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# Document and Data Retention Policy

How Llantwit Fardre Community Council's responsibly safeguards data in electronic and paper formats ensuring that it is appropriately categorised, stored and erased for the purposes of Data Protection.

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## 1. Introduction

### 1.1 Purpose

Information is one of Llantwit Fardre Community Council's' corporate assets, in the course of carrying out its auditing functions, Llantwit Fardre Community Council's accumulates information from both individuals and external organisations. Llantwit Fardre Community Council's also generates a wide range of data, which is recorded in documents and records.

- a) These documents and records are in several different formats, examples of which include, (but are not limited to) communications such as letters, emails and attendance notes; financial information including invoices, statements and reports; legal documents such as contracts, deeds, loan and finance agreements; and information relating to various types of financial transactions, including bank statements, investment statements, asset registers, tax records, payroll information and insurance policies.
- b) For the purposes of this Policy, the terms 'document' and 'records' include information in both hard copy and electronic form.
- c) In certain circumstances it will be necessary to retain specific documents in order to fulfil statutory or regulatory requirements as auditors and also to meet operational needs. Document retention may also be useful to evidence audit findings in the case of anomalies being identified, and also to preserve information which has evidential value.
- d) Premature destruction of documents could result in inability to defend litigious claims, operational difficulties and failure to comply with the Freedom of Information Act 2000 and the General Data Protection Regulation EU 2016/679.
- e) The retention of all documents and records is impractical. Disposal assists Llantwit Fardre Community Council's to maintain sufficient electronic and office storage space and will de-clutter office accommodation, resulting in a more desirable working environment. It also ensures that Llantwit Fardre Community Council's complies with the General Data Protection Regulation EU 2016/679.

- f) It is important for the above reasons that Llantwit Fardre Community Council's has in place systems for the timely and secure disposal of documents and records that are no longer required for business or statutory purposes.

## 2. Aims and Objectives

- a) The key objective of this Policy is to provide Llantwit Fardre Community Council with a simple framework which will govern decisions on whether a particular document should be retained or disposed of. In the case of documents which are to be retained by Llantwit Fardre Community Councils , the Policy includes guidance on the format in which they should be retained and appropriate retention periods.
- b) Implementation of the Policy should save Llantwit Fardre Community Council's officers time when retrieving information, in particular by reducing the amount of information that may be held unnecessarily.
- c) The Policy clarifies the different roles of Llantwit Fardre Community Council's officers in relation to document retention and disposal in order that they understand their responsibilities, and who to refer to if they are unsure about any document and require clarification.
- d) It is envisaged that this Policy will assist Llantwit Fardre Community Council in securing compliance with legal and regulatory requirements, including the Freedom of Information Act 2000, the Environmental Information Regulations 2005, the General Data Protection Regulation EU 2016/679 and the Code of Practice on the Management of Records under Section 46 of the Freedom of Information Act 2000. In addition to assisting officers in their day-to-day business, this should also ensure that searches for information requested under the Freedom of Information legislation are as quick as possible.
- e) Additionally, the Policy should help to ensure that Llantwit Fardre Community Council's archives records and documents that are of historical value appropriately for the benefit of future generations.

## 3. Scope

- a) This Document Retention Policy applies to all information held by Llantwit Fardre Community Council's and any external service providers in the event that such an organisation is processing information on' behalf.

## 4. Policy Statement

- a) Llantwit Fardre Community Council's will ensure that information is not kept longer than is necessary and will retain the minimum amount of information that it requires to conduct its' statutory functions and the provision of its auditing services.

## 5. Retention and Disposal Policy

- a) Decisions relating to the retention and disposal of documentation should be taken in accordance with this Policy, in particular: -
  - Appendix 1 – Disposal and Retention Considerations – a checklist to be followed where the disposal of any document is being considered.
  - Appendix 2 – Document Retention Schedules – Comprehensive guidance on the recommended and statutory minimum retention periods for specific types of documents and records.
- b) In circumstances where a retention period of a specific document has expired, a review should always be carried out prior to a decision being made to dispose of it. This review should not be particularly time consuming and should be straightforward. If the decision to dispose of a document is taken, then that document will be disposed of securely by shredding and subsequent destruction in relation to paper documents or deleted from electronic storage using a permanent delete application.

