



Reference	G24	Adopted by	Full Council
Prepared by	Mel Alexander (Town Clerk)	Adopted date	21 st May 2018
Monitored by	Town Clerk	Minute reference	FULL/2018/43ii
Monitoring review	Annually	Review date	Year

1. Introduction

This Policy sets out the obligations of Thatcham Town Council (“the Council”) regarding retention of personal data collected, held and processed by the Council in accordance with EU Regulation 2016/679 General Data Protection Regulation (“GDPR”).

The GDPR defines “personal data” as any information relating to an identified or identifiable natural person (a “data subject”). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.

The GDPR also addresses “special category” personal data (also known as “sensitive” personal data). Such data includes, but is not necessarily limited to, data concerning the data subject’s race, ethnicity, politics, religion, trade union membership, genetics, biometrics (if used for ID purposes), health, sex life, or sexual orientation.

Under the GDPR, personal data shall be kept in a form which permits the identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed. In certain cases, personal data may be stored for longer periods where that data is to be processed for archiving purposes that are in the public interest, for scientific or historical research, or for statistical purposes (subject to the implementation of the appropriate technical and organisational measures required by the GDPR to protect that data).

In addition, the GDPR includes the right to erasure or “the right to be forgotten”. Data subjects have the right to have their personal data erased (and to prevent the processing of that personal data) in the following circumstances:

- a) Where the personal data is no longer required for the purpose for which it was originally collected or processed (see above);
- b) When the data subject withdraws their consent;
- c) When the data subject objects to the processing of their personal data and the Council has no overriding legitimate interest;
- d) When the personal data is processed unlawfully (i.e. in breach of the GDPR);
- e) When the personal data has to be erased to comply with a legal obligation; or
- f) Where the personal data is processed for the provision of information society services to a child.

This Policy sets out the type(s) of personal data held by the Council and the period(s) for which that personal data is to be retained, the criteria for establishing and reviewing such period(s), and when and how it is to be deleted or otherwise disposed of.

For further information on other aspects of data protection and compliance with the GDPR, please refer to the Council's Data Protection Policy.

2. Aims and Objectives

- 2.1 The primary aim of this Policy is to set out limits for the retention of personal data and to ensure that those limits, as well as further data subject rights to erasure, are complied with. By extension, this Policy aims to ensure that the Council complies fully with its obligations and the rights of data subjects under the GDPR.
- 2.2 In addition to safeguarding the rights of data subjects under the GDPR, by ensuring that excessive amounts of data are not retained by the Council, this Policy also aims to improve the speed and efficiency of managing data.

3. Scope

- 3.1 This Policy applies to all personal data held by Thatcham Town Council and by third-party data processors processing personal data on the Council's behalf.
- 3.2 Personal data, as held by the Council is stored in the following ways and in the following locations:
 - a) The Council's servers, located in the Council Offices, Brownsfield Road, Thatcham, RG18 3HF;
 - b) Third-party servers, operated by Microsoft;
 - c) Computers permanently located in the Council's premises at Council Offices, Brownsfield Road, Thatcham, RG18 3HF; and
 - d) Physical records stored in locked filing cabinets, cupboards and drawers in the Council Offices, Brownsfield Road, Thatcham, RG18 3HF.

4. Data Subject Rights and Data Integrity

All personal data held by Thatcham Town Council is held in accordance with the requirements of the GDPR and data subjects' rights thereunder, as set out in the Council's Data Protection Policy.

- 4.1 Data subjects are kept fully informed of their rights, of what personal data the Council holds about them, how that personal data is used, as set out in Parts 12 and 13 of the Council's Data Protection Policy, and how long the Council will hold that personal data (or, if no fixed retention period can be determined, the criteria by which the retention of the data will be determined).
- 4.2 Data subjects are given control over their personal data held by the Council including the right to have incorrect data rectified, the right to request that their personal data be deleted or otherwise disposed of (notwithstanding the retention periods otherwise set by this Data Retention Policy) and the right to restrict the Council's use of their personal data.

