

# Document Management, Retention and Destruction Policy

March 2005

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## Document Control

### Control Details

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## Version Control

Revision	Date	Clause	Summary of changes	Updated by	Approved by
1.0	03/2005		New policy	MH	
2.0	11/2010		Inclusion of S46 FOI 2000 CoP (2009)	MH	
3.0	07/2016		<b>Major revision</b> CE statement Version Control Document Register Definitions and CoP Annex A Glossary Added security	AL	For review
3.1	08/2016		Added additional entries relating to document management and records storage.	AL	For review
3.2	10/2016	Various	Added amendments arising from GDPR and Caldicott.	AL	
3.3	08/11/2016	Retentions	Added signposting to LGA website following request by programme board	AL	Programme Board
3.4	02/12/2016	Various	Change to wording relating to data	AL	H Gretton

			protection responsibility		
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## Statement by the Chief Executive

At Charnwood Borough Council we take pride in providing customer service excellence to our stakeholders in all that we do and our Corporate Plan includes service promises that we will be well governed, accountable, open and transparent.

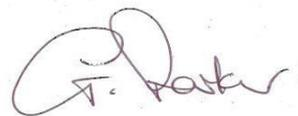
Effective document and records management offers us an opportunity to improve the efficiency of our working environment and further enhance the service our stakeholders expect whilst ensuring that we fully meet our existing legal obligations legislation and those contained within the General Data Protection Regulation that comes into force in 2018.

The guidance provided in this policy will help us fulfil these objectives.

This cannot be done without the full cooperation of Council officers however the financial and reputational consequences of non-compliance to the authority are severe.

I am confident that you will join with me in ensuring that we take the highest possible care of our documents and records so that we continue to deliver on our customer service promises.

Signed



Geoff Parker  
Chief Executive

Date:02/12/2016

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## **Introduction**

Charnwood Borough Council captures and uses data and information on a daily basis. This information is vital in enabling us to carry out our role and for our customers to receive the services they need. The Council must ensure that it gets the maximum possible value of its information; however it must also ensure that it is processed appropriately, lawfully and safely.

Retention and disposal is an important aspect of establishing and maintaining control of the Council's information and data. The Data Protection Act 1998 and Freedom of Information Act 2000 have imposed statutory duties on public authorities to adopt robust records management practices. The General Data Protection Regulation (GDPR) builds on these statutes and the Council must take steps to prevent the inappropriate disposal of records and ensure that their final disposal is in accordance with legislation, guidance or good practice.

For bodies concerned with the provision of healthcare and social care the Caldicott Review introduces six information protection principles and the role of 'Caldicott Guardians', a role akin to that of the Officer responsible for data protection.

Where the Council is working closely with such services, for example in the example of the 'Supporting Leicestershire Families programme' the authority's compliance with the Data Protection principles should satisfy the requirements of Caldicott but additional information may be obtained online - <http://systems.digital.nhs.uk/infogov>.

## **Scope**

This policy applies to:

- All forms of information and data owned, administered, stored or controlled by the Council, including electronic and hard copy formats,
- Information and data in test, training and live environments, however it is hosted.
- All staff of the Council including temporary and contracted staff, volunteers and third-parties accessing or using the Council's information, data and/or network; and
- All electronic and communication devices owned, administered, controlled or sanctioned for use by the Council.

## Information Classification

As different rules will apply depending on the sensitivity of the information held. Throughout this document information classification levels will be referred to. The following table outlines these different classification levels: -

