

DYFED ARCHAEOLOGICAL TRUST
DOCUMENT DISPOSAL POLICY



Current since: 2008

Adopted at the Management Committee [board] Meeting of: 28 April 2016

Date of review following first adoption: 2020

Revised following review: January 2020

Re-adopted at the Management Committee [board] Meeting of: 23 January 2020

Date of review following re-adoption: 31 December 2023

DYFED ARCHAEOLOGICAL TRUST ('DAT')

DOCUMENT DISPOSAL POLICY

Overview

In the course of carrying out its various functions and activities, DAT collects information from individuals and external organisations and generates a wide range of data/information which is recorded. These records can take many different forms, such as:

- Letters and other information received from third parties
- Copy letters which have been sent out
- Personnel records
- Invoices
- Completed application forms
- Financial records
- Contact lists
- Contracts
- Email communications and attachments
- Photographs

This policy should be read in conjunction with DAT's *Secure Storage, Handling, Use, Retention, Disposal and Disclosure Information Policy*, which ensures DAT is compliant with the Disclosure and Barring Service Code of Practice.

Many of the above documents can be retained as physical paper records or in electronic form.

Retention of specific documents may be necessary to:

- Fulfil statutory or other regulatory requirements.
- Evidence events/agreements in the case of disputes.
- Meet operational needs.
- Ensure the preservation of documents of historic or other value.

The untimely destruction of documents could cause DAT:

- Operational problems.
- Difficulty in defending litigious claims.
- Reputational damage.
- Failure to comply with the Data Protection Act 1998.

Conversely, the permanent retention of all documents is undesirable, and appropriate disposal is to be encouraged for the following reasons:

- To avoid unnecessary/excessive use of storage space (electronic or physical).
- Indefinite retention of personal data may be unlawful.
- Reduction of fire risk (in the case of paper records).
- To keep records and office accommodation de-cluttered.

Good practice in records management emphasises the importance of organisations having

in place systems for the timely and secure disposal of documents/records that are no longer required for business purposes.

Scope and Purpose

The purpose of this Policy is to provide an organisation-wide framework to govern management decisions on whether a particular document (or set of documents, including electronic versions) should either be:

- Retained – and if so in what format, and for what period; or
- Disposed of - and if so when and by what method.

The retention/disposal protocol

Any decision whether to retain or dispose of a document should be taken in accordance with the retention/disposal protocol. This protocol consists of:

- The key disposal/retention considerations criteria checklist, set out in Appendix II. Essentially no document should be disposed of unless all these have been considered in relation to the document.
- The Retention Schedules (taken from the Records Management Society) contained in Appendix 2. These provide guidance on recommended and mandatory minimum retention periods for specific classes of documents/records.

Where a retention period has expired in relation to a particular document a review should always be carried out before a final decision is made to dispose of that document. Such reviews need not necessarily be detailed or time consuming.

In the event that a decision is taken to dispose of a particular document or set of documents, consideration should be given to the method of disposal (see below).

Disposal of documents/records

A separate policy (*Secure Storage, Handling, Use, Retention, Disposal and Disclosure Information Policy*) describes DAT's policy regarding secure disposal of confidential information.

As guidance however, staff should take into account the following considerations when selecting any method of disposal:

- Under no circumstances should paper documents or removable media (CDs, DVDs, discs, etc.) containing personal data or confidential information be simply binned or deposited in refuse tips. To do so could result in the unauthorised disclosure of such information to third parties, and render DAT liable to action under the Data Protection Act. Such documents should be destroyed on site (e.g. by shredding) or placed in "Confidential Waste" refuse bags.
- Deletion – if steps are taken to make data virtually impossible to retrieve, then this will be regarded as equivalent to deletion.
- Recycling – wherever practicable, disposal should further recycling, in-line with DAT's commitment to the environment.

Document retention and the Data Protection Act 1998

Trustees and staff should be aware that, under the Data Protection Act, personal data processed for any purpose must not be kept for longer than is necessary for that purpose. In other words, retaining documents or records that contain personal data beyond the length of time necessary for the purpose for which that data was obtained is unlawful. In addition, DAT is responsible for ensuring that any information held, in whatever medium, is secure and only available to authorised individuals.

The Data Protection legislation contains no interpretive provisions on this subject. It is a matter for reasonable judgement and common sense as to how long personal data should be retained.

Clearly, in many instances the retention of personal data will be necessary and thus justified for a significant period of time. In general, provided there is adherence to this Policy, few problems should arise.

How long should I store emails?

Not only does the storage of large numbers of emails consume valuable computer resources but if the saved messages refer to individuals then they are also likely to be governed by the Data Protection Act 1998. This means that the subject of the message may have the right to request access to the email. Increasingly, law courts and tribunals are expecting organisations to compile data held in the form of emails as evidence in legal proceedings. Subject to that, emails should not be retained for longer than is absolutely necessary.

As a rule of thumb, emails should be deleted after **6 months** unless there is a very good reason to retain them for longer.

