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NORTH HERTFORDSHIRE DISTRICT COUNCIL

Retention Schedule – Legal and Community Directorate Community Protection Democratic Services Legal Services Policy & Community Engagement

2023

Document Control

Retention schedule

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Document approvals

This document requires the following approvals:

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Document distribution

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Introduction

The Council's Approach to Data Management

In response to the requirements of the General Data Protection Regulations in particular

Principle (e) storage limitation: 'You must not keep personal data for longer than you need it. You need to think about and be able to justify how long you keep personal data. This will depend on your purposes for holding the data. You need a policy setting standard retention periods wherever possible, to comply with documentation requirements. You should also periodically review the data you hold, and erase or anonymise it when you no longer need the data. You can keep personal data for longer if you are only keeping it for public interest archiving, scientific or historical research or statistical purposes.

This Retention Schedule provides a generic guidance on when data should be deleted once it is no longer in use.

The Retention Schedule is regularly reviewed considering new guidance and best practice. Revisions may also be prompted by changes in legislation, formal guidance, and relevant case law.

Further information on the Data Protection Act 2018 and associated legislation, the Freedom of Information Act 2000 and Environmental Information Regulations 2004 can be found on the Information Commissioner's Office (ICO).

<https://ico.org.uk/>

The IT Department's Information Management Team has been charged with managing the Council's approach to Data Protection, Data Quality Issues, Data Sharing Agreements and Data Retention. The Information Management Team will review and manage the data retention practices within the authority and provide guidance on the legislative provisions that have a bearing on this work.

The introduction of the Data Protection Act 2018 brought about a fundamental shift in how local authorities, et al approach the acquisition, storage, use and deletion of data, particularly when it contains personal information. This change in culture, from one that resulted in the hoarding of data to one that views data as both an asset and a potential liability, continues as local authorities face competing pressures as regards their duties under Data Protection legislation and those associated with freedom of information and or Environmental Information Regulation legislation.

Responsibilities of all officers

The appropriate management of personal data is a responsibility of all employees of North Hertfordshire District Council. Accordingly, all Officers of the Legal and Community Directorate should take reasonable steps to ensure that personal and sensitive data is managed regarding the principles of the Data Protection Act 2018 and the content of this Policy. Any breaches of this document should be reported to the Service Director, Legal and Community and Data Protection Officer without delay.

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Review of this document

This policy will be reviewed on a regular basis to ensure that it reflects best practice. Revisions may also be prompted by changes in legislation, formal guidance, and relevant case law.

Any operational problems experience in connection with the implementation of this policy should be direct to the Service Director, Legal and Community that remedial options can be identified in a timely fashion.

Community protection:

Activity	Examples of documents	Personal data included	Retention period	Rationale for retention period	Responsible officer
Records pertaining to the investigation of environmental crime, community crime (ASB) and crime and disorder cases where no formal enforcement action is taken	Case records held on Tascomi and I@W	Yes	Destroy 6 years after the case is closed unless there is subsequent correspondence, or the case is reopened	Operational efficiency. Retained in case of further complaints against the same individual organisation/ premises	Licensing & Community Safety Manager
Records pertaining to the investigation of environmental crime, community crime (ASB) and crime and disorder cases where prosecution action is undertaken	Case records held on Tascomi and I@W, hard copy case investigation files	Yes	Destroy 6 years after the case is closed unless there is subsequent correspondence, or the case is reopened	Limitation Act, 1980	Licensing & Community Safety Manager
Issuing of a FPN or administration of a simple caution	Case records held on Tascomi I@W hard copy case investigation files	Yes	Destroy 6 years after the date of the acceptance of the simple caution	Further enforcement action – considering in subsequent prosecution; and Limitation Action 1989, potential negligence	Licensing & Community Safety Manager
Non – personal data associated with crime and disorder	Documents on the G: Drive in relation to the	No	Destroy 1 year after the camera has been	Operational efficiency	Licensing & Community Safety Manager