## 6. Roles and Responsibilities

- a) The Clerk will be responsible for determining (in accordance with this Policy) whether to retain or dispose of specific documents within the remit of their service area.
- b) The Clerk may delegate the operational aspect of this function to the Data Protection Officer/ Deputy Clerk.
- c) The Data Protection Officer should seek legal advice if they are uncertain as to whether minimum retention periods are prescribed by law, or whether the retention of a document is necessary to protect Llantwit Fardre Community Council's' position where a potential evidentiary issue has been identified.
- d) The Data Protection Officer should ensure that the Schedule in Appendix 2 which is relevant to Llantwit Fardre Community Council's' services is kept up to date.

## 7. Disposal

- a) Confidential waste documents should be made available for collection by use of the confidential waste sacks which are provided to Members by Llantwit Fardre Community Council in order that they can be destroyed. It is essential that any documents which are to be thrown away and contain confidential or personal data must be disposed of in this way, in order to avoid breaches of confidence or of the General Data Protection Regulation EU 2016/679.

- b) Disposal of documents other than those containing confidential or personal data may be disposed of by binning, recycling, and permanent deletion (in the case of electronic documents), and the transfer of documents to external bodies. Transfer of documents to external bodies will be unusual but could be relevant where documents are of evidentiary interest and may therefore be sent to the investigating authority, i.e. the Police or HMRC.
- c) Records of disposal should be maintained by the Data Protection Officer, and should detail the document disposed of, the date and the Consultant who provided the document for disposal.

# APPENDIX 1

## Disposal and Retention Considerations

Each of the following questions and guidance underneath them should be considered prior to the disposal of any document.

### **1. Has the document been appraised?**

- Check that the nature and contents of the document is suitable for disposal.

### **2. Is retention required to fulfil statutory obligations or other investigatory obligations?**

- Specific legislation setting out mandatory retention periods for documentation held by local government is very limited, but includes the following: -
  - The Local Government Act 1972, Part VA – Governs public access to certain documents relating to Council's minutes and the management of Committee meetings.

### **3. Is retention required for evidence?**

- Keep any documents which may be required for legal proceedings until the threat of proceedings has passed.
- The limitation period for commencing litigation should also be a key consideration. This is governed by the Limitation Act 1980 and the main time limits that apply directly to local government are:-
  - Contract or tort (such as negligence or nuisance) claims (other than personal injury) cannot be brought after six years from the date on which the cause of the action occurred.
  - Personal injury claims cannot be brought after three years from the date on which the cause of action occurred.
  - Claims based on provisions contained in documents that are 'under seal' cannot be brought after twelve years from the date on which the cause of action occurred.
- There is no statute of limitation for a criminal offence. Any document deemed to be evidentiary in nature in result of a criminal offence will be passed to the relevant investigating authority and a copy retained until the conclusion of the investigation.

# Appendix 2

## Document Retention Schedules

### 2. Explanation of Retention Schedule Headings

- a) There is a Document Retention Schedule for each document type. The headings in each Schedule are as follows:
- b) **Reference Number** – This section provides ease of reference.
- c) **Function Description** – The Schedule provides notes that define each function in terms of related activities.
- d) **Retention Action** – This entry provides the guidance as to whether the document should be retained, and if so how long for. It also provides g

### 3. Glossary of Terms

**Archiving** – The method of archiving selected may include, but will not be limited to, electronic storage on records management systems, storage in secure filing cabinets, strong rooms or other designated areas within ' offices.

**Administrative Use** – When business use has been ended, or the file has been closed.

**Closure** – 'Destroy 'x' years from closure'. A record/file is closed when it ceases to be active. After closure, no new papers/information should be added to the record. Triggers for closure of a file include: reaching an unmanageable size; covering a period of 'x' years or more; no records added for 'x' period of time; no action taken after 'x' period of time.

**Closure Period** – Specified period of time during which the record is subject to restrictions on provision of access to staff and/or the public may be dictated by statutory requirements or by the authority's policy. Any closure period should comply with current legislation on access to local government information – including the General Data Protection Regulation EU 2016/679 and the Freedom of Information Act 2000.

**Common Practice** – Standard practice followed by Llantwit Fardre Community Council and by those local authority records managers who are members of the Records Management Society.

