

Polisi Cadw a Gwaredu

1. Cyflwyniad

- 1.1 Mae'r Cyngor Cymuned yn cronni llawer iawn o wybodaeth a data yn ystod ei weithgareddau bob dydd. Mae hyn yn cynnwys data a gynhyrchir yn fewnol yn ogystal â gwybodaeth a gafwyd gan unigolion a sefydliadau allanol. Mae'r wybodaeth hon wedi ei chofnodi mewn gwahanol fathau o ddogfen.
- 1.2 Mae cofnodion a grëwyd a'u cynnal gan y Cyngor Cymuned yn ased pwysig ac o'r herwydd mae angen gwneud mesurau i ddiogelu'r wybodaeth hon. Mae cofnodion a reolir yn briodol yn darparu tystiolaeth ddilys a dibynadwy o drafodion y Cyngor Cymuned ac mae'n angenrheidiol i sicrhau y gall ddangos atebolrwydd.
- 1.3 Gellir cadw dogfennau naill ai ar ffurf papur 'caled' neu mewn ffurfiau electronig. At ddiben y polisi hwn, mae 'dogfen' a 'chofnod' yn cyfeirio at gopi caled a chofnodion electronig.
- 1.4 Mae'n hanfodol cadw dogfennau am gyfnod digonol o amser. Os bydd dogfennau'n cael eu dinistrio cyn pryd gallai'r Cyngor Cymuned a swyddogion unigol dan sylw wynebu erlyniad am beidio â chydymffurfio â deddfwriaeth a gallai achosi trafferthion gweithredol, difrod i enw da ac anhawster i amddiffyn unrhyw hawliad a ddygwyd yn erbyn y Cyngor Cymuned.
- 1.5 Yn wahanol i'r uchod ni ddylai'r Cyngor Cymuned gadw dogfennau yn fwy na sydd ei angen. Dylid ymgymryd â gwaredu amserol i sicrhau cydymffurfiaeth â'r Rheoliadau

Retention and Disposal Policy

1. Introduction

- 1.1 The Council Council accumulates a vast amount of information and data during the course of its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in various different types of document.
- 1.2 Records created and maintained by the Community Council are an important asset and as such measures need to be undertaken to safeguard this information. Properly managed records provide authentic and reliable evidence of the Community Council's transactions and are necessary to ensure it can demonstrate accountability.
- 1.3 Documents may be retained in either 'hard' paper form or in electronic forms. For the purpose of this policy, 'document' and 'record' refers to both hard copy and electronic records.
- 1.4 It is imperative that documents are retained for an adequate period of time. If documents are destroyed prematurely the Council and individual officers concerned could face prosecution for not complying with legislation and it could cause operational difficulties, reputational damage and difficulty in defending any claim brought against the Community Council.
- 1.5 In contrast to the above the Community Council should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with the General

Diogelu Data Cyffredinol fel na chaiff gwybodaeth bersonol ei chadw'n hirach na'r angen. Bydd hyn hefyd yn sicrhau'r defnydd mwyaf effeithlon o ofod storio cyfyngedig.

2. Cwmpas ac Amcanion y Polisi

2.1 Nod y ddogfen hon yw darparu fframwaith gwaith er mwyn penderfynu pa ddogfennau yw:

- Cadwedig – ac am ba hyd; neu
- Gwaredu – ac os felly drwy ba dull.

2.2 Mae yna rai cofnodion nad oes angen eu cadw o gwbl neu sy'n cael eu dinistrio'n rheolaidd yng nghwrs busnes. Mae hyn fel arfer yn berthnasol i wybodaeth sy'n cael ei dyblygu, yn animportant neu ddim ond o werth tymor byr. Mae cofnodion gwybodaeth anystywallt yn cynnwys:

- Slipiau 'Gyda chanmoliaeth'.
- Catalogau a chylchgronau masnach.
- Heb dderbyn gwahoddiadau.
- Negeseuon post electronig dibwys sydd ddim yn gysylltiedig â busnes y Cyngor.
- Ceisiadau am wybodaeth megis mapiau, cynlluniau neu hysbysebu deunydd.
- Rhestrau dosbarthu sydd wedi dyddio.

2.3 Gellir dinistrio deunydd dyblyg a chwalwyd megis deunydd ysgrifennu, llawlyfrau, drafftiau, ffurflenni, mynd i'r afael â llyfrau a chopïau cyfeirio o adroddiadau blynyddol.

