

POLICY ON RECORDS MANAGEMENT

SWAINSTHORPE PARISH COUNCIL

1. Introduction

Information is an asset. The records of the Council are important sources of administrative, evidential, financial and historical information. They are vital in its current and future operations, for the purposes of accountability, and for an awareness and understanding of its history and procedures. However, it also needs to be managed. It is only an asset if it provides important sources of administrative, evidential and historical information.

Records management is the systematic control, organisation, access to and protection of information from its creation, through its use, to its permanent retention or destruction.

There are 3 stages in the life cycle of information:

- a. It is created or received
- b. It is used
- c. It is disposed of or retained / archived.

The Importance of Records Management

If there is no agreed or recognised information handling system then ultimately chaos rules, time is lost and problems arise. A problem left, results in frustration and continued confusion. This policy is therefore aimed towards promotion of systematic handling of information. The overall aim of this policy is not only to detail the procedure in relation to the management of records but ensure compliance with legislation and ensure awareness in the council of procedures and compliance.

The benefits of good records management:

- ✓ Improves the conduct of business
- ✓ Helps to ensure compliance with statutory obligations
- ✓ Supports the decision-making process
- ✓ Protects the interests of the council
- ✓ Makes tangible savings in time

2. Legislative Background

The Freedom of Information Act 2000 (“the Act”) provides the citizen, who could be anyone anywhere including companies, with the right to request information from the Parish Council (PC). The only requirement is that PC must **HOLD** the information/record, which is the subject of the request. *'Hold' does not mean that the PC either initiated the information or that the information relates to PC's functions or operations. The information could be information that another organisation has initiated or produced, and forwarded to the PC for 'information purposes'.* The PC has adopted a Publication Scheme based on the model Scheme advertised by the Information Commissioner. The Scheme is updated annually. This

identifies the information which is routinely or annually published by PC and which is also a requirement of the Local Audit and Accountability Act 2014. If a category is included in the Publication Scheme it must be published and any request for the disclosure of that information can simply be directed to the PC's publication source i.e. PC's website. Where an enquiry is made for information as a hard copy, this will be responded to by the Parish Clerk with the appropriate charges being made.

There is also data which is personal, and the Data Protection Act of 1998 now updated by new data protection regulations (2018) details the principles which must be followed in organisations which process personal information. Personal information is information held about an individual that can be used or with other data, can identify someone. Processing information means obtaining it, recording it, storing it, updating it and sharing it. That information, should not be held unnecessarily and should be destroyed securely. This information, if held, should be recorded on an Information Audit Spreadsheet.

Information must often be retained for a considerable period of time. There are statutory requirements for certain information or records to be kept permanently or for certain periods of time, e.g. council minutes, personnel information for HMRC, financial information etc. (see Appendix 1) but usually the retention of other information is at the discretion of PC.(see Appendix 2). The destruction of information has to be undertaken securely and destruction has to show conformity with this policy in the event of a challenge by someone requesting information. The destruction of paper copies should be complete i.e. incineration or shredding. Electronic copies must be completely deleted from any memory source or other media. It should be noted that the PC is not required to meet its disclosure commitments for information which is archived, out of date or otherwise inaccessible.

3. Definition of a record

A record means any documents or data which form recorded evidence of PC's activities. i.e. hard copy letters, e mail messages or letters other documents held on the computer or set as a hard copy. This extends beyond the Clerk to individual members of the Council. These records or information are created or received, used and maintained by PC in the conduct of its activities. A record is something which can retained and remain useable for as long as they are needed, it can be something which is required to be retained or something which can be destroyed when no longer required. A record if held either as an electronic copy or as a paper copy should be held within a file. Files should be titled with an indication of their content, and where confidential marked thus. E-mails which contain important information should be added to the relevant folder. Personal file names and uncommon abbreviations should not be used. A title should clearly indicate a version status e.g. final version. Out of date material should be destroyed or deleted.

There are several categories of information which have only a short-term use and can be destroyed within 3 months of its purposeful life time:

- a. Items for information only – such as advertising leaflets and merchandise
- b. Items which support discussion and decision making but which can be easily found on websites – such items might have been referred to, for example, in a report the Clerk has made to Council
- c. Items requiring a decision, and once dealt with, can be destroyed because they are available from an alternative source – for example, a planning application
- d. Items which support minute taking, report and letter writing – draft copies and notes
- e. Spare copies of items – agendas, minutes, reports, and so on.

Categories of information which have a longer term or permanent length of use (but also refer Appendix 1)

- a) Items which might have been included or are currently included on the publication scheme – such as a policy or grass cutting contract. Such a document can be destroyed once it has been amended, unless required for historical reasons. For example, it is worthwhile for PC to keep grass cutting contracts to compare information. Classes of information described within the FOI Publication Scheme clearly state the time frame required for disclosure of that information
- b) Items which need to be retained for legislative purposes – such as the signed minutes. Minutes from meetings required to be published are current and previous council year as a minimum. It might be practical for a council to retain its minutes for five years, in which case it would publish those minutes but when over five years old, the minute book might then be sent to the Norfolk Record Office (NRO) for safe keeping. If this is the case, then no disclosure is required.

4. RESPONSIBILITY

The officer who has operational responsibility for retention and destruction is the Parish Clerk. The Chairman supports the Clerk with this responsibility. However, all members of the Parish Council have a responsibility to ensure that they handle correspondence and information whether received or sent as a hard copy or electronically in the correct manner and that they adhere to the council's policy relating to retention and disposal correctly and in a timely way. The Clerk also has responsibility for maintaining the FOI Publication Scheme and for responding to requests for information requested. The Clerk as data processor of the Council has a responsibility to respond to subject access requests, investigating breaches regarding data and for the careful audit of information held which is DP protected.

Members should be made aware of the Policy and any paper 'movement' so that if they themselves hold copies of this information they can destroy that information. The Parish Clerk will advise a meeting of the Council which records are being

destroyed and which records are being removed to the Norfolk Record Office prior to that taking place. This information is then detailed in the minutes.

5. MANAGING E MAILS

E mails are as much an official communication as a letter, memo or a fax and may be disclosed in response to a FOI request. The Clerk and Councillors must delete any personal data from letters and e mails requested under FOI. Electronic messages can be legally binding and a council may be held liable for defamatory statements in e mails. If an e mail contains important information it should be added to the relevant paper or electronic file. Out of date e mails should be deleted. Care should be taken with sending e mail trails.

6. SAVING ELECTRONIC INFORMATION

If password protected the Chairman or Deputy Chairman should be provided with the password. A back up system should be operated with two external storage drives – one of which should be held off site. Documents and folders should have file titles which are easily understood by everyone.

7. RETENTION of HARD COPY DOCUMENTS

Records have been identified as described in 3. above and detailed in Appendix 1. These are records which should be kept or archived at the appropriate time. The Council office or the Clerk's home will still be the main location for stored records which should need to be retained past the operational requirement. The records stored in the Clerk's home will comprise a **single** copy of the retained record. The NRO is identified as the place where records will be archived. The Clerk should not keep records which have been identified as items to be retained at the NRO.

8. DESTRUCTION

Upon the information reaching the expiry date for retention, the Parish Clerk shall ensure that **all** copies of that information are permanently destroyed. Papers which can be destroyed are detailed in Appendix 2. It is the responsibility of the data processor, to ensure proper disposal of the documents. Confidential means any record which contains personal information about a living individual.

9. REVIEW OF THIS POLICY

This will be done within 3 years of the adoption of the Policy, or earlier if the legislation requires.