



Tendring District Council Information Retention Policy

R e v i s e d N o v e m b e r 2 0 1 3
(a d o p t e d d a t e : J a n u a r y 2 0 1 4)



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Tendring
District Council



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Retention - A Quick Guide

What this document aims to do....

Tendring District Council recognises that its information and records are an important public asset, and are a key resource to effective operation and to accountability. Like any asset, they require careful management and this policy sets out the Council's responsibilities and activities in regard to the management of its records.

What is a Record?

A record can be any of the following:-

- Paper,
- Microform,
- Electronic,
- Audio-visual,
- Photographs,
- Slides

which are created, collected, processed, used, stored and/or disposed of by the Council and its employees, as well as those acting as its agents in the course of the Council's activity.

The Council must....

- Create and capture authentic and reliable records to demonstrate evidence, accountability and information about its decisions and activities
- Facilitate auditing and protects our legal and other rights
- Maintain records securely and preserve access to them
- Dispose appropriately of records that are no longer required
- Protect vital records, which it needs in order to function effectively
- Maintain records to meet the authority's business needs
- Address the needs of the authority's stakeholders, including the public and employees
- Conform to any legal and statutory requirements relating to record keeping
- Comply with government directives



Why comply?

- Fines for non-compliance are increasing.
- Risk of investigatory audits by the authorities.
- Reputational risks are substantial.
- Risk of prosecution, claims for damages or injunctions in civil proceedings.



Retention Schedules and the Freedom of Information Act 2000

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The Freedom of Information Act 2000 is intended to promote a culture of openness and transparency by providing people with rights of access to records held by Tendring District Council and other public bodies.

- With the introduction of this legislation the Lord Chancellor issued a Code of Practice to be followed by public bodies under Section 46 of the Freedom of Information Act 2000.
- This guidance sets out desirable practice for the retention, management and disposal of public organisation records. One condition of this Code of Practice was to develop and apply Records Retention Schedules within the organisation.
- The link between Freedom of Information and Records Management can be summarised as follows. The quality of the records Tendring District Council holds will determine the ability of the Council to successfully provide access to its information. If reliable records are not created in the first place, if they cannot be found when needed, or if the arrangements for their disposal are inadequate, the Council may not be acting in compliance with the Freedom of Information Act 2000.
- The Retention Schedule is a requirement of the Freedom of Information Act 2000 and forms a part of Tendring District Council's Document Retention Policy. If documents are out-of-date, duplicated many times, incorrect or just badly organised then the Council may be in breach of this legislation. Where records are designated for destruction, all back-up copies, or copies stored on alternative media must also be destroyed. This is vital to ensure compliance with all of the access to information legislation.



Retention Schedules and the Data Protection Act 1998

The Principles of the Data Protection Act 1998 among other things, require that personal data shall be:

- **Adequate, relevant and not excessive;**
- **Accurate and where necessary kept up to date;**
- **Not kept for longer than is necessary for its purpose.**

These three Principles require the Council to have procedures in place, covering the review of information held on files. Such procedures include the establishment of a policy covering the retention and disposal of records.

Unless otherwise stated, records containing personal data should not be held for longer than 6 years after the subject's last contact with the authority.

This period reflects the general time within which, under the Limitation Act (1980), a civil action could be brought before the Law Courts.

It should also be noted that, under this Act, civil action could be taken up to 12 years following certain events. Full details of the Limitation Act (1980) are available from Legal Services.



Information that should not be Retained

As a rule, the types of records described below have no significant operational, informational or evidential value. They **must** therefore be destroyed as soon as they have served their primary purpose and therefore, do not need to be included in the Retention Schedule.

Some examples of records that could be classified in this way include:

- Personal diaries, address books, etc.
- Requests for everyday information including maps, brochures and 'business as usual' general requests (e.g. when will my rubbish be collected).
- Requests for, and confirmations of, reservations for internal services (e.g. meeting rooms, car parking spaces, etc.) where no internal charges are made or required.
- Requests for, and confirmations of, reservations with third parties (e.g. travel, hotel accommodation, restaurants) after an invoice has been received.
- Transmission documents:
- Facsimile Cover Sheets.
- E-mail messages where the retention action is not governed by the Retention Schedule.
- Compliment slips and similar items which accompany documents but do not add any value to them.
- Message slips.
- Superseded address lists, distribution lists, etc.
- Duplicate documents such as: CC and FYI copies (Courtesy/Carbon copies and For Your Information)
- Drafts of documents, reports, emails etc.
- Snapshot printouts or extracts from databases.
- Working papers, where the results have been written into an official document and which are not required to support it.
- Announcements and notices of meetings and other events, and notifications of acceptance or apologies.
- Stocks of in-house publications which are obsolete superseded or otherwise not required e.g. Magazines, marketing materials, prospectuses, catalogues, manuals, directories, forms, and other material produced for wide distribution.
- Published or reference materials received from other parts of the Council, from vendors or other external organisations, which require no action and are not needed for record purposes, e.g. trade magazines, vendor catalogues, flyers, newsletters.

