

## **BIDDENDEN PARISH COUNCIL**

### **Records Management Policy**

#### **Aim and scope**

Information is an asset and the records of the Council are important sources of administrative, evidential 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. They form part of the memory of the organisation. Records Management can be defined as 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 basic stages in a records lifecycle:

1. Creation or receipt
2. Maintenance and use
3. Disposal/Retention

#### **Importance of Records Management**

Information is one of the most important resources of the Parish Council. The implementation of good Records Management practices will benefit the Parish Council in many ways, and is significant for a number of reasons:

- It improves the conduct of business in an orderly, efficient and accountable manner.
- It helps ensure that the Parish Council is compliant with its statutory obligations.
- It supports and records the policy and decision-making process.
- It protects the interests of the Parish Council, Councillors, staff and parishioners.
- It provides evidence of Parish Council activities.
- It maintains a reliable memory for the Parish Council.
- It will make tangible savings in time and resources because:
  - most records are not needed on a regular basis
  - unused files in boxes take up less space than in filing cabinets and can be stored in space unusable as office space
  - at least 10% of staff time is spent finding information
  - the fewer files there are, the quicker it is to find one.

- documented file locations save search time
- timely records management is more efficient than occasional filing days

### **The Benefits of Effective Records Management**

- Improved decision making based on recorded past precedent
- Effective use of resources
- Improved control/audit trails remove doubts over authenticity of documents
- Information is accessible
- Control of information flow is better
- It is a fundamental part of compliance with Data Protection and Freedom of Information Legislation.

### **The Parish Council Records Management System**

Biddenden Parish Council will create, use, manage and destroy or preserve its records, in all media and in all forms, in accordance with statutory requirements. It will ensure that correct information is:

- captured, stored, retrieved and destroyed or preserved according to need
- fully exploited to meet current and future needs, and to support change
- accessible to those who need to make use of it

The Parish Council will ensure that the appropriate technical, organisational and human resource elements exist to make this possible.

### **Definition of a record**

In this policy, records means any documents or data which form recorded evidence of Council activity. A record is information recorded in any form including paper, e-mail, documents held on computer systems and information held in databases. This information is created or received, used and maintained by the Parish Council in the conduct of Parish Council activities and is kept for accountability, compliance with legislative and statutory requirements and to assist in the planning and running of future activities.

## **Key objectives**

- Adequate records of Parish Council activities are created
- Sufficient information is readily accessible to form a reconstruction of activities or transactions that have taken place
- Appropriate access to those records is provided for authorised users
- It is possible to locate and access the information and display it in a way consistent with original use
- Each record can be reasonably interpreted
- It is possible to establish the context of the record: who created the document, during which activity, and how the record is related to other records
- The record can be trusted
- The record reliably represents the information that was actually used in or created by the activity, and its integrity and authenticity can be demonstrated
- The record can be maintained through time
- The qualities of accessibility, interpretation and trustworthiness can be maintained for as long as the record is needed, perhaps permanently, despite changes of formats
- Records required for routine activities, accountability or cultural purposes are retained and remain useable for as long as they are needed
- Records of long term value are identified and preserved as archives
- Other records are confidentially destroyed when no longer required

## **Statement of Responsibilities for Records Management**

- The Parish Clerk, in conjunction with the Chairman, is responsible for complying with these policy requirements as far as they affect the management of Parish Council records.
- Parish Councillors also have responsibility for compliance with this policy and with related policies, in respect of their official activities as far as they affect the management of Parish Council records. This includes the need to adopt good practise in creating and maintaining records and ensuring that records are held in a structured fashion to allow easy retrieval. The responsibility for record holding may be fulfilled by ensuring that the Parish Clerk is provided with a copy of such records in an agreed format. This is most efficiently achieved electronically by email, including a read receipt request to confirm that it is safely received.

## **How Should Records be Held?**

Records should be held in paper based or electronic files in shared directories, databases or document management systems. The files should be organised in a structured way and have some indication as to their contents and relevance. Where there are confidentiality issues, files should be held in a separate paper or electronic file in a secure storage area.

Irrespective of the method chosen to keep the records, a standard set of records management principles and tools can be used to manage them. The more important of these include filing schemes and retention schedules.

## **What Information Should be Held as a Record?**

Exactly what records are held on file will vary, and the reasons for keeping records include:

- To carry out routine Parish Council activities
- To meet legal requirements to keep the information
- For financial purposes
- To explain why the Parish Council arrived at a particular decision
- In case a decision is challenged
- To be publicly accountable for Parish Council policies and decisions
- To help the Parish Council deal with similar situations in the future
- To defend the rights and responsibilities of the Parish Council and its Councillors, or the rights and responsibilities of others.

For most topics there should be one lead file held by the Parish Clerk. Councillors and sub-Committee Chairmen may also have a file on the same subject, kept only for so long as is needed for their personal reference, but they should ensure that the lead file gives the complete story of the handling of the issue.

## **What Points Should be Borne in Mind When Managing E-mails?**

E-mails are as much an official communication as is a letter, memo or a fax, and may be disclosed in response to a Freedom of Information or Data Protection request and in legal cases. Electronic messages can be legally binding; contracts can be set up via e-mail and the Parish Council may be held liable for defamatory

statements in e-mails. For these reasons, nothing should be stated in an e-mail that would not be stated in other forms of written communication.

