



DOCUMENT RETENTION POLICY

INTRODUCTION

In the course of delivering its various functions and activities the Council receives and generates a wide range of data and information which is recorded in documents. These documents can take many different forms such as

- letters received from third parties
- copies outgoing correspondence
- file attendance notes
- invoices
- completed application forms
- plans and drawings
- financial records
- registers
- contracts and deeds
- email communications (including attachments)

Many of the above documents generated or received by the Council are subsequently retained in various forms, including physical (paper) records and digital files stored on computer systems. For clarity, the terms “documents” and “records” refer to both physical and digital formats, such as Word documents, Excel spreadsheets, PDFs and email files.

Retention of specific documents may be necessary for one or more of the following reasons:

- to fulfil statutory or other regulatory requirements
- to evidence events or agreements in the case of dispute
- to meet operational or business needs
- to ensure the preservation of documents of historic, cultural, research or other value
- to support audits or inspections
- to comply with internal policies or procedures
- to facilitate continuity in service delivery or decision-making
- to manage risk and ensure accountability
- to respond to Freedom of Information or Subject Access Requests

The untimely destruction of documents to which one or more of the above criteria is applicable could cause the Council:

- (i) difficulty in defending an unmeritorious claim brought against it;



- (ii) operational problems; or
- (iii) embarrassment

Conversely, the permanent retention of *all* documents is undesirable and to be discouraged. Disposal, where appropriate, is to be encouraged for the following reasons:

- Limited availability of storage space
- Disposal of existing documents can free up space for more productive activities
- Indefinite retention of personal data may be unlawful (see below)
- Reduction of fire risk (in the case of paper records)
- Costs savings (e.g. storage, management, security)
- Improved efficiency in locating and managing current records
- Reduced risk of data breaches or unauthorised access to outdated information
- Compliance with data protection principles, including data minimisation
- Alignment with records management policies and retention schedules

The UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 set out clear requirements for the retention and lawful processing of personal data. Under these laws, personal data must be kept no longer than is necessary for the purposes for which it was collected and organisations must ensure that data is accurate, secure and accessible.

In parallel, the Freedom of Information Act 2000 (FOIA) requires public authorities to make recorded information available upon request, subject to certain exemptions. To meet the statutory 20 working day deadline for responding to FOIA requests, it is essential that records are up-to-date, well-organised, and easily retrievable.

Together, these legislative frameworks emphasise the importance of effective records management, not only to ensure compliance but also to support transparency, accountability, and operational efficiency.

SCOPE & PURPOSE

The purpose of this Policy is to provide a corporate policy framework to govern management decisions on whether, a document (or set of documents) should either be retained – and if so in what format, and for what period; or disposed of.

Additionally, this Policy seeks to delineate and clarify the roles and responsibilities Leadership Team in the decision making process.

Matters which fall outside the scope of this Policy



This Policy is **not** concerned with the following:

- Disposal or retention of unused stationery, blank forms, or other non-record materials, which are managed under operational procedures.
- Materials that do not comprise, or form part of, a record of a Council business activity/transaction.

Freedom of Information, Data Protection and General Data Protection Regulations

It is illegal to destroy information which is due for destruction but has been requested under the Freedom of Information, Environmental Information Regulations or Data Protection Act. Such information should be kept until all deadlines for appeal procedures have been met. To put simply, if we have it we have to disclose subject to any exemptions. Good housekeeping and paper administration will keep matter in order and up to date as well as a declutter of old information which is not required in the usual daily operations.

The Data Protection Act also specifies that information should only be kept for as long as it is necessary. There is no specific guidance on the meaning of “necessary”, but it should be seen as a timescale that is reasonable to ensure the purpose for which the information is used for is met and any legal obligations on retention are accommodated. Any decision should be evidenced and have a rational and reasonable backing. “Just in case” is not usually a reasonable excuse for keeping personal information which should be deleted.

