



INFORMATION MANAGEMENT AND DATA PROTECTION POLICY

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INTRODUCTION

1.1 This document provides details of how the Town Council will deal with:

- Management
- Retention, and
- Dissemination of information.

1.2 Biddulph Town Council recognises it must keep and process sensitive and personal information about both employees and the public. The Town Council has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.

The Council is very open about its operations, and works closely with public, community and voluntary organisations.

1.3 This policy applies to all documents produced by the Town Council and all documents received in the Town Council's offices. Its objective is to aid sensible, timely management and disposal of all filing, paperwork, records and documentation.

It is important that records are carefully retained and systematically filed as they are required for inspection by a number of agencies such as Internal Audit, External Audit, Department of Social Security, HMRC etc.

1.4 Details of information that is available to the public is contained in the Council's **Publication Scheme and Guidance** document, which is based on the statutory guidance for local councils.

This document considers how requests for information will be managed operationally, and incorporates guidance published in the Local Government Transparency Code 2015, which applies to Biddulph Town Council. This provides details of information that should be routinely published.

OBJECTIVES OF THE POLICY

2.1 The aim of this document is to incorporate the various legal requirements in relation to the management of data into one document, and detail how the Town Council will meet these requirements effectively.

2.2 For reference, the points below define the use of 'record':

- Record: papers, files, books, photographs, tapes, films, recordings or other documentary materials or any copies thereof, regardless of physical form, made, produced, executed or received by any employee in connection with the transaction of the Council's business.
- Electronic record: any record which is created, received, maintained or stored on local workstations or central servers. Examples include, but are not limited to: email, word processing documents, spreadsheets and databases – including but not limited to file records, investigation reports, financial accounting records and payroll records.
- Official Records: are records maintained but not limited to Accounts (all financial records, VAT records, payroll records, bank accounts etc.), electronic records, HR records (personnel records, insurance records etc.) and Council Operation records (minutes, correspondence etc.).

MAKING INFORMATION AVAILABLE

3.1 The Model Publication Scheme

This document is a means by which the Council can make a significant amount of information available routinely, without waiting for individuals to request it. The Scheme is intended to encourage people to take an interest in the work of the Council and its role within the community. The aim is to make it easier for

the public to access information. In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish. Further information is available in the **Publication Scheme and Guidance** document.

The procedure for processing requests for information is included in **Appendix 1**.

3.2 Meetings

All formal meetings of Council and its committees are subject to statutory notice being given on notice boards, the website and sent to the local media. Meeting agendas will be published on the website, and if requested emailed by the Chief Officer to members of the public. The Council publishes an annual programme in May each year. All formal meetings, with the exception of the Human Resource Committee and Finance Committee, are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public participation session on each Council meeting agenda.

3.3 Matters of confidentiality

Occasionally, Council or Committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

3.4 Local Government Transparency Code 2015

The Code details information that must be published quarterly. Where Biddulph Town Council has expenditure exceeding £500, this information must be available to the public. This must include:

- Date the expenditure occurred
- Local authority department that incurred the expenditure
- Beneficiary
- Summary of the purpose of the expenditure
- Amount
- VAT that cannot be recovered.

This information is routinely considered by the Town Council and published online.

3.5 Biddulph Town Council must also publish details of every invitation to tender for contracts to provide goods and/ or services with a value that exceeds £5,000. This must include:

- Reference number
- Title
- Description of the goods and/ or service sought
- Start, end and review dates, and
- Local authority department responsible.

Similar information must also be published in relation to contracts that are entered into by the Town Council, in excess of £5,000. This must include information about whether the contract was a result of an invitation to quote or a published invitation to tender. The size of the supplier must also be made available.

3.6 Of the information that must be published annually, Biddulph Town Council publishes online details of land and assets, grant allocations and details of the organisation chart.

PROTECTING CONFIDENTIAL OR SENSITIVE INFORMATION

4.1 Data Protection

Biddulph Town Council is bound by the Data Protection Act 1998.

The Data Protection Act (DPA) 1998 establishes a framework of rights and duties which are designed to safeguard personal data.

