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**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**Retention Schedule – Legal and Community**

**Community Protection  
Democratic Services  
Legal Services  
Licensing  
Policy & Community Engagement**

**April 2020**

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## Document Control Retention Schedule

<b>Organisation</b>	North Hertfordshire District Council
<b>Title</b>	Retention Schedule
<b>Author</b>	Directorate - Legal and Community
<b>Filename</b>	NHDC
<b>Owners</b>	Jeanette Thompson
<b>Subject</b>	GDPR Compliance
<b>Protective Marking</b>	Unclassified
<b>Review date</b>	January 2020

### Revision History

Revision Date	Version	Previous Version	Description of Revision
October 2018	1.0		New document
October 2019 - January 2020	2.0	1.0	Annual review
April 2020	2.1	2.0	Updates

### Document Approvals

This document requires the following approvals:

Sponsor Approval	Name	Date
N/A	Jeanette Thompson	15.01.2020
N/A	Jeanette Thompson	16.04.2020

### Document Distribution

Contributors Legal & Community

Name	Job Title	Email Address
<u>Rebecca Coates</u>	Community Protection Manager	<a href="mailto:Rebecca.Coates@north-herts.gov.uk">Rebecca.Coates@north-herts.gov.uk</a>
<u>Melanie Stimpson</u>	Democratic Services Manager	<a href="mailto:Melanie.Stimpson@north-herts.gov.uk">Melanie.Stimpson@north-herts.gov.uk</a>
<u>Isabelle Alajooz</u>	Acting Legal Commercial Team Manager & Deputy MO	<a href="mailto:Isabelle.alajooz@north-herts.gov.uk">Isabelle.alajooz@north-herts.gov.uk</a>
<u>Nurainatta Katevu</u>	Acting Legal Regulatory Team Manager & Deputy MO	<a href="mailto:Nurainatta.katevu@north-herts.gov.uk">Nurainatta.katevu@north-herts.gov.uk</a>
<u>Steven Cobb</u>	Licensing Manager	<a href="mailto:Steven.Cobb@north-herts.gov.uk">Steven.Cobb@north-herts.gov.uk</a>
<u>Reuben Ayavoo</u>	Policy & Community Engagement Manager	<a href="mailto:Reuben.Ayavoo@north-herts.gov.uk">Reuben.Ayavoo@north-herts.gov.uk</a>

## 1. 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 in light of 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 2005 and Environmental Information Regulations 2004 can be found on the Information Commissioner's Office (ICO) and the Department of Environment Food and Rural Affairs (DEFRA) websites:-

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

<http://www.defra.gov.uk/corporate/policy/opengov/eir/guidance/index.htm>

The IT Departments Information & Asset Management has been charged with managing the Council's approach to Data Protection, Data Quality Issues, Data Sharing Agreements and Data Retention. The Information & Asset 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 law.

### 3. 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 with regard to the principles of the Data Protection Act 2018 and the content of this Policy. Any breaches of this document should be report to the Service Director, Legal and Community and the Data Controller without delay.

Jeanette Thompson – Service Director Legal and Community:  
[Jeanette.Thompson@north-herts.gov.uk](mailto:Jeanette.Thompson@north-herts.gov.uk)

Howard Crompton – Data Controller - [DataController@north-herts.gov.uk](mailto:DataController@north-herts.gov.uk)

#### 4. 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 so that remedial options can be identified in a timely fashion.

#### **Community Protection:**

<b>Activity</b>	<b>Examples of Documents</b>	<b>Personal Data Included</b>	<b>Retention Period</b>	<b>Rationale for Retention Period</b>	<b>Responsible Officer</b>
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.	Community Protection 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, I@W, hard copy case investigation files	Yes	Destroy 6 years from date of prosecution/last action, unless there is subsequent correspondence, or the case is reopened	Limitation Act, 1980	Community Protection 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 – taking into account in subsequent prosecution; and Limitation action 1989, potential	Community Protection Manager

				negligence	
Non – personal data associated with crime and disorder to support the decision making in connection with the deployment of mobile cameras.	Documents on the g: drive in relation to the deployment of mobile camera's	No	Destroy 1 year after the camera has been removed from site	Operational efficiency	Community Protection Manager
Body worn cameras	Formal Enforcement Action: Fixed Penalty Notice/Simple Caution  Formal Enforcement Action: Prosecution  Non evidential: Immediate Deletion	Yes & No	6 year  6years  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	Community Protection 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 6years after document has been superseded	Operational efficiency	Community Protection Manager
Safeguarding referral/incident forms sent to responsible authorities (e.g. Herts County Council Children, Schools and Families)	Copies of all incident and referral forms relating to safeguarding are stored centrally on the G drive in a safeguarding folder with restricted access.	Yes	Destroy after 6 years	Operational efficiency. Retained in case further safeguarding concerns are brought to the Council's attention.	Community Protection Manager

