

## **PONTHIR COMMUNITY COUNCIL**

### **Record Management and Security Policy**

Ponthir Community Council realise that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the Council. This document provides the framework through which this effective management can be achieved and audited.

The Community Council seeks to make standard management and operational documents, minutes, agendas and community documents available on the council's website [www.ponthircommunitycouncil.gov.uk](http://www.ponthircommunitycouncil.gov.uk)

#### **Scope of the Policy**

This policy applies to all records created, received or maintained by the Community Council in the course of carrying out its functions. Records are defined as all those documents which facilitate the business carried out by the Community Council and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received, or maintained in hard copy or electronically. Emails will be purged regularly and deleted safely.

A small percentage of the Community Council's records will be selected for permanent preservation as part of the Council's archives and for historical research and interest.

#### **Responsibilities**

The Community Council has a corporate responsibility to maintain its records and record management systems in accordance with the regulatory environment. The person with overall responsibility for this Policy is the Clerk.

Procedures are in place to ensure that the Community Council complies with the General Data Protection Regulation. When dealing with personal details, Ponthir Community Council staff and Councillors must ensure that data:

- Must be processed lawfully, fairly and transparently.
- Is only used for a **specific processing purpose** that the data subject has been made aware of and no other, without further consent.
- Should be **adequate, relevant and limited** i.e. only the minimum amount of data should be kept for specific processing.
- Must be **accurate** and where necessary **kept up to date**.
- Should **not be stored for longer than is necessary**, and that storage is safe and secure.
- Should be processed in a manner that ensures **appropriate security and protection**.

Only the Clerk can normally directly access the data, which is held securely by a system of passwords, with the only exception being when she is on leave. It cannot be accessed by members of the public.

Ponthir Community Council may hold personal information about individuals such as their addresses, emails, and telephone numbers. This information is not available for public access.

All data stored on the Clerk's computer is password protected.

Once data falls outside the minimum retention time of Council's document retention policy, it will be shredded or securely deleted from the Computer.

### **Retention of Documents or Electronic Data**

The Community Council is required to maintain a retention schedule. There is a clear need to retain documentation for audit purposes, staff management, tax liabilities, and the eventuality of legal disputes and legal proceedings. The schedule lays down the minimum length of time which the records needs to be retained for audit and other purposes and the action which should be taken when it is of no further administrative use. Additional documents are also identified in a Management Schedule which are not subject to audit, staff management, tax liabilities and other purposes but for the general management of the Community Council or of historical interest.

Most legal proceedings are governed by the 'Limitations Acts' which state that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question. If a type of legal proceeding falls into two or more categories, the documentation will be kept for the longer of the limitation period. As there is no limitation period in respect of Trusts, the Council will retain all trust deeds and scheme and other similar documentation.

The retention refers to records services regardless of the media in which they are stored.

### **Disclosure of Personal information**

If an elected member of the Council needs to obtain personal information to help carry out their duties, this is acceptable. They are only able to obtain as much personal information as necessary and it should only be used for the specific purpose. If, for instance, someone has made a complaint about over hanging bushes in a garden, the Clerk may give a Councillor or the appropriate local authority the address and telephone number of the person who has made the complaint so they can help with the enquiry.

Data should never be used for political reasons unless the data subjects have consented.

### **Schedule**

Correspondence if related to audit matters and or legal proceedings should be kept for the appropriate period specified in the schedule unless the Community Council deems them to be relevant or useful or have historical interest to the Council.

For other correspondence including written or electrically generated (unless relating to staff) should be retained for as long as it is useful and relevant.

<b>Type of record</b>	<b>Minimum Retention Period</b>	<b>Final Action</b>	<b>Reason</b>
<b>Administration</b>			
Signed annual council and committee minutes	Permanent	Preserve – Transfer to Gwent Archives after 4 years	Archive
Agendas	Permanent	Preserve – Transfer to Gwent Archives after 4 years	Archive

