

Durham County Council
Information Retention Guidance

Table of Contents	Page
Legal Requirements.....	2
The Data Protection Act 1998.....	2
The Data Protection Act 2018.....	2
The Freedom of Information Act 2000.....	2
The Local Government Act 2000.....	2
GDPR.....	2
The Independent Inquiry into Child Sexual Abuse.....	3
Retention at a Glance.....	4
Adult Care.....	4
Children’s Care.....	4
Community Safety.....	5
Democracy.....	5
Education.....	5
Environmental Protection.....	5
Finance.....	6
Health and Safety.....	6
Human Resources.....	7
Information and Communications Technology (ICT)	7
Information Management.....	7
Leisure and Culture.....	8
Management.....	8
Physical Assets and Property.....	8
Planning and Development Control.....	9
Risk Management and Insurance.....	9
Transport and Infrastructure.....	10

Retention guidelines are an essential tool for records management. They list how long we keep your records and when we can destroy them. This document provides a brief overview of the retention guidelines; it is not a substitute for the full retention guidelines, as it is designed to help you have a general understanding.

Legal Requirements

Some overarching legislation requires that records are kept for a certain amount of time and this applies to all services and sections of the County Council. These include:

The Data Protection Act 1998

[Principle 5](#) states that “Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.”

The Data Protection Act 2018

To be added once the act is passed into law – incomplete at present.

The **General Data Protection Regulation** requires that information is:

1. processed lawfully, fairly and in a transparent manner;
2. collected only for specified, explicit and legitimate purposes;
3. retained only if relevant and limited to what is necessary for the purpose for which it is collected;
4. accurate and kept up to date;
5. kept no longer than is necessary; and
6. kept securely.

The Freedom of Information Act 2000

The Act requires us to make information available to the public unless specific exemption(s) apply. [The Code of Practice issued under 46 of the Act](#) sets out rules on how we should manage records and information, including responsibilities on all staff to implement records retention and disposal schedules.

The Local Government Act 2000

[S.22](#) requires that written records of a local authority executive, or a committee of such an executive are be made available to the public.

The Independent Inquiry into Child Sexual Abuse

On Thursday 12 March 2015 the Home Secretary established a statutory inquiry under the 2005 Inquiries Act with the aim of conducting an overarching national review of the extent to which institutions in England and Wales have discharged their duty of care to protect children against sexual abuse.

The Inquiry is independent of government. It is supported by a Panel, Victims and Survivors Consultative Panel, and other expert advisers. The Inquiry will cover England and Wales. A wide range of public institutions will be investigated including local authorities, the police, the armed forces, schools, hospitals, children's homes, churches, and charities.

On 2nd July 2015 every Chief Executive of a Local Authority in England and Wales was requested that it's organisation:

'retain any and all documents; correspondence; notes; emails and all other information – however held – which contain or may contain content pertaining directly or indirectly to the sexual abuse of children or to child protection and care. For the purposes of this appendix, the word "children" relates to any person under the age of 18.'

We must not destroy, and must make available for inspection, all reports, reviews, briefings, minutes, notes and correspondence in relation to:

- allegations (substantiated or not) of individuals, organisations, institutions, public bodies or otherwise who may have been involved in, or have knowledge of, child sexual abuse, or child sexual exploitation;
- institutional failures to protect children from sexual abuse or other exploitation;
- statutory responsibilities for the care of children in public or private care;
- the development of policy on child protection;
- the development of legislation on child protection;
- the determination of the award of Honours to persons who are now demonstrated to have had a sexual interest in children or are suspected of having had such an interest.

**All of these document types – in whatever format – must be
"retained pending further requests from the Inquiry"**

Although DCC records retention schedules are very clear on the destruction dates of files, the instructions received by the Inquiry constitute a legal hold as defined by section 12.3 of the code of practice issued under Section 46 of the Freedom of Information Act. As such all records that fall within the above categories are retained, and not destroyed, until we are directed otherwise.

For any advice on clarification on whether records can be destroyed or are covered by the Inquiry retention hold, consult the Information Management Team on tel. 03000 268038.

