

## **Freedom of Information Act 2000**

# **STAFFORD BOROUGH COUNCIL**

## **Records Management Guidelines**

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## INTRODUCTION

- 1 The aims of these Guidelines are:
  - (1) **To set out practices which Stafford Borough Council will follow in relation to the creation, keeping, management and destruction of their records (Part One of the Guide), and**
  - (2) **To describe the arrangements which Stafford Borough Council will follow in reviewing public records and transferring them to the Public Record Office or to places of deposit (Part Two of the Guide).**
- 2 This Guide refers to records in all technical or physical formats.
- 3 Part One of the Guide provides a framework for the management of records within Stafford Borough Council which is subject to the Public Records Act 1958. Part Two deals with the review and transfer of public records. More detailed guidance on both themes may be obtained from published standards. Those, which support the objectives of this Guide most directly, are listed at Appendix A.
- 4 Words and expressions used in this Guide have the same meaning as the same words and expressions used in the Freedom of Information Act (FOIA).

## PART ONE: RECORDS MANAGEMENT

### 5 **Functional Responsibility**

- 5.1 The records management function will be recognised as a specific corporate programme within Stafford Borough Council and will receive the necessary levels of organisational support to ensure effectiveness. It will bring together responsibilities for records in all formats, including electronic records, throughout their life cycle, from planning and creation through to ultimate disposal. There are clearly defined responsibilities and objectives, and the resources to achieve them. The person, or persons, responsible for the records management function will also have either direct responsibility or an organisational connection with the person or persons responsible for Freedom of Information, Data Protection and other information management issues.

## 6      **Protocol**

- 6.1      Stafford Borough Council has in place an overall protocol statement, endorsed by senior management and made readily available to staff at all levels of the organisation, on how it manages its records, including electronic records.
- 6.2      This protocol statement will provide a mandate for the performance of all records and information management functions. In particular, it sets out Stafford Borough Council's commitment to create, keep and manage records, which documents its principal activities. The protocol outlines :
- the role of records management and its relationship to the Authority's overall strategy.
  - the definition of its role and responsibilities including the responsibility of individuals to document their actions.
  - the disposal of the Authority's records.
  - the provision of a framework for supporting standards, procedures and guidelines.
  - an indication to the way in which compliance with the protocol and its supporting standards, procedures and guidelines will be monitored.
- 6.3      The protocol statement should be reviewed at regular intervals (at least once every three years) and, if appropriate, amended to maintain its relevance.

## 7      **Human Resources**

- 7.1      A designated member of staff of appropriate seniority will have a lead responsibility for records management within Stafford Borough Council. This lead role should be formally acknowledged and made known throughout the authority.
- 7.2      Staff responsible for records management will have the appropriate skills and knowledge needed to achieve the aims of the records management programme. Responsibility for all aspects of record keeping will be specifically defined and incorporated in the role descriptions or similar documents.
- 7.3      Human resource policies and practices in Stafford Borough Council will address the need to recruit and retain good quality staff and should accordingly support the records management function in the following areas:
- the provision of appropriate resources to enable the records management function to be maintained across all of its activities;
  - the establishment and maintenance of a scheme, such as a competency framework, to identify the knowledge, skills and corporate competencies required in records and information

management;

- the regular review of selection criteria for posts with records management duties to ensure currency and compliance with best practice;
- the regular analysis of training needs;
- the establishment of a professional development programme for staff with records management duties;
- the inclusion in induction training programmes for all new staff of an awareness of records issues and practices.

## **8. Active Records Management**

### Record Creation

- 8.1 Each department of Stafford Borough Council will have in place an adequate system for documenting its activities. This system should take into account the legislative and regulatory environments in which the authority works.
- 8.2 Records of a business 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 authority, its clients and any other person affected by its actions, and
  - provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.
- 8.3 Records created by Stafford Borough Council should be arranged in a record keeping system that will enable the authority to obtain the maximum benefit from the quick and easy retrieval of information.

### Record Keeping

- 8.4 Installing and maintaining an effective records management programme depends on knowledge of what records are held, in what form they are made accessible, and their relationship to organisational functions. An information survey and record audit is now in place to meet this requirement.
- 8.5 Paper and electronic record keeping systems will contain metadata (descriptive and technical documentation) to enable the system and the records to be understood and to be operated efficiently, and to provide an administrative context for effective management of the records.
- 8.6 The record-keeping system, whether paper or electronic, will include a set of rules for referencing, titling, indexing and, if appropriate, security marking of records. This will be easily understood and will enable the efficient retrieval of information.

## Record Maintenance

- 8.7 The movement and location of records will be controlled to ensure that
- a record can be easily retrieved at any time
  - any outstanding issues can be dealt with
  - there is an auditable trail of record transactions.
- 8.8 Storage accommodation for current records will be clean and tidy, to prevent damage to the records. Equipment used for current records will provide storage, which is safe from unauthorised access, and meets fire regulations. When records are no longer required for the conduct of current business, their placement in a designated records centre rather than in offices may be a more economical and efficient way to store them. Procedures for handling records will take full account of the need to preserve important information.
- 8.8 A contingency or business recovery plan should be in place to provide protection for records, which are vital to the continued functioning of Stafford Borough Council.