Type of record	Minimum Retention Period	Final Action	Reason
Reports/documents circulated with agendas	Keep as per related agendas	Review But if copies are included with signed minutes destroy	Management
Councillors' declarations of office	2 years from end of term of office	Preserve – Transfer to Gwent Archives.	Management
Councillors' register of interests	2 years from end of appointment	Review	Management
Routine correspondence and papers	6 years after End of Administrative Use	Destroy	Management
Correspondence and papers on important local issues or activities	6 years after End of Administrative Use	Review	Management
Planning applications for minor works	6 years after decision	Destroy	Management
Planning applications and related papers for controversial developments	6 years after decision	Review	Management
Planning Appeal decisions	6 years from conclusion of Appeal	Destroy	Management
<b>Elections</b>			
Ballot papers for Community Council elections	6 months from close of poll	Destroy	To comply with Local Elections Rules 2004 s48
Nomination Forms for Candidates for election to Community Council	6 months from close of poll	Destroy But if minutes do not survive, preserve	Management
Register of Electors	End of Administrative Use	Destroy	Management
<b>Legal &amp; Property</b>			
Insurance Policies	40 years from end of policy	Destroy	The Employer's Liability (Compulsory Insurance) Regulations 1998)

Type of record	Minimum Retention Period	Final Action	Reason
Maps, plans and surveys of property owned by the council	Permanent	Preserve	Management
Maps created under the Rights of Way Act 1932	Permanent	Preserve	Management
Tenders and quotations (Successful) – for contracts under hand	6 years after term of contract has expired	Destroy	Limitation Act 1980 (as amended)
Tenders and quotations (Successful) – for contracts under seal	12 years after term of contract has expired	Destroy	Limitation Act 1980 (as amended)
Tenders and quotations (un-successful)	1 year after start of contract	Destroy	Management
<b>Financial</b>			
Account Books and receipt and payment books	6 years after the conclusion of the financial transaction that the record supports	Preserve	Archive
Financial Returns to district auditors	6 years after the conclusion of the financial transaction that the record supports	Destroy But if general accounts do not survive, preserve	Audit/ Management
VAT records	6 years after the conclusion of the financial transaction that the record supports	Destroy	VAT
Paid Invoices	6 years after the conclusion of the financial transaction that the record supports	Destroy	VAT
Cheque Book Stubs/Paying-In Books	6 years after the conclusion of the financial transaction that the last record supports	Destroy	Audit/ Management

Type of record	Minimum Retention Period	Final Action	Reason
Bank Statements	6 years after the conclusion of the financial transaction that the record supports	Destroy	Audit/ Management
<b>Miscellaneous</b>			
Community Newsletters	Permanent	Preserve One copy of every issue.	Historical Archive
Photographs	Permanent	Preserve But remember photographs need to be identified and dated to be useful in future.	Historical Archive

### **Other documents including written notes of the clerk and councillors**

The clerk's hand written notes of Community Council meetings are routinely destroyed once a typed up record has been completed. Other hand written notes held by Councillors or the Clerk from conferences and other Community Council related events when no longer relevant or required will be destroyed.

Information from other bodies e.g. circulars, booklets etc. from Torfaen CBC, One Voice Wales, Gwent Police etc. should be retained for as long as it is useful and relevant and then destroyed.

### **Staff/Personal Information**

Documentation relating to staff/personal information should be kept securely and in accordance with the principles contained in the General Data Protection Regulations. The principles provide that personal data in relation to staff should not be kept for longer than is necessary for the purpose it was held. However, after an employment relationship has ended, the Community Council will need to retain and access staff records for former staff for the purposes of giving references, payment of tax, national insurance contributions and pensions, and in respect of any related legal claims made against the Community Council.

### **Data received and created by Community Councillors**

All data received and created by Councillors acting on behalf of the Community Council and in their role as an elected member is subject to the General Data Protection Regulations and Freedom of Information Act 2000.

It is recognised that members of the public may contact Ponthir Community Councillors directly through email or letter from time to time. Councillors should:-

- Forward the email or letter to the Clerk to respond and delete any electronic copy from their system; or

- Respond to the email or letter directly and provide a copy to the clerk for the formal record.

If Councillors retain personal information either in paper format or electronically about individuals such as their addresses, emails, and telephone numbers when acting on behalf of members of the public and local organisations it is recommended they seek advice from the Commissioner's Office.

It is safest for Councillors to delete any correspondence once a matter has come to a natural conclusion rather than hold the information indefinitely. If you believe the correspondence is important historically to the Community Council then a copy should be sent to the Clerk.

Approved by Council: 9<sup>th</sup> April 2018