4.2 The DPA aims to balance the legitimate needs of organisations to collect and use personal data for business and other purposes against the right of individuals to respect for the privacy of their personal details.

Personal data may be held electronically in computerised records or manually in hard copy within filing systems.

4.3 There is a fine line between determining what is personal data and what is not. Therefore to help decide whether filed information falls within the scope of the Act, below is a quick reference guide comprising of a series of questions which, when worked through in order, are intended to help determine whether the data held is personal data.

If the answers to the questions are 'yes' then the data is personal data for the purposes of the DPA:

- 1) Can a living individual be 'identified' from the data or from other information in your possession, or likely to come into your possession?
- 2) Does the data 'relate to' the identifiable living individual, whether in personal or family life, business or profession?
- 3) Is the data 'obviously about' a particular individual?

- 4) Is the data 'linked to' an individual so that it provides particular information about that individual?
- 5) Is the data used, or is it to be used, to inform or influence actions or decisions affecting an identifiable individual?
- 6) Does the data have any biographical significance in relation to the individual?
- 7) Does the data focus or concentrate on the individual rather than on some other person, object, transaction or event?
- 8) Does the data impact or have the potential to impact on an individual, whether in a personal, family, business or professional capacity?

4.4 It should be borne in mind that, even if the information is not considered personal data, it may be information of a sensitive nature such as data about an employee's religious beliefs, medical background, sexual orientation, criminal records etc.

4.5 The DPA is underpinned by a set of eight principles:

- 1) Personal data shall be processed fairly and lawfully.
- 2) Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- 3) Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- 4) Personal data shall be accurate and, where necessary, kept up to date.
- 5) Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- 6) Personal data shall be processed in accordance with the rights of data subjects under this Act.
- 7) Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- 8) Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

The Council will ensure it handles personal data and complies with the spirit of these principles.

4.6 The Act states that anyone who processes personal information must comply with the eight principles and that the area covered by the Act provides individuals with important rights, including the right to find out what personal information is held on computer and most paper records.

4.7 The Data Protection Act contains a number of exemptions from the rights and duties in the Act.

Personal data must be processed in accordance with the Act unless one of the exemptions applies.

4.8 Should an individual or organisation feel they are being denied access to personal information that they are entitled to by Biddulph Town Council, or feel their information has not been handled according to the eight principles, they can contact the Information Commissioner's Office for help.

Complaints are usually dealt with informally, but if this is not possible, enforcement action can be taken.

DISCLOSURE INFORMATION

5.1 Staff and Member checks

The Council will, as necessary, undertake checks on both staff and Members with the Disclosure and Barring Service (DBS) and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information.

DATA RETENTION

6.1 The Council will ensure that necessary records and documents will be adequately protected and maintained, and ensure that records which are no longer needed or of no value are discarded/destroyed at the appropriate time.

Appendix 2 sets out the Town Council's data retention requirements and the justification for the periods specified.

6.2 In addition to the information set out in this section, the following points should be noted:

- General Documentation, not listed above, may be kept for reference purposes however will be destroyed after 5 years.
- Any documents relating to Town Council owned land and property will be retained indefinitely by the Town Council or by the Council's solicitor to give a complete picture of refurbishments, disposals or acquisitions.
- Documents produced by and readily available from other sources will be destroyed when they are outdated or superseded.

Development Control and Planning applications will be destroyed automatically after 1 year. If however a particular application forms part of a planning history for a specific site or Town Council owned property, then the application will be kept indefinitely or until such times as the site is developed.

6.3 No document list can be exhaustive. Questions regarding the retention period for any specific document or class of documents not included in the below table should be addressed to the Chief Officer who will consult with the relevant committee chair.

6.4 The Council will comply with the following conditions:

- Records and policies no longer required may be required to be archived. Before destruction this will be checked.
- This Policy applies to electronic records as well as physical hard copies.
- Individuals responsible for the retention of records are also responsible for their destruction following the retention period.

Sensitive or confidential documents must be disposed of by shredding or other means to ensure that the material can no longer be read or interpreted.