2.4 Ni ddylid dinistrio cofnodion os gellir defnyddio'r wybodaeth fel tystiolaeth i brofi bod rhywbeth wedi digwydd. Os caiff ei ddinistrio mae angen gwaredu'r gwaredu o dan y Rheoliadau Diogelu Data Cyffredinol.

Data Protection Regulations so that personal information is not retained longer than necessary. This will also ensure the most efficient use of limited storage space.

2. Scope and Objectives of the Policy

2.1 The aim of this document is to provide a working framework to determine which documents are:

- Retained – and for how long; or
- Disposed of – and if so by what method.

2.2 There are some records that do not need to be kept at all or that are routinely destroyed in the course of business.

This usually applies to information that is duplicated, unimportant or only of a short-term value. Unimportant records of information include:

- 'With compliments' slips.
- Catalogues and trade journals.
- Non-acceptance of invitations.
- Trivial electronic mail messages that are not related to Council business.
- Requests for information such as maps, plans or advertising material.
- Out of date distribution lists.

2.3 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.

2.4 Records should not be destroyed if the information can be used as evidence to prove that something has happened. If destroyed the disposal needs to be disposed of under the General Data Protection Regulations.

3. Rolau a Chyfrifoldebau dros Gadw a Gwaredu Dogfennau

- 3.1 Cynghorau Cymuned sy'n gyfrifol am benderfynu a ddylid cadw neu waredu dogfennau ac fe ddylen nhw gynnal adolygiad o'r dogfennau yn flynyddol o leiaf er mwyn sicrhau bod unrhyw ddogfennaeth ddiangen sy'n cael ei chadw yn cael ei gwaredu dan y Rheoliadau Diogelu Data Cyffredinol.
- 3.2 Dylai cynghorau cymuned sicrhau bod pob gweithiwr yn ymwybodol o'r amserlen cadw/gwaredu.

4. Protocol Cadw Dogfennau

- 4.1 Dylai cynghorau cymuned gael system ddigonol ar gyfer dogfennu gweithgareddau eu gwasanaeth. Dylai'r system hon ystyried yr amgylcheddau deddfwriaethol a rheoleiddio y maent yn gweithio iddynt.
- 4.2 Dylai cofnodion pob gweithgaredd fod yn ddigon cyflawn a chywir i ganiatáu i weithwyr a'u hollynwyr ymgymryd â champau priodol yng nghyd-destun eu chyfrifoldebau i:
- Hwyluso archwiliad neu archwiliad o'r busnes gan unrhyw un sydd wedi ei awdurdodi felly.
 - Amddiffyn hawliau cyfreithiol a hawliau eraill y Cyngor Cymuned, ei gleientiaid ac unrhyw bersonau eraill yr effeithir arnynt gan ei weithredoedd.
 - Gwiriwch ganiatâd unigol i gofnodi, rheoli a chofnodi gwaredu eu data personol.
 - Darparu dilysrwydd y cofnodion fel bod y dystiolaeth sy'n deillio ohonynt yn cael ei dangos yn gredadwy ac awdurdodol.

3. Roles and Responsibilities for Document Retention and Disposal

- 3.1 Community Councils are responsible for determining whether to retain or dispose of documents and should undertake a review of documentation at least on an annual basis to ensure that any unnecessary documentation being held is disposed of under the General Data Protection Regulations.
- 3.2 Community Councils should ensure that all employees are aware of the retention/disposal schedule.

4. Document Retention Protocol

- 4.1 Community Councils should have in place an adequate system for documenting the activities of their service. This system should take into account the legislative and regulatory environments to which they work.
- 4.2 Records of each activity should be complete and accurate enough to allow employees and their successors to undertake appropriate actions in the context of their responsibilities to:
- Facilitate an audit or examination of the business by anyone so authorised.
 - Protect the legal and other rights of the Community Council, its clients and any other persons affected by its actions.
 - Verify individual consent to record, manage and record disposal of their personal data.
 - Provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.

