



RECORDS MANAGEMENT GUIDANCE

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Dover District Council Records Management Guidance

Introduction

A record is any information held by the Council and relating to any topic, area of work, decision reached or action taken regardless of the medium in which it is held whether paper, electronic, microfilm, microfiche, audio tape, video, etc. The Council recognises that:

- records are a corporate resource and a valuable asset
- information has to be looked after properly
- a co-ordinated approach has to be taken to its management.

The legislation now in place on information handling means that there is a need to manage information and to have an effective system for servicing the enhanced rights of access under Acts such as the Data Protection Act 1998 (DPA) and the Freedom of Information Act 2000 (FOIA). The FOIA in particular provides an opportunity to:

- improve the way in which the Council informs the public it serves
- improve the way in which it manages the enormous amount of information it holds.

The quality of the Council's records and the efficiency of the systems that provide for their retrieval must be good if the Council is to have a chance of meeting the requirements of the FOIA. The Council must have in place a tool to be able to comply with FOIA requests, i.e., to be able to respond to requests within the statutory 20 days time limit and to be sure that all the requisite data has been included in the disclosure. Inability to find a file is not considered to be an adequate excuse for non-disclosure.

The Council therefore accepts that it has a responsibility to ensure that records are:

- created accurately
- stored effectively
- kept securely
- traced efficiently
- retained in a format suitable for the purpose of legal proceedings
- retained only for as long as necessary
- disposed of appropriately

Aims of the Guidance

This guidance provides a basis for the improved management of the Council's records in order to:

- create authentic, reliable and useable records
- support the Council's business functions including policy-making and service delivery
- document the Council's decisions and activities
- reduce the volume of records held
- reduce storage costs
- facilitate the paperless office
- enable rapid, efficient, accurate and complete retrieval of information
- comply with access to information requests promptly
- conform with relevant legal and statutory requirements and Codes of Practice
- dispose appropriately of records that are no longer required

The adoption of this guidance on Records Management is also in line with the following areas of the Council's Corporate Plan:

- maintaining a focus on our customers
- ensuring that staff are suitably trained to deliver services
- ensuring that our other assets are efficiently managed
- using technology to assist with the delivery of services to the public

The Council developed an Action Plan based on the model published by The Public Records Office for developing records management compliant with the Lord Chancellor's Code of Practice under Section 46 of the FOIA. The Code provides a framework for the management of public authorities' records. It provides guidance on adequately creating, keeping, managing, retrieving, archiving and destroying records including those held electronically. Although the Code is not prescriptive, its observance is promoted by the Information Commissioner (IC) in dealing with the right of access to all information kept by public authorities (subject to some limited exceptions) that came into effect in January 2005. The IC may issue a 'practice recommendation' if the Code is not being conformed with. All employees of the Council must therefore comply with the Code and this guidance.

Guidance Statement

The Council's guidance is to:

- manage its records in a systematic and planned way to prevent or at least to minimise potential risks
- ensure that it can control the quantity and quality of information generated from the time a record is created until its ultimate disposal
- maintain information in a manner that effectively services its needs and those of its stakeholders

- dispose of the information appropriately when it is no longer required
- satisfy the provisions of the Code of Practice on the Management of Records issued under Section 46 of FOIA.

This guidance, which incorporates the requirements of the Code, will therefore:

- be publicised to staff and made available for reference via the intranet
- apply to all the Council's records regardless of how they are held
- be reviewed every two years at least and amended and reissued as necessary and Members and staff will be notified accordingly
- operate in conjunction with Council's policy on Data Protection that will continue to be relevant

Roles and Responsibilities of Records Managers

The Council's lead officer with functional responsibility for Records Management is the Director of Governance (SIRO). Although every member of staff has a duty under the Data Protection Act 1998, Information Asset Owners have been identified within the Council and they have specific roles and responsibilities.

The IAO will document, understand and monitor:

- What information assets are held, and for what purpose
- How information is created, amended or added to over time
- Who has access to the information and why
- Understand and address the risk to the asset, providing assurance to the SIRO.

The Records Management Function

How the Council manages its records is a key part of its risk management guidance. Inappropriate management of information and the inability to retrieve accurate information in a timely manner to service the enhanced rights of access to information under legislation such as the DPA and FOIA are potential operational risks. Therefore there have to be controls in place to ensure that authentic, reliable and useable records, capable of supporting the Council's business functions and documenting its activities and complying with legislative requirements, are created, managed and kept for only as long as those records are required.