The Act also demands that information is accurate and the longer information is kept and not updated, then the greater the chance that we have inaccurate data.

The General Data Protection Regulations require us to have and show we follow procedures which include document retention.

Standard Operating Procedure

Some records do not need to be kept at all. This section defines types of records that may be routinely destroyed in the normal course of business.

This applies to information that is duplicated, unimportant or of short-term facilitative value. Unimportant records or information include:

- ‘With Compliments’ slips
- Catalogue and trade journals
- Telephone message slips
- Non-acceptance of invitations
- Trivial emails, or notes not related to Castle Point Borough Council business



- Requests for stock information such as plans, advertising materials or application forms.
- Out-of-date distribution lists
- Some working papers that lead to a final report

Where the above contains personal information about an identifiable individual, this should still be shredded to avoid it falling into the wrong hands. Such items should not be thrown in the bin.

Duplicated and superseded information such as stationery, manuals, drafts, forms, and reference copies of annual reports should also be destroyed. Electronic copies of documents or faxes where a hard copy has been printed and filed are also covered.

Retention/ Disposal Protocol

Any decision whether to retain or destroy a document should be taken in accordance with the protocol below. The steps 1-5 below set out the procedure for assessing whether a document should be destroyed or retained. A review of should be carried out annually to check to see if there are any documents ready for disposal. This procedure is summarised in the flow chart in appendix 1.

1. Assess Document

Although this may seem obvious the first step is to assess the contents of any document to ascertain what information is held. This may only take a few seconds but it is important to ascertain what information is held to ensure that documentation is not destroyed incorrectly.

2. Is there a statutory/regulatory requirement to retain the documents?

In some cases there is a legal requirement for documents to be kept for a minimum time period. Each Service will have its own Retention Schedule to provide guidance for specific documents.

There is a 'General' table to cover documents not specifically covered in the document.

3. Is information required as evidence in case of dispute/likely dispute?

Where action is taken by the council or against the council legislation provides guidance for time scales within which action must begin.

The Limitations Act 1980 specifies time limits for commencing litigation. The main time limits that are directly relevant to local government are summarised in the table below:



TYPE OF CLAIM	TIME LIMIT FOR LEGAL ACTION TO HAVE BEEN BOUGHT
Simple Contract/Tort (not personal Injury) E.g. debt recovery, damage to property, compensation claims	6 years from date incident occurred
Personal Injury	3 years from date of incident OR 3 years from date injured person first had knowledge of the injury, its cause and person responsible.
Claims regarding Sealed Documents E.g. deeds of conveyance, long leases	12 years from date of cause of action
Latent Damage Claims (not personal Injury) where facts relevant to the cause of action were not known to the claimant at date of negligence.	15 years from date of negligence

4. Is information required to meet the operational needs of the service?

In some cases retention may be desirable (whether permanent or otherwise) even though no minimum retention period applies, or has expired. Assistant Directors and Managers should be open to the danger of discarding documents or records that might be useful for future reference purposes (e.g. training), as precedents, or for performance management (performance indicators, benchmarking and comparison exercises). A professional judgement needs to be made as to the usefulness of a particular document.

5. Does the document have historic interest?

Some documents currently in Council storage may be of historic interest and/or even have some monetary value. This applies to both paper and electronic records.

Where it is suspected that the document falls within this description appropriate enquiries should always be made before taking any further action. If the document is of historical or monetary value it may not be appropriate for the council to retain the document but to transfer the document to an appropriate organisation e. g. the County Records office; or even sale to an external body.

Decision to retain or destroy document



If the minimum retention period has expired and the answer to questions 3-5 is NO the document should be destroyed and a record made of the destruction see section 5 below as an example record table. Alternatively, the service may have a software which assists with the record keeping and destruction of information. This is now much more common in use.

If a document is to be retained where possible the file should be marked to illustrate the date when it should be reviewed or that it needs to be retained permanently.

