

EAST AYRSHIRE COUNCIL

POLICY AND RESOURCES COMMITTEE - 1 APRIL 2004

RECORDS MANAGEMENT POLICY

Report by Depute Chief Executive/Director of Corporate Resources

1. PURPOSE OF REPORT

- 1.1** The purpose of this report is to seek Committee approval of a Records Management Policy as part of the Council's progress towards effective implementation of the Freedom of Information (Scotland) Act 2002.

2. BACKGROUND

- 2.1** The Policy and Resources Committee has received reports on 28 March 2000, 23 May 2001 and recently on 19 February 2004 regarding the Freedom of Information (Scotland) Act 2002 which have outlined the main proposals of the Freedom of Information (Scotland) Act 2002.
- 2.2** The report to the Policy and Resources Committee of 19 February 2004 sought approval of the Council's Draft Publication Scheme in respect of the Freedom of Information (Scotland) Act 2002 which was thereafter forwarded to the Scottish Information Commissioner on 26 February 2004 for final approval. Final approval has now been given by the Scottish Information Commissioner and arrangements have been put in place to publish the Scheme.

3. PROPOSED RECORDS MANAGEMENT POLICY

- 3.1** The basic obligation of the Act is to give individuals the right to require the Council to provide any information in its possession, with few, tightly prescribed exemptions. In general, the Council already complies with a number of existing requirements to provide access to information under various statutory and regulatory regimes. However, the Act will extend public rights of access to information not currently covered by any access regulations. As a result, it is important that the Council manages its records in an effective manner to ensure that it can produce reliable and accurate information when requested within the 20 day response time prescribed within the Act.
- 3.2** To assist Local Authorities with the management of their records and the development of effective records management practices, Scottish Ministers, in consultation with the Keeper of the Records of Scotland and the Scottish Information Commissioner, have issued a Code of Practice on Records Management, as required under Section 61 of the Act. In addition, the Scottish Executive and the National Archives of Scotland have issued a generic model action plan for developing records management practices. A sector specific model action plan on records management practices is also being developed by the Archivists of Scottish Local Authorities Working Group

and the Society of Lawyers and Administrators in Scotland to provide Local Authorities with practical guidance on the development of records management arrangements.

- 3.3** The Code of Practice and the Model Action Plans, all state that each Local Authority should have a records policy in place as a mandate for the performance of all records and information management functions.
- 3.4** In response to the Code of Practice, a draft Records Management Policy has been developed for the Council and this is shown attached as Appendix I. The proposed policy establishes a framework for the proper management of records of all formats created or received by the Council. It sets out service responsibilities and the practical arrangements required to ensure the effective management of the Council's records throughout their life cycle, with particular reference to record creation, storage, retrieval, disposal and preservation.

4. RECOMMENDATIONS

4.1 To:-

- (i) recommend to Council approval of the Records Management Policy as a means of facilitating further records management development and of enabling compliance with legislation; and
- (ii) note that a draft Records Destruction Policy, Records Transmittal Policy and Vital Records Policy as detailed under Section 5 of the attached draft Records Management Policy, will be submitted for approval to a future Committee meeting.

Fiona Lees
Depute Chief Executive/Director of Corporate Resources

JA/SM
2 March 2004

LIST OF BACKGROUND PAPERS

1. Code of Practice on Records Management (Scottish Freedom of Information Implementation Group Sub-Group on Records Management) (November 2003).
2. Model Action Plan for Developing Records Management Arrangements compliant with the Code of Practice on Records Management under Section 61 of the Freedom of Information (Scotland) Act 2002 (The National Archives of Scotland) (November 2003).
3. Freedom of Information (Scotland) Act 2002.

Any person wishing to inspect the background papers relative to this report please contact John MacKenzie, Records Management Officer on Tel No (01563) 576136. Any person wishing further information on this report should contact David Mitchell, Head of Administrative and Legal Services on Tel (01563) 576061.

Implementation Officer: John Mackenzie, Records Management Officer

East Ayrshire Council

Records Management Policy

1.0 Purpose

1.1 Records Management is the systematic control of records generated by East Ayrshire Council to ensure optimum efficiency of storage, retrieval, disposal and preservation. East Ayrshire Council has a statutory responsibility under the Local Government (Scotland) Act, 1994, to ensure that records created by the Council are properly managed. There is a particular need for a Records Management policy in order to meet the requirements of legislation such as the Freedom of Information (Scotland) Act, 2002, and the Data Protection Act, 1998. The purpose of this policy is to establish a framework for the creation, management and disposal of records, whatever the format, created or received by the Council.

2.0 Justification

2.1 Effective records management is essentially a matter of good business administration. It delivers significant benefits:

- a) increased administrative efficiency and effectiveness
- b) savings in administrative costs
- c) achievement of business objectives and targets
- d) retention of records for the minimum period of time
- e) accurate and timely retrieval of records
- f) ensures records retained beyond immediate operational needs are stored cheaply
- g) retrieved when required and disposed of in line with agreed schedules
- h) identification of records of historical value for permanent retention at the earliest possible moment
- i) ensures that records are created and managed in the most appropriate medium for the task they perform
- j) ensures compliance with public access legislation such as the Freedom of Information (Scotland) Act, 2002, and the Data Protection Act, 1998
- k) ensures compliance with legislation or guidelines governing the retention of local authority records

3.0 Definitions

3.1 Current Records – records used regularly and frequently in the day-to-day work of the Council. In general they will be referred to and used at least two or three times a month.