5. Technical and Organisational Data Security Measures

- 5.1 The following technical measures are in place within Thatcham Town Council to protect the security of personal data. Please refer to Parts 19 to 23 of the Council's Data Protection Policy for further details:
- a) All emails containing personal data must be encrypted;
 - b) All emails containing personal data must be marked "confidential";
 - c) Personal data may be transmitted over secure networks only;
 - d) Personal data may not be transmitted over a wireless network if there is a reasonable wired alternative;
 - e) Personal data contained in the body of an email, whether sent or received, should be copied from the body of that email and stored securely. The email itself and associated temporary files should be deleted;
 - f) Where personal data is to be transferred in hardcopy form, it should be passed directly to the recipient or sent using Royal Mail Special Delivery;
 - g) All personal data transferred physically should be transferred in a suitable container marked "confidential";
 - h) No personal data may be shared informally and if access is required to any personal data, such access should be formally requested from the Data Information Officer.
 - i) All hardcopies of personal data, along with any electronic copies stored on physical media should be stored securely;
 - j) No personal data may be transferred to any employees, agents, contractors, or other parties, whether such parties are working on behalf of the Council or not, without authorisation;
 - k) Personal data must be handled with care at all times and should not be left unattended or on view;
 - l) Computers used to view personal data must always be locked before being left unattended;
 - m) No personal data should be stored on any mobile device, whether such device belongs to the Council or otherwise;
 - n) No personal data should be transferred to any device personally belonging to an employee and personal data may only be transferred to devices belonging to agents, contractors, or other parties working on behalf of the Council where the party in question has agreed to comply fully with the Council's Data Protection Policy and the GDPR;
 - o) All personal data stored electronically should be backed up daily with backups stored securely onsite. All backups should be encrypted;
 - p) All electronic copies of personal data should be stored securely using passwords and encryption;
 - q) All passwords used to protect personal data should be changed regularly and must be secure;
 - r) Under no circumstances should any passwords be written down or shared (other than with a Line Manager). If a password is forgotten, it must be reset using the applicable method. IT contractors do not have access to passwords;
 - s) All software should be kept up-to-date. Security-related updates should be installed as soon as reasonably possible after becoming available; and

- t) No software may be installed on any Council-owned computer or device without the prior approval of the Data Information Officer and/or IT contractor;
- 5.2 The following organisational measures are in place within Thatcham Town Council to protect the security of personal data. Please refer to Part 24 of the Council's Data Protection Policy for further details:
- a) All employees and other parties working on behalf of the Council shall be made fully aware of both their individual responsibilities and the Council's responsibilities under the GDPR and under the Council's Data Protection Policy;
 - b) Only employees and other parties working on behalf of the Council that need access to, and use of, personal data in order to perform their work shall have access to personal data held by the Council;
 - c) All employees and other parties working on behalf of the Council handling personal data will be appropriately trained to do so;
 - d) All employees and other parties working on behalf of the Council handling personal data will be appropriately supervised;
 - e) All employees and other parties working on behalf of the Council handling personal data should exercise care and caution when discussing any work relating to personal data at all times;
 - f) Methods of collecting, holding, and processing personal data shall be regularly evaluated and reviewed;
 - g) The performance of those employees and other parties working on behalf of the Council handling personal data shall be regularly evaluated and reviewed;
 - h) All employees and other parties working on behalf of the Council handling personal data will be bound by contract to comply with the GDPR and the Council's Data Protection Policy;
 - i) All agents, contractors, or other parties working on behalf of the Council handling personal data must ensure that any and all relevant employees are held to the same conditions as those relevant employees of the Council arising out of the GDPR and the Council's Data Protection Policy;
 - j) Where any agent, contractor or other party working on behalf of the Council handling personal data fails in their obligations under the GDPR and/or the Council's Data Protection Policy, that party shall indemnify and hold harmless the Council against any costs, liability, damages, loss, claims or proceedings which may arise out of that failure.

