

# **Yaxham Parish Council**

## **Records Management and Document Retention Policy**

### Introduction

A record is any information held by the Council and relating to any topic, area of work, decision reached, action taken or individual and regardless of the medium in which it is held whether paper, electronic, video, etc. The Council recognises that:

- Records are a corporate resource and a valuable asset;
- Information has to be looked after properly;
- A co-ordinated approach has to be taken to its management.

The legislation now in place on information handling means that there is a need to manage information and to have an effective system for servicing the enhanced rights of access under Acts such as the General Data Protection Regulation (GDPR) (regulation (EU) 2016/679) and the Freedom of Information Act 2000 (FOIA).

Yaxham Parish Council accepts that it has a responsibility to ensure that records are:

- Created accurately;
- Stored effectively;
- Kept securely;
- Traced efficiently;
- Retained in their original form if required for the purpose of legal proceedings;
- Retained only for as long as necessary;
- Disposed of appropriately.
- Shared appropriately in response to any FOI request

### Policy Statement

Yaxham Parish Council's policy is to:

- Manage its records in a systematic and planned way to minimise potential risks;
- Ensure that it can control the quantity and quality of information generated from the time a record is created until its ultimate disposal;
- Maintain information in a manner that effectively services its needs and those of its stakeholders;
- Dispose of the information appropriately when it is no longer required;
- Satisfy the provisions of the Code of Practice of the Management of Records issued under Section 46 of FOIA.

This policy, which incorporates the requirements of the Code, will therefore:

- Be publicised to staff and made available for reference;
- Apply to all the Council's records regardless of how they are held;
- Be reviewed every three years at least and amended and reissued as necessary and Members and staff will be notified accordingly;
- Operate in conjunction with the Council's policy on GDPR that will continue to be relevant.

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### Roles and Responsibilities of Record Managers

The Council has a corporate responsibility to maintain its records and record management systems in accordance with the regulatory requirements. The person with overall responsibility for the implementation of this policy is the Clerk to the Council, who is required to manage the Council's records in such a way as to promote compliance with this policy so that information will be retrieved easily, appropriately and in a timely manner.

The Clerk must ensure that the records are accurate and are maintained and disposed of in accordance with statutory requirements and the Council's records management guidelines.

Individual Councillors may hold records in hard copy format or electronically at home or on their home computers. If a Councillor considers that some of these documents are important in the context of the Parish Council's records, they should ensure that the Clerk retains a copy for the official record.

On resigning from the Council, Councillors should delete electronic records they hold and return hard copy documents. Councillors should be aware that records that they hold may be subject to the provisions of the Data Protection Act 1998; the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

### Record Maintenance

The minimum periods for which various types of record must be kept can be found in the Retention Schedule provided at Appendix 1. These reflect statutory requirements, codes of practice and recommendations published by professional and other bodies. In the absence of such guidance, it will be the responsibility of the Parish Clerk to determine a suitable retention period.

Additionally, the provisions of the GDPR apply and this is covered under a separate GDPR Policy.

At the end of the prescribed retention period for a record, the record must be assessed to determine whether it should be retained for a further period. This is particularly important in respect of any record that is the subject of a request for access to information under the GDPR or FOIA, even if that request has been refused, since the record should be retained until the end of the period in which an appeal can be lodged or the appeals procedure exhausted.

### Record Disposal

The minimum volume of records consistent with effective and efficient operations should be retained. Unnecessary and duplicated records should be eliminated so saving storage costs as well as cost in terms of staff, time and equipment. Holding fewer records frees up both physical and computerised filing systems and makes valuable information easier to find.

Records designated as no longer required must be securely disposed of.

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### Access

Since the beginning of 2005, the public are entitled to make an application for disclosure under the FOIA. The Council, however, is not required to make a specific disclosure of information that is already made available to the public through its Publication Scheme. There is therefore a clear benefit in putting as much information as possible in the Publication Scheme as this will reduce the number of access requests that need to be processed. It also assists the public in accessing information, as they do not need to make an access request to find the required information.

Any formal requests for access to information not included in the Council's Publication Scheme must be referred immediately to the Parish Clerk. It is a criminal offence under the FOIA to tamper with any file once an FOIA request has been made. No alterations to the information held in a file must be made or any information removed or added. The destruction of any record subject to a request for information must be delayed, even if the request has been refused, until the information has been disclosed and all appeal times/procedures have been exhausted.

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Agreed at the Yaxham Parish Council meeting in March 2021

Date for review: March 2024