- 3.2 **Semi-Current Records** – records required for the work of the Council but referred to on an infrequent basis. In general they will be used at least twice a year but less than once a month. Includes records that must be retained for a statutory period.
- 3.3 **Non-Current Records** – records no longer required for the work of the Council that must be retained for legal purposes and referred to very infrequently.
- 3.4 **Archival Records** – records identified as having long term historical significance and evidential value to be retained permanently as archives.
- 3.5 **Records Survey** – method to establish quantity, function, location, value, and retrieval rate of records.
- 3.6 **Retention Schedule** – compiled following records surveys to establish how long and where records should be kept.
- 3.7 **Data Protection Act 1998** – gives individuals rights to access personal information held about them in paper or electronic format.
- 3.8 **Freedom of Information (Scotland) Act 2002** - gives rights to individuals and organisations to request access to any information, subject to a limited range of exemptions, held by any public authority in Scotland.

4.0 Scope

- 4.1 This policy applies to all aspects of the Council's work, all records created and received during the conduct of Council business, and all information systems used to create and manage records.
- 4.2 This policy provides the overarching framework for any other Council records management policies, practices or procedures.
- 4.3 The policy has been developed with reference to relevant legislation and professional standards (*see section 10*).

5.0 Policy

- 5.1 The aim of the Policy is to define and provide a framework for the effective management of the paper and electronic records of East Ayrshire Council. This framework will govern the following processes:

5.1.1 Current Records

A departmental representative will be designated by each Council department with the following responsibilities:

- a) creation and capture of authentic and reliable records to ensure evidence, accountability and information regarding decisions and activities

- b) participate in records surveys as arranged by records management staff
- c) distribute new or revised records management policies and procedures across the department as required by records management staff
- d) ensure agreed retention schedules are adhered to and notify records management staff of any changes necessary
- e) ensure confidential destruction of records not transferred to the Records Centre *(see *Records Destruction Policy*)
- f) arrange for the transfer of non-current records to the Records Centre
*(see *Records Transmittal Policy*)

5.1.2 Non-Current Records

The Records Centre / Records Management Staff will be responsible for:

- a) efficient, secure storage of non-current records in a cost effective and adequate storage area
- b) providing a retrieval service to departments of non-current records from designated storage areas in line with service level agreements
- c) implementing agreed retention schedules
- d) initiating and implementing records surveys across the Council
- e) providing advice across the Council on records management best practice
- f) submitting advice on council wide policies that impact on records management
- g) facilitating confidential disposal, review, or transfer to Archives for permanent preservation, of records stored in the Records Centre no longer required in accordance with retention schedules
- h) protection of vital records required by the Council in order to function effectively *(see *separate Vital Records Policy*)

6.0 Retention/Disposal Schedule

6.1 The Council will establish a schedule for the retention and disposal of records. This will be developed using results from records surveys and questionnaires and with the agreement of departments. The preparation and maintenance of the schedule will primarily be the responsibility of the Records Management Officer, with input from departments to ensure business needs are reflected.

* policies currently being drafted

7.0 Access

- 7.1 Access to records stored at the Records Centre will only be made available to the department which stored them or with the written permission of that department
- 7.2 No direct public access will be permitted to non-current and semi-current records stored at the Records Centre. Records will be made available to authorised personnel of the department that stored them and it will be their responsibility to pass on the required information to the public within the terms of any applicable legislation.

8.0 Implementation

- 8.1 The policy framework will be achieved by the development of:
 - 8.1.1 a retention schedule to regulate how long records should be retained
 - 8.1.2 a Vital Records Policy to protect those records which are essential to the operation of the Council
 - 8.1.3.a Records Destruction Policy to ensure procedures are in place to facilitate the cost effective and secure destruction of records
 - 8.1.4 a Records Transmittal Policy to ensure the secure transfer of records from departments to the Records Centre

9.0 Allocation of Responsibility

- 9.1 The Council Records Management Officer will report to the Ayrshire Archivist and be responsible for enabling and co-ordinating the development, promotion, implementation, maintenance and monitoring of records management in conjunction with departments.
- 9.2 All managers will be responsible for supporting and monitoring staff recordkeeping practices as defined by this policy.
- 9.3 All employees will be responsible for creating and maintaining authentic and reliable records in relation to their work.

10.0 Relevant Legislation and Standards

- 10.1 Legislation of relevance across the Council includes:
 - 10.1.1 Data Protection Act 1998
 - 10.1.2 Freedom of Information (Scotland) Act 2002
- 10.2 BS ISO 15489:2001 International Records Management Standard

10.3 Local Government (Scotland) Act 1994

10.4 Specific business functions and activities within the Council may be subject to specific legislation or professional best practice.

10.5 The Council will seek to comply with relevant guidance on best practice issued from such bodies as the National Archives of Scotland and the Scottish Information Commissioner.

11.0 Audit

11.1 The Records Manager will regularly audit Council records management practices for compliance with the Policy framework. Departments will be expected to audit their own records management practices regularly in light of existing and future legislation and Council requirements.

Audits will:

11.1.1 identify areas of operation covered by this framework

11.1.2 highlight areas which do not meet the requirements of this framework

11.1.3 provide a mechanism to ensure relevant procedures are implemented in areas highlighted as not meeting requirements

12.0 Review

12.1 The Policy will be subject to changes, with the approval of the Council, according to developments in records management standards and practice, Government legislation, and Council strategy.