**Democratic Services (Committee, Member & Scrutiny; Elections)**

<b>Activity</b>	<b>Examples of Documents</b>	<b>Personal Data Included</b>	<b>Retention Period</b>	<b>Rationale for Retention Period</b>	<b>Responsible Officer</b>
Members Claims for Expenses	Monthly claim forms	Name, Car details, Signature	Destroy 7 years after claim processed	In line with retention of financial information	Committee, Member and Scrutiny 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	Respective Committee, Member and Scrutiny Officer
Notes of meetings and draft minutes of Licensing and Appeals Sub-Committee meetings	Handwritten and typed contemporaneous notes of Licensing and Appeals Sub Committee 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	Respective Committee, Member and Scrutiny Officer
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 include exempt information as per Schedule 12A of the Local Government Act 1972	To be kept in perpetuity  Signing Minutes  Inspection of documents – 6 years	In line with guidance in Knowles regarding the retention of Minutes  Local Government Act Schedule 12 Para 41  Local Government Act 1972 100C	Committee, Member and Scrutiny Manager
Representations to Committee meetings by members of the public	Written representations, PowerPoint presentations, Lists of speakers at meetings	Name, Email address, home address, Phone number	If not published as part of the agenda (personal information redacted) or on a separate dedicated Council webpage –	Good Practice	Committee, Member and Scrutiny Manager

			<p>destroy once Minutes of the previous meeting 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's website. Might be possible that the dedicated webpage is removed once matter concluded.</p> <p>Inspection of background documents – 4years</p>	<p>In line with guidance in Knowles regarding the retention of Minutes</p> <p>Local Government Act 1972 100D</p>	
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	Committee, Member and Scrutiny Manager
<b><u>Electoral Services:</u></b>					
<b>Activity</b>	<b>Examples of Documents</b>	<b>Personal Data Included</b>	<b>Retention Period</b>	<b>Rationale for Retention Period</b>	<b>Responsible Officer</b>
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	Electoral Registration Officer (ERO) oversight / Elections Manager as Deputy ERO
Household Enquiry Forms (HEFs)	HEF	Name , address, Nationality, signature	Until the publication of the revised register on 1 December or when entry checked before publication	Checking of errors before publication of Register	Deputy ERO

Voter Registration Forms (ITRs)	ITR	Name , address, nationality, NI number, DOB Email (optional) Telephone no.(optional )	5 days after determination deadline (Objection period)	RPR 2001  To facilitate objection / appeal hearing	Deputy ERO
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	Deputy ERO
Electoral Register Full	paper format for viewing	Name, address, Poll no. Electoral ward	15 yrs From 2005 electronically Pre 2005 archived	Checking of Overseas registrations  Public document viewing by appointment	Deputy ERO
Electoral Register Full (open)	paper format for viewing	Name, address, Poll no. Electoral ward	1 year from publication	Public document, viewing in Reception	ERO/ Deputy ERO
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 redacted after 13mnths	Checking Registrations / absent vote queries / chasing electors re registrations and completion of forms  Facilitate Election set up  Queries from Political Parties re donations	Deputy ERO



				Police and Crime queries	
Notice of Alteration	Paper report	Name, address, ward, opt out marker	Each month until re publication of Register  Minus 12 day rule pre Election	RPR 2001  Statutory period	Deputy ERO
Death Notices from the Registrar	Electronic	Name, address, date of death	Until processed and checked		Deputy ERO
Absent Vote Applications (postal and Proxy) PI Collection Notices Signature Waiver Applications <b>(for a particular election)</b>	Paper application forms	Name , address, dob, signature	Until processed and checked	Application checking	Deputy ERO
Absent Voter Applications/PI Collection Notices/Signature Waiver Applications <b>(for a set period / indefinitely)</b>	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	Deputy ERO
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 to be kept until next registration 5yrs	RPR 1983	Deputy ERO
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	Deputy ERO
Special Declaration Elector Applications-Declaration of local connection	Paper application forms	Name , address, DOB, Signature	Until processed and checked  images scanned to elector record to be	RPR 1983 / 2001	Deputy ERO

(Homeless, Mental patients and Remand prisoners) and Service voters Crown Servants, British Council employees and their spouses)			kept until renewal of registration 1yr		
Special Declaration Elector Applications- Anonymous Registration Applications	Paper application	Supporting documents i.e. Court Orders, probation reports, copy restraining orders	Registration lasts for 12 months from the day the anonymous entry is first made in the register ( the date of the notice of alteration) Applications can be removed earlier by cancellation from the elector or a review of registration	RPR 2001	Deputy ERO
Poll card / ballot paper /PI proofs	Scaled paper print outs	Name, address, Poll No, Polling station address	Poll Cards = until postage Ballot Papers = until main print run PI Proofs = until AV's posted out	Proofing of documents before committed to print	Chief Executive as Returning Officer (RO)/ Election Manager as DRO
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 of proposers, Party information	12 Months from date of Poll	RPR 2001	RO/ DRO
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	RO/DRO
Disposal of Election Documents	Ballot papers, unused ballot books, completed	Names, addresses, candidate details,	1 year from declaration of the result	Local Elections (Principal Areas)	RO/ DRO