Retention at a Glance

This section is intended to provide a quick reference guide to records retention periods. However, it does not give the full details of retention requirements, triggers, disposal actions and codes of practice.

Partnerships

Where Durham County Council are working in partnership with other agencies or services and a shared record has been established (for example with Adult Social Care services) a joint minimum retention period should be agreed where possible. Where a joint minimum retention period cannot be agreed the longest minimum retention period will apply to the record.

Adult Care	
Learning Disabilities	20 years from date of case closure (date of last contact) or 8 years after death of individual
Safeguarding and Adult Protection	20 years from date of case closure (date of last contact) or 8 years after death of individual
Mental Health Support	20 years after end of treatment or service
(PDSI) Physical Disabilities and Sensory Impairments	20 years from date of case closure (date of last contact) or 8 years after death of individual
Children's Care	
Adoptions Management	100 years from date of adoption order
Child Protection	75 years from date created
Foster Carer Supervision and Support (Unsuccessful or withdrawn applicants)	3 years from decision or withdrawal
Foster Carer Supervision and Support (Successful applicants)	10 years from termination of approval
Looked After Children	Until service user's 75 th birthday
Residential Homes Management and Administration	15 years from date created
Safeguarding	Until service user's 75 th birthday

Community Safety	
Animal Health and Welfare Inspection and Monitoring	6 years after site closure, change of use or keep until DCC no longer responsible for function
Civil Emergency Planning and Response	3 years after date created
Complaint Investigation and Enforcement	6 years after resolution, end of enforcement action or sentence period
Fair Trading Inspection and Monitoring	6 years after site closure, change of use or until DCC no longer responsible for function
Safety Registration and Licensing	6 years after expiry of license or registration
Sample and Product Testing	6 years after date created
Democracy	
Outside bodies (minutes)	3 years
Ombudsman	7 years
Cabinet minutes	6 years then archive in Record Office
Council minutes	6 years then archive in Record Office
Education	
Education Casework	Date of birth plus 25 years
Admissions and Transfers Processing	6 years after end of academic year
Appeals Administration	Until pupil's 25 th birthday
SEN Assessment and Support	Date of birth plus 30 years
School Capacity Planning	6 years after review, decision not to proceed
Environmental Protection	
Advice Provision	6 years after date created
Complaint Investigation and Enforcement	6 years after resolution, end of enforcement action or sentence period
Historic Enforcement Protection and Improvement	Keep until DCC no longer responsible for

Natural Environment Protection and Improvement	Keep until DCC no longer responsible for function
Finance	
Accounting and Reporting	6 years after end of financial year
Banking Administration	6 years after end of financial year
Budgets Management	6 years after end of financial year
Charities and Trusts Administration (Administrative records)	6 years after end of financial year
Charities and Trusts Administration (Deeds)	Transfer after wound-up
Financial Planning	6 years after end of planning period or strategy superseded
External Funding Acquisition	Minimum 6 years after end of funding period
Grant Funding Administration	Minimum 6 years after end of funding period
Income Processing	6 years after end of financial year
Loans and Leasing Administration	6 years after settlement or end of
Payroll Administration	6 years after end of financial year
Pension Fund Management	6 years after end of scheme
Pension Scheme Administration	6 years after death of last known beneficiary
Procurement (Unsuccessful tenders)	1 year after contract awarded
Procurement (Awarded contracts)	6 /12 /15 years after end of contract
Purchasing and Payment Processing	6 years after end financial year
Taxes Management	6 years after end of tax year
Health and Safety	
Accident and Incident Reporting and Investigation (Adults)	3 years after investigation
Accident and Incident Reporting and Investigation (Children)	21 years after date of birth
Advice Provision	6 years after date created
Hazardous Substances Management	100 years after date created
Health Surveillance and Exposure Monitoring (identifiable individuals)	Until 75 th birthday or 40 years after last medical assessment (50 years if

