

**A REPORT OF THE TOWN CLERK TO
A MEETING OF THE AUDIT COMMITTEE
MALVERN TOWN COUNCIL
to be held on Wednesday 27 February 2019
in the Council Chamber, Belle Vue Terrace, Malvern, at 6.00 pm**

GENERAL DATA PROTECTION REGULATIONS

1. Purpose of Report

1.1. For discussion.

2. Recommendation

2.1. In line with the Audit Work Programme set in June 2018, committee should review how the Council is demonstrating its intention to comply with the new General Data Protection Regulations.

3. Background

3.1. The new General Data Protection Regulations (GDPR) came into force on 25 May 2018.

3.2. In recognition of the fact that this new legislation would affect the Town Council, a working party was set up with the aim of ensuring that the Town Council complied with the new GDPR regulations when they came into force.

3.3. The following issues were identified as needing to be addressed:

- a) Appointment of a Data Protection Officer
- b) Setting up of new Town Councillor email addresses with a dedicated server to manage these
- c) Data Retention and storage policies for Town Council files and emails
- d) Consent forms to enable the Town Council to process users' data
- e) Training

3.4. The action taken by the Council so far is as follows

- a) Following the government amendment to exempt all parish and town councils from the requirement to appoint a Data Protection Officer (DPO) under the GDPR, the council has decided that there is no requirement to appoint a DPO.
- b) Measures are in place to change all councillor email addresses following the elections in May 2019. These emails will be managed from the Town Council server.
- c) The Town Council has agreed a Data Retention and Storage Policy which is attached at Appendix A.
- d) Consent forms are in place across a number of different users' types to enable the Town Council to process users' data including Neighbourhood Plan/allotments/events etc. This has also been an important consideration

in the setting up of the new website, with contact forms being designed appropriately.

- e) The Town Clerk has attended several training courses on the GDPR.
- f) The Council continues to pay its annual subscription to the Information Commissioner's office as required of all bodies that hold and process data.

4. Financial Implications

- 4.1. The Annual fee for Registration as a Data Controller is £80.00.
- 4.2. All other costs relate to staff time. These are difficult to accurately cost, although are not significant and are managed within current working times.

5. Legal Implications

- 5.1. The Town Council must show its ongoing intention to fully comply with the GDPR which came into force on 25 May 2018.

End.

Linda Blake
Town Clerk

MALVERN TOWN COUNCIL DATA RETENTION AND STORAGE POLICY

1. Paper Documentation and Records

- 1.1. The Town Council is required to keep certain records and documents for prescribed amounts of times. A list of these is provided in the following table.
- 1.2. For all other documents, the Town Council has put in place its own retention policy.
- 1.3. For all non-essential documents, there is a retention policy of no more than two years. This allows officers to look back at previous documents and processes for reference as this can be very useful, but also avoids large amounts of paper files being kept unnecessarily. Two years will also cover the last completed audit year.

2. Computer files

- 2.1. All non-essential computer files will be kept for between six months and two years for the same reasons as in 1. above. Human resource and salary files will be kept for longer:
 - Salary files - 12 years
 - Human resource files - 6 years after termination of employment

3. Officer emails

- 3.1. All non-essential emails sent to convey information required at a point in time should be deleted as required.
- 3.2. Emails with information required in order to facilitate Town Council services - for example service delivery queries, event information, grant information - should be reviewed regularly and deleted between six months and two years.

4. Councillor emails

- 4.1. It is recognised that Councillors may need to hold emails with personal data either in respect of information from Officers or from direct communication with members of the public.
- 4.2. Councillors should regularly review their emails with non-essential emails being deleted as required and other emails deleted between six months and two years.

5. Disposal of data

- 5.1. All paper files and documents that may contain personal data and that need to be disposed of must be disposed of securely. The Town Council will ensure that this is achieved by using the appropriate service from the Council's paper recycling contractor.
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**AGENDA ITEM 4
APPENDIX A**

Document	Minimum Period	Reason
MINUTES		
Minute books	Indefinite	Archive
Draft/rough/notes of minutes taken at meetings	Until minutes are approved	Management
FINANCE		
Receipt and Payment Accounts	Indefinite	Archive
Paid invoices	6 years	VAT
Paid cheques	6 years	Statute of limitations
VAT records	6 years	VAT
Bank Statements	Last completed audit year	Audit
Paying in books	Last completed audit year	Audit
Cheque stubs	Last completed audit year	Audit
Scales of fees and charges	6 years	Management
Members allowances register	6 years	Tax, Statute of Limitations
Investments	Indefinite	Audit, management
PLANNING		
Permissions	6 years	Compliance
Permissions - on appeal	Indefinite	Precedent
Permissions - commercial or development	Indefinite	Future compliance
Refusals	2 years	Appeals
INSURANCE		
Insurance policies	2 years	Management
Certificates of Employers' Liability Insurance	40 years	Limitation period
OTHER		
Quotations and tenders	12 years/indefinite	Statute of Limitations
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
Routine correspondence, papers & emails	Retain as long as useful	
Notes from meetings	Until minutes are confirmed	Minutes are signed
HUMAN RESOURCES		
Timesheets	3 years	Audit and personal injury best practice
Wages books	12 years	Superannuation
Human resource – employee file	6 years after termination of employment	Possible future legal proceedings
ALLOTMENTS		
Registers and plans	Indefinite	Audit, management
CEMETERY		
Register of fees collected	Indefinite	Local Authorities Cemeteries Order 1977
Register of burials	Indefinite	Local Authorities Cemeteries Order 1977

**AGENDA ITEM 4
APPENDIX A**

Register of purchased graves	Indefinite	Local Authorities Cemeteries Order 1977
Register of memorials	Indefinite	Local Authorities Cemeteries Order 1977
Applications for interment	Indefinite	Local Authorities Cemeteries Order 1977
Applications for right to erect monument	Indefinite	Local Authorities Cemeteries Order 1977
Copy certificate of grant of exclusive right of burial	Indefinite	Local Authorities Cemeteries Order 1977
HIRE OF ROOMS AND RECREATION GROUNDS		
Application to hire	6 years	Only if VAT is applicable
Lettings diaries	6 years	
Copies of hire invoices	6 years	