## 9 Disposal Arrangements

- 9.1 It is particularly important under FOI that the disposal of records (which is here defined as the point in their lifecycle when they are either transferred to an archives or destroyed) is undertaken in accordance with a clearly established policy, which has been formally adopted by Stafford Borough Council and which is enforced by properly authorised staff.

### Record Closure

- 9.2 Records will be closed as soon as they have ceased to be of active use other than for reference purposes. As a general rule, files will be closed after five years and, if action continues, a further file will be opened. An indication that a file of paper records or folder of electronic records has been closed will be shown on the record itself as well as noted in the index or database of the files / folders. Wherever possible, information on the intended disposal of electronic records will be included in the metadata when the record is created.
- 9.3 The storage of closed records awaiting disposal will follow accepted standards relating to environment, security and physical organisation.
- 9.4 In order to make the disposal policy work effectively under FOI legislation, Stafford Borough Council has in place systems for managing appraisal and for recording the disposal decisions made. An assessment of the volume and nature of records due for disposal, the time taken to appraise records, and the risks associated with destruction or delay in appraisal will provide information to support the authority's resource planning and work flow arrangements.

- 9.5 An appraisal documentation system will ensure consistency in records appraisal and disposal. It will show what records are designated for destruction, the authority under which they are to be destroyed and when they are to be destroyed. It will also provide background information on the records, such as legislative provisions, functional context and physical arrangement. This information will provide valuable data for placing records selected for preservation into context and will enable future records managers to provide evidence of the operation of their selection policies.

#### Record Selection

- 9.6 Stafford Borough Council will maintain a selection policy, which states in broad terms the functions from which records are likely to be selected for permanent preservation and the periods for which other records will be retained. The policy will be supported by or linked to disposal schedules, which will cover all records created, including electronic records. Schedules will be arranged on the basis of series or collection and will indicate the appropriate disposal action for all records (e.g. review after x years; destroy after y years).
- 9.7 Records selected for permanent preservation and no longer in regular use by Stafford Borough Council will be transferred as soon as possible to an archival institution that has adequate storage and public access facilities (see Part Two of this Guide).
- 9.8 Records not selected for permanent preservation and which have reached the end of their administrative life will be destroyed in as secure a manner as is necessary for the level of confidentiality or security markings they bear. A record of the destruction of records, showing their reference, description and date of destruction will be maintained and preserved by the records manager. Disposal schedules will constitute the basis of such a record.
- 9.9 If a record due for destruction is known to be the subject of a request for information, destruction will be delayed until disclosure has taken place. If Stafford Borough Council has decided not to disclose the information destruction should be delayed until the complaint and appeal provisions of the FOIA have been exhausted.

### 10 **Management of Electronic Records**

- 10.1 The principal issues for the management of electronic records are the same as those for the management of any record. They include, for example the creation of authentic records, the tracking of records and disposal arrangements. However, the means by which these issues are addressed in the electronic environment will be different.

10.2 Effective electronic record keeping requires:

- a clear understanding of the nature of electronic records;
- the creation of records and metadata necessary to document business processes: this will be part of the systems holding the records;
- the maintenance of a structure of folders to reflect logical groupings of records;
- the secure maintenance of the integrity of electronic records;
- the accessibility and use of electronic records for as long as required (which may include their migration across systems);
- the application of appropriate disposal procedures, including procedures for archiving; and
- the ability to cross reference electronic records to their paper counterparts in a mixed environment.

10.3 Audit trails will be provided for all electronic information and documents. They will be kept securely and will be available for inspection by authorised personnel. It is recommended that there will be audits at predetermined intervals for particular aspects of electronic records management, especially for those records likely to be required as evidence.

## **PART TWO: REVIEW AND TRANSFER OF PUBLIC RECORDS**

11.1 This part of the Guide relates to the arrangements, which Stafford Borough Council must follow to ensure the timely and effective review and transfer of public records in accordance with the Public Records Acts 1958 and 1967. The general purpose of this part of the Guide is to facilitate the performance by the Public Record Office under the Freedom of Information Act.

11.2 Under the Public Records Acts, records selected for preservation may be transferred either to the Public Record Office or to places of deposit appointed by the Information Rights Division of the Department for Constitutional Affairs. This Guide applies to all such transfers. For guidance on which records may be transferred to which institution, see the Public Record Office *Acquisition Policy* (1998) and the Public Record Office *Disposition Policy* (2000)

11.3 In reviewing records for public release, Stafford Borough Council will ensure that public records become available to the public at the earliest possible time in accordance with the FOIA.

11.4 Stafford Borough Council, which has created or is otherwise responsible for public records will ensure that it operates effective arrangements to determine

- a) which records should be selected for permanent preservation; and
- b) which records should be released to the public.

