

## 3C ICT Documentation

**Retention Policy**

## 1. Version Control

Version	Date	Author	Comments
0.1	12/09/2023	Adam Brown, DPO/IG Manager	Draft for comment from 3C management/DDPO
0.2	09/10/2023	Adam Brown, DPO/IG Manager	Amendment and update of wording
0.3	10/01/2024	Adam Brown, DPO/IG Manager	Update following IG Board comments
1.0	13/05/2024	Adam Brown, DPO/IG Manager	Amendments to retention schedule location now published

## 2. Policy Description

This retention policy provides the framework in which the 3 Councils (Huntingdonshire District Council, Cambridge City Council and South Cambridgeshire District Council) will ensure they meet the requirements of the current legislation in the UK relating to the storage and holding of documents for Public Sector Bodies.

This legislation includes, but is not limited to, the UK GDPR, The Data Protection Act 2018, The Local Government Act 2000 and the Public Records Act 1958.

This policy is intended for staff and councillors of the three councils, customers and the wider public and any other interested party/partner or shared service organisation of any of the three councils.

The policy applies to all information and data held by any of the three councils, any shared service set up to support the three councils, and any partner, processor, contractor or other party working with information/data which the council is responsible for.

## 3. Policy Details

The Three councils and their shared services are committed to ensuring that documentation used through the course of their business are retained in a manner compliant with their statutory obligations, and that during the lifecycle of this documentation there are controls in place to make records management intrinsic to the collection of data and information.

This policy provides part of the framework for the three councils to comply with the relevant legislation and associated codes of practice, which ensure:

- the lawful and correct treatment of personal information;

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- that information which is kept in line with the minimum retention period identified within the schedules;

## 4. Scope

These Retention Guidelines have been adapted from those issued by the Record Management Society of Great Britain. The original guidelines were issued to support local authorities in the areas of Data Protection, Freedom of Information, Record Retention and the Local Government Act.

This policy provides the corporate policy framework to offer guidance to staff when making decisions on whether particular records should be retained or disposed of. This will help the Council to meet its statutory obligations to ensure that information is retained for the correct period of time and then disposed of appropriately. It is unlawful to retain information for longer than necessary.

This policy is intended to cover all records and information throughout their lifecycle, and covers records across all known formats.

Backup copies stored on alternative media (e.g. servers/microfilm/paper) should also be destroyed. This is vital to ensure compliance with the requirements of Data Protection and Freedom of Information legislation.

Records for permanent preservation should be stored as agreed within the retention schedules.

## 5. Responsibilities

All employees, contractors, temporary staff, volunteers and Councillors are obliged to follow this policy.

Roles	Responsibilities
Members	<ul style="list-style-type: none"> <li>• Elected members are responsible for overseeing effective records management by the officers of the council and promoting adherence to this policy and the supporting framework.</li> <li>• Members also have access to records in the form of agendas, minutes, reports, briefing notes and correspondence with officers, community groups, members of the public, etc. These records can be sensitive particularly where the documents are exempt from publication, relate to individuals within their electoral ward, etc.</li> </ul>

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	<ul style="list-style-type: none"> <li>Members therefore have a responsibility to manage and dispose of records in accordance with the Record Retention and Disposal Policy and Schedule.</li> </ul>
Senior Information Risk Officer	<ul style="list-style-type: none"> <li>The Senior Information Risk Owner (SIRO) is a senior officer who is familiar with information risks and supports the organisation to provide the focus for the management of information risk across the council.</li> <li>They help establish and maintain assurance that information risk is being managed appropriately and effectively across the council and for any services contracted for.</li> </ul>
Management Team	<p>Management Team are responsible for:</p> <ul style="list-style-type: none"> <li>approving and promoting this policy and the supporting framework;</li> <li>considering from time to time records management reports and ensuring due attention and resources are applied throughout the council to identified areas of need; and the operation and promotion of this policy and supporting framework within their service areas;</li> <li>ensuring sufficient resources are allocated to meet corporate record management requirements;</li> <li>ensuring those acting on behalf of the council receive appropriate training that is maintained and monitored on a regular basis, to ensure understanding and effectiveness;</li> <li>appropriate officers are appointed (and designated as required) to liaise and support records management groups and activities</li> <li>records management is included in the business planning process.</li> </ul>
Service Managers	<ul style="list-style-type: none"> <li>Responsibility for determining document retention rests with the individual service manager, in respect of those documents that properly fall within the remit or control of his/her service.</li> </ul>
Information Asset Owners	<ul style="list-style-type: none"> <li>Each budget holder is an Information Asset Owner (IAO) and is accountable to the SIRO for information assets within their business unit.</li> <li>Each IAO is responsible for how that information is held, used and shared.</li> <li>Each IAO will provide assurance that information risk is being managed effectively for those information assets that they have been assigned ownership.</li> <li>IAOs will be assisted in their roles by staff acting as Information Asset Administrators or equivalent that have day to day responsibility for management of information risks affecting one or more assets.</li> </ul>