If a paper file is to be retained for a minimum period the files should be clearly marked, where possible with that date after which retention of that document should be reviewed.

A file/spreadsheet, where paper or software based, should be kept in each department listing review dates for records to aid future audits. This will prevent staff repeating the retention process in the future on documents that need to be kept permanently. It should also aid staff in future audits of records to pinpoint records which need to be considered for destruction.

Review on expiry of retention period.

Where a retention period has expired in relation to a particular document a review should always be carried out before a final decision is made to dispose of that document. Steps 1-5 of the protocol should be repeated and a decision made. Such review need not necessarily be detailed or time consuming. Where the Assistant Director or Manager (or designated officer) is familiar with the contents of the document(s) - or where the contents are straightforward and easily apparent – such exercise may only take a few minutes.

Roles and Responsibilities

Responsibility for determining whether to retain or dispose of documents rests with the relevant Assistant Director, as the Information Asset Owner, for the Service. This responsibility can be delegated to other officers by the Assistant Director.

Assistant Directors will be expected to be proactive in carrying out or instigating audits of existing documentation that may be suitable for disposal. Records not marked for permanent retention should subsequently be checked on a regular basis and destroyed as appropriate, at least annually.

Legal Services can advise on whether minimum retention periods are prescribed by law and whether retention is necessary to protect the council's position where the likelihood of a claim has been identified. In other cases the Assistant Directors



will have better working knowledge and will be expected to make the decision on record retention.

Disposal of Documents and Records

Documents and records should be disposed of securely and appropriately, in line with their format, sensitivity, and retention requirements. Disposal methods may include:

Physical Disposal Methods

- General waste disposal – for non-sensitive, non-confidential materials
- Shredding – for paper records containing personal, confidential, or sensitive information
- Transfer to an external body – where appropriate, such as archiving with a recognised repository or transferring to another authority under legal or operational arrangements

Digital Disposal Methods

- Secure deletion – using certified software tools that permanently erase files from computer systems and prevent recovery
- Cryptographic erasure – deleting encryption keys to render encrypted data inaccessible
- Automated retention tools – systems that automatically delete or archive digital records once their retention period expires
- Cloud-based lifecycle management – platforms that manage retention, archiving, and secure deletion across distributed systems
- Physical destruction of digital media – such as crushing or shredding hard drives, USBs, and other storage devices when decommissioned

Where information is of a personal or confidential nature it **MUST** be shredded. If there is doubt or uncertainty as to the nature of the document it should be shredded.

All disposal activities must comply with the Council's obligations under the UK GDPR, Data Protection Act 2018, and relevant records management policies. Where appropriate, a record of disposal should be maintained, especially for documents containing personal data or of legal significance.

Documentation of Disposal

Once a document has been assessed as needing to be disposed of a record should be kept in each department of :

- Any reference Number (if applicable)