4.3 I hwyluso hyn dylid mabwysiadu'r egwyddorion canlynol:

- Dylid trefnu cofnodion sy'n cael eu creu a'u cynnal mewn system cadw cofnodion a fydd yn galluogi adalw gwybodaeth yn gyflym ac yn hawdd o dan y Rheoliadau Diogelu Data Cyffredinol
- Dylid gosod dogfennau nad oes eu hangen bellach at ddibenion gweithredol ond sydd angen eu cadw yn y swyddfa gofnodion.

4.4 Mae'r amserlenni cadw yn Atodlen A: Rhestr o Ddogfennau ar gyfer Cadw neu Waredu yn rhoi arweiniad ar y cyfnodau cadw lleiaf a argymhellir ar gyfer dosbarthiadau penodol o ddogfennau a chofnodion. Lluniwyd yr amserlenni hyn o arferion gorau a argymhellir gan y Swyddfa Cofnodion Cyhoeddus, Cymdeithas Rheoli Cofnodion Prydain Fawr ac yn unol â deddfwriaeth berthnasol.

4.5 Pryd bynnag y mae posibilrwydd o ymglyfreitha, ni ddylid diwygio na gwaredu'r cofnodion a'r wybodaeth sy'n debygol o gael eu heffeithio nes bod y bygythiad o ymglyfreitha wedi'i ddileu.

5. Protocol Gwaredu Dogfennau

5.1 Dim ond os caiff ei adolygu yn unol â'r canlynol y dylid gwaredu dogfennau:

- A oes angen cadw staff i gyflawni gofynion statudol neu reoleiddiol eraill?
- Oes angen cadw staff er mwyn diwallu anghenion gweithredol y gwasanaeth?
- A oes angen cadw tystiolaeth i ddigwyddiadau tystiolaeth yn achos anghydfod?

4.3 To facilitate this the following principles should be adopted:

- Records created and maintained should be arranged in a record-keeping system that will enable quick and easy retrieval of information under the General Data Protection Regulations
- Documents that are no longer required for operational purposes but need retaining should be placed at the records office.

4.4 The retention schedules in Schedule A: List of Documents for Retention or Disposal provide guidance on the recommended minimum retention periods for specific classes of documents and records. These schedules have been compiled from recommended best practice from the Public Records Office, the Records Management Society of Great Britain and in accordance with relevant legislation.

4.5 Whenever there is a possibility of litigation, the records and information that are likely to be affected should not be amended or disposed of until the threat of litigation has been removed.

5. Document Disposal Protocol

5.1 Documents should only be disposed of if reviewed in accordance with the following:

- Is retention required to fulfil statutory or other regulatory requirements?
- Is retention required to meet the operational needs of the service?
- Is retention required to evidence events in the case of dispute?

- A oes angen cadw oherwydd bod y ddogfen neu'r cofnod o ddiddordeb hanesyddol neu werth cynhenid?

5.2 Pan fydd dogfennau wedi'u trefnu ar gyfer gwaredu dylai'r dull gwaredu fod yn briodol i natur a sensitifrwydd y dogfennau dan sylw. Cedwir cofnod o'r gwarediad er mwyn cydymffurfio â'r Rheoliadau Diogelu Data Cyffredinol.

5.3 Gellir gwaredu dogfennau drwy unrhyw un o'r dulliau canlynol:

- Cofnodion nad ydynt yn gyfrinachol: rhoi mewn bin papur gwastraff i'w waredu.
- Cofnodion neu gofnodion cyfrinachol sy'n rhoi gwybodaeth bersonol: dogfennau wedi eu malu.
- Dileu cofnodion cyfrifiadurol.
- Trosglwyddo cofnodion i gorff allanol fel y County Records Office.

5.4 Dylid dilyn yr egwyddorion canlynol wrth gael gwared ar gofnodion:

- Dylid dinistrio pob cofnod sydd yn cynnwys gwybodaeth bersonol neu gyfrinachol ar ddiwedd y cyfnod cadw. Gallai methu â gwneud hynny arwain at erlyn y Cyngor o dan y Rheoliadau Diogelu Data Cyffredinol.
- y Ddeddf Rhyddid Gwybodaeth neu achosi niwed i enw da.
- Lle mae cofnodion cyfrifiaduron yn cael eu dileu, dylid cymryd camau i sicrhau bod data 'bron yn amhosibl ei adfer' fel y cynghorir gan y Comisiynydd Gwybodaeth.

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

5.2 When documents are scheduled for disposal the method of disposal should be appropriate to the nature and sensitivity of the documents concerned. A record of the disposal will be kept to comply with the General Data Protection Regulations.