Information Classification	<-----Official----->		
	Level 1	Level 2	Level 3
<b>Subject and sensitivity</b>	Information that is not personally identifiable  and  is not considered commercially sensitive  or  Publically available information	Personal information not considered sensitive under the DPA/ GDPR without a financial component  or  Information that is currently considered to be commercially sensitive.	Sensitive personal information as defined by the Data Protection Act/ GDPR and information covered by Caldicott  or  Personal information not considered sensitive under the DPA/ GDPR but associated directly to sensitive financial elements such as account details, card numbers and sort codes.  or  Information or system that if misused could have an adverse impact on public safety  or  Information relating to the prevention and detection of crime
<b>Impact</b>	Inappropriate disclosure would not result in any material harm or distress	Inappropriate disclosure could result in distress to the data subject  and  There is little risk of physical harm or significant damage to financial interests	Inappropriate disclosure of information or misuse of a system could result in:  Harm to one or more individuals  significant distress to one or more individuals  or  Significant damage to the financial interests of one or more individuals or organisations (including CBC).  or  A heightened threat to public safety across the borough  or  Prejudicing a criminal investigation

## Policy Statement

The Council will ensure that documents, by which is meant 'information and its supporting medium' are efficiently securely held at all times.

Wherever possible original paper documents received will be converted to an appropriate electronic format and the original destroyed in a secure manner.

The Council will ensure that records and information are not kept for longer than is necessary to carry out its statutory functions and service provision, whilst having due regard for legislative and evidential requirements.

Information will be assessed and a retention and disposal period set using the following principles:

- Statutory requirements: information will be retained for only as long as is required by any relevant legislation, or
- Ongoing business need: information will be retained for only as long as it is required to run the organisation effectively, or
- Best practice: information will be retained if best practice indicates this would be of benefit, best practice can be drawn from respected external sources.

Information that has reached the end of its retention period and is not required must be disposed of or transferred to the archive service without delay, in line with the Retention Schedule.

It is essential to take into consideration the level of classification of the information when deciding on the appropriate disposal method. All staff, partners and contractors will adhere to the relevant policies when disposing of information and data in any format. These policies are published on the Council's intranet site.

Retention and disposal must occur regardless of where data and information is stored, and applies to all copies of information as well as the master copy. For clarity, it also applies to data held in databases, and to emails. Email users will manage their accounts effectively and proactively and retained emails should be filed appropriately in a logical location that will allow efficient retrieval.

Where hardcopy information is not in regular use but needs to be retained for a long period of time, it should be transferred to the Council's deep storage facility. It will then be managed in accordance with the defined deep storage arrangements (appendix D).

Disposal of information and data should be automated where possible. If automated disposal is not possible the information owner must ensure that procedures are in place to dispose of information and data. The Council will retain sufficient descriptive detail to enable accurate reporting on the information that has been destroyed. Where possible this will take the form of

an automated 'metadata stub' from a system. Where such automated systems are not provided as a minimum, a manual record will be maintained detailing the document, subject, reason and date of disposal.

If any delay is anticipated then this should be raised to the Risk Owner (Head of Service) with a timescale of when the information will be disposed of. If the decision is taken to alter the retention period, a sound business reason needs to be approved by the Information Owner (service/team managers). The Risk owner must be informed.

If a request for access to information scheduled for disposal is received, the disposal action will be suspended pending a decision on its relevance to the request. If the piece of information is subsequently used to answer the request, it must be retained for a further 6 months. The decision to interrupt a planned disposal and subsequent review of the information will be alerted to the information owner.

If it is discovered that the Council is holding information without a justified reason it must be destroyed immediately.

Where information needs to be retained for statistical or research purposes the information owner must ensure that all such information is anonymised or meets our statutory obligations for the management of personal or sensitive information.

Retention and disposal must form part of the statement of requirements for the procurement of any new solution. New solutions containing level 2 or 3 data must be capable of applying disposal to information and data. For new solutions containing level 3 data the process for secure disposal must be automated, with a review decision point built in for information owners to authorise disposal.

*Any inappropriate retention or disposal of information or data may lead to disciplinary action up to and including summary dismissal for staff. For third parties who are not direct employees of the Council this may result in action being taken against an individual user or their employer.*

## **Duties and Responsibilities**

It is the responsibility of information owners to ensure that the rules in this policy are applied to the information they are responsible for and that the Retention Schedule is up to date.

Risk Owners need to ensure that information owners carry this out as they own the risk of non-compliance with the retention schedule.

