

# Retention Policy

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## Version Control (Policy only)

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## Table of Contents

Date: January 2012 .....	1
Introduction .....	3
Objectives.....	3
Roles and Responsibilities .....	4
Role of the Chief Officers .....	4
Role of the System and Information Management Officer .....	4
Role of the IMG representative .....	4
Role of the Responsible Officer .....	4
Disposal.....	5
Transfer of records to Archive.....	5
Reviewing the Schedule.....	5

# **St Helens Council Retention Policy**

## **Introduction**

In accordance with Section 46 of the Freedom of Information Act, a code of practice has been issued in relation to records management. It sets out practices which relevant authorities should follow in relation to the creation, keeping, management and destruction of their records.

Records and information must be kept organised and accessible. Equally, consideration must also be given to the retention period as well as the efficient and timely disposal of documents.

With this in mind, St Helens Council has produced a retention schedule using the Local Government Classification Scheme. The rationale for retention periods in this document has been based upon guidelines published by the Records Management Society (Retention Guidelines for Local Authorities), or where appropriate, the rationale is based upon local business needs.

As a general principle, records should be kept for as long as they are needed by the authority: for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests.

There is in fact, very little specific legislation that stipulates mandatory retention/disposal periods for documents in local government. The main pieces of legislation, which do, either directly or indirectly, impose minimum retention periods are as follows:

Tax Legislation; Statutory Registers; The Audit Commission Act 1998; The Local Government Act 1972.

Other legislation such as the Data Protection Act 1998 may require information to be destroyed. Personal data must not be retained when it is no longer required.

The Limitations Act 1980 specifies time limits for commencing litigation. The majority (but not all) of potential legal claims are statute barred on the expiry of 6 years. For this reason many organisations consider it prudent to retain files or records for a period of 6 years from the date when the subject matter was completed.

## **Objectives**

The purpose of this policy is to:

- Provide a corporate framework to govern the decisions in relation to the retention or disposal of records.
- Assist in identifying records that may be worth preserving permanently as part of local authority guidelines.
- Prevent the premature destruction of records that need to be retained for a specified period to satisfy legal, financial or other requirements of public administration.
- Promote good records management practices.

## **Roles and Responsibilities**

### **Role of the Chief Officers**

The role of Chief Officers is to approve the governance arrangements as set out in this policy. This is specifically in relation to the responsibilities of the roles listed below, and the management decisions in respect of good records management practice.

### **Role of the System and Information Management Officer**

The role of the System and Information Management Officer is to offer general advice on Data Protection and Freedom of Information in relation to the retention or disposal of records.

However, the System and Information Management Officer cannot be expected to possess the operational background knowledge required to assess whether a particular document may be needed for operational purposes.

Responsibility for stating what retention period is necessary for all documents lies directly with each individual area responsible for those documents, which must then determine what retention periods are appropriate to comply with legislation.

The System and Information Management officer is responsible for ensuring that the retention schedule is reviewed on a regular basis.

### **Role of the IMG representative**

The Information Management Group (IMG) representative is responsible for a co-ordinated and multi disciplinary approach to the management of information throughout their departments.

In respect of this policy, the IMG representative will liaise with the System and Information Management Officer concerning the maintenance of the retention/disposal schedule.

### **Role of the Responsible Officer**

The IMG representative will identify the responsible officer for inclusion in the retention/disposal schedule.

The role of the responsible officer is to identify the appropriate retention/disposal periods of the records that they are accountable for.

Records should not be kept after they have ceased to be of use to the authority unless:

- They are known to be subject to litigation or request for information.
- They have long term value for historical or other research value.
- They contain or relate to information recently released in response to a request under the Freedom of Information Act 2000.

It is also their responsibility to make sure that appropriate staff are kept informed of the current retention period for those documents or records.

Where a decision is taken to retain documents beyond the specified retention period, the reason should be recorded and approval obtained from senior management

When records are identified for archiving, disposal or storage, the responsible officer should have appropriate procedures in place to manage these processes. For example where paper

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records are retained in storage, a record should be held of their location, date for destruction and actual destruction date.

The responsible officer must advise any changes to the retention/disposal periods to the IMG representative and/or the System and Information Management Officer as soon as is practical.

## **Disposal**

Details of the disposal of records should be kept either as part of an audit trail, or separately. This is important because the previous existence of records may be relevant. Some retention is required to provide evidence of events in the case of dispute. However, how long this information should be kept and what level of detail depends upon the associated costs and risks.

It is important, though, to keep in mind that in the course of the Council's everyday business many documents are generated that serve no purpose after relatively short periods of time. Many documents will relate to completed matters where, realistically, the risk of subsequent litigation or other dispute is minimal, if not non-existent. Long-term retention of such documents is counterproductive.

However, it is also worth noting that it is a criminal offence to destroy information to prevent disclosure under the Freedom of Information Act 2000.

Disposal of records can be achieved by a number of ways:

- Confidential waste: Paper records can be disposed of by using the 'Black bag' method, by making confidential waste available for collection in black bags clearly marked as 'Confidential Waste'
- Physical destruction: Shredding paper records by using a corporate standard (cross cut shredder). The shredded material can then be treated as re-cycled material.
- Deletion: Electronic records can be deleted when they are no longer required.

## **Transfer of records to Archive**

Some key documents and documents of either historic interest or intrinsic value should be kept permanently.

Where a record has been identified as having some historic or other value, then they should be marked as 'permanent'. These records should be offered to the archivist for permanent preservation.

## **Reviewing the Schedule**

On an annual basis, the retention schedule will be reviewed and any necessary amendments made.