**Last Action** – 'Destroy 'x' years after last action.' Date of most recent amendment / addition / deletion of information.

**Permanent** – Records which must be kept indefinitely for legal and/or administrative purposes, and/or are of enduring value for audit trail purposes and so suitable for transfer to archive.



## Llantwit Fardre Community Council – Documents for Retention or Disposal

DOCUMENT	MINIMUM RETENTION PERIOD	REASON	LOCATION RETAINED	DIDPOSAL
<b>1. Minutes</b>				
<b>Minutes of Council Meetings &amp; Committee</b>	<b>INDEFINITE</b> Signed minutes are kept indefinitely. ALL meetings	<b>Archive</b> <ul style="list-style-type: none"> <li>Minutes are a record of council business and are available to any one who wishes to view.</li> <li></li> </ul>	<b>Retain</b> <ul style="list-style-type: none"> <li>All signed paper minutes are kept in safe storage .</li> <li>The last 4 years minutes can be viewed on the Councils web site <a href="http://llantwitfardrecommunitycouncil.org">llantwitfardrecommunitycouncil.org</a></li> </ul>	Indefinitely
<b>2.AGENDA</b>				
<b>Agendas of Council &amp; Committee Meetings</b>	<b>MINIMUM RETENTION PERIOD</b> 10 years	<b>REASON</b> <ul style="list-style-type: none"> <li>Management of activity</li> </ul>	<b>Retain</b> Stored in locked cupboard Stored on secure hard drive	<b>DIDPOSAL</b> Destroy after 10 years – shred and recycle confidential waste.
<b>3.REPORT /DOCUMENTS CIRCULATED WITH AGENDAS</b>				
		<b>Reason</b>	<b>Retain</b>	
<b>Reports that are circulated with Agendas</b>	Keep as per related agenda	When considered appropriate for disposal Record date of /archive disposal	Store as appropriate	General Waste and shred confidential material



<b>4.. COUNCILLORS</b>				
<b>Councillors Declarations</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>Reason</b>	<b>Retain</b>	
<b>Councillors Declaration of Office</b>	Three years from end of term of office	<b>Management</b>	Store in appropriate filing cabinet	Shred document and archive on system
<b>COUNCILLORS REGISTER OF INTREST</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>Reason</b>	<b>Retain</b>	<b>DIDPOSAL</b>
<b>Councillors Registration of interest</b>	Three years from end of term of office	<b>Management</b>	Store in appropriate filing cabinet	Shred document and archive on system
<b>Application forms for Co-option onto Community Council</b>	6 months from close of co-option opportunity	<b>Management</b>	Store in appropriate secure filing cabinet	Shred document and archive on system (Confidential)
<b>Register of Electors</b>	End of administrative use	<b>Management</b>	Store in appropriate secure filing cabinet	Shred document and archive on system (Confidential

<b>5. Financial Documents</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>Reason</b>	<b>Retain</b>	<b>DIDPOSAL</b>
<b>Receipts &amp; Payments</b>	Indefinitely	<b>Archive</b>	Secure storage	N/A
<b>Receipt books of all kinds</b>	6 years	<b>VAT purposes</b>	Storage cabinet	Shred
<b>Bank Statements including Deposit / Saving accounts</b>	Every 3 Years after audit	<b>Audit</b>	Locked filing cabinet	Shred (Confidential Waste)
<b>Paying in books</b>	Every 3 Years after audit	<b>Audit</b>	Locked filing cabinet	Shred (Confidential Waste)
<b>Cheque Stubs</b>	Every 3 Years after audit	<b>Audit</b>	Locked Filing Cabinet	Shred (Confidential Waste)
<b>Quotations and Tenders</b>	6 years	<b>Limitation Act 1980(as amended)</b>	Locked Filing Cabinet	Shred (Confidential Waste)
<b>PAID INVOICES</b>	6 years	<b>VAT</b>	Locked Filing Cabinet	Shred (Confidential Waste)
<b>Paid Cheques</b>	6 Years	<b>Limitation Act 1980(as amended)</b>	Locked Filing Cabinet	Shred (Confidential Waste)

