East Lothian Council

REPORT TO: Cabinet

MEETING DATE: 11 June 2013

BY: Executive Director (Support Services)

SUBJECT: Information and Records Management Policy

1 PURPOSE

1.1 To seek approval from Cabinet of the Information and Records Management Policy.

2 RECOMMENDATIONS

2.1 That Cabinet approves the Information and Records Management Policy and adopts it as a Council Policy.

3 BACKGROUND

3.1 The Public Records (Scotland) Act 2011 came into force on 1 January 2013. The Act makes provisions about the management of records by listed public authorities. All Local Authorities are subject to its provisions.

3.2 The Act requires East Lothian Council to prepare a Records Management Plan (RMP) setting out the arrangements for the management of its public records. The Keeper of the Records of Scotland will invite each public authority to submit its RMP for his agreement. East Lothian Council has not yet been invited to submit its plan although it is anticipated that it is likely to be invited to submit within the next 12 months. Preparation of a draft RPM is underway and a steering group has been formed to take this work forward.

3.3 One of the compulsory elements of the RPM is a requirement for East Lothian Council to have adopted an Information and Records Management Policy.

3.4 The Policy governs the creation and management of authentic, reliable and useable records, capable of supporting business functions and activities as long as they are required.

3.5 It is recognised that a Policy such as this is a key component of good corporate governance. It demonstrates East Lothian Council's commitment to undertaking its business activities in a diligent and accountable manner and helps communicate this commitment clearly and effectively to stakeholders.

4 POLICY IMPLICATIONS

4.1 The policy will provide clarity and consistency of approach for staff, clients and members of the public.

4.2 The policy will contribute to the Improvement Agenda and should result in increased efficiency.

5 EQUALITIES IMPACT ASSESSMENT

5.1 An Equalities Impact Assessment has been completed and no negative impacts have been identified.

6 RESOURCE IMPLICATIONS

6.1 Financial – None.

6.2 Personnel - None

6.3 Other - None

7 BACKGROUND PAPERS

7.1 Information and Records Management Policy

7.2 Public Records (Scotland) Act 2011

7.3 Combined Impact Assessment.

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Information and Records Management Policy

REVISION HISTORY

Date of this revision: June 2013
Date of next revision: June 2016 (or sooner)

Revision date	Previous revision date	Summary of Changes	Changes marked	Version
15/07/2011		First Draft	N/A	0.1
22/07/2011	15/07/2011	Internal Review	No	0.2
02/11/11	22/7/11	Amendments linked to PR(S)A & EDRMS	Yes	0.3
06/12/12	02/11/11	Draft/Watermark Removed - Approved	No	1.0
6/12/12	11/06/13	Collated feedback and comments from pre-Cabinet approval consultation.	No	1.5

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1. INTRODUCTION

East Lothian Council will document its business activities with records that are complete, authentic, reliable, secure and accessible and manage those records in accordance with all applicable legislative requirements throughout their lifecycle.

Respecting East Lothian Council's obligations to:

Create and manage trustworthy records;
Protect the rights and interests of ourselves and our stakeholders;
Make sure our records and archives survive as long as they are required;
Help people find and use our records and archives;
Work with our community;
Ensure that there is good leadership and management;
Define and work within our ethos and values

A record is:

"...all those documents in whatever medium, received or created by an organisation in the course of its business, and retained by that organisation as evidence of its activities or because of the information contained."[1]

The accumulated records of the Council represent its Corporate Memory and so can be used for many different purposes. Records can be anything which captures information that is significant, email, databases, paperfiles, all of them need to be managed appropriately.

Therefore a records management policy is essential for good corporate governance, setting out East Lothian Council's commitment to implementing best records management practices and systems to ensure the creation, maintenance and protection of accurate and reliable records.

To make this part of the culture of East Lothian Council staff will be trained, as appropriate, to follow good practice in record management. Training will be determined based on need.

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[1]Adapted from:
http://www.companieshouse.gov.uk/about/policyDocuments/chRecordsManagementPolicy.shtml.

