



**Penderfyniadau  
Cynllunio ac  
Amgylchedd **Cymru****

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**Planning &  
Environment  
Decisions **Wales****

Retention and Disposal Policy

## Version Control

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Notes</b>
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## 1. Scope

Planning and Environment Wales (PEDW) is committed to the efficient management of our records for the effective delivery of our services, to document our principal activities and to maintain the corporate memory.

The benefits of effective records management are:

- protecting our business critical records and improving business resilience;
- ensuring our information can be found and retrieved quickly and efficiently;
- complying with legal and regulatory requirements;
- reducing risk for litigation, audit and government investigations;
- minimising storage requirements and reducing costs.

The principles outlined in this policy have been developed to provide a consistent approach to managing records throughout their lifecycle and regardless of their format.

The policy is aligned with the Lord Chancellor's Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000. PEDW is obliged to meet the legal requirements for the retention and disposal of records in accordance with relevant legislation, particularly the Public Records Act 1958 the Freedom of Information Act 2000, the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR).

You can read about legislation that relates to, or affects archives, records management or public sector information on [The National Archives website](#).

## 2. Roles and responsibilities

PEDW, through the Welsh Government (WG) Records Management Team are responsible for transferring public records selected for permanent preservation to the National Archives (TNA) and other places of deposit. While WG will support PEDW via centrally applied retention and disposal schedules within IT systems (when possible), PEDW remains accountable for the management and disposal of all records that they create.

The [Departmental Records Officer \(DRO\)](#) is accountable for maintaining effective and efficient record keeping procedures for W. In practice, the DRO will do this through the agreement of this policy, the provision of advice to PEDW in the management of its records, and by considering whether records identified by PEDW as candidates for permanent preservation are transferred to The National Archive.

The Senior Information Risk Officer (SIRO) responsibilities include owning the Information Risk policy and is accountable for information risk across the Inspectorate. As a fundamental part of this is the proper creation and management of records, the SIRO is also the owner of this Retention & Disposal policy.

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Information Asset Owners (IAOs) are accountable for ensuring that information and information risk is managed appropriately within their business areas – and therefore they have key roles in carrying out this policy in the management, retention and disposal of their business information. In practice, they may delegate tasks in respect of this policy to an Information Asset Expert (IAE) or other information specialists within their business areas, but they retain accountability.

The WG Records management team will provide advice and assistance to PEDW in the management of their records and in the provision of advice and in identifying records that may require permanent preservation to the DRO.

In accordance with this policy, all staff are responsible for managing, storing appropriately and disposing of the information they create and receive as part of their normal daily business activities.

### **3. Records and information management policy**

A record can be defined as information created, received and maintained as evidence and information by an organisation, in pursuance of legal obligations or in the transaction of business. This definition therefore includes:

- a. Information in regular, active use.
- b. Information that is no longer being actively modified, but not placed beyond change.
- c. Information that has been formally placed beyond change

Information within category a. will normally transition to categories b. or c. This may occur by default or deliberate action/event. This policy is therefore primarily applicable to categories b. and c. However, it should be recognised that all categories remain in scope in the context of applicable statutory or regulatory obligations.

You can find more information about what comprises a record in The National Archives introductory guide [What is records management?](#)

Information created and received by staff on behalf of PEDW belongs to the WG and must be reviewed and filed in a recognised record keeping system<sup>1</sup>. Information must be disposed of routinely and in accordance with line of business retention and disposal schedules (see annexes). To reduce storage costs and overheads, PEDW should be clear about the format and location in which their records are kept, and therefore should not hold duplicate records or copies of information outside of the record keeping system (other than as temporary/working copies).

All systems and records must have designated Information Asset Owners [IAOs] throughout their lifecycle. Records and information must be stored and handled in accordance with the requirements of the [Government Security Classification System](#).

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<sup>1</sup> Record keeping systems include registered databases, registered hardcopy files and shared electronic drive areas (Office365). Additionally, and for short term staff management records (such as PMRs), managers may save information to their OneDrive area. As they have business value, records must not be kept in individual or team mailboxes or PST files.

[Digital continuity](#) must be considered for the systems and formats that are used to store digital records. All records must be supported by metadata that documents their authority, status, structure and integrity to demonstrate their administrative context and relationship with other records.

All records must be traceable and retrievable. File movements and movements of data must be tracked.

Records must be stored in environmental conditions that protect them from deterioration. For more information refer to The National Archives guidance:

- [Requirements for an offsite store](#)
- [Implementation guides](#)

## **4. Retention and disposal policy**

### **4.1 PEDW retention policy**

Information held for longer than is necessary carries additional risk and cost. Records and information should only be retained for legitimate business use. Under GDPR and the DPA 2018, personal data processed by the Inspectorate must not be retained for longer than is necessary for its lawful purpose.