6.5 Changes to Data Retention Periods

Record retention periods may be increased by government regulation, judicial or administrative constraint order, private or government contract, pending litigation or audit requirements. Such modifications supersede the requirements in **Appendix 2**.

6.6 In the event of a government audit, investigation or pending litigation, record disposition may be suspended at the direction of the Town Mayor or Chief Officer and subsequently ratified by the Human Resources Committee. When litigation, complaints or investigations against the Town Council or its employees are filed or threatened, the law imposes a duty upon the Council to preserve all documents and records pertaining to the issues. In this instance the Town Mayor or Chief Officer will notify appropriate employees/ departments of a 'hold' directive.

The 'hold' supersedes the retention schedule in **Appendix 2**, and the Chief Officer will inform employees/ departments when holds are cleared.

Electronic records such as emails and computer accounts will be immediately maintained by appropriate departments until the hold is released. No employee or department who has been notified of a hold may alter or delete any electronic records that fall within the scope of that hold.

Violation of the hold may subject the individual to disciplinary action, up to and including dismissal as well as personal liability for civil and criminal sanctions by the courts or enforcement agencies.

6.7 Storage of Documents

Documentation readily in use or where easy and regular access is required will be stored at the Town Council's offices.

Officers are encouraged to scan documentation where and when appropriate so that it is stored electronically for future reference. The IT systems are automatically backed up on a regular basis to ensure the safe keeping of electronic documents.

Older paperwork and documentation will be archived either at the Town Council's offices or off site. If need be, documents will be stored in secure conditions either at the Town Office's offices, with the Council's solicitor or at an offsite storage facility.

6.8 Destruction of Documents

All confidential or sensitive documents and any documents containing personal information covered by the Data Protection Act that are earmarked for disposal will be shredded at the Town Council offices.

All general documentation and paper waste will be recycled.

Appendix 1- Procedure for processing requests for information

How are Freedom of Information (FOI) requests made?

If people ask if there is a specific form that they have to fill in to make a FOI request, the answer is 'no'.

The only requirements are that a request is made in writing (be it in a formal letter or on the back of a post it note) and that a name and an address is provided for the response.

Where should they be sent?

Requests should be sent to office@biddulph-tc.gov.uk, or to our postal address, which is:

Chief Officer, Biddulph Town Council, Biddulph Town Hall, High Street,
Biddulph Staffordshire ST8 6AR

What happens next?

A 20-day deadline for response begins the day after the Town Council receives the Freedom of Information request. The following procedure will take place:

- 1) The request will be entered into the case recording system
- 2) The request will be formally acknowledged
- 3) The response will be sent to the requestor
- 4) The request will be closed on the case recording system
- 5) If the requestor is dissatisfied with the response, they can request that a Review is conducted.
- 6) If the requestor is still dissatisfied with the Review response, they can complain to the Information Commissioner's Office.

Appendix 2- Retaining Important Documents

The requirements for the retention of specific records are laid down in the Accounts and Audit Regulations for Local Authorities. The advised periods and reasons for the retention of records are detailed on the table below. Where the period is shown as a number of years, this is in addition to the current year.

Record	Minimum retention period	Comments
Annual Leave Records	3 years	
Application Forms (unsuccessful Applicants)	6 months	From appointee starting duties
Audit Till Rolls	3 years	
BACS Amendments and Error Reports	6 years	
BACS Details	6 years	
Bank Reconciliation Records	6 years	
Bank Statements and Advices	6 years	
Bond Certificates – Copy	6 years	After redemption
Bonds/ Mortgages Register	Indefinitely	
Budget Working Papers	6 years	
Capital Registers	Indefinitely	
Car Allowance Claims	3 years	
Car Allowance Records	6 years	
Car Lease Records	2 years	From end of lease
Car Loan Records	6 years	From end of loan
Cash Books	6 years	
Consolidated Loans Pool Registers	Indefinitely	
Consolidated Loans Pool Working Papers	6 years	
Collection and Deposit Books	6 years	
Computer Input Forms	2 years	
Contract Documents	Contract period + 2 years	From final payment
Contract Payment Certificates	Contract period + 2 years	From final payment
Controlled Stationery Records	Indefinitely	
Copy Orders	3 years	

