended minimum retention periods for specific classes of documents and records. These schedules have been compiled from recommended best practice from the Public Records Office, the Records Management Society of Great Britain and in accordance with relevant legislation.
- 4.5 Whenever there is a possibility of litigation, the records and information that are likely to be affected should not be amended or disposed of until the threat of litigation has been removed.

## **5. Document Disposal Protocol**

- 5.1 Documents should only be disposed of if reviewed in accordance with the following:
- Is retention required to fulfil statutory or other regulatory requirements?
  - Is retention required to meet the operational needs of the service?
  - Is retention required to evidence events in the case of dispute?
  - Is retention required because the document or record is of historic interest or intrinsic value?
- 5.2 When documents are scheduled for disposal the method of disposal should be appropriate to the nature and sensitivity of the documents concerned. A record of the disposal will be kept to comply with the General Data Protection Regulations.
- 5.3 Documents can be disposed of by any of the following methods:
- Non-confidential records: place in waste paper bin for disposal.
  - Confidential records or records giving personal information: shred documents.
  - Deletion of computer records.
  - Transmission of records to an external body such as the County Records Office.
- 5.4 The following principles should be followed when disposing of records:
- All records containing personal or confidential information should be destroyed at the end of the retention period. Failure to do so could lead to the Council being prosecuted under the General Data Protection Regulations.
  - the Freedom of Information Act or cause reputational damage.
  - Where computer records are deleted steps should be taken to ensure that data is 'virtually impossible to retrieve' as advised by the Information Commissioner.
  - Where documents are of historical interest it may be appropriate that they are transmitted to the County Records office.
  - Back-up copies of documents should also be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).
- 5.5 Records should be maintained of appropriate disposals. These records should contain the following information:
- The name of the document destroyed.
  - The date the document was destroyed.
  - The method of disposal.

## **6. Data Protection Act 1998 – Obligation to Dispose of Certain Data**

- 6.1 The Data Protection Act 1998 ('Fifth Principle') requires that personal information must not be retained longer than is necessary for the purpose for which it was originally obtained. Section 1 of the Data Protection Act defines personal information as:

Data that relates to a living individual who can be identified:

- a) from the data, or

b) from those data and other information which is in the possession of, or is likely to come into the possession of the data controller.  
It includes any expression of opinion about the individual and any indication of the intentions of the Council or other person in respect of the individual.

6.2 The Data Protection Act provides an exemption for information about identifiable living individuals that is held for research, statistical or historical purposes to be held indefinitely provided that the specific requirements are met.

6.3 Councils are responsible for ensuring that they comply with the principles of the under the General Data Protection Regulations namely:

- Personal data is processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.
- Personal data shall only be obtained for specific purposes and processed in a compatible manner.
- Personal data shall be adequate, relevant, but not excessive.
- Personal data shall be accurate and up to date.
- Personal data shall not be kept for longer than is necessary.
- Personal data shall be processed in accordance with the rights of the data subject.
- Personal data shall be kept secure.

6.4 External storage providers or archivists that are holding Council documents must also comply with the above principles of the General Data Protection Regulations.

## **7. Scanning of Documents**

7.1 In general once a document has been scanned on to a document image system the original becomes redundant. There is no specific legislation covering the format for which local government records are retained following electronic storage, except for those prescribed by HM Revenue and Customs.

7.2 As a general rule hard copies of scanned documents should be retained for three months after scanning.

7.3 Original documents required for VAT and tax purposes should be retained for six years unless a shorter period has been agreed with HM Revenue and Customs.

## **8. Review of Document Retention**

8.1 It is planned to review, update and where appropriate amend this document on a regular basis (at least every three years in accordance with the *Code of Practice on the Management of Records* issued by the Lord Chancellor).

8.2 This document has been compiled from various sources of recommended best practice and with reference to the following documents and publications:

- *Local Council Administration*, Charles Arnold-Baker, 910<sup>h</sup> edition, Chapter 11
- Local Government Act 1972, sections 225 – 229, section 234

- SLCC Advice Note 316 Retaining Important Documents
- SLCC Clerks' Manual: Storing Books and Documents
- *Lord Chancellor's Code of Practice on the Management of Records* issued under Section 46 of the *Freedom of Information Act 2000*

## **9. List of Documents**

- 9.1 The full list of the Council's documents and the procedures for retention or disposal can be found in Appendix A: List of Documents for Retention and Disposal. This is updated regularly in accordance with any changes to legal requirements.

ASAP