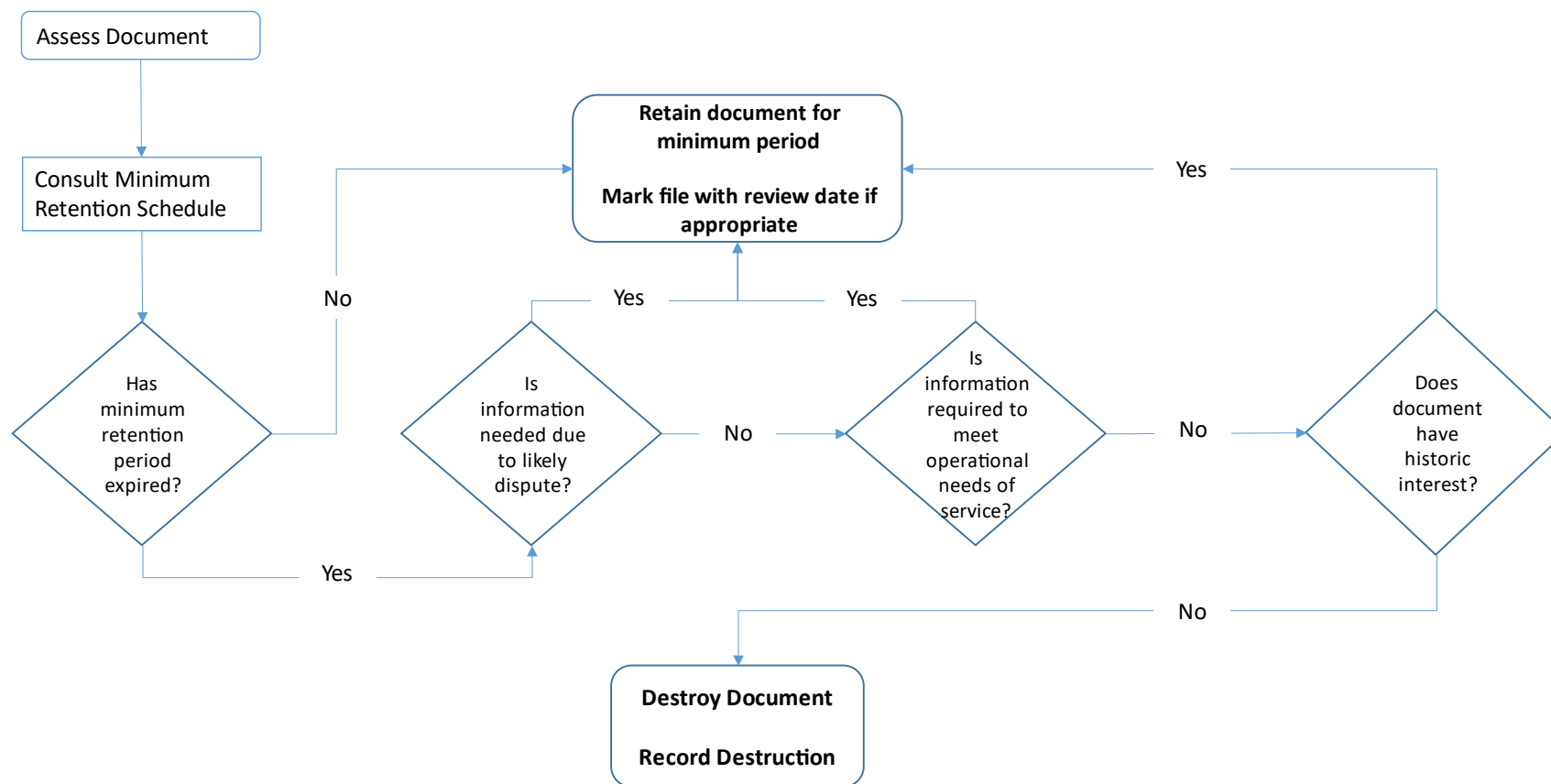


- Date created
- Date work completed or last used
- Date destroyed
- Method of destruction (e.g shredding, secure deletion)
- Date of destruction
- Authorisation for destruction (name and role of approving officer)

These records should be kept in spreadsheet format to reduce storage of paper and to make searching for confirmation of destruction easily accessible to aid future information requests.

An example of a standard form for recording this information is provided in Appendix 2. These records should be stored centrally in each department to enable staff dealing with requests for information to be able to easily access the information. Each department should consider recording this information electronically in order to make it easily accessible and to reduce retention of paper documents.

Appendix 1 Flowchart of Retention Disposal Protocol





Appendix 2

Destruction of Documents Register

Department:		Officer Responsible:		From:		To:
Description of Document for Disposal	Reference Number (if applicable)	Date Created	Date Last worked on/Completed	Method of Disposal (S,R,D,M)*	Signed Authority for disposal	Date of Disposal

*Method of Disposal: Shredded, Recycled, Deleted, Migration