Activity	Examples of documents	Personal data included	Retention period	Rationale for retention period	Responsible officer
to support the decision making in connection with the deployment of mobile cameras	deployment of mobile cameras		removed from site		
Body worn cameras	Formal enforcement action: Fixed Penalty Notice/ simple caution Formal enforcement action: Prosecution Non evidential: Immediate deletion	Yes & No	6 years 6 years 1 day	Data stored in relation to individual case (See lines 1, 2 and 3 above) Data stored in relation to individual case. Data stored in relation to individual case.	Licensing & Community Safety Manager
Non – personal data associated with crime and disorder to support the development of strategies and policies	Community safety action plan, strategic assessments held on G:Drive	No	Destroy 6 years after document has been superseded	Operational efficiency	Licensing & Community Safety Manager
Safeguarding referral /incident forms sent to responsible authorities (e.g. Herts	Copies of all incident and referral forms relating to safeguarding are stored	Yes	Destroy after 6 years	Operational efficiency Retained in case further safeguarding concerns are brought to councils' attention.	Licensing & Community Safety Manager

Activity	Examples of documents	Personal data included	Retention period	Rationale for retention period	Responsible officer
County Council children, schools and families)	centrally on the G:Drive in a safeguarding folder with restricted access				

Democratic Services (Committee, Member & Scrutiny; Elections)

Activity	Examples of Documents	Personal data included	Retention period	Rationale for Retention Period	Responsible Officer
Members claims for expenses	Monthly claim forms	Name, car, details, signature	Destroy 7 years after claim processed	In line with retention of financial information	Licensing & Community Safety Manager
Notes of meetings and draft minutes (Except for licensing and appeals sub – committee meetings)	Handwritten and typed contemporaneous notes of council and committee meetings	None that are not in the public domain	Destroy once the minutes of the previous meeting have been approved	Good practice	Licensing & Community Safety Manager
Notes of meetings and draft minutes of licensing and appeals sub – committee meetings	Handwritten and typed contemporaneous notes of licensing and appeals subcommittee meetings	None that are not in the public domain	Destroy 21 days after date of confirmation of minutes/ expiry of 21 days (appeal period)	Good practice	Licensing & Community Safety Manager
Signed minutes and accompanying reports presented to committees	Minutes and reports in hardcopy and on the council's website	Minutes – none that are not in the public domain. Reports – can	To be kept in perpetuity Signing minutes	In line with guidance in Knowels regarding the retention of minutes Local Government Act Schedule 12 Para 41	Licensing & Community Safety Manager

		include exempt information as per schedule 12A of the Local Government Act 1972	Inspection of documents – 6years	Local Government Act 1972 100C	
Representation to committee meetings by members of the public	Written representations – power point presentation , lists of speakers at meetings	Name, Email address, Home address, Phone number	<p>If not published as part of the agenda (personal information redacted) or on a separate dedicated council webpage – destroy once minutes of the previous meetings are approved.</p> <p>If representation published as part of an agenda – (personal information removed/ redacted), the representation will be retained in perpetuity as part of the minute archive and on the council</p>	<p>Good practice</p> <p>In line with guidance in Knowles regarding the retention of minutes</p>	Licensing & Community Safety Manager

			website - might be possible that the dedicated webpage is removed once matter concluded. Inspection of background documents – 4 years	Local Government Act 1972 100D	
Audio recordings	Of meetings where public may attend	No – only public meetings recorded	To be retained in perpetuity as supplement the signed minutes	In line with guidance in Knowles regarding the retention of minutes	Licensing & Community Safety Manager

Electoral services:

Activity	Examples of documents	Personal data included	Retention period	Rationale for retention period	Responsible officer
Canvasser Log (record of visits by a canvasser for door knock exercise)	Canvasser work sheet	Name, address	1 month after payment to Canvassers in case of query with payment as is made per form collected	To facilitate payment	Democratic Services Manager
Household enquiry forms (HEFs)	HEF	Name, address, nationality, signature	Until the publication of the revised register on 1 st December or when entry checked before publication	Checking of errors before publication of register	Democratic Services Manager