E.g. Local Government and Parliamentary Elections	forms from polling stations CNL, Postal Vote statements	votes, poll no's DOB, signatures		Rules 1986 and Local Elections (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 yrs from the deadline for submission of returns – then can be returned to Agent	RPA 1983	RO/ DRO
Marked Registers	Registers from Polling stations used during the Poll	Name, Address, poll no. Mark as to whether the elector has voted	1 year after declaration of poll	Statute	Deputy ERO
Rejected postal votes including RTS	PI Statements and ballot papers	Name, poll no, signature, DOB	Completion of form K/R	Have to write out to rejected Sigs and DOB within 3 months of the poll	RO/ DRO
Immigration Act documents for staff	Copy ID documents – passport / driving licence / bills	Name, address, dob, billing information	For the term of the applicant's employment	Asylum and Immigration Act 1996	RO/ DRO
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	RO/ DRO
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	RO/ DRO
RO staff “starter form”	Paper Form	Name, address,	Kept until after the poll	For processing	RO/ DRO

	Electronic record	Nino. Dob, signature, contact information, job interest, insurance details	Details kept electronically on staff record until employment ceases	and checking details	
Rates of Pay	Electronic listings of fees paid	Name and fee payable against job codes	5yrs	To facilitate audit of the payroll	RO/ DRO
Payroll forms	All electronic Copy pay advices, BACS sign off, Tax deduction forms,	Name, address, fees,	5yrs	To facilitate audit of the payroll	RO/ DRO
RPF29	Post register publication numeric report	Prescribed information	1 year	ONS	Deputy ERO
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	RO/ DRO

### **Legal Services:**

<b>Activity</b>	<b>Examples of Documents</b>	<b>Personal Data Included</b>	<b>Retention Period</b>	<b>Rationale for Retention Period</b>	<b>Responsible Officer</b>
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	Relevant Legal 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 later	Limitation Act 1980	Service Director or relevant Legal 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 retention period needed.	Limitation Act 1980	Relevant Legal Manager
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 – taking into account in subsequent prosecution; and Limitation action 1989, potential negligence	Relevant Legal Manager
Monitoring Officer Records	Councillor Register of Interests Records of Gifts and Hospitality Complaints	Yes	Destroy 12 months after end of term or 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 contract let or not proceeded with	Business Need	Relevant Legal 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 can be destroyed.	No	Ordinary Contracts Destroy 6 years after the terms of contract have expired. Contracts Under Seal Destroy 12 years after the terms of contract have expired	Limitation Act 1980	Relevant Legal Manager
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	Relevant Legal Manager/ Contracts Lawyer

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	Relevant Legal Manager/ Contracts Lawyer
S106 Agreements - The process of entering into a S106 agreement	S106 Agreement	Yes	Permanent retention of electronic and paper copy document.	Permanent obligations attached to S106 may dictate the requirement to retain.	Relevant Legal Manager/ Planning Lawyer
Property Deeds - The process of any dealings in land	Transfer of land Lease Licence 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.	Relevant Legal Manager/ Property Lawyer

**Licensing:**

<b>Activity</b>	<b>Examples of Documents</b>	<b>Personal Data Included</b>	<b>Retention Period</b>	<b>Rationale for Retention Period</b>	<b>Responsible Officer</b>
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 in excess of these periods where there is a lawful and justifiable reason for the protection of public safety	Licensing Manager
Applications made and licences issued		Yes	Destroy 6 years from closure of licence (or application where a	The Service Manager has discretion to	Licensing Manager

for all aspects of licensing			licence isn't subsequently issued)	retain records in excess of these periods where there is a lawful and justifiable reason for the protection of public safety	
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 in excess of these periods where there is a lawful and justifiable reason for the protection of public safety	Licensing Manager
Details of prosecutions (including Simple Cautions)		Yes	Destroy 6 years from date of prosecution	The Service Manager has discretion to retain records in excess of these periods where there is a lawful and justifiable reason for the protection of public safety	Licensing Manager
Details of licence suspensions,		Yes	Destroy 6 years from date of refusal (or determination of	The Service Manager has	Licensing Manager

revocations or refusals			any subsequent appeal)	discretion to retain records in excess of these periods where there is a lawful and justifiable reason for the protection of public safety	
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**Policy & Community Engagement:**

<b>Activity</b>	<b>Examples of Documents</b>	<b>Personal Data Included</b>	<b>Retention Period</b>	<b>Rationale for Retention Period</b>	<b>Responsible Officer</b>
Service Level agreements and Memorandum of Understandings and associated paperwork	Copy of Memorandums 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 Reward Grants	The awarding of grants to organisations whose objectives are aligned with those of NHDC.	No	Destroy 6 years after grant 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
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