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Individuals	<ul style="list-style-type: none"> <li>• Council employees, including contractors, consultants and volunteers employed to undertake council business, have a responsibility to document actions and decisions by creating and filing appropriate records and subsequently to maintain and dispose of those records in accordance with records management procedures.</li> </ul>
Information Governance Team	<ul style="list-style-type: none"> <li>• Providing guidance to individuals and areas around practical steps to meet the requirements of this policy</li> <li>• Ensuring the efficacy and content of any training in place for compliance with this policy is sufficient</li> <li>• Working with IAOs and the SIROs to jointly identify shortfalls in the compliance with this policy</li> <li>• Ensuring any Information Asset Register completed by IAOs is kept up to date and reviewed on a regular basis</li> <li>• Providing expert support to IAOs when handling their responsibilities under this policy</li> </ul>

<i>Process / Activity</i>	Members	SIRO	Management Team	Info Gov Team	Information Asset Owners	Individuals
<b>Records Management during day to day access</b>		I		C	A	R
<b>Adherence to the records management framework</b>	A	R/A	A	C/I	R	R
<b>Determination of record retention</b>		A		C	R	I
<b>Determination of holding usage and sharing of records</b>		A	I	C	R	I
<b>Management of the risks associated with records retention</b>	I	A/C	I	C/I	R	R
<b>Provision of advice/guidance and support</b>				R	I	I

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<p><b>Completion of an Information Asset Register to inform compliance with this policy</b></p>		A	I	R/C	R	
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It is the responsibility of system owners and record owners to investigate events of wrongful disposal of information.

## 6. Lifecycle of Documentation

The Records Retention Schedule provides guidance on recommended and mandatory retention periods for specific classes of records and information.

If you wish to transfer permanent records to an archive please contact the Information Governance Team, who will outline options for both paper and electronic records.

Where a retention period has expired in relation to a particular record or information a review should be carried out before a final decision is made to dispose. An audit trail of disposed records must be logged by keeping a record of the document or information disposed of, the date and method of disposal, and the officer who authorised disposal. This policy does not backdate this requirement to records already destroyed prior to this policy being updated.

## 7. Legislative Framework

Retention periods are often set by statute, whilst others are guidelines following notable practice in local government. This policy reflects the requirements of the Data Protection Act 2018, General Data Protection Regulation, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. This policy and the associated schedules of retention will be reviewed on a two yearly basis or upon the introduction of further legislation which impacts retention of information, whichever is sooner.

### *Data Protection Act 2018*

The fifth data protection principle states that: “..personal data processed for any of the law enforcement purposes must be kept for no longer than is necessary for the purpose for which it is processed  
Appropriate time limits must be established for the periodic review of the need for the continued storage of personal data for any of the law enforcement purposes.”

If any personal data is of sufficient interest to be archived, the DPA makes provisions for the personal data processed only for ‘scientific, historical’ or ‘statistical’ purposes’.

This is conditional on meeting the criteria outlined in the Act.

### *UK General Data Protection Regulation (GDPR)*

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Under Article 30 of GDPR, the council has responsibilities to document the personal data it processes as a controller and processor. These records will need to align with the retention schedules.

After the expiration of the applicable retention period personal data does not necessarily have to be completely erased. It is sufficient to anonymise the data. This may, for example, be achieved by means of:

- erasure of the unique identifiers which allow the allocation of a data set to a unique person;
- erasure of single pieces of information that identify the data subject (whether alone or in combination with other pieces of information);
- separation of personal data from non-identifying information (e.g. an order number from the customer's name and address); or
- aggregation of personal data in a way that no allocation to any individual is possible.

In some cases, no action will be required if data cannot be allocated to an identifiable person at the end of the retention period, for example, because:

- the pool of data has grown so much that personal identification is not possible based on the information retained; or
- the identifying data has already been deleted.

In addition to other information obligations, in the context of data retention data subjects must be informed of:

- the retention period;
- if no fixed retention period can be provided – the criteria used to determine that period; and
- the new retention period if the purpose of processing has changed after personal data has been obtained.

#### *Freedom of Information Act 2000 and Environmental Information Regulations 2004*

The Freedom of Information Act gives anyone the right access to information held by the council and the Environmental Information Regulations provides the same for information about the activities of public authorities that relate or affect the environment. There should be clearly defined policies and procedures for the retention and disposal of records.

#### *Local Government Act 1972*

This legislation governs public access to certain documents relating to council and committee meetings. Certain documents that form part of the public part of the agenda are required to be available for inspection by members of the public


#### *Tax Legislation*

Minimum retention for certain financial records are imposed by statutes such as the VAT Act 1994, and the Taxes Management Act 1970.

#### *Statutory registers*

Various local government statutes require registers to be kept of certain events, notifications, or transactions. It is implicit within such legislation that these records be maintained on a permanent basis, unless the legislation concerned stipulates otherwise

#### *The Audit Commission Act 1998*

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This provides auditors with a right of access to every document relating to the council that appears necessary for the purposes of carrying out the auditor's function under the Act.

## 8. Definitions

The terms data subject, processing, data controller, data processor/processor, personal data, special category data, consent, are all as defined in the UK GDPR.

## 9. Related policies/references

3C ICT Appropriate Policy Document  
3C ICT Acceptable Use Policy  
3C ICT Access to Information Policy  
3C ICT Data Protection Policy  
Retention Schedules

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## Appendix 1

Retention schedules for the three councils can be found on the Information Governance Sharepoint [here](#)