However, all employees that create process or use information on behalf of the Council are information users and are responsible for ensuring that information is stored and handled appropriately for its useful life as defined in the retention schedule.

Therefore, as an employee or individual working for, or on behalf of Charnwood Borough Council it is essential that the following rules are understood and adhered to:-

- At all times ensure the security of documents in your care
- Do not retain paper originals where a copy in an electronic format would suffice
- Do not create, save or print unnecessary copies of documents
- Comply with the retention policy and follow associated guidance
- Dispose of information and data in line with the Retention Schedule, taking into consideration the level of classification of the information or data and the possibility that the information may exist as copies elsewhere within the council
- Report problems or anomalies with the retention schedule and the retention policy to information owners without delay
- Supply local expertise relating to retention periods
- Highlight any potential delays in disposal to information owners.

## **The Retention Schedule**

The Retention Schedule helps the Council meet its statutory obligations to ensure that information is retained for the correct period of time and then disposed of appropriately. It is unlawful to retain personal information for longer than necessary.

Mandatory retention periods and the rights of citizens to access the information held is spread across a range of legislation including:

- Local Government Act 1972
- Limitation Act 1980
- Audit Commission Act 1998
- Data Protection Act 1998

- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- Legislation relating to taxation and financial records e.g. HMRC.

The list above is not exhaustive and information owners need to identify and comply with any legal obligations pertinent to the information they collect, store, and use.

The Council has adopted the [LGA Retention Schedule](#) (hyperlink) which sets out how long information should be kept before it is disposed of or transferred to the archive service. The council's Document Register will provide specific retention guidance for every document in use however officers should seek guidance if they feel that changes or modifications to the schedule are required.

Information not covered by the retention schedule should be referred initially to Information Owners who may obtain further guidance from Officer responsible for data protection.

A record meeting the minimum requirement under the Lord Chancellor's Code of Practice clause 12.14 will be maintained of those documents destroyed or otherwise disposed according to the schedule.

The Council will maintain records demonstrating that officers authorised to implement disposals under the retention schedule have received sufficient and appropriate training.

Further information on the LGA Retention toolkit is available at <http://www.local.gov.uk/documents/10180/11659/LG+Inform+Plus+records+retention+case+study+final.pdf/13321bc7-5d7c-4ead-a79d-87a62ab02331>

### **Historically Significant Records**

The Public Records Act 1958 obliges those responsible for public records to make arrangements for the selection of those records which ought to be permanently preserved. Selection is a decision making process which encompasses initial appraisal judgements and determines which records will be transferred to The National Archives or appropriate place of deposit. This applies to records in all formats and media.

Having regard to the advice issued by The National Archives, the Council will formalise and publish guidance regarding the identification, selection and preservation of records having historical significance past any statutory retention period that might otherwise apply to them.

The guidance will form an appendix to this policy.

### **Breaches of this policy**

Wrongful disposal or incorrectly keeping information and data will breach this policy and will be treated as information incidents. It could also constitute a breach of the Data Protection Act 1998.

Failure to adhere to this policy is likely to place the Council at significant risk. All breaches and suspected breaches of this policy **must be reported**, via your line manager or Head of Service to the Officer responsible for data protection. Actions or neglect leading to a breach of this policy, or failure to report a breach will be investigated by the Officer responsible for data protection.

### **Business Partners**

The rules of the policy also apply to other bodies that may share or hold records on behalf of the council. Charnwood Borough Council will apply the following additional controls to such arrangements;-

- Carry out a privacy impact assessment for data sharing arrangements <sup>\*1</sup>
- Undertake regular checks of partner agencies to ensure compliance with the Code of Practice in respect of data processing, security and retention.
- Carry out regular checks of partner agencies to ensure that their employees have received appropriate training in records maintenance and data protection and security
- Implement robust procedures for ensuring that incidents or breaches of the Code are immediately reported to the Strategic Head of Corporate Services.

