



HORNDDEAN PARISH COUNCIL DATA RETENTION POLICY

1. Introduction

The purpose of this document is to provide a policy framework to ensure that particular documents are dealt with in the correct manner being retained and/or disposed of within the correct timescale.

This policy gives Horndean Parish Council a system for the management of paper and electronic records. The Chief Officer is responsible for ensuring all Council documents are managed accordingly.

Where the policy refers to 'documents' this includes both paper and electronic copies.

2. Retention of Documents

Certain important documents must be retained for clear reasons such as audit purposes, staff management, tax liabilities and the eventuality of legal disputes and legal proceedings. Subject to the above reasons, and any other statutory legislation for retaining documents, papers and records may be destroyed if they are no longer of use or relevant. If there is any doubt, the document will be retained until advice has been sought.

Attached at Appendix A to this policy are the appropriate document retention periods.

3. Retention of Documents for Legal Purposes

Most legal proceedings are governed by the Limitation Act 1980 (as amended). This Act provides that legal claims may not be commenced after a specified period, depending on the nature of the claim. The table below sets out the limitation periods for the different categories of claim.

Category	Limitation Period
Negligence (other Torts)	6 years
Defamation	1 year
Contract	6 years
Leases	12 years
Sums recoverable by statute	6 years
Personal Injury <small>*Persons under 18yrs of age at the time of the injury, have 3yrs from attaining the age of 18 to claim.</small>	*3 years
To recover land	12 years
Rent	6 years
Breach of Trust	None

Where the limitation periods above are longer than other periods specified in Appendix A, the documentation will be kept for the longer period specified.

It should be noted that some limitation periods can be extended:

- Where individuals do not become aware of damage until a later date (eg disease)
- damage is hidden (e.g., to a building)
- person is a child or suffers from a mental capacity *
- there has been a mistake or where one has defrauded another or concealed facts.

4. Disposal

All Council documents will be processed in the correct manner according to sensitivity. Any documentation containing personal data will be disposed of by shredder within the Council offices.

Any Councillors wishing to dispose of paper copies of confidential Council documentation, should do so through the Parish Office.

5. Data Protection and Freedom of Information

All documentation will be held in accordance with the General Data Protection/Freedom of Information Regulations.