<b>VAT RECORDS</b>	6 Years	<b>VAT</b>	Locked Filing Cabinet	Shred (Confidential Waste)
<b>MEMBERS ALLOWANCE REGISTER</b>	6 Years	<b>Limitation Act 1980(as amended)</b>	Locked Filing Cabinet	Shred (Confidential Waste)
<b>COMMUNITY GRANTS APPLICATIONS</b>	6 Years	<b>Management</b>	Locked storage	Shred (Confidential Waste)
<b>TIMESHEETS</b>	EVERY 3 YEAR AFTER AUDIT	<b>Audit Requirements (Personal Injury (best practice)</b>	Storage	General waste
<b>Wages/ payroll</b>	12 years	<b>Tax</b>	Lock cabinet	Shred Confidential Waste
<b>Internal &amp; External Audit Reports</b>	Indefinitely	<b>Archive</b>	Storage on secure server and/or store in Councils storage area	N/A
<b>Annual Return to audit Office</b>	Indefinitely	<b>Archive</b>	Storage on secure server and/or store in Councils storage area	N/A
<b>6 INSURANCE RELATED DOCUMENTS</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>Reason</b>	<b>Retain</b>	<b>DIDPOSAL</b>
<b>Accident /incident reports</b>	20 years	Potential Claims	Locked CABINET	Confidential Waste. A list will be kept of those documents disposed of to meet the

				requirements of GDPR Regulations.
<b>Insurance Policies</b>	Whilst valid (But see next two items below)	Management	Filing cabinet	Waste
<b>Insurance Company name and policy numbers</b>	Indefinitely	Management	Secure place	N/A
<b>Certificate of Insurance against liability for employees</b>	40 years from date on which insurance commenced or was renewed	The Employers Liability ( Compulsory Insurance Regulations 1998(s1 2753) Management	Filing cabinet	CONFIDENTIAL WASTE
<b>Children playground equipment inspection reports</b>	30 years		Filing cabinet or computer storage	General waste
<b>Title Deeds, lease agreements contracts</b>	Indefinitely	Audit , Management	LOCK Filing Cabinet	N/A
<b>Maps. Plans and surveys of property owned by the Community Council</b>	Indefinitely	Management	Store appropriately	N/A
<b>RECORD KEEPING</b>	To ensure records are easily accessible it is necessary to comply with the following.	The electronic files will be backed up periodically on the hard drive.	Documents no longer required will be disposed of , ensuring any confidential documents are destroyed as confidential	

	<ul style="list-style-type: none"> <li>• A list of files stored in cabinets will be kept</li> <li>• Electronic files will be saved using relevant file names</li> </ul>		waste . A list of those documents disposed of should be kept to meet the GDPS regulations.	
<b>General Correspondence</b>	<p>Unless related to a specific categories, correspondence both paper and electronic , should be kept .</p> <p>Records should be kept for as long as they are needed for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests.</p>	Management		<p><b>General waste</b></p> <p>Documents no longer required will be disposed of , ensuring any confidential documents are destroyed as confidential waste . A list of those documents disposed of should be kept meeting the GDPS regulations.</p>
<b>Correspondence relating to staff</b>	<p>If Related to Audit, See relevant section above .</p> <p>Should be kept securely and personal data in relation to staff should not be kept for longer than is necessary for the purpose it was held.</p>	<p>After an employment relationship has ended , a council may need to retain and access staff records for former staff for the purposes of tax, national insurance etc and in respect of any legal claims made against the Council.</p>	Filing System	<p><i>Confidential Waste (A list will be kept of those documents disposed to meet the requirements</i></p>

	Likely time limits recommended 3 years			<i>of the GDPR Regulations</i>
<b>HALLS &amp; amenities</b>	Documents pertaining to hall hire – Hire Agreements etc	6 years	VAT	<i>Shred Documents</i>
<b>DESTRUCTION OF OTHER DOCUMENT</b>	These documents need to be assessed before disposal			

## E-mail Retention Guidance

### 1. Introduction

To ensure fair Processing, E-mails will not be retained by Llantwit Fardre Community Council for longer than necessary in relation to the purposes for which it was originally retained.

The length of time for which Llantwit Fardre Community Council is required to retain E-mails is set out in the 'Data Retention Schedule' above. This takes into account the legal and contractual requirements, both minimum and maximum, that influence the retention periods set forth in the schedule. All E-mails shall be deleted or destroyed as soon as possible where it has been confirmed that there is no longer a need to retain them.

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