<sup>\*1</sup> (information is available at <https://ico.org.uk/media/for-organisations/documents/1595/pia-code-of-practice.pdf>)

### **Monitoring**

All activity and information placed on or transmitted over Charnwood Borough Council systems is monitored as defined by the IT Security Policy. Logs created as part of this monitoring may be used to investigate suspected unauthorised use or breach of the Information Security and Acceptable Use Policy. For third party systems these logs must also be created and made available to the Council on request.

The Officer responsible for data protection will be responsible for periodic monitoring of the effectiveness of document management and retention policy and will introduce key performance indicators (KPI's) for this purpose combined with a formal review of service work areas and records storage arrangements.

The Council will regularly monitor employee training needs and deliver adequate specialist or awareness training that will ensure that staff is appropriately equipped with the knowledge that will allow them to fulfil their obligations under this policy.

## Appendices

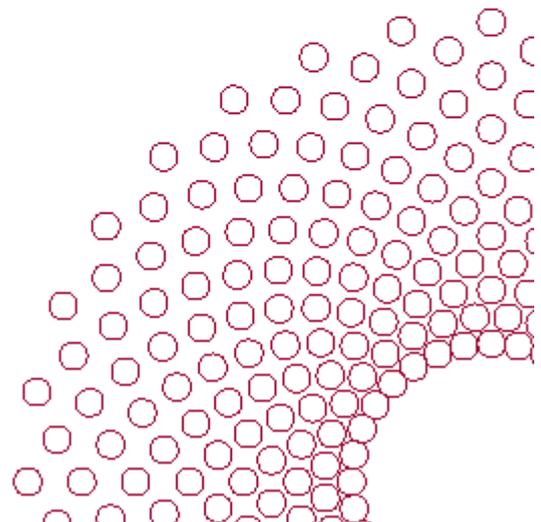
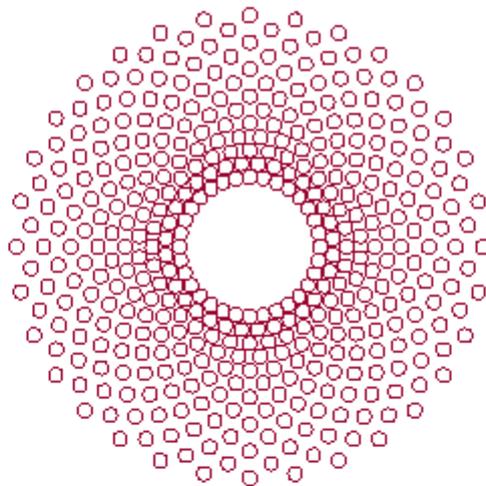
### Appendix A (Double Click to open)



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### Lord Chancellor's Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000

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**Appendix B**

Document destruction record

Completed examples of these documents should not themselves be destroyed as they provide evidence of destruction.

Type of Record	File/Record Name	Format(s)	Brief Description of Contents and justification for disposal	Department	Date Record created	Date Record Destroyed
<i>Invoice/Application Form/Letter</i>	<i>Grant Applications 1990-1991</i>	<i>Paper/Microfiche /Electronic</i>	<i>Application for community grant</i>	<i>Governance and Procurement/Standards and Monitoring</i>		

**Appendix C**

Example File Checkout Record

(To be completed when a physical document is temporarily removed from its parent file location)

File ID: 1 Acacia Ave			Parent File: House Files			
Document Identity	Date checked out	By (officer)	Reason	Destination	Expected date of return	Date Returned
Service charge Notification letter 2014/15	01/08/14	A Smith	Copy required for tenant	Internal	01/08/16	01/08/16
Tenancy Agreement	07/01/15	B Jones	Check clause prior to rent review	Internal: Rents and Income management	14/01/16	08/01/16

## Appendix D

### Deep Storage - Service Level Agreements

Hard copies of records that are infrequently accessed or are required to be held for extended periods will be held in accessible deep storage facilities. Some sensitive records are to be held for many decades or indefinitely and therefore robust precautions must be taken to ensure that they are protected against deterioration or loss.