All work undertaken by East Lothian Council is documented in some form, and every member of staff contributes to this process. Information is a critical asset of East Lothian Council and it must be managed carefully for a number of reasons:

- to meet the Council's business needs and the needs of our citizens
- to find information quickly no matter where it is located
- to ensure that the Council always has the latest information
- to share information with stakeholders
- to monitor and control how information is created and used
- to record the changes made to information, also when and who made the changes
- legal admissibility, providing evidence of East Lothian Council's decisions and activities
- to comply with the requirements of all relevant legislation
- to contribute to business efficiency through the creation of useable and reliable records
- to assist the public in understanding and tracing their interactions with the Council and its services, sometimes for very personal reasons

This policy recognises that records management is in a period of transition from paper-based to electronic and therefore covers the move from predominantly paper-based records to electronic record creation and management. However, given the volume of current paper records within East Lothian Council, there will continue to be a requirement to manage a hybrid collection for a considerable time.

Any queries about the policy or about records management issues generally should be addressed to the Records Manager.

2. ABOUT THE POLICY

2.1 Purpose

The purpose of this policy is to establish a framework for the creation and management of records within East Lothian Council. East Lothian Council is committed to establishing and maintaining records management practices that meet its business needs, accountability requirements and expectations.
The policy aims to:

- inform staff and management of the importance of effective records management

- ensure best practice is achieved for the creation and management of reliable and useable records to support the business activities of East Lothian Council
- assist in the transition from the current practice of "print to paper" for preserving key documents in paper format to the position where most records are stored and retrieved electronically within a corporate electronic document and records management system (EDRMS).
- define roles and responsibilities including the responsibility of individuals to document their actions and decisions in reliable records, and to dispose of records in conjunction with approved retention schedules.

2.2 Scope

Records Management is about managing information from the moment it is received or created, until it is destroyed or transferred to the permanent archive.

This policy:

- applies to all staff within East Lothian Council
- applies to all **business-related** information created, received or maintained by East Lothian Council during business transactions
- applies to all business applications used to create records including email (MS Outlook), database applications, etc
- applies equally to paper and electronic information, all information is covered irrespective of its medium.
- provides the overarching framework for any other corporate recordkeeping practices or procedures.

2.3 Legislative Framework & Acknowledged Standards

All East Lothian Council records must be kept in accordance with following statutory and legislative guidelines:

- Data Protection Act 1998 (DPA) - all records must adhere to procedures under the DPA (this affects records containing any personal data or information about individuals).
- Freedom of Information (Scotland) Act 2002 (FOI(S)A) - all records must adhere to procedures under the FOI(S)A and the associated Code of Practice on the Management of Records under section 61 of the Act.
- Public Records (Scotland) Act 2011 (PR(S)A). The PR(S)A places an obligation on the Council, as a named public authority, to produce a records management plan which has to be agreed with the Keeper of the Records of Scotland.

- Environment Information Regulations 2004 (EIR) give rights of public access to environmental information held by public authorities.
- International Standard on Records Management ISO:15489. Provides the basic framework for the underlying principles of Records Management.
- Code of Practice for Legal Admissibility and Evidential Weight of Information Stored Electronically. PD0008:1999. Provides the essential framework to underpin the drive to reduce the quantity of paper that is held.

This list is not exhaustive as there are additional, subject specific, pieces of legislation or guidance that govern records management and retention. Departments should be aware of the legal obligations and best practice governing their area of work,

2.4 Responsibility

The formulation, implementation and ongoing maintenance of this Policy require that roles and responsibilities are defined to ensure everyone clearly understands their individual duties and means are established for ensuring that these responsibilities are undertaken.

The **Records Manager** will:

- develop and maintain the Record Management Policy;
- produce and maintain the procedures and working practices that effect the implementation of the Record Management Policy;
- monitor levels of compliance to the Record Management Policy and associated procedures;
- communicate the Record Management Policy and Procedures by all appropriate means;
- arrange record management training for East Lothian Council staff as appropriate to ensure the Record Management Policy and relevant procedures are communicated as required;
- ensure requirements relating to all relevant legislation are incorporated into the Record Management Policy and Procedures in conjunction with the Data Protection and Freedom of Information Compliance Officer, and other appropriate Officers.
- review and update this policy as required
- in conjunction with the Records Management team and all appropriate staff oversee the creation and maintenance of the corporate retention schedule, business classification scheme and other tools for Records Management.