Appendix I: Key disposal/retention considerations criteria checklist

1. Has the document/record set been appraised?

As a first step, the nature/contents of any documents or records being considered for disposal should be ascertained. No document(s) should be earmarked or designated for disposal unless this has been done. Insofar as *existing documents or records* are concerned it follows that the above can only be achieved by inspection. The process may only take a few moments.

Nonetheless it can be a skilled task - depending on the complexity of the document(s) concerned - and should only be undertaken by members of staff (if appropriate, in consultation with the trustees) who possess sufficient operational knowledge to enable them to identify the document concerned and its function within DAT. Any decision to the effect that *future documents* of a specified description be disposed of on expiry of a specified retention period should be an informed one *i.e.* taken with a full appreciation and understanding of the nature and function of the document/records.

The above is largely common sense, and hardly needs to be stated. However, if appraisal is inadvertently overlooked or carried out negligently, or by an employee who lacks the necessary background operational knowledge, DAT runs the risk of important documents being destroyed in error.

2. Is retention required to fulfil statutory or other regulatory requirements?

There is very little specific legislation that stipulates mandatory retention periods for documents held by DAT. However, staff should seek advice if they believe that there may be legislation which, either directly or indirectly, imposes minimum retention periods on the documents they are handling. For instance, minimum retention periods for certain financial records may be applicable.

3. Is retention required to evidence events in the case of dispute?

On rare occasions, DAT may become involved in disputes with third parties. Such disputes, if not satisfactorily resolved, can result in reputational damage and the dissatisfied party potentially bringing legal proceedings against DAT. Conversely, DAT may wish to institute legal proceedings against an individual or organisation, e.g. to recover an unpaid debt, or in respect of faulty workmanship.

Where a dispute arises, or litigation has been commenced, it is important that DAT has access to all correspondence and other documentation that is relevant to the matter.

The Limitations Act 1980 specifies time limits for commencing litigation. The starting point therefore, is that the retention period is the length of time that has to elapse before a claim is barred in law. The majority of potential legal claims are statute barred on the expiry of 6 years from the date when the cause of action arose. For this reason many organisations consider it prudent to retain files/records for a minimum period of 6 years from the date when the subject matter was completed.

It is important, though, to keep in mind that in the course of DAT's everyday business a substantial amount of documentation is generated that serves no purpose after relatively

short periods of time. Many documents will relate to completed matters where, realistically, the risk of subsequent litigation or other dispute is minimal, if not non-existent. Long-term retention of such documents is counter-productive. Staff should be prepared to carry out a risk analysis (if appropriate, in consultation with the trustees), with a view to disposal of such documents within a shorter period of than the 6 years' time-frame.

4. Is retention required to meet the operational needs of DAT?

In some cases retention may be desirable (whether permanent or otherwise) even though no minimum retention period applies, or has expired. Trustees and staff should be aware of the risk of discarding documents or records that might be useful for future reference purposes (e.g. training), as precedents, or for performance management (performance indicators, benchmarking and comparison exercises). A professional judgement needs to be made as to the usefulness of a particular document.

5. Is retention required because the document or record is of historic interest or intrinsic value?

In most cases this will not arise but, nevertheless, it is possible that some documents/records may be of historic interest.

Where it is suspected that the document falls within this description consultations with appropriate members of staff/trustees should always be made before taking any further action.

Even if the document is of historical or monetary value, disposal rather than retention by DAT may well be the appropriate option (e.g. by way of transfer to an appropriate third party).

Appendix II: Retention period for different types of document

Class of document	Document type	Retention period
Emails	All	6 months unless likely that a longer retention period is required
Personnel records	CVs and job applications if not hired Sickness/sick pay records Disciplinary records Redundancy documents Timesheets Appraisals Contracts of employment Other documents relating to an individual	6 months after notification 3 years 2 years (see employees handbook for details) 3 years 4 years 3 years 3 years after leaving employment Destroy when no longer required
Commercial contracts	Quotations and terms	3 years after completion
Health and Safety	Accident Book and notifiable incidents records Risk assessments Structural reports/advice etc	7 years 1 year after project completion 7 years
Accounting and tax records	Bank statements Annual accounts VAT records PAYE records Nominal ledger Purchase and sales records	7 years 7 years 7 years 7 years 7 years 7 years
Insurance records		Indefinitely
Incorporation documents	Memorandum and Articles of Association Certificate of Incorporation Minute book Annual returns Returns to Charity Commission/Companies House Register of members/trustees	3 years after winding up of charity Until winding up of company Indefinitely 7 years 7 years after winding up of charity/company Indefinitely
Pension scheme records	All documentation	Indefinitely
Property documents	Leases Other title documentation Building certificates etc	7 years after end of lease term Until disposal of property 7 years after completion of works
European-funded projects	All documentation	10 years after completion of project
Restrictive covenants	Grant terms, compliance	1 year after expiry of covenant period or as specified
Copyright/other intellectual property protection	Both received and given	Indefinitely