It should be noted that electronic copies of those documents physically held in deep storage are subject to the same retention and disposal requirements as the original paper record. In order to be compliant with current data protection legislation such copies must be identified and deleted from live and backup systems at the same time as the original is destroyed.

There are several separate office locations used for deep storage and administered by services.

- Each service will ensure that any deep storage under their control is secure and that access is appropriately controlled and managed preferably by named and responsible custodians.
- Records should be organised in such a way that later efficient location and retrieval of a specific document and services will be ensured and that the removal and return of documents is recorded and monitored.
- Areas identified for the holding of documents in deep storage should be provided with adequate lighting, ventilation and will be protected against physical deterioration, inadvertent or malicious damage or loss.
- All document records should be held in shelving capable of safely holding the anticipated volume of documents and access will be unimpeded by the storage of unrelated items.
- Where records are stored above average shoulder height (~ 1.35m) a safe and sufficient access mechanism for accessing these documents should be maintained and available.
- Over time documents created using thermal printing technologies (e.g. facsimile transmissions) are liable to fade and therefore a copy should be made at the earliest possible opportunity and the original destroyed.
- As directed by SMT records that are judged to have historical significance may be retained in deep store or offered to the Leicestershire County archive.
- Where a service does not have access to a secure store, Facilities Management will provide a clearly defined area for corporate deep storage beneath Southfields which must comply with the general requirements listed above. Alternatively, where the authority elects to use off-site deep storage such facilities will be regularly inspected to ensure that the store meets or exceeds the requirements above.
- A service may delegate responsibility for the ultimate disposal of records held in corporate deep storage only if the document has been clearly marked by the originating service with a minimum retention expiry date and method of disposal.

- Records held in deep storage will be managed in accordance with document retention periods and subject to regular review. Any documents identified for disposal will be recorded in accordance with the policy applicable at that time and evidence of disposal will be retained by the responsible originating service.

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## **Appendix E**

### Historically Significant Records

The Council recognises its obligations to identify and preserve records that may have historical significance. The development of electronic media means that many recently created records may no longer be tangible and where officers of the council are not provided with appropriate guidance this may result in inadvertent loss.

Any proposal to preserve records indefinitely must comply with the requirements of any Data Protection legislation then in force, particularly where information relating to individuals is involved.

This guidance is intended to guide officers responsible for identifying records for preservation.

On the expiry of the retention period then in force the Council will offer for consideration as archive material, any records in the following list to The Record Office for Leicestershire, Leicester and Rutland;-

- Minutes and agendas of the main council, committees and sub-committees
- Accounts (but not primary accounting material such as receipts)
- Plans and associated metadata
- Policy documents
- Title deeds and records of properties owned or managed by the council
- Correspondence files
- School and educational records
- Publicity material e.g. information leaflets for residents

Records may be in physical or electronic formats.

The Record Office for Leicestershire, Leicester and Rutland is a public authority with ICO registration. All applications or SAR made to view records held by the record office are controlled under DPA/ GDPR, FoI and EIR legislation.

Records identified as having historical significance will be deposited using the accessions form in appendix F below or such form as in use at that time.



**THE RECORD OFFICE FOR  
LEICESTERSHIRE, LEICESTER & RUTLAND**  
Long Street, Wigston Magna, Leicester, LE18 2AH  
Tel : (0116) 257 1080 Fax : (0116) 257 1120  
Email : [recordoffice@leics.gov.uk](mailto:recordoffice@leics.gov.uk)

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## RECEIPT FOR NEW ACCESSIONS

**To be completed by depositor**

TITLE: ..... NAME: .....  
.....

ADDRESS: Charnwood Borough Council, Southfields Road, Loughborough,  
Leicestershire .....