- shall produce, maintain and implement the Council's Records Management Plan as required under the Public Records (Scotland) Act 2011, in conjunction with other Council staff.

The Senior Strategic Manager will:

- provide strategic overview for the policy.
- oversee appropriate arrangements for review and assurance.
- allocate appropriate resources
- be the named individual with strategic responsibility for Records Management within the Records Management Plan.

Executive Directors & Heads of Service will:

- ensure that their directorate / Service area complies with legislative requirements regarding its records.
- cascade all relevant procedures and protocols and ensure that they are integrated into local records management practices
- support the implementation of this policy
- assess any new project or initiative within their area for its impact on the operations of their own records management
- identify, with the appropriate people, the records vital to the operation of their Services, and with the Records Manager agree a plan for managing them in the event of a disaster.
- if appropriate, seek to enable the implementation of an Electronic Document and Records Management System within their service areas, and support that implementation when it occurs.
- refer to all relevant guidance as necessary and consult with the Records Manager when appropriate

Managers will:

- make decisions and guide staff about which documents and records are required for the operation of their business;
- ensure that local staff inductions include familiarisation with record-keeping procedures and practices.
- support and monitor staff recordkeeping practices and the creation of records as part of normal business practices.
- contribute to the development of any records management tools that require user input and consultation, or delegate this to an individual empowered to make decisions.
- assist with records management by promptly reviewing, transferring and/or destroying files within their areas in line with the Council's Retention Schedule,

All staff will:

- create and maintain complete, accurate, reliable up-to-date evidence of their business transactions, in the form of corporate documents and records;
- work within the agreed practices for record-keeping expressed in the policy and any consequent guidance, including complying with the Council's retention schedule;
- attend any appropriate training relevant to their records management responsibilities.
- seek guidance from the appropriate channels to ensure they are complying with their obligations
- respect the confidentiality of any data, information or records that they encounter during their work activities as per the Council Code of Conduct.

2.5 Policy Implementation and Communication

This policy will be made readily available to staff at all levels of the organisation through publication on the Intranet, and will be explained to staff through briefings and other appropriate methods for communicating an understanding of the benefits of Records Management within East Lothian Council and to provide guidance on adhering to best practice.

3. GENERAL PRINCIPLES

3.1 Information Management

Records Management is a specific corporate function in which all East Lothian Council staff have some measure of responsibility for the preservation of records for as long as they are required. Records created and received in the course of East Lothian Council business are the property of East Lothian Council and not of the employee, agent or contractor who created or received them. This is the case regardless of the physical location of the record, whether it is held in an individual's office or computer or, off the premises, including within a service provider's computer or other systems.

Record management procedures will be implemented which ensure that records of official business are:

- reliable, authentic and complete irrespective of the medium;
- created in line with the needs of the creating department and of the wider organisation;
- captured into authorised systems which make them readily accessible to everyone with a legitimate need to use them;

- maintained, stored and preserved for the period of their usefulness to the business unit and, if appropriate, to external stakeholders;
- disposed of in accordance with a defined and approved retention / disposal process.

3.2 Documents and Records

Many documents are produced in the course of our business, with varying degrees of value and longevity and in various stages from rough notes to final reports.

Any of these documents can serve as a record of an activity or decision. In order to ensure that East Lothian Council has reliable evidence of its activities, it will capture and maintain significant documents as official records that are accurate and authentic.

For the purposes of this policy, a record is defined as any piece of information created or received by any individual, employed by or contracted, by East Lothian Council that:

- relates to East Lothian Council business
- may be in any medium or form (including electronic documents and email as well as traditional paper)
- has potential administrative, legal, financial, accountability or historical value.