Activity	Examples of documents	Personal data included	Retention period	Rationale for retention period	Responsible officer
Voter registration forms (ITRs)	ITR	Name, address, nationality, NI number, DOB, email (optional) telephone no (optional)	5days after determination deadline (objection period)	RPR 2001 To facilitate objection/ appeal hearing	Democratic Services Manager
Evidence documents to support registration applications	Paper/ electronic copies of birth certs, certs of naturalisation statutory declarations	Name, address, DOB, signature, nationality information	5 days after determination deadline (objection period)	RPR 2001	Democratic Services Manager
Electoral register full	Paper format for viewing	Name, address, poll no. Electoral Ward	15 years from 2005 electronically pre 2005 archived	Checking of oversees registrations. Public document viewing by appointment	Democratic Services Manager
Electoral register Full (open)	Paper format for viewing	Name, address, poll no. electoral ward	1 year from publication	Public document viewing in reception	Democratic Services Manager
Electoral register Full	Electronic	Name, address, DOB, Ni no., telephone no., email (only where supplied) Absent vote details, poll no. ward details	All years from 2005 NI no redated after 13months	Checking registrations/ absent vote queries/ chasing electors re registrations and completion of forms Facilitate election set up Queries from political parties re donations.	Democratic Services Manager

Activity	Examples of documents	Personal data included	Retention period	Rationale for retention period	Responsible officer
				Police and crime queries	
Notice of alteration	Paper report	Name, address, ward, opt out marker	Each month until republication of register Minus 12-day rule pre-election	RPR 2001 Statutory period	Democratic Services Manager
Absent vote applications (postal and proxy) PI collection notices signature waiver applications (for a particular election)	Paper application forms	Name, address, DOB, signature	Until processed and checked	Application checking	Democratic Services Manager
Absent voter applications / PI collection notices/ signature re waiver applications (for a set period / indefinitely)	Paper application forms	Name, address, DOB, signature,	Until processed and checked All Images scanned to elector record to be kept until AV cancelled by elector or elector registration record removed	Application checking	Democratic Services Manager
Special declaration elector applications –service voters	Paper application forms	Name, address, DOB, signature, service information, rank, ID	Until processed and checked images scanned to elector record	RPR 1983	Democratic Services Manager

Activity	Examples of documents	Personal data included	Retention period	Rationale for retention period	Responsible officer
			to be kept until next registration 5years		
Special declaration elector applications – overseas voters	Paper application forms	Name, address, DOB, signature	Until processed and checked images scanned to elector record to be kept until renewal of registration 1yr	RPR 1985/2001	Democratic Services Manager
Special declaration elector applications – declaration of local connection (Homeless, mental patients, and remand prisoners) and service voters Crown Servants, British Council employees and their spouses)	Paper application forms	Name, address, DOB, signature	Until processed and checked images scanned to elector record to be kept until renewal of registration 1yr	RPR 1983 / 2001	Democratic Services Manager
Special declaration elector applications – anonymous registration applications	Paper application	Supporting documents i.e., court orders, probation, reports, copy restraining orders	Registration lasts for 12months from the day the anonymous entry is first made in the register (the date of the notice of	RPR 2001	Democratic Services Manager

Activity	Examples of documents	Personal data included	Retention period	Rationale for retention period	Responsible officer
			alteration) Applications can be removed earlier by cancellation from the elector or a review of registration		
Poll card/ ballot paper/ PI proofs	Scaled paper print outs	Name, address, poll no., polling station address	Post cards = until postage Ballot papers = until main print run PI proofs = until AVs posted out	Proofing of documents before committed to print	Democratic Services Manager
Nomination papers for all electoral events	Part of nomination pack Includes consent to nomination, agent appointments, emblem request	Name, address and signature of candidate and agent and names and signatures or proposals party information	12 months from date of poll	RPR 2001	Democratic Services Manager
Candidate home address form	Part of nomination pack	Name and home address of candidate	35 days after the declaration of the result of poll. Parliamentary elections retention is 21 days	Statute	Democratic Services Manager
Disposal of election documents e.g., local government and	Ballot papers, unused ballot books, completed forms from polling stations CNL,	Name, address's, candidate details, votes, poll no., DOB, signatures	1 year from declaration of the result	Local elections (Principle areas) Rules 1986 and Local Elections	Democratic Services Manager

