LEGAL AND LOCAL LAND CHARGES RETENTION SCHEDULE

Introduction

This Retention Schedule identifies processes which records support, rather than identifyingindividual types of records. This is for two reasons: -

- To make the retention period apply to all records independent of any format, i.e. the same rules apply to a paper file, an email, oranother electronic document
- To allow flexibility in developing the Schedule to cover new processes and amend existing ones over time

The Schedule is intended to cover the lifecycle of records and information from creation through to destruction or permanent preservation.

Records intended for destruction may be destroyed in accordance with the provisions of the Schedule. Backup copies stored on alternative media (server/microfilm/paper) should also be destroyed. This is vital to ensure compliance with the requirements of the Data Protection Act 2018 (DPA 2018), UK General Data Protection Regulation 2016 (UK GDPR), Freedom of Information Act 2000 (FOI) and Environmental Information Regulations 2004 (EIR).

Records for permanent preservation should be offered to the public archive office.

Limitation of Scope

Very few types of records have specified time periods for retention in law or in official government guidance. In order to develop this Schedule, key business areas were contacted in order for them to review and provide updates for their areas. Further, a review of the best practices adopted by other Local Authorities was conducted prior to the Schedule being created.

Objectives of the Retention Schedule

The aims are to: -

- Prevent the premature destruction of records that need to be retained for a specified period to satisfy legal, financial, and otherrequirements of public administration
- Provide consistency for the destruction of those records not required permanently after specified periods in order to reduce the costs of unnecessary storage
- Promote improved Records Management practices which gives the public confidence that when information is destroyed it is done so according to well-considered rules
- Assist in identifying records that may be worth preserving permanently as part of the authority's archives

HeadingsDescription and types of

record retained

The Schedule provides a description of a process or an activity that the records support. The Schedule may also include instructions or guidelines relating to weeding, sampling, instructions on disposal, information on duplication of record content in other classes and cross-reference to other entries within the Schedule. The section will also provide common examples of the types of records included within the particular function.

Retention Period

This field shows the length of time for which a record should be kept. This period (usually in years) can be applied from the date a record is created, closed, or tied into another specified activity. This field will also specify whether a type of record should be transferred to a public archive for permanent preservation.

Glossary of Terms

Administrative Use

When business use has ended, or the file has been closed.

Closure Example: Destroy ‘x’ years from closure

A record/file should be closed when it ceases to be active. After closure no new papers/information should be added to the record. Records/files can be closed when: -

- They reach an unmanageable size (a new volume should be created)

- They cover ‘x’ years i.e. a maximum time period
- No more records have been added in ‘x’ years or another specified set period of time
- No action has taken place after ‘x’ period of time

Retention Maximum Years

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 Data Protection and Information Access laws.

End Action

This explains what should happen to the information at the end of the retention period specified.

Subject Areas	Trigger	Retention MaximumYears	End Action	Description and included record types	Authority/ Legal requirement for retaining the information
Legal files relating to a range of client department that are held on the Iken system / Paper files (Client department include Housing, Planning, HR, Licensing, Environmental Health etc)	**The closure of the case / completion of all legal actions / tasks**	**6 years then review and make decision to destroy or retain as appropriate. This is in accordance with Best Practice and Corporate policy**	**Retain or destroy following review of the file**	**Legal files pertaining to a range of issues and cases that would include: - Personal information - Privileged information - Legal opinions / advice and guidance - Organisation information - Information relating to safeguarding issues and personal safety**	**This is in accordance with Best Practice and Corporate policy**

Local Land Charges files – TLC system	**The completion of the Local Land Charges search**	**7 years and then it is automatically deleted from the TLC system. (7 years is best practice for retention of LLC search documentation)**	**System deletes the search information from database (automatic function)**	**The searches contain property information and environmental information from a wide range of client departments. There are some personal emails held on the system but these are retained on TLC for a period of 7 years. All other the information within the search documentation is open data that has no personal data included.**	**7 years is best practice for retention of LLC search documentation. (Automatically deletes within the TLC after 7 years)**
Personal Inbox	**To deliver some management functions in supporting the team and overall service delivery**	**Active cases, advice and ongoing tasks that are being completed. They only remain in the inbox whilst live, once completed they are saved on the relevant other systems such as Iken or to other department databases.** **All one to one's, Team Meetings and Appraisals are retained for the active year they relate to then deleted**		**In the role of manager, some personal information is held in folders within the inbox whilst activity continues and active cases are being managed. This will include ongoing details of active cases / investigations, staff one to one's or PDP plans, private advice and support between line manager and senior leadership team, Team meeting notes.**	