If an e-mail contains important information or an important decision, it should be added to the relevant paper or electronic file/folder. Most e-mails are about trivial matters. It is a drain on resources to store them on the records management system and to search them when responding to a subject access request. Under the Data Protection Act the Parish Council should keep information about people for no longer than is necessary; this includes e-mails to/from or about people. Out-of-date trivial e-mails and those that have been copied to the relevant subject file should be deleted as soon as possible so that a backlog does not accumulate as this becomes difficult to manage.

### **On Which Electronic Drive Should Information be Saved?**

A Parish Council computer hard drive (usually the c: drive) should not be used to store information other than for current work, as this drive is not backed up. Computer files should not be password protected unless they are confidential and only then if the Chairman and Deputy Chairman are provided with the password, so that the information can be accessed during an absence or emergency.

The Parish Council will operate a back-up system with two external storage drives, one held by the Parish Clerk and the other by the Chairman/Deputy Chairman. The Parish Council computer hard drives must be backed-up to the external hard drive in the possession of the Parish Clerk immediately prior to Parish Council Meetings. All updated files must be overwritten by the back-up so that only the latest file version is retained. This does not mean that historic information will be lost, only that the latest information has been added to it. The external hard drive should be stored safely as far away from the computer as possible. The Parish Clerk and Chairman/Deputy Chairman shall swap external hard drives during Parish Council meetings, so that no more than one month's work is uniquely stored on the Parish Clerk's premises. This process will achieve requirements for vital records protection and emergency planning, as far as it is reasonably possible to do so.

The Parish Council website should be used for saving and making available non-sensitive information for reference purposes.

## **How Should Electronic Files and Folders be Managed?**

Documents and folders should have file titles which are easily understood by others. Personal file names or uncommon abbreviations should not be used, as they will be meaningless to others. The title should clearly indicate the version status, such as, draft 1, draft 4, final version etc. Out-of-date material should not accumulate in a file, and if a document is not accessed in the course of eighteen months, it should probably be deleted from the drive, provided that it is backed-up on the external hard drives.

## **Records Retention Schedule**

The Records Retention Schedule sets out the periods for which Parish Council records should be retained to meet operational needs and to comply with legal and other requirements and are then disposed of securely. It provides guidance on retention of records but is not intended to be either prescriptive or exhaustive.

Parish Council Minutes	Permanent archive
Committee Minutes	Permanent archive
Correspondence lists	6 years
Planning applications	1 month
Payments lists	6 years
Audited accounts	Permanent archive
Paid invoices and receipt records	6 years
General correspondence	6 years
Personnel records	6 years

## **Retention period**

Citations are given for key Acts of Parliament, Statutory Instruments and regulations which are relevant to determining Statutory retention periods for specific groups of records. These should be regarded as minimum retention periods. It may be advisable to retain some records for longer than these statutory retention periods. The stated retention periods in the schedule are recommended minimum periods, based on assessments of common needs and potential legal liabilities.

## **Destruction of Records and Data**

Destruction has to be carried out in such a way as to ensure that data from which individuals can be identified cannot fall into the wrong hands. The Data Protection Act specifically states that in deciding how far to go with this, the level of technology available should be considered, together with the cost of using it, and the effect it would have on the data subject if the information was misused as a result of it falling into the wrong hands. Any data containing personal information must be destroyed under secure conditions. Putting information in a bin and hoping that it will be appropriately destroyed at a later date is not enough. An individual who suffers damage because of a contravention by the data controller is entitled to compensation for that damage. Contravention of the Data Protection Act is a criminal offence carrying a maximum £5000 fine. The trend is for prosecutions to be on the increase. Destruction of any record, including confidential records, should only be carried out where authorised as there may be legal, administrative or archival retention requirements. Provision of lists of categories of records destroyed and the authority under which they were destroyed is a legal requirement under the Freedom of Information Act. These requirements **do not**, however, apply to material routinely discarded in the course of an administrative activity i.e. duplicates, information material, rough drafts etc.

### **Destruction of records: confidential material**

Only a small proportion of Parish Council records will be confidential. Any record produced by the Parish Council which is not in the public domain and which contains information on identifiable individuals should, however, be treated as confidential. Most confidential material is subject to the Data Protection Act and under the Act the **individual** handling or processing confidential personal data is **personally responsible** for the proper disposal of such data.

### **Confidential and Non-Confidential Records**

#### **What *is not* confidential**

Any record or copy thereof which is already in the public domain e.g.

Mission statements  
Policy documents

#### **What *is* confidential**

Any record which contains personal information about a living individual e.g.

Questionnaire or other data collected under a guarantee of confidentiality.

Constitutions	Correspondence or other documents
Regulations	which reveal the contact details or any
Published directories	financial details of a named living person,
Internet websites	unless permission has been given to
Published minutes	circulate the details.
Published reports	Correspondence or other documents
Press releases	which reveal personal details or pass
Publicity material	comments on a named living person.
Anonymised data	Staff personnel records
Published surveys	Discipline records
Magazines	Job applications
Published circulars	Interview notes
	Sick pay records
	Maternity pay records
	Income tax and National Insurance returns
	Wages and salary records
	Accident books and records
	Health records
	Medical records

### **Archived Records**

Paper copies of the Archived records should be indexed and safely stored at an agreed location.

### **Legislative and Regulatory Framework**

- Limitation Act 1980
- Data Protection Act 1998
- Freedom of Information Act 2000 & the Lord Chancellor's Code of Practice on the Management of Records under Freedom of Information

### **References to specific policies and other more detailed documentation**

- Data Protection Policy
- FOIA procedure for handling requests

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