3.3 Creation of Records

To ensure that they are reliable as evidence, records need to be authentic. Authenticity requires that records are captured, managed and preserved in an organised system, which maintains their integrity and context.

All business systems used by East Lothian Council must be capable of capturing, maintaining and providing evidence of its business activities over time to satisfy our record-keeping needs. In order to be full and accurate, records must be authentic, reliable, complete, unaltered and useable and the systems that support them must be able to protect their integrity over time.

3.4 Security and Access

East Lothian Council will take all reasonable steps to ensure that records are secure from accidental or wilful damage, destruction or misuse.

To achieve this the Council will:

- not seek to put a blanket restriction on access to information if only certain records are sensitive. Unless there is specific reason (e.g. confidentiality or sensitivity), East Lothian Council will use access controls to allow records to be viewed by all authorised individuals
- enforce version control, so that a changed document is registered as a new version
- ensure that there is an audit trail reflecting the history of modification (and, if necessary, use) of the document, as a measure of authenticity

Additionally in electronic records systems:

- set user passwords and lockouts to enforce access restrictions
- train staff to use relevant metadata (data about data) for consistency, context and control
- introduce strict back-up cycles with updates for new records and metadata, ensuring that any destroyed or transferred records are also promptly deleted along with the back-up files.

Advice on protection of records and other assets can be obtained from the Records Management Team.

In making records available outside East Lothian Council, the Council will comply with the Data Protection Act, and the Freedom of Information Act. Where access to East Lothian Council records under these Acts has been denied, the reasons for withholding or masking information within a record or record series will be recorded.

3.5 Maintenance

Records will be preserved through changes in:

- The structure of the organisation (including transfers of function to other local authorities or private sector service providers)
- Technology
- Storage medium
- Classification.

When transferring records to the archive, East Lothian Council will ensure that full supporting documentation and metadata (data about data) is supplied to enable future users to access the records.

3.6 Retention, Review and Disposal

No records will be retained on an indefinite basis, other than items passed to the Archive for permanent preservation. All records will be subject to retention schedules specifying the period for which they will be maintained. The corporate retention schedule will be developed by the Records Manager in consultation with the departments and front line users. This document will be a formally approved and adopted document to supplement this policy.

The business unit responsible must show that records are being retained for the minimum period required, meeting business requirements and any relevant legal provisions. When the agreed retention period expires, records will be reviewed and, if merited, transferred to the archive for permanent preservation or destroyed without further consideration.

Records scheduled for destruction must be destroyed promptly when their retention period has ended in order to keep the volume of records in store to the minimum, consistent with effective and efficient operations.

Records identified (at review) as suitable for permanent preservation will be transferred to the archive as soon as they are no longer required by East Lothian Council.

All records not required by East Lothian Council, and therefore not transferred to Archives at the end of their practical use, will be destroyed. Documents held on personal drives and in e-mail folders are to be destroyed promptly and regularly by all staff. All destructions of personal or sensitive data will be undertaken with due consideration for the nature of the information.

Comprehensive shredding of paper records and the thorough elimination of digital data are required.

3.7 Permanent Preservation of Historical Records

East Lothian Council will meet its obligation to identify and safeguard records worthy of permanent preservation for historical reasons by:

- operating a system of regular review to identify records of historical value;
- have a protocol for selection
- preserving the record as a (physical) entity;
- preserving the content, context and structure (as appropriate); *and*

- ensuring continuing access to the record for as long as the record is required.

3.8 Vital Records

To ensure business continuity each department/team will identify the information that it requires to maintain its core activities and the records in which this information is contained. This should form part of the relevant Business Continuity Plan.

3.9 Review

This policy to remain relevant will need to be reviewed and updated regularly. It should be reviewed no later than Three Years from its approval date. Any changes of circumstance, or legislation which impact this policy will automatically initiate a review of this policy.

4. Summary

All information that is part of the Council's work needs to be created and looked after in an appropriate way. Following basic principles of Records Management as outlined in this policy. This is everyone's responsibility and appropriate support and guidance can be obtained from the Records Manager, Archivists and other specialist staff.

Contacts			
Records Management Team:			
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