

MELTON BOROUGH COUNCIL

**DATA PROTECTION ACT 1998 &
FREEDOM OF INFORMATION ACT 2000**

DATA RETENTION AND DISPOSAL POLICY

1. PURPOSE

- 2.1 The purpose of this policy is to define a schedule for the length of time data records are to be retained, whether they are paper based or held on a computer system.

2. INTRODUCTION

- 2.1 The requirements of the Data Protection Act 1998 are that data, and in particular personal data, are adequate, relevant, accurate and up to date. Compliance with this Act requires that data is retained whilst it is still in use, and disposed of in an appropriate manner.
- 2.2 Whilst this may seem like a daunting task, it is a balancing act between saving everything indefinitely as opposed to aggressive destruction.

3 WHO IS AFFECTED

- 3.1 Everyone who handles data. Guidance is available on the Council's shared drive which identifies all known data sources.
- 3.2 Should you notice any omissions, please notify your service's data co-ordinator. Similarly if you introduce new systems, your service's data co-ordinator should be notified, so that the Council's Information Management Group can be made aware.
- 3.3 There will be periodic reviews of stored data, and revisions where necessary, but local knowledge is the key to keeping the guidance accurate and up to date.

4 WHAT IS COVERED BY THIS POLICY

- 4.1 Paper based and computer based information needs to be retained for certain time periods based on three criteria:-
- a) Legal perspective
Some documents have statutory or legal retention requirement periods, and these will override any business or personal reasons for data to be kept or destroyed. Where there is no specific stated retention period a legal decision will be sought to establish one.

- b) **Business perspective**
Business activities will determine their own data retention requirements, ranging from contractual obligations to administrative or operational requirements.
- c) **Personal perspective**
A balance must be struck between reasonable expectations of privacy and the need to protect the Council and individuals from unlawful acts such as fraud and threats to their personal well being

The content of the document will be the driving factor in defining the retention period, and caution must be exercised in order to avoid both embarrassment and possible legal action.

5 RETENTION AND DISPOSAL PERIODS

- 5.1 Please see the guidance, in the form of the Records Management Society of Great Britain's Guidance, and the Council's supplementary matrix, which are available on the Council's shared drive, under 16 Information Management\Access to Information\FOI and PSI\FOI
- 5.2 All records are to be kept for the minimum periods listed in the guidance unless subject to litigation. Please seek legal advice if unsure.

6 PROCEDURES FOR DISPOSAL

- 6.1 Papers for disposal are to be placed in the boxes provided, and any personal information should be placed in the 'Confidential Waste' box for secure disposal.
- 6.2 Other media containing data should be placed in the sacks provided for secure disposal.
- 6.3 Secure disposal means that the bags containing the above waste will be stored securely until they are collected for final disposal.
- 6.4 The responsibility for compliance with this Policy lies with Heads of Service and their Managers.