Copy Renewal/ Endorsement Memos	Indefinitely	
Correspondence Files	6 years	
Correspondence with Successful Contractors	Contract period + 2 years	From final payment
Council Meeting Minutes	Indefinitely	Can be transferred to SCC Archives
Creditor Cheque Lists	6 years	
Deduction Tabs	6 years	
Deeds of Covenant	12 years	After final payment
Delivery Notes	3 years	
Expenses Claims (mileage, subsistence)	6 years	HMRC requirements
Employers Liability Insurance	40 years	Management and Statute of Limitations
Final Account Working Papers	6 years	
Finance Ledgers	Indefinitely	
Flexi-time Records	3 years	
Grant Claims / Returns	6 years	
Half Yearly Interest Schedules	Indefinitely	
Health and Safety Inspection Records	21 years	
Insurance Claims and Correspondence	6 years	
Insurance Policies (other than Liability Insurance)	3 years	After discontinuation
Insurance Registers	Indefinitely	
Insurance Schedules	Indefinitely	
Insurance Valuations	6 years	Unless re-valued
Internal Ledger Transfers	6 years	
Inventory of Furniture & Equipment	Indefinitely	
Investment Certificates	6 years	After holding
Invoices (including credit card payment slips)	6 years	
Journal Entries	6 years	
Leasing Payments	6 years	
Leasing Registers	Indefinitely	

Leaver Forms	6 years	
Liability Insurance	Indefinitely	
Loans Transfer Registers	Indefinitely	
Manual Cheque Payment Records	6 years	
Maternity Pay Records	3 years	
Members Allowance Claim Forms	6 years	
Members Attendance Registers	Indefinitely	
Micro-fiche Records	Indefinitely	
Mortgage Deeds & Bond Certs. (repaid)	6 years	From cancellation
New Starter Forms	6 years	
Notification of Coding	3 years	After end of tax year
Orders	3 years	
Other Payroll Tabs	6 years	
Overs and Shorts Records	6 years	
Overtime Claims	3 years	
Overtime Records	6 years	
P45 Forms	3 years	
Paid Invoices	6 years	
Pay Slips – copies	7 years	
Paying-In Books	6 years	
Payroll Cheque Lists	6 years	
Payroll Control Account Reconciliations	6 years	
Payroll Control Total Tabs	6 years	
Payroll Deduction Tabs	6 years	
Permanent Amendments	6 years	
Personnel Files	Indefinitely	
Petty Cash Imprest Records	6 years	
Petty Cash Receipts	6 years	
Postal Remittance Books	6 years	
Public Liability Insurance	21 Years	
Private Health Care Records	6 years	HMRC requirements
PWLB Year End Statements	6 years	
Receipt Books	6 years	
Renewal/ Endorsement Memos - Copy	Indefinitely	

Replacement Cheque Records	3 years	
Returned Cheque Records	6 years	
Securicor Records	6 years	
Shorts and Overs Records	6 years	
Sickness Records	3 years	
Staff Records	6 years	
Stock Transfer Forms	6 years	
Stop Cheque Lists	6 years	
Summaries of Accumulated Totals	6 years	
Sundry Debtor Accounts	6 years	From date paid or written off
Sundry Debtor Records	3 years	
Superannuation Correspondence	Indefinitely	
Superannuation Records	6 years	Main records held with SCC
Tax and NI Details	6 years	
Taxable Benefit Details	6 years	HMRC requirements
Temporary Loans Records	3 years	After repayment
Temporary Variations	3 years	
Tenders - Unsuccessful Quotations	3 years	
Tenders - Successful Quotations	Contract period + 2 years	From final payment
Till Rolls (Receipting Machine)	3 years	
Timesheets	Last completed audit year	Audit and Working Time regulations
Unpresented Cheque Listings	6 years	
VAT Returns and Records	6 years	
Write Off Schedules	Indefinitely	
Year-end Financial Tabs	Indefinitely	
Year-end Payroll Tabs	12 years	