The Council recognises the records management function as a specific corporate programme within the Authority and is committed to giving it the necessary level of support to ensure effectiveness.

Training and Awareness

Since this guidance obliges all staff to comply with the Council's statement above, every officer has a responsibility to:

- keep accurate records in an organised and accessible form
- keep records only for as long as necessary
- ensure that accurate information is available when it is needed
- document their actions and decisions in records
- take documentation of their activities seriously
- understand their responsibilities

The Council will provide the necessary training and support to ensure that, as far as possible, all staff can comply with their obligations and responsibilities. This includes providing appropriate training for all members of staff.

Records Creation and Record Keeping

Not all records that the Council holds are created by the Council. Examples are letters received from tenants or application forms for Council services. However, when the Council creates a record it must be:

- an accurate and factual account of an event or transaction
- created and captured in a timely manner
- created and captured by an officer with direct knowledge of that event or transaction *or*
- generated automatically as part of the routine operation of a computer system
- without any unsubstantiated or derogatory remarks and personal opinions
- relevant, complete and accurate enough to facilitate later audit, to protect the rights of the Council and its stakeholders and to prove the authenticity of records
- protected against unauthorised addition, deletion, alteration, use or concealment

Comments must be justified from recorded facts and the author must be prepared to defend them. Examples of justifiable and defensible comments will include entries indicating that a person is included on the 'Staff Risk Register'.

Record Maintenance

While records are retained, their location and movements need to be recorded to enable quick and easy retrieval, to monitor usage for maintenance of systems and security and to maintain an auditable trail. Regardless of storage location, all files need to be kept under review.

The minimum periods for which various types of record must be kept can be found in the Retention Schedule on the Council's website. These reflect statutory requirements, codes of practice and recommendations published by professional and other bodies. In the absence of such guidance staff should refer to LG Inform Plus website <http://retention.esd.org.uk/>. Staff can sign up and register to access this service. It will be the responsibility of the relevant Service Manager to determine a suitable retention period.

Additionally, the provisions of the DPA apply and consequently no personal data must be kept for longer than necessary. All records should be closed when they are no longer of active use apart from for reference. It is a FOIA requirement that no data should be held for longer than the retention period. There must therefore be regular appraisal of records and designation of those for destruction.

The Retention Schedule is maintained by the Director of Governance but it is the responsibility of the Information Asset Owner to notify him of any necessary amendments, additions and deletions required.

At the end of the prescribed retention period for a record, the record must be assessed to determine whether it should be retained for a further period. This is particularly important in respect of any record that is the subject of a request for access to information under the DPA or FOIA, even if that request has been refused, since the record should be retained until the end of the period in which an appeal can be lodged or the appeals procedure exhausted.

Record Disposal

The minimum volume of records consistent with effective and efficient operations should be retained. Unnecessary and duplicated records should be eliminated so saving storage costs as well as cost in terms of staff, time and equipment. Holding fewer records frees up both physical and computerised filing systems and makes valuable information easier to find.

Records designated as no longer required must be securely disposed of to preserve confidentiality and in accordance with the disposal procedure specified in office procedures.

Any records considered to have historical significance will be the subject of consultation with Dover Museum and/or the East Kent Archive Centre and will be kept in an archival institution if expert guidance considers such action appropriate.

No records are to be archived or destroyed without the approval of the IAO authorised to confirm that his/her Division no longer requires them. It must be possible to prove the reason for the destruction of information. Acceptable reasons will comprise destruction pursuant to rules, guidance or statute including destruction in accordance with the retention schedule. All back-up copies on whatever alternative media must also be destroyed.

Access

Since the beginning of 2005, the public are entitled to make an application for disclosure under the FOIA. The Council, however, is not required to make a specific disclosure of information that is already made available to the public through its Publication Scheme. There is therefore a clear benefit in putting as much information as possible in the Publication Scheme as this will reduce the number of access requests that need to be processed. It also assists the public in accessing information, as they do not need to make an access request to find the required information.

Any formal requests for access to information not included in the Council's Publication Scheme must be referred immediately to Corporate Services. It is a criminal offence under the FOIA to tamper with any file once an FOIA request has been made. No alterations to the information held in a file must be made or any information removed or added. The destruction of any record subject to a request for information must be delayed, even if the request has been refused, until the information has been disclosed and all appeal times/procedures have been exhausted.

All decisions regarding applications for disclosure must be documented. The decision route for requests for access is shown at Appendix 1.

Route for Access for Information Requests