These arrangements should be established and operated under the supervision of the Public Record Office. The objectives and arrangements for the review of records for release are described in greater detail below.

- 11.5 In carrying out the review of records for release to the public, Stafford Borough Council will observe the following points:

transfer to the Public Record Office must take place by the time the records are 30 years old, unless the Information Rights Division of the Department for Constitutional Affairs gives authorisation for them to be retained for a longer period of time (see section 3 (4) of the Public Records Act 1958). By agreement with the Public Record Office, transfer and release may take place before 30 years;  
review - for selection and release - should therefore take place before the records in question are 30 years old.

- 11.6 In the case of records to be transferred to the Public Record Office or to a place of deposit appointed under section 4 of the Public Records Act 1958, the purpose of the review of records for release to the public is to:

- consider which information must be available to the public on transfer because no exemptions under the FOIA apply
- consider which information must be available to the public at 30 years because relevant exemptions in the FOIA have ceased to apply;
- consider whether the information must be released in the public interest, notwithstanding the application of an exemption under the FOIA; and
- consider which information merits continued protection in accordance with the provisions of the FOIA.

- 11.7 If the review results in the identification of specified information which Stafford Borough Council considers ought not to be released under the terms of the FOIA, Stafford Borough Council will prepare a schedule identifying this information precisely, citing the relevant exemption(s), explaining why the information may not be released and identifying a date at which either release would be appropriate or a date at which the case for release should be reconsidered. Where the information is environmental information to which the exemption at Section 39 of the FOIA applies, the schedule should cite the appropriate exception in the Environmental Information Regulations. This schedule must be submitted to the Public Record Office prior to transfer, which must be before the records containing the information are 30 years old. Stafford Borough Council will consider whether parts of records might be released if the sensitive information were blanked out.

- 11.8 In the first instance, the schedule described in 11.7 is to be submitted to the Public Record Office for review and advice. The case in favour of withholding the records for a period longer than 30 years is then considered by the Advisory Council. The Advisory Council may respond as follows by:
- a) accepting that the information may be withheld for longer than 30 years and earmarking the records for release or re-review at the date identified by Stafford Borough Council;
  - b) accepting that the information may be withheld for longer than 30 years but asking Stafford Borough Council to reconsider the later date designated for release or re-review;
  - c) questioning the basis on which it is deemed that the information may be withheld for longer than 30 years and asking Stafford Borough Council to reconsider the case;
  - d) advising the Information Rights Division of the Department for Constitutional Affairs if it is not satisfied with the responses it receives from Stafford Borough Council on particular cases;
  - e) taking such other action as it deems appropriate within its role as defined in the Public Records Act.
- 11.9 For the avoidance of doubt, none of the actions described in this Guide affect the statutory rights of access established under the FOIA. Requests for information in public records transferred to the Public Record Office or a place of deposit appointed under section 4 of the Public Records Act 1958 be dealt with on a case by case basis in accordance with the provisions of the FOIA.
- 11.10 Where records are transferred to the Public Records Office or a place of deposit before they are 30 years old, they should be designated by the transferring department or agency for immediate release unless an exemption applies: there will be no formal review of these designations.
- 11.11 When an exemption has ceased to apply under section 63 of the FOIA the records will become automatically available to members of the public on the day specified in the finalised schedule (i.e. the schedule after it has been reviewed by the Advisory Council). In other cases, if Stafford Borough Council wishes further to extend the period during which the information is to be withheld in accordance with the FOIA, it should submit a further schedule explaining the sensitivity of the information. This is to be done before the expiry of the period stated in the earlier schedule. The Public Records Office and Advisory Council will then review the schedule in accordance with the process described in paragraph 11.8 above.
- 11.12 In reviewing records Stafford Borough Council will identify those which are appropriate for retention within the department, after they are 30 years old, under section 3(4) of the Public Records Act 1958. Applications must be submitted to the Public Records Office for review and advice. The Advisory Council will then consider the case in favour of retention beyond the 30-year period. The Advisory Council will

consider the case for retaining individual records unless there is already in place a standing authorisation by the Information Rights Division of the Department for Constitutional Affairs for the retention of a whole category of records. It will consider such applications on the basis of the guidance in chapter 9 of the White Paper *Open Government* (Cm 2290, 1993) or subsequent revisions of government policy on retention.

## **APPENDIX A**

### **STANDARDS ACCEPTED IN RECORDS MANAGEMENT**

#### **British Standards (BSI)**

<b>BS 4783</b>	Storage, transportation and maintenance of media for use in data processing and information storage.
<b>BS 7799</b>	Code of practice for information security management.
<b>BS ISO 15489-1</b>	Information and Documentation – Records Management Part 1: General.
<b>BSI DISC PD 0008</b>	Code of practice for legal admissibility and evidential weight of information stored on electronic document management systems.
<b>BSI DISC PD 0010</b>	Principles of good practice for information management.
<b>BSI DISC PD 0012</b>	Guide to the practical implications of the Data Protection Act 1998.