Activity	Examples of documents	Personal data included	Retention period	Rationale for retention period	Responsible officer
parliamentary elections	postal vote statements			(Parishes and Communities) rules 1986. Parliamentary election rules	
Returns and declarations as to election expenses	Paper form and receipts	Candidate name, address, signature, copy receipts	2 years from the deadline for submission of returns then can be returned to agent	RPA 1983	Democratic Services Manager
Marked registers	Registers from polling stations used during the poll	Name, address, poll no. Mark as to whether the elector has vote	1 year after declaration of poll	Statute	Democratic Services Manager
Rejected postal votes including RTS	PI statements and ballot papers	Name, poll no., signature, DOB	Completion of form K/R	Must write out to rejected Sigs and DOB within 3months of the poll	Democratic Services Manager
Immigration Act documents for staff	Copy ID documents – passport / driving / license /bills	Name, address, DOB, billing information	For the term of the applicant employment	Asylum and Immigration Act 1996	Democratic Services Manager
Staff bank details	Paper form Electronic record	Bank account details – sort code and account	Kept until payment has been processed. Details kept electronically on staff record until employment ceases.	For processing and checking details	Democratic Services Manager

Activity	Examples of documents	Personal data included	Retention period	Rationale for retention period	Responsible officer
HMRC Staff "starter form"	Paper form Electronic record	Tax disclaimer name/signature	Kept until payment has been processed. Details kept electronically on staff record until employment ceases.	For processing and checking details	Democratic Services Manager
RO staff "starter form"	Paper form Electronic record	Name, address, Nino, DOB, signature, contact information, job interest, insurance details	Kept until after the poll. Details kept electronically on staff record until employment ceases.	For processing and checking details	Democratic Services Manager
Rates of pay	Electronic listings of fees paid	Name and fee payable against job codes	5 years	To facilitate audit of the payroll	Democratic Services Manager
Payroll forms	All electronic copy pay advises, BACS sign off, tax deduction forms	Name, address, fees	5years	To facilitate audit of the payroll	Democratic Services Manager
RPF29	Post register publication numeric report	Prescribed information	1 year	ONS	Democratic Services Manager
Election claim forms	Paper and electronic	All financial costings of each election, includes all invoices to third parties	Until claim settled	Payment of costs to local authority for election	Democratic Services Manager

Legal services:

Activity	Examples of documents	Personal data included	Retention period	Rationale for retention period	Responsible officer
The process of managing, undertaking, or defending for or against litigation on behalf of the local authority	Criminal case file Civil case file General correspondence pertaining to case files	Yes	Destroy 7 years after last action. If considered to be major litigation – Legal officer to mark for review prior to destruction.	Limitation Act 1980	Policy & Community Engagement Manager
Records pertaining to applications, approvals, and renewals of Regulation of Investigatory Powers Act (RIPA) and the Investigatory Powers Act 2016 (IPA)	Application forms, approval forms, applications to court, schedule recording such documents, correspondence pertaining to these	Yes	Destroy after 6 years of application, cancellation or in the event of a live case file relating to such records 6 years from the date of the last action on the file, whichever is the latter.	Limitation Act 1980	Policy & Community Engagement Manager
Ordinary legal files - the process of providing legal advice.	Litigation file Property file Planning file Contracts file Monitoring officer advice General advice file	Yes	Destroy 6 years after last action unless legal officer gives reasons for longer retention period. Schedule review date if longer	Limitation Act 1980	Policy & Community Engagement Manager

Activity	Examples of documents	Personal data included	Retention period	Rationale for retention period	Responsible officer
			retention period needed.		
Administration of a simple caution	Signed simple caution. Acceptance document	Yes	Destroy 6 years after the date of the acceptance of the simple caution	Further enforcement action – considering in subsequent prosecution: and Limitation action 1989, potential negligence	Policy & Community Engagement Manager
Monitoring officer records	Councillors register of interest. Records of gifts and hospitality complaints	Yes	Destroy 12 months after end of term of resignation of councillor, or 6 years in any event from last form. Complaints 6 years from complaint	In line with the period for challenge	Service Director Legal and Community
The process of calling for expressions of interest	Expressions of interest	No	Destroy 2 years after contact let or not proceeded with	Business need	Policy & Community Engagement Manager
The process involved in the development and specification of a contract	Tender specification. Note for project files containing drafts leading to a final version these records	No	Ordinary contracts destroy 6 years after the terms if contract have expired.	Limitation Act 1980	Policy & Community Engagement Manager

