



# Document Handling, Retention And Archiving Policy

Most recent update: 17 May 2024

## 1. Introduction

- 1.1 Information is one of the Cheshire West and Chester Council's corporate assets; in the course of carrying out its various functions, the council accumulates information from both individuals and external organisations. The council also generates a wide range of data, which is recorded in documents and records.
- 1.2 These documents and records are in several different formats, examples of which include, (but are not limited to) communications such as letters, emails and attendance notes; financial information including invoices, statements and reports; legal documents such as contracts and deeds; and information relating to various types of applications, including forms, plans, drawings, photographs and tape recordings.
- 1.3 For the purposes of this Policy, the terms 'document' and 'records' include information in both hard copy and electronic form.
- 1.4 In certain circumstances it will be necessary to retain specific documents in order to fulfil statutory or regulatory requirements and also to meet operational needs. For ESFA purposes there a minimum date requirement of 7 years from the end of the course. Document retention may also be useful to evidence events or agreements in the case of disputes, and also to preserve information which has historic value.
- 1.5 Premature destruction of documents could result in inability to defend litigious claims, operational difficulties and failure to comply with the Freedom of Information Act 2000 and the Data Protection Act 2018.
- 1.6 Equally, the retention of all documents and records is impractical and appropriate disposal is encouraged. Disposal will assist the council to maintain sufficient electronic and office storage space and will de-clutter office accommodation, resulting in a more desirable working environment. Lengthy or indefinite retention of personal information could result in the council breaching the Data Protection Act 2018.
- 1.7 It is important for the above reasons that the council has in place systems for the timely and secure disposal of documents and records that are no longer required for business purposes.

## 2. Aims And Objectives

- 2.1 The key objective of this Policy is to provide the council with a simple framework which will govern decisions on whether a particular document be retained by the council, the Policy includes guidance on the format in which they should be retained and appropriate retention periods.
- 2.2 Implementation of the Policy should save council officers' time when retrieving information, in particular by reducing the amount of information that may be held unnecessarily.



- 2.3 The Policy clarifies the different roles of council officers in relation to document retention and disposal in order that they understand their responsibilities, and who to refer to if they are unsure about any document and require clarification.
- 2.4 It is envisaged that this Policy will assist the council in securing compliance with legal and regulatory requirements, including the Freedom of Information Act 2000, the Environmental Information Regulations 2005, the Data Protection Act 2018 and the Code of Practice on the Management of Records under Section 46 of the Freedom of Information Act 2000. In addition to assisting officers in their day to day business, this should also ensure that searches for information requested under the Freedom of Information legislation are as quick as possible.
- 2.5 Additionally, the Policy should help to ensure that the council archives records and documents that are of historical value appropriately for the benefit of future generations.

### **3. Scope**

- 3.1 This Document Retention Policy applies to all information held by the council and its external service providers where they are processing information on the council's behalf.

### **4. Policy**

- 4.1 Cheshire West and Chester Council will ensure that information is not kept longer than is necessary and will retain the minimum amount of information that it requires to carry out its statutory functions and the provision of services.

### **5. Retention and Disposal Policy**

- 5.1 Decisions relating to the retention and disposal of documentation should be taken in accordance with this Policy.
- 5.2 In circumstances where a retention period of a specific document has expired, a review should always be carried out prior to a decision being made to dispose of it. This review should not be particularly time consuming and should be straightforward. If the decision to dispose of a document is taken, then consideration should be given to the method of disposal to be used.

### **6. Roles and Responsibilities**

- 6.1 The Senior Officer – Quality, Performance and Commissioning will be responsible for determining (in accordance with this Policy) whether to retain or dispose of specific documents within the remit of this policy.
- 6.2 The Senior Officer – Quality, Performance and Commissioning may delegate the operational aspect of this function to one or more officers within their service area.



- 6.3 The Senior Officer – Quality, Performance and Commissioning should seek legal advice if they are uncertain as to whether minimum retention periods are prescribed by law, or whether the retention of a document is necessary to protect the Council’s position where a potential claim has been identified.
- 6.4 Legal Services does not possess the operational knowledge required to assess whether a particular document may be required by a service area for operational need. As stated in 6.1 above, this is the responsibility of the Senior Officer – Quality, Performance and Commissioning.

## **7. Disposal**

- 7.1 Confidential waste documents should be made available for collection by use of the confidential waste bins which are located around the council’s offices in order that they can be destroyed. It is essential that any documents which are to be thrown away, and contain confidential or personal data must be disposed of in this way, in order to avoid breaches of confidence or of the Data Protection Act 2018.
- 7.2 Disposal of documents other than those containing confidential or personal data may be disposed of by binning, recycling, deletion (in the case of electronic documents), and the transfer of documents to external bodies. Transfer of documents to external bodies will be unusual but could be relevant where documents are of historic interest and may therefore be sent to the county archivist or a museum.
- 7.3 Records of disposal should be maintained and should detail the document disposed.