Health Assessment	6 years after last assessment
Pre-employment health screening	1 year after date created
Risk Assessment	6 years after assessment superseded
Human Resources	
Employee Appraisals	Destroy 6 years after date of appraisal
Members Records	Destroy 5 years after leaving date
Routine Training (excl H&S training concerning children)	Destroy 4 years after date of training
Training Concerning Children	Destroy 35 years after date of training
Research and Project Materials	Destroy after 1 year
Apprenticeship Programme	Destroy after 1 year
Disciplinary Files	Destroy after 6 years. Destroy after 25 years for employees who work with children
Sickness Files	Destroy after 6 years. Destroy after 25 years for employees who work with children
Grievance Files	Destroy after 6 years. Destroy after 25 years for employees who work with children
Restructure Files	Destroy after 6 years. Destroy after 25 years for employees who work with children
Redundancy Files	Destroy after 6 years. Destroy after 25 years for employees who work with children
TUPE Files	Destroy after 6 years. Destroy after 25 years for employees who work with children
Information and Communication Technology (ICT)	
Licensing	6 years after date terminated
Web Content	7 years after date created
System Specifications	2 years after date created

Information Management	
Call Recording	1 year after date created
CCTV Recording	30 days after recording
Subject Access Requests	3 years after date created
Records Storage Management	Lifetime of organisation
Leisure and Culture	
Collections Access Management	6 years after date created
Collection Acquisition (Surveys and unsuccessful bids)	6 years after decision not to acquire or unsuccessful bid
Collection Acquisition (Acquired items)	Lifetime of deposit
Collections and Stock Management	Lifetime of deposit or library stock item
Reader, Membership and Loans Administration	1 year after end of membership, account inactive or loan return
Management	
Business Planning	6 years after date created
Communications Management and Marketing	7 years after date created
Complaints Management (Service complaints)	6 years after resolution
Consultation and Engagement	6 years after date created
Events Management	6 years after event
Policy and Procedures Development	6 years after superseded
Research and Analysis (Raw data)	Out of date and/or no longer required
Research and Analysis (processed data,	6 years after date created
Strategic Planning	6 years after superseded
Transformation and Change Management	6 years after date created
Physical Assets and Property	
Equipment Management	6 years after disposal of equipment

Facilities Management	1 year after date created
Land Access Agreements and Licensing	6 years after expiry of agreement or licence
Land and Premises Acquisition and Disposal	15 years after disposal of land or premises
Land Management	12 years after end of DCC responsibility for site
Land Reclamation Scheme Management	15 years after end of DCC responsibility for site
Premises Design and Construction Supervision	15 years after completion or after DCC no longer responsible for premises, site or structure
Vehicle and Fleet Maintenance	6 years after disposal of vehicle
Planning and Development Control	
Complaint Investigation and Enforcement	10 years after resolution, end of enforcement
Developer Contribution and Obligation Negotiation	6 years after funding period or lifetime of development
Land and Property Enquiry Processing	6 years after date created
Mineral and Waste Site Inspection and Monitoring	Keep until DCC no longer responsible for
Planning Application Processing	Keep until DCC no longer responsible for
Planning Consultation Processing	6 years after consultation period
Pre-planning Advice Provision	6 years after date created
Risk Management and Insurance Administration	
Audit	6 years after audit or investigation or legal
Business Continuity Planning	6 years after superseded
Insurance Claims Administration	6 years after settlement or repudiation but not before claimant reaches age of 24
Insurance Claims Administration (Subsidence claims)	100 years after settlement or repudiation
Insurance Policy Administration (Liability)	40 years after end of policy
Insurance Policy Administration (Non-liability)	10 years after end of policy

Transport and Infrastructure	
Highway Asset Management	15 years after end of life of structure
Highway Adoption and Dedication	Keep until end of DCC responsibility for function
Highway Maintenance	6 years after date created
Highway Scheme Delivery	15 years after completion or keep until DCC
Highway Works Regulation	6 years after expiry of permit, or change to, or removal of licensed structure
Passenger Transport Management	6 years after date created
Rights of Way	Keep until DCC not responsible for function
Traffic Management	6 years after date created
Traffic Regulation	6 years after extinguishment or expiry of order