Activity	Examples of documents	Personal data included	Retention period	Rationale for retention period	Responsible officer
	can be destroyed.		Contracts under seal destroy 12 years after the terms of contract have expired		
Contracts and agreements signed under hand – The process awarding of contract	Signed contract for goods or services. Signed contract for the disposal for acquisition of land signed SLA	Yes	Destroy 6 years after agreement expires or is terminated unless legal officer gives reasons for longer retention period.	Limitation Act 1980	Policy & Community Engagement Manager
Contracts and agreements signed as a deed – The process awarding of contract	Sealed contract for goods or services	Yes	Destroy 12 years after agreement expires or is terminated unless legal officer gives reasons for longer retention period. Schedule review date if longer retention period needed.	Limitation Act 1980	Policy & Community Engagement Manager
S106 agreements – the process of entering a	S106 AGREEMENT	Yes	Permanent retention of electronic and paper	Permanent obligations attached to S106 may dictate the	Policy & Community Engagement Manager

Activity	Examples of documents	Personal data included	Retention period	Rationale for retention period	Responsible officer
S106 agreement			copy document	requirement to retain	
Property deeds – the process of any dealings in land	Transfer of land Lease License Easement	Yes	Permanent retention of electronic document. Paper documents to be destroyed upon property disposal.	Permanent obligations attached to property deeds may dictate the requirement to retain	Policy & Community Engagement Manager

Licensing:

Activity	Examples of documents	Personal data included	Retention period	Rationale for retention period	Responsible officer
Details of service requests received and subsequent investigations relating to all aspects of licensing		Yes	Destroy 3 years from closure of request	The service manager has discretion to retain records more than these periods where there is a lawful and justifiable reason for the protection of public safety	Licensing & Community Safety Manager
Applications made and licenses issued for all aspects of licensing		Yes	Destroy 6 years from closure of license (or application where a license is subsequently issued)	The service manager has discretion to retain records more than these periods where there is a lawful and justifiable reason for the protection of public safety	Licensing & Community Safety Manager
Details of formal notices (including FPNs) issued and their status		Yes	Destroy 6 years from closure of notice	The service manager has discretion to retain records more than these periods where there is a lawful and	Licensing & Community Safety Manager

Activity	Examples of documents	Personal data included	Retention period	Rationale for retention period	Responsible officer
				justifiable reason for the protection of public safety	
Details of prosecutions (including simple cautions)		Yes	Destroy 6 years from date of prosecution	The Service Manager has discretion to retain records more than these periods where there is a lawful and justifiable reason for the protection of public safety	Licensing & Community Safety Manager
Details of license suspensions, revocations, or refusals		Yes	Destroy 6 years from date of refusal (or determination of any subsequent appeal)	The service manager has discretion to retain records more than these periods where there is a lawful and justifiable reason for the protection of public safety	Licensing & Community Safety Manager

Policy and Community Engagement

Activity	Examples of documents	Personal data included	Retention period	Rationale for retention period	Responsible officer
Service level agreements and memorandum of understanding and associated paperwork	Copy of memorandum of understanding	No	Destroy 6 years after the terms of contract have expired	Common practice and in line with the local government management retention guidelines	Policy & Community Engagement Manager
Grants including area committee grants, capital schemes, performance rewards grants	The awarding of grants to organisations whose objectives are aligned with those of NHDC.	No	Destroy 6 years after granted awarded	Common practice and in line with the local government management retention guidelines	Policy & Community Engagement Manager
Activities that develop policies, procedures, and strategies for the council (Sustainable community strategy, corporate and council plan)		No	Permanent	Common practice and in line with the local government management retention guidelines	Policy & Community Engagement Manager
Policy documents		No	Destroy 6 years after policy has been superseded	Common practice and in line with the local government management retention guidelines	Policy & Community Engagement Manager