5.3 Documents can be disposed of by any of the following methods:

- Non-confidential records: place in waste paper bin for disposal.
- Confidential records or records giving personal information: shred documents.
- Deletion of computer records.
- Transmission of records to an external body such as the County Records Office.

5.4 The following principles should be followed when disposing of records:

- All records containing personal or confidential information should be destroyed at the end of the retention period. Failure to do so could lead to the Community Council being prosecuted under the General Data Protection Regulations.
- the Freedom of Information Act or cause reputational damage.
- Where computer records are deleted steps should be taken to ensure that data is 'virtually impossible to retrieve' as advised by the Information Commissioner.

- Pan fo dogfennau o ddiddordeb hanesyddol efallai y bydd yn briodol eu bod yn cael eu trosglwyddo i swyddfa Cofnodion y Sir.
- Dylid hefyd dinistrio copïau wrth gefn o ddogfennau (gan gynnwys dogfennau electronig neu ffotograffau oni bai bod darpariaethau penodol yn bodoli ar gyfer eu gwaredu).

5.5 Dylid cadw cofnodion o warediadau priodol. Dylai'r cofnodion hyn gynnwys yr wybodaeth ganlynol:

- Enw'r ddogfen a ddinistriwyd.
- Cafodd y dyddiad y ddogfen ei dinistrio.
- Y dull gwaredu.

6. Deddf Diogelu Data 1998 – Rhwymedigaeth i Waredu Data Penodol

6.1 Mae Deddf Diogelu Data 1998 ('Pumed Egwyddor') yn mynnu na ddylid cadw gwybodaeth bersonol yn hirach na'r hyn sy'n angenrheidiol at y diben y cafwyd ef yn wreiddiol. Mae adran 1 o'r Ddeddf Diogelu Data yn diffinio gwybodaeth bersonol fel:

- Data sy'n ymwneud ag unigolyn byw y gellir ei adnabod:
- a) o'r data, neu
 - b) o'r data hynny a gwybodaeth arall sydd ym meddiant y rheolwr data, neu sy'n debygol o ddod i feddiant y rheolwr data.

- Where documents are of historical interest it may be appropriate that they are transmitted to the County Records office.
- Back-up copies of documents should also be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).

5.5 Records should be maintained of appropriate disposals. These records should contain the following information:

- The name of the document destroyed.
- The date the document was destroyed.
- The method of disposal.

6. Data Protection Act 1998 – Obligation to Dispose of Certain Data

6.1 The Data Protection Act 1998 ('Fifth Principle') requires that personal information must not be retained longer than is necessary for the purpose for which it was originally obtained. Section 1 of the Data Protection Act defines personal information as:

- Data that relates to a living individual who can be identified:
- a) from the data, or
 - b) from those data and other information which is in the possession of, or is likely to come into the possession of the data controller.

It includes any expression of opinion about the individual and any indication of the intentions of the Community Council or other person in respect of the individual.

Mae'n cynnwys unrhyw fynegi barn am yr unigolyn ac unrhyw arwydd o fwriadau'r Cyngor Cymuned neu berson arall mewn perthynas â'r unigolyn.

6.2 Mae'r Ddeddf Diogelu Data yn darparu eithriad ar gyfer gwybodaeth am unigolion byw y gellir eu hadnabod sy'n cael eu cadw at ddibenion ymchwil, ystadegol neu hanesyddol i'w cadw am gyfnod amhenodol ar yr amod bod y gofynion penodol yn cael eu bodloni.

6.3 Cyngorau sy'n gyfrifol am sicrhau eu bod yn cydymffurfio ag egwyddorion y Rheoliadau Diogelu Data Cyffredinol sef:

- Caiff data personol ei brosesu'n deg ac yn gyfreithlon ac, yn arbennig, ni fydd yn cael ei brosesu oni fodlonir amodau penodol.
- Dim ond at ddibenion penodol a'i brosesu mewn modd cydnaws y bydd data personol yn cael ei sicrhau.
- Bydd data personol yn ddigonol, yn berthnasol, ond nid yn ormodol.
- Bydd data personol yn gywir ac yn gyfredol.
- Ni chaiff data personol ei gadw am gyfnod hirach na sydd ei angen.
- Bydd data personol yn cael ei brosesu yn unol â hawliau gwrthrych y data.
- Bydd data personol yn cael ei gadw'n ddiogel.