..... POST CODE:..  
.LE11 2TX

TELEPHONE: ..... EMAIL: .....  
@charnwood.gov.uk

**Please note that this information will be held electronically.**

**BRIEF DESCRIPTION OF DEPOSIT AND ANY ADDITIONAL  
INFORMATION - continue overleaf or continuation sheets will be  
provided if necessary):**

**TERMS OF DEPOSIT:** Donation. . . . .Indefinite Loan. . . . .Other (please  
specify). . . .**DEPOSIT** . . . . .

**(Please tick)**

**NB :** Documents received on loan may be removed (with appropriate notice) by the  
depositor temporarily (for exhibition etc.) but if permanently withdrawn within that period, the  
owner may be required to pay towards the costs of administration and conservation work on  
the records. Please see overleaf for further conditions of deposit.

**RESTRICTIONS:** (Please strike through the words in italics if appropriate)

I *do not* wish to place a restriction on access to this deposit.

I *do not* wish to place a restriction on the copying of this deposit.

I *do not* wish to place a restriction on the exhibition of this deposit.

If you **do** wish to place any restriction on access to, copying or exhibiting of this deposit, please indicate below the nature of the restriction:

.....  
.....  
.....  
.....  
.....

**I have read and accept the terms of deposit (above and overleaf).**

**SIGNED:** .....(For Charnwood BC) ... **DATE:** .....  
.....

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Received by (Record Office staff): ..... DE .....  
..... RD .....

### **TERMS OF AGREEMENT FOR THE DEPOSIT OR DONATION OF RECORDS**

#### **DEFINITIONS**

*DONATION:* a deposit received as a gift by the Record Office. It ceases to be the property of the donor.

*INDEFINITE LOAN:* a deposit received by the Record Office without a transfer of ownership or a set period of deposit.

*DEPOSIT:* a record or collection of archival records placed in the care of the Record Office, either on loan or as a donation.

*TEMPORARY LOAN:* a deposit received on loan for a set period (e.g. for exhibition or identification).

*PERMANENT LOAN:* a deposit received from a person or organisation which may not legally give away their records but which has no intention of recovering them (now obsolescent).

#### **WHAT THE RECORD OFFICE WILL DO**

1. We shall take care of the records described overleaf; storing them in appropriate archival conditions and carrying out any urgent conservation work that may be required.
2. We shall accession this deposit, recording beside the number we assign it details of the depositor and terms of deposit. A record of the accession number will be sent to the depositor.
3. We shall catalogue this deposit in accordance with our cataloguing programme. **Please note that this catalogue may be made available on our on-line catalogue.** One (free) paper copy of the catalogue will be provided if required by the depositor. Details will also be sent to the National Register of Archives.
4. We shall make the deposit available under supervision to *bona fide* researchers in our searchroom. We shall provide copies of documents unless they are not permitted by law or the agreement overleaf, or by doing so the document would be jeopardised.
5. With sufficient notice we shall make the deposit, or part of the deposit available for exhibition at the depositor's request. We shall ensure that it is suitably packed for transport. We may also supply suitable display materials. There may however be a charge for this service. No such loan should exceed three months without agreement.

6. We shall ensure that any restrictions on use of or access to the deposit requested by the depositor and agreed at the time of deposit are adhered to. Such restrictions will be subject to negotiation (we may decline a deposit if unreasonable restrictions are imposed).
7. We shall control the publication of deposits in our care, wholly or in part, acting on our own discretion or under the terms of the deposit, as required and specified by the depositor. We may charge a reproduction fee.
8. Unless instructed otherwise at the time of deposit the Record Office will dispose of any material not required for its collections, either by transfer to another, more appropriate institution, by secure disposal, or return to the depositor. This may include items better stored elsewhere (e.g. a museum), duplicate items, items damaged beyond use or repair, or items of little or no archival significance.

#### **WHAT THE DEPOSITOR SHOULD DO**

1. The depositor should inform the Record Office of any changes in his or her address or in ownership of the records deposited.
2. The depositor should give at least one month's notice of any intention to withdraw the deposit.
3. The depositor should always provide proof of his or her identity and ownership of the deposit when wishing to use or withdraw the deposit.

#### **FURTHER INFORMATION CONCERNING THE DEPOSIT:**

Empty box for further information concerning the deposit.

## Appendix F

### Data Protection Roles

(To be read in conjunction with the Data Protection Policy)

