

ST MARTINS PARISH COUNCIL

Email: clerk@stmartinsparishcouncil.gov.uk - Website: www.stmartinsparishcouncil.gov.uk

DATA RETENTION POLICY 2026

1. Purpose & Scope

This Data Retention Policy outlines how St Martins Parish Council retains, manages, and disposes of data in accordance with its legal obligations. The Council recognizes its duty to maintain accurate records, ensure transparency, and protect personal data, particularly where data is stored and accessed via Councillor's personal devices.

This policy applies to all records and data held or processed by the Parish Council, including but not limited to:

- Emails sent and received via official.gov.uk addresses
 - Financial records
 - Minutes and Agendas
 - Correspondence with the public
 - Data processed for statutory and service delivery purposes
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2. Legal and Regulatory Framework

This policy adheres to the following legal and regulatory obligations:

- **UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018**
 - **The Local Government Transparency Code 2015**
 - **Proper Practices in Governance (JPAG Practitioners' Guide)**
 - **NALC and SLCC guidelines**
 - **Statutory retention periods under legislation such as the Limitation Act 1980, Audit Regulations, and HMRC rules**
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3. Retention Principles

- Personal data will be retained **no longer than necessary** for the purposes for which it is processed (Article 5(1)(e) UK GDPR).

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- Some data is subject to **statutory retention periods** which override Council discretion.
- Where a minimum or maximum retention period is not legally required, the Council retains the right to **adjust retention periods** via policy review.
- Data held by Councillors on **personal devices** must comply with this policy and be protected accordingly (see Section 7).

4. Retention Schedule (Summary)

Record Type	Retention Period	Legal/Regulatory Basis
Council Minutes (signed)	Indefinitely	Public record
Agendas and meeting papers	6 years	Transparency Code
Email correspondence	2 years (reviewable annually)	Council discretion under GDPR
Email correspondence relating to contracts, leases and other legal matters	6 years	Council discretion under GDPR
Financial accounts, invoices, receipts	6 years (min), 20 years for HMRC matters	Accounts & Audit Regulations, HMRC
Annual governance and accountability return	Indefinitely	Transparency Code, audit requirements, Financial Regulations
Electoral records	1 year (excluding permanent declarations)	Electoral law
Planning applications (non-Council)	1 year after decision	Council discretion
Contracts and agreements	6 years after end of contract	Limitation Act 1980
Payroll, pensions and tax information	6 years minimum	HMRC, Pensions Act

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Record Type	Retention Period	Legal/Regulatory Basis
Freedom of Information requests	3 years from completion	ICO guidelines

A **full schedule** is maintained and reviewed annually by the Clerk or Data Protection Officer.

5. Review and Disposal

- The Clerk shall conduct **annual reviews** of the data retained to ensure compliance and delete or archive records accordingly.
- Disposal shall be secure (e.g., digital shredding or secure deletion software).
- Records scheduled for permanent retention will be archived appropriately and securely.

6. Councillors Responsibilities and Device Use

- Councillors are issued **official.gov.uk email addresses**, and must use these for **all Council business**.
- Emails and documents held on **personal devices** are subject to Council policies and **UK GDPR**.
- Councillors must not delete Council-related emails outside the retention schedule.
- Councillors are responsible for ensuring that devices used for Council work have appropriate:
 - Password protection
 - Encryption where possible
 - Email application access logging
 - Ability to respond to subject access or FOI requests

The Council reserves the right to implement **remote data wipe** for.gov.uk accounts in exceptional circumstances.

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7. Right to Amend Retention Periods

Where no statutory minimum or maximum period exists, the Council reserves the right to amend retention periods based on operational, legal, or risk considerations. Such changes will be formally adopted at Council meetings and recorded.

8. Data Subject Rights and Transparency

- The Council upholds the rights of individuals under GDPR, including:
 - Right to access personal data
 - Right to rectification
 - Right to erasure (subject to legal exceptions)
 - Data retained and published under the **Transparency Code** must be accessible and up to date.
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9. Policy Review

This policy will be reviewed **annually** or when relevant legislation or guidance changes.

<i>Signed for an on behalf of St Martins Parish Council:</i>	
Name/Signature	
Position	
Date	
Minute Record	