6. Data Disposal

Upon the expiry of the data retention periods set out below in Part 7 of this Policy, or when a data subject exercises their right to have their personal data erased, personal data shall be deleted, destroyed, or otherwise disposed of as follows:

- 6.1 Personal data stored electronically (including any and all backups thereof) shall be deleted securely;
- 6.2 Special category personal data stored electronically (including any and all backups thereof) shall be deleted securely;
- 6.3 Personal data stored in hardcopy form shall be shredded and recycled;
- 6.4 Special category personal data stored in hardcopy form shall be shredded and recycled.

7. Data Retention

- 7.1 As stated above, and as required by law, Thatcham Town Council shall not retain any personal data for any longer than is necessary in light of the purpose(s) for which that data is collected, held, and processed.
- 7.2 Different types of personal data, used for different purposes, will necessarily be retained for different periods (and its retention periodically reviewed), as set out below.
- 7.3 When establishing and/or reviewing retention periods, the following shall be taken into account:
 - a) The objectives and requirements of the Council;
 - b) The type of personal data in question;
 - c) The purpose(s) for which the data in question is collected, held, and processed;
 - d) The Council's legal basis for collecting, holding, and processing that data;
 - e) The category or categories of data subject to whom the data relates;
- 7.4 If a precise retention period cannot be fixed for a particular type of data, criteria shall be established by which the retention of the data will be determined, thereby ensuring that the data in question, and the retention of that data, can be regularly reviewed against those criteria.
- 7.5 Notwithstanding the following defined retention periods, certain personal data may be deleted or otherwise disposed of prior to the expiry of its defined retention period where a decision is made within the Council to do so (whether in response to a request by a data subject or otherwise).
- 7.6 In limited circumstances, it may also be necessary to retain personal data for longer periods where such retention is for archiving purposes that are in the public interest. All such retention will be subject to the implementation of appropriate technical and organisational measures to protect the rights and freedoms of data subjects, as required by the GDPR.⁴

Data Ref.	Type of Data	Reason	Retention Period or Criteria	Format
MEETINGS	Approved Minutes	Archive	Indefinitely	Hardcopy
	Notes/Recordings of Meetings	Reference	Until Minutes are approved	Hardcopy / Digital recording
FINANCE	Receipts and Payments	Archive	Indefinitely	Hardcopy
	Purchase ledger invoices	VAT	6 years	Hardcopy
	Sales ledger invoices	VAT	6 years	Electronic
	VAT records	VAT	6 years generally and 20 years for VAT on rents	Hardcopy
	Annual Return	Audit	Indefinitely	Hardcopy
	Bank Statements	Audit	Last completed audit year	Hardcopy
	Bank paying-in books	Audit	Last completed audit year	Hardcopy
	Cheque book stubs	Audit	Last completed audit year	Hardcopy
	Petty cash, postage and telephone books	Tax, VAT, Limitation Act 1980 (as amended)	6 years	Hardcopy
	Audit Papers	Audit	5 years	Hardcopy
Investments	Audit	Indefinitely	Electronic	
ALLOTMENTS	Application for tenancy	Management	Until tenancy agreement entered into or application withdrawn	Database
	Allotment register	Audit	Duration of tenancy	Database
	Tenancy agreement	Audit	Duration of tenancy	Electronic
	Allotment plan	Management	Indefinitely	Electronic