Data protection law requires that personal data is kept for no longer than is necessary to fulfil the purposes for which it was originally collected. However, statistical use of data is often a secondary purpose and in recognition of this and the fact that using personal data to produce statistics has no direct effect on individuals, the law allows that information held for statistical purposes only may be kept for longer periods. PEDW will only continue to hold personal data where it is still used to produce statistics. In addition, PEDW will also de-identify or anonymise data at the earliest opportunity it can without compromising its utility.

#### Casework records

As an operational delivery agency (with no policy setting role), the key records that PEDW will create relate to the casework undertaken (ie the evidence submitted, the processing information relating to the case and the report/decision). The retention schedule for casework information is set out in Annex A<sup>2</sup>.

Casework retention schedules are generally triggered by a discrete event, e.g. when an Inspectors decision is published. Where possible, the casework retention schedules should be applied automatically.

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## Non-Casework record

The table in Annex B shows the general retention periods used by the PEDW based on either the detailed guidance provided by The National Archives or established business needs for key records.

It should be noted that as soon as a non-casework item is no longer being actively changed, it becomes subject to the retention schedules described in this policy [less exceptions]. Where possible, the retention schedules should be applied automatically.

Information that is not worthy of being retained as a record should be disposed of as soon as no longer needed. Otherwise, unless specified in the table in Annex B, the default standard retention period for PEDW's non-casework records is 3 years after the last modification of a record, at which stage records should be deleted by default.

Records must only be retained beyond the default retention period if their retention can be justified for statutory, regulatory, legal or security reasons or for their historic value. The disposal periods for exceptions to the default retention period must be included within line of business retention schedules and notified to the PEDW Records Manager, for inclusion in Annex B.

Where there is no statutory or business requirement to retain information for that long, business areas can allocate retention periods less than the default. This information must be included in their business area retention schedules.

The maximum retention period for the PEDW's records identified as having historic value is defined as 20 years after the last entry in the record.

### **4.2 Business retention and disposal responsibilities**

Information Asset Owners are responsible for maintaining and publishing their own record retention and disposal schedules for non-casework information.

Information Asset Owners will identify records identified as having historic value through the WG Records Manager to the DRO, and if applicable transfer to The National Archives at 20 years or earlier. Historic records can be transferred earlier by agreement of all parties affected by the decision. Records with historic value, retained beyond the 20 year will be with Lord Chancellor authorisation only.

Storage and destruction of records can be undertaken by third parties contracted for those purposes, provided that it is compliant with GDPR, DPA 2018 and HMG Offshoring Policy. All parties must agree on what data is shared, levels of information security, who should have access, what the disposal arrangements are, and who has ownership.

Processes must be in place to ensure that records pending audit, litigation or investigation are not destroyed.

Records must be securely destroyed in accordance with information security policy.

## **5. Audit and compliance**

Information Asset Owners are accountable for developing their own assurance programmes to ensure that the core principles in this policy and related activities are being complied with.

Information Asset Owners must audit and monitor the secure disposal of their own records as well as those of any third parties that share or produce records on their behalf. Information Asset Owners are responsible for maintaining an audit trail of their review, destruction and disposal decisions.

The PEDW Records Manager will assist the DRO [WG] in the completion of records and retention and disposal audits for PEDW's information.

## **6. Policy Review**

This Records Retention and Disposal policy should be reviewed annually.

Retention schedules should be updated as required but should be reviewed quarterly.

## Records Management & Retention & Disposal Policy - Annex A:

### Preservation and Disposal Arrangements for PEDW Casework files

1. These arrangements relate to registered appeal/order/case files regardless of format - i.e. paper and/or electronic. These arrangements also apply to casework undertaken on behalf of WG Policy Teams as well as casework undertaken on behalf of other Government Departments or bodies.
2. Unless specified in the table at paragraph 4 below, PEDW's policy for casework, where responsibility for decision making has been transferred<sup>1</sup> to an Inspector<sup>2</sup>, is to retain a copy of the casework file for 1 year following the case being closed after issue of the Inspector's decision or the last action<sup>3</sup> (whichever is the latter). A copy of the case decision is retained for 5 years.
3. Unless specified in the table at paragraph 4 below, the ongoing preservation and disposal arrangements of casework files where the Welsh Ministers, or another body, makes the decision<sup>4</sup> is the responsibility of the government division/branch or body that is responsible for making and issuing those decisions<sup>5</sup>. However, PEDW may retain a copy of the Inspector's report for 5 years following the decision or the last action (whichever is the latter) and the casework file for a period of up to one year.

<sup>1</sup> . Including, but not exclusively:

- planning\enforcement\listed building\certificate of lawful development\advertisement\planning obligation\non validation\purchase notice appeals;
- planning applications under s62a;
- tree preservation orders, tree replacement notices, high hedges, hazardous substances, compulsory purchase orders;
- Rights of way and common land casework.

<sup>2</sup> Or appointed person or equivalent

<sup>3</sup> Last action includes the case being withdrawn without decision or the issue of a related costs decision.

