



Coxheath Parish Council

Data Retention Policy

1. Purpose

Article 5(1)(e) UK-GDPR requires that personal data is kept in a form permitting identification of individuals for no longer than is necessary for the purposes for which it is processed. This is the storage limitation principle.

The Council keeps records for as long as it needs them and no longer. Keeping data indefinitely, in case it is useful one day, is not a lawful basis for retention.

There is a countervailing risk. A council that deletes too enthusiastically may destroy records it is required to keep, may be unable to defend a claim, and may lose material of genuine historical value to the parish. Deleting a record in order to frustrate a request that has already been made is a criminal offence under section 173 of the Data Protection Act 2018. Retention is a matter of judgement in both directions, and this policy is intended to support that judgement rather than replace it.

2. Scope

This policy applies to all records held by the Council containing personal data, in any format. That includes paper files in the Parish Council Office, documents in cloud storage, email, photographs, CCTV footage, and messages sent through any platform used for Council business.

It applies to records held on personal devices used for Council business, and to Council records held in a councillor's Council email account.

It applies to records the Council holds as a controller. Where a supplier holds records on the Council's behalf, the Council's retention decisions govern, and the Article 28 contract must require the supplier to delete or return the data at the end of the arrangement.

3. Responsibilities

The Council	Adopts this policy and the Retention Schedule, and receives an annual report on the review
The Clerk	Maintains the Retention Schedule, carries out the annual review, arranges secure destruction, and keeps the destruction log
Councillors	Delete Council records from personal devices and personal accounts in accordance with the schedule, and surrender Council email accounts on leaving
The Data Protection Officer	Advises on the schedule and on any disposal that is contentious or irreversible

4. How retention periods are set

A retention period is not chosen arbitrarily. Each period in the schedule is justified by reference to one or more of the following:

1. A statutory requirement to keep the record for a fixed period, for example the accounting and audit requirements under the Local Audit and Accountability Act 2014 and the Accounts and Audit Regulations 2015.
2. A statutory requirement to keep the record permanently, for example minutes and statutory registers under the Local Government Act 1972.
3. A limitation period, being the time within which a claim could be brought. Six years for contract and most civil claims under the Limitation Act 1980; three years for personal injury; three months for most employment tribunal claims, though six months is used for recruitment records to allow for discrimination claims.

4. An operational need, being the period for which the Council actually uses the record.
5. The historical value of the record to the parish, where it forms part of the community's record of itself.

Where more than one applies, the longest governs. Where none applies, the record should not be kept.

5. Records of historical value

Not everything that is old is valuable, and not everything valuable is old. Records documenting the development of the parish, its governance, its open spaces and its major events may warrant permanent preservation even where no statutory duty requires it.

Where the Clerk considers a record may have historical value, it should be offered to the Kent History and Library Centre rather than destroyed. Transfer to an archive is a disclosure of personal data and should be recorded, but it is a legitimate one: Article 5(1)(e) expressly permits longer retention for archiving purposes in the public interest, subject to the safeguards in Article 89(1).

6. When the clock starts

A retention period runs from a trigger event, not from the date the record was created. The schedule states the trigger for each class of record. Common triggers are:

- the end of the financial year in which the record was created;
- the closure of the matter to which the record relates;
- the end of a contract, tenancy or employment;
- the determination of a planning application;
- the date of a decision.

This matters in practice. Correspondence about a long-running issue is not deleted two years after the first email, but two years after the matter closes.

7. The annual review

The Clerk carries out a retention review once a year. The Council resolves the point in the year at which it takes place; the period following the annual audit is suggested, when the Council's records have already been assembled and the Clerk's attention is on record-keeping.

The review consists of:

1. Identifying records that have passed their retention period.
2. Checking whether any is subject to a hold under section 9 below.
3. Considering whether any has historical value warranting transfer to an archive.
4. Securely destroying the remainder.
5. Recording the destruction in the destruction log.
6. Reporting to the Council that the review has been carried out, in general terms and without listing individual records.

8. Secure destruction

Destruction must be secure and irreversible. Article 5(1)(f) applies to data at the point of disposal as much as during its life.

Format	Method
Paper	Cross-cut shredding, or a confidential waste service providing a certificate of destruction
Electronic files	Deletion from the live system, followed by deletion from the recycle bin or equivalent, and confirmation that the record will not persist in backup beyond the backup cycle
Email	Deletion from the mailbox and from deleted items
CCTV footage	Automatic overwriting. Exported clips deleted separately, since they do not overwrite
Devices and media	Wiped to a standard preventing recovery, or physically destroyed, before disposal, sale or transfer
Data held by a supplier	Deleted or returned by the supplier under the Article 28 contract, with written confirmation obtained

9. Holds: when not to destroy

Destruction must be suspended, notwithstanding the schedule, where the record is or may be relevant to:

- a subject access request, a freedom of information request or an environmental information request that has been received and not yet fully answered;
- a complaint under investigation, including a Code of Conduct complaint;
- actual or threatened legal proceedings, or an insurance claim;
- an audit, investigation or regulatory enquiry, including one by the ICO;
- a personal data breach under investigation;
- any matter where the Clerk or the Data Protection Officer has directed that records be preserved.

The Clerk records the imposition and release of a hold. Destroying a record with the intention of preventing its disclosure, once a request has been made, is a criminal offence under section 173 of the Data Protection Act 2018 and may be committed by an individual as well as by the Council.

10. Records to be kept permanently

The following are never destroyed:

- minutes of the Council, its committees and the Annual Parish Meeting;
- agendas and reports forming part of the record of a decision;
- statutory registers, including the register of members' interests;
- byelaws, and title deeds and other documents of title;
- the Council's audited annual accounts and Annual Governance and Accountability Returns;

These records contain personal data, principally the names of councillors and of residents who spoke or were named. Permanent retention is nonetheless justified: the Council is required to maintain them, and they are the public record of the parish's governance.

11. Duplicates, drafts and working papers

Much of what accumulates is not a record at all. Duplicate copies, superseded drafts, and working notes that have been incorporated into a final document should be deleted once the final version exists, and do not need to wait for the schedule.

12. The destruction log

The Clerk maintains a log of destructions. It need not list individual documents; classes of record are sufficient. It records:

- the class of record destroyed;
- the date range covered;
- the retention period relied on;
- the date and method of destruction;
- who carried it out, and any certificate reference.

The log is the Council's evidence, under Article 5(2), that it applies its retention policy rather than merely publishing one. It is retained permanently and contains no personal data beyond the name of the person carrying out the destruction.

13. Related documents

- Data Retention Schedule
- Data Protection Policy
- Privacy Notice, and Employee and Councillor Privacy Notice
- Record of Processing Activities
- IT and AI Policy
- Financial Regulations

14. Review

This policy is reviewed annually. The Retention Schedule is reviewed at the same time and may be amended by resolution without amending this policy.

15. Adoption

Adopted by	Coxheath Parish Council
Date of resolution	29 September 2026
Minute reference	81/26 (b) (iv)