6.4 Rhaid i ddarparwyr neu archifwyr storio allanol sy'n dal dogfennau'r Cyngor Cymuned gydymffurfio hefyd ag egwyddorion uchod y Rheoliadau Diogelu Data Cyffredinol.

6.2 The Data Protection Act provides an exemption for information about identifiable living individuals that is held for research, statistical or historical purposes to be held indefinitely provided that the specific requirements are met.

6.3 Councils are responsible for ensuring that they comply with the principles of the under the General Data Protection Regulations namely:

- Personal data is processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.
- Personal data shall only be obtained for specific purposes and processed in a compatible manner.
- Personal data shall be adequate, relevant, but not excessive.
- Personal data shall be accurate and up to date.
- Personal data shall not be kept for longer than is necessary.
- Personal data shall be processed in accordance with the rights of the data subject.
- Personal data shall be kept secure.

6.4 External storage providers or archivists that are holding Community Council documents must also comply with the above principles of the General Data Protection Regulations.

7. Sganio Dogfennau

- 7.1 Yn gyffredinol unwaith y bydd dogfen wedi'i sganio i system ddelweddau dogfennau mae'r gwreiddiol yn colli ei swydd. Nid oes deddfwriaeth benodol sy'n cwmpasu'r fformat y cedwir cofnodion llywodraeth leol ar ei gyfer yn dilyn storfa electronig, ac eithrio'r rhai a ragnodir gan Gyllid a Thollau EM.
- 7.2 Fel rheol gyffredinol dylid cadw copïau caled o ddogfennau wedi'u sganio am dri mis ar ôl eu sganio.
- 7.3 Dylid cadw dogfennau gwreiddiol sydd eu hangen at ddibenion TAW a threthi am chwe blynedd oni bai bod cyfnod byrrach wedi'i gytuno gyda Chyllid a Thollau EM.

8. Adolygu Cadw Dogfennau

- 8.1 Bwriedir adolygu, diweddarau a lle bo'n briodol ddiwygio'r ddogfen hon yn rheolaidd (o leiaf bob tair blynedd yn unol â'r *Cod Ymarfer ar Reoli Cofnodion* a gyhoeddwyd gan yr Arglwydd Ganghellor).
- 8.2 Lluniwyd y ddogfen hon o wahanol ffynonellau o arferion gorau a argymhellir a chan gyfeirio at y dogfennau a'r cyhoeddiadau canlynol:
- *Gweinyddiaeth y Cyngor Lleol*, Charles Arnold-Baker, 910^h argraffiad, Pennod 11
 - Local Government Act 1972, adrannau 225 – 229, adran 234
 - Nodyn cyngor SLCC 316 Cadw dogfennau pwysig
 - Llawlyfr Clerciaid SLCC: Storio Llyfrau a Dogfennau

7. Scanning of Documents

- 7.1 In general once a document has been scanned on to a document image system the original becomes redundant. There is no specific legislation covering the format for which local government records are retained following electronic storage, except for those prescribed by HM Revenue and Customs.
- 7.2 As a general rule hard copies of scanned documents should be retained for three months after scanning.
- 7.3 Original documents required for VAT and tax purposes should be retained for six years unless a shorter period has been agreed with HM Revenue and Customs.

8. Review of Document Retention

- 8.1 It is planned to review, update and where appropriate amend this document on a regular basis (at least every three years in accordance with the Code of Practice on the Management of Records issued by the Lord Chancellor).
- 8.2 This document has been compiled from various sources of recommended best practice and with reference to the following documents and publications:
- Local Council Administration, Charles Arnold-Baker, 910^h edition, Chapter 11
 - Local Government Act 1972, sections 225 – 229, section 234
 - SLCC Advice Note 316 Retaining Important Documents
 - SLCC Clerks' Manual: Storing Books and Documents
 - Lord Chancellor's Code of Practice on the Management of Records issued under Section 46 of the Freedom of Information Act 2000

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| <ul style="list-style-type: none">• <i>Cod Ymarfer yr Arglwydd Ganghellor ar Reoli</i>
<i>Cofnodion a gyhoeddwyd o dan Adran 46 Deddf</i>
<i>Rhyddid Gwybodaeth 2000</i> | |
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