This is by no means an exhaustive list, but is intended to provide an indication of the type of documents that are considered as having no significant operational, informational or evidential value and therefore **must** be destroyed immediately after their effective use has ended. If you are unsure please contact your Departmental Representative for further advice.

BE AWARE: All information retained will be subject to any disclosure requests received under the Data Protection Act, Freedom Of Information Act and Environmental Information Regulations or alternatively, as part of any court proceedings.



Roles and Responsibilities

Responsibility for Record Management

- The Portfolio Holder for Planning and Corporate Services is responsible for approving a framework for managing and overseeing the Council duties in relation to records management.
- Corporate Services (Freedom of Information and Data Protection Officers) will provide guidance and assistance relating to the Data Protection and Freedom of Information Acts.
- Corporate Directors and Department Heads are responsible for the management of their records, in accordance with this policy, and ensuring that all staff are aware of record keeping issues and complete all necessary training.
- All Tendring District Council employees are responsible for creating and maintaining records in relation to their work that are authentic, reliable and accurate.



Records Maintenance

Each Directorate/Department is required to maintain adequate record keeping systems to ensure that the records are properly stored, protected, can be easily located and retrieved, and to ensure necessary housekeeping and secure disposal in accordance with the retention schedules. Directors and Department Heads must also ensure that all staff are aware of the arrangements for allowing access to certain types of information. Procedures are in place to document decisions concerning access.

Retention and Disposal

It is an essential and legal requirement that disposal of records takes place as part of a managed process which is adequately documented. Therefore Directorates/ Departments must have in place clearly defined arrangements for the appraisal and selection of records for secure disposal.

The process must ensure that:

- The appropriate records are reviewed and disposed of/transferred to the Essex County Council Archivist (**contact details can be found on page 10 of this policy document**) in accordance with this Corporate Retention Policy and the Council's procedures for destroying confidential material in a secure manner;
- Documentation of the disposal/transfer of records is completed and retained to demonstrate compliance and as a reference point when undertaking information searches;
- Records selected for permanent preservation are offered to The Essex County Council Archivist as soon as possible;
- An intended disposal/review date must be identified and captured when creating electronic records.



Using the Retention Schedule

The Corporate Document Retention Schedule includes records from each Department within Tendring District Council. The graphic below demonstrates how to interpret the schedule.



Brief Description	Brief bullet point list	Disposal after
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Yes (include legislation)	Common practice?	Correspondence etc.
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*A link to the Corporate Retention Schedule can be found [here](#)

Appendix 1

General Exceptions to the Six Year Period plus current Financial Year

Exceptions to the six year period plus current financial year occur when records:

- Are held in legal documents 'under seal' where they may have to be retained for up to 12 years or more.
- Need to be retained because the information contained in them is relevant to legal action which has commenced or is due to commence.
- Are required to be kept for longer or shorter periods by statute.
- Are archived for historical purposes.
- Consist of a sample of records maintained for the purpose of retrospective comparison.
- Involve the transfer of significant information, with subject identification, into aggregated files.
- Relate to individuals and providers of services who have, or whose staff have been judged unsatisfactory.
- Are held in order to provide for the Data Subject, aspects of his/her personal history.



Appendix 2

Standards and legislation

(As at date of review)

- Local Policies
- Archive and Record-keeping Legislation
- Public Records Act 1958 and 1967
- Local Government (Records) Act 1962
- Local Government Act 1972
- Local Government (Access to Information) Act 1985
- Data Protection Act 1998
- Freedom of Information Act 2000
- Local Government Act 2000
- Environmental Information Regulations 2004
- Limitation Act 1980

- Department for Constitutional Affairs Code of Practice on the Management of Records
- Public Record Office standards for the management of public records
- Retention Guidelines for Local Authorities produced by the Local Government Group of the Records Management Society of Great Britain which forms the basis of the Council's Retention policy
- Public Records Office National Archives – Good Practice in Managing Electronic Records



*** There may be other record-keeping legislation specific to certain areas of work which should also be taken into account.**

The Council will also aspire to the relevant British Standards on Records Management.

Contact details for the Essex County Council Archivist are as follows:

Essex Record Office

Wharf Road

Essex, CM2 6YT

ero.enquiry@essex.gov.uk

Telephone: 01245 244642