Data Ref.	Type of Data	Reason	Retention Period or Criteria	Format
HALLS	Hire documents	Audit	6 years	Electronic
	Lettings diaries	Audit	6 years	Database
	Correspondence	Management	Duration of hire	Electronic
PLANNING	Planning applications	Management	Until consultee responses returned to Planning Authority	Electronic
PROPERTY	Title deeds	Audit	Indefinitely	Hardcopy
	Leases	Management	Duration of lease	Hardcopy
	Correspondence	Management	Duration of lease or as long as relevant	Electronic
MARKET & BROADWAY GREEN STALLS	Stall applications	Management	Duration of attendance	Electronic
PAYROLL & HR	Correspondence	Audit	Duration of employment	Electronic
	Job applications	Management	Until post filled	Electronic
	Accident reports	Insurance	40 years	Electronic
	Records: sickness, training	Management	Duration of employment	Electronic
GRANTS	Grant applications	Management	Until grant awarded expended and satisfactory reporting received	Electronic

Data Ref.	Type of Data	Reason	Retention Period or Criteria	Format
CEMETERY	Register of burials	Archive	Indefinitely	Hardcopy and Database
	Register of burial fees collected	Archive	Indefinitely	Hardcopy and Database
	Register of purchased graves	Archive	Indefinitely	Hardcopy and Database
	Register/plan of grave spaces	Archive	Indefinitely	Hardcopy and Database
	Register of memorial stones	Archive	Indefinitely	Database
	Register of alternative memorials (book of remembrance, tree/shrub, bench)	Archive	Duration whilst alternative memorial in situ	Electronic
	Applications for interment	Archive	Indefinitely	Pre 2017 – Hardcopy and Database Post 2017 – Database
	Applications for right to erect memorials	Archive	Indefinitely	Electronic
	Applications for purchase of Exclusive Right of Burial	Archive	Indefinitely	Database and Electronic
	Disposal certificates	Archive	Indefinitely	Pre 2017 – Hardcopy and Electronic copy Post 2017 – Electronic copy
	Copy of certificates of grant of EROB	Archive	Indefinitely	Electronic

Data Ref.	Type of Data	Reason	Retention Period or Criteria	Format
ADMINISTRATION	Correspondence	Management	As long as relevant	Electronic or Database
	Mailing lists	Communication	Until requested to remove or communication no longer relevant	Electronic
	Incidents, complaints & reports	Management	Until resolved	Electronic
CIVIC & EVENTS	Photographs	Publicity and promotion	1 year	Electronic
		Historical value	Indefinitely	Electronic
	Stall applications / Participants forms	Management	1 year	Electronic
	Mailing list	Communication	Until requested to remove or communication no longer relevant	Electronic
	Competition winners	Management	Until competition closed and prizes awarded	Hardcopy
	Mayoral invitations	Management	Until after event	Hardcopy
CONTRACTS	Contract documents	Management	7 years	Electronic
	Quotations and tenders	Limitation Act 1980 (as amended)	6 years	Electronic
INSURANCE	Certificates of Employers Liability	Employers' Liability (Compulsory Insurance) Regulations 1998	40 years	Electronic
	Public Liability Certificates	Archive	21 years	Electronic
COMMUNITY	Green borrow bags	Management	Until borrow bags returned and checked	Electronic
	Surveys, consultations & questionnaires	Management	Whilst relevant	Electronic

8. Roles and Responsibilities

- 8.1 The Council's Data Information Officer is the Town Clerk at Thatcham Town Council, Council Offices, Brownsfield Road, Thatcham.
- 8.2 The Data Information Officer shall be responsible for overseeing the implementation of this Policy and for monitoring compliance with this Policy, the Council's other Data Protection-related policies (including, but not limited to, its Data Protection Policy), and with the GDPR and other applicable data protection legislation.
- 8.3 The Data Information Officer shall be directly responsible for ensuring compliance with the above data retention periods throughout the Council.
- 8.4 Any questions regarding this Policy, the retention of personal data, or any other aspect of GDPR compliance should be referred to the Data Information Officer.

Associated Documentation:

Data Protection Policy

This Policy will be reviewed annually by Council Officers and every four years by Council, or sooner should circumstances or legislation change.

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