

# Bramerton Parish Council

## POLICY ON MANAGING RECORDS

### INTRODUCTION

1. 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.
2. 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.
3. This policy will be reviewed within 3 years of the date of adoption, or earlier if required by changes in legislation.

### THE IMPORTANCE OF ACTIVELY MANAGING RECORDS

4. This policy is aimed at promoting systematic information handling. 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.
5. The benefits of good records management:
  - a. Improves the conduct of business
  - b. Helps to ensure compliance with statutory obligations
  - c. Supports the decision-making process
  - d. Protects the interests of the Council
  - e. Makes tangible savings in time

### LEGISLATIVE BACKGROUND

6. The Freedom of Information Act 2000 provides any individual or organisation with the right to request information from the Council. The only requirement is that Council must hold the information/record which is the subject of the request. *'Hold' does not mean that the Council either initiated the information or that the information relates to Council's functions or operations. The information could be information that another organisation has initiated or produced, and forwarded to the Council for 'information purposes'.*
7. The Council 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 published by the Council and which is also a requirement of the Local Audit and Accountability Act 2014. If an item is included in the publication scheme it must be published and any request for the disclosure of that information should be directed to our website. Where an enquiry is made for information on paper the Clerk will respond and a charge for copying will apply.
8. Personal data which identifies an individual is protected by the Data Protection Act 1998 and the General Data Protection Regulations 2018. Processing this information means obtaining it, recording it, storing it, updating it and sharing it. Such information should not be held unnecessarily and should be destroyed securely, see 9 below. This information should be recorded on an information audit spreadsheet.

9. There are statutory requirements for certain information or records to be kept permanently or for certain periods of time, eg Council minutes, personnel information for HMRC, financial information etc (see Appendix 1) but usually the retention of other information is at the discretion of Council (see Appendix 2). The destruction of information must 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 eg by incineration or shredding. Electronic copies must be completely deleted from any memory source or other media. It should be noted that the Council is not responsible for disclosure relating to information which is archived, out of date or otherwise inaccessible.

## **DEFINITION OF A RECORD**

10. A record means any documents or data which form recorded evidence of the Council's activities eg email messages or letters and other documents held electronically or as hard copy. This applies to the Clerk and to all members of the Council. These records are created, received, used and maintained by the Council in the conduct of its activities. A record may be something that must be retained or something which should be destroyed when no longer required. Whether a record is held electronically or as a paper copy it should be stored in a file. Files should be titled with an indication of their content, and where confidential marked thus. Emails 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 eg final version. Out-of-date material should be destroyed or deleted - see 9 above.

11. The following information has only a short-term use and should be destroyed within 3 months of its purposeful life:

- a. Information items such as advertising leaflets and merchandise
- b. Items used to support discussion and decision making but which can be easily found on websites, eg items used in preparing a report to Council
- c. Items requiring a decision which, once dealt with, can be destroyed because they are available from another source, eg planning applications
- d. Items which support minute taking, report and letter writing eg draft copies and notes
- e. Spare copies of items eg agendas, minutes and reports.

12. Information with a longer or permanent lifespan (but also refer Appendix 1):

- a. Items in the publication scheme such as financial regulations, or legal documents eg a grass cutting contract. When a policy or similar document is updated the previous version should be destroyed unless if it is required for historical reasons. For example, it may be useful 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 signed minutes of Council meetings. Such minutes should be retained by the Clerk for five years, after which the minute book should be sent to the Norfolk Record Office (NRO) for safe keeping.

## **RESPONSIBILITIES**

13. The Clerk is responsible for the retention and destruction of Council documents, with support from the Chair. However, all staff and councillors are responsible for handling correspondence and information in the correct manner, whether it is received or sent as a hard copy or electronically, and must adhere to this policy correctly and in a timely way. The Clerk is also

responsible for maintaining the FOI Publication Scheme and for responding to requests for information. The Data Protection Officer (DPO) is responsible for responding to subject access requests, investigating data breaches and auditing information which is data protected.

14. All councillors should make sure they are familiar with this policy.

15. The Clerk will report to a meeting of the Council which records are due to be destroyed and those which are due to be removed to the Norfolk Record Office prior to that taking place. This information will then be recorded in the minutes. When informed of any such 'movement' individual councillors who hold related information should destroy it or pass it to the Clerk.

## **MANAGING EMAILS**

16. Emails 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 emails requested under FOI. Electronic messages can be legally binding and a Council may be held liable for defamatory statements in emails. If an email contains important information it should be added to the relevant paper or electronic file. Out of date emails should be deleted, see 9 above. Care should be taken with sending email trails.

## **SAVING ELECTRONIC DATA**

17. If Council records are held electronically they should be password protected and the Chair and/or Vice-chair 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.

## **RETENTION OF HARD COPY DOCUMENTS**

18. Records as described in 4 above and detailed in Appendix 1 should be kept or archived at the appropriate time. The Council office or the Clerk's home will be the main location for stored records and any records stored there 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.

19. Where it is essential for a councillor to hold a document(s) at home, for example when supporting the Clerk with a current issue, this must be agreed by resolution at a Council meeting and a list of the documents held by the councillor must be recorded in the minutes of that meeting.

## **DESTRUCTION**

20. When records reach the end of their retention period 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 DPO to ensure proper disposal of the personal data. Confidential means any record which contains personal information about a living individual.