<sup>4</sup> Including, but not exclusively, recovered appeals, called in applications, local plan examinations and other cases where the Inspector prepares a report for the decision making body.

<sup>5</sup> Where another body is responsible for maintaining a copy of the examination documents then the Inspector's copy of these documents may be disposed of after the challenge period has elapsed. An example of this is local plan (& related plan casework) where the plan making authority are responsible for publishing the examination documents.



4. Other retention periods for PEDW casework files are listed in the table below:

<b>Casework Type</b>	<b>Retention Period</b>	<b>General Notes</b>
Rights of Way Order casework (where the Inspector makes the decision)	As deposited documents, a copy of the relevant decision(s) and sealed order are sent to the Order Making Authority for permanent preservation. Other casefile documents are disposed of as per paragraph 3 above.	The order making authority are sent these documents.
Housing & Planning Compulsory Purchase Orders & related orders (where the Inspector makes the decision)	As deposited documents, a copy of the decision, sealed order and map are sent to the Acquiring Authority for permanent preservation. Order casefile documents are disposed of as per paragraphs 3 above	The acquiring authority are sent these documents.
Common Land Casework – Decisions on work applications	Decisions to be held for 5 years, or the length of consent (whichever is longer)	Commons registration authority are not required to maintain records of these decisions

5. Retention and disposal of casework information is normally placed on hold as a result of a legal challenge to the case decision, with that hold remaining in place until the period for appealing the outcome of legal challenge has elapsed. The need to place a hold on the retention and disposal of the casefile for other activities (e.g. a complaint/query/request for information) should be considered on their own individual basis, including the need to evidence any decision made in respect of that activity.
6. Although not considered part of the casework documentation, notes made by an Inspector at an event (site visit/hearing/inquiry) are normally retained for a period of approximately 3 months following the decision on the case as they prove of relevance to any legal challenge. Destruction of the notes is suspended if a legal challenge is made.
7. Although it may be made widely available during consideration of the case, casework information should be disposed of in a secure manner commensurate with the sensitivity of the content. Factors to consider include whether the information contains personal information, sensitive personal information and the protection of the outcome of the case until the decision is issued.

**Important Note** - Retaining duplicate information increases storage costs and other business overheads – including compliance risks. Therefore, business areas should clearly designate the format/location in which their records are stored and retained for the purpose of records management and to which this retention policy applies. For instance, if the designated record is an electronic file then all information provided in paper format will need be scanned in and added to the electronic file. If the designated record is a paper file then electronic information that is needed for the record should be printed and added to that paper file. Duplicate/working copies of information held outside the designated record should be regularly reviewed and deleted.

## **Records Management & Retention & Disposal Policy - Annex B:**

### **Preservation and Disposal Arrangements for PEDW Non-casework records – general retention schedule**

1. The tables below provide a general retention schedule that PEDW will apply to its non-casework records regardless of format (i.e. paper or electronic)<sup>3</sup>.
2. In line with the Records Management & Retention & Disposal Policy, Information Asset Owners have responsibility for publishing and implementing their own record retention & disposal schedules for the non-casework information created/stored within their business area. This should take into consideration any statutory and business requirements to retain information, the general retention periods outlined in this schedule as well as the overheads in managing information (which include the ongoing overheads of managing information held, compliance risks and the costs of reviewing individual documents/records).
3. Records of historic significance should be identified to the WG's Records Manager, who will liaise with the Departmental Records Officer to determine whether they should be transferred to the National Archive for permanent preservation. In practice, very little non-casework information will be significant enough to consider permanent preservation (or retention beyond 10 years) and can be securely disposed of once the retention period is reached.

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<sup>3</sup> Unless required for statutory/legal purposes records (such as the need for a wet signature), records will be created and stored in electronic format. Paper records, which will only normally be required for some corporate service functions (such as contracts or accounting) should be held on registered paper files, with the Commercial Team having responsibility for maintaining and registering new files.

Subject of record	Retention period – suggested maximum
Complaints	Varies between 3 year and 10 years depending on type.
Press and public relations	Varies between 1 month (press cuttings) to 15 years (Second Review) depending on type.
Information Management (including Access to Information - FOI/DPA/EIR)	Varies between 1 year and permanently depending on type.

<p><b>Default retention period</b> – <i>to be applied to records where there is no statutory need to retain information for longer and in the absence of any identified business need to either retain information for longer or shorter period.</i></p>	Review 3 years from closure or last significant action.
Legal Advice	<p>10 years (second review)</p> <p>Legal advice in respect of High Court Challenges is normally retained for 6 years following conclusion of the legal challenge process.</p>

Expenses - receipts	7 years
Employee Personnel:  Working copies of staff management information held by line managers or equivalent – including PMRS, and other ongoing staff management information only.	Delete as soon as no longer required for ongoing management purposes.
General\nnon case specific information – e.g. business are responses to queries, requests for appeal forms etc.	1 year