

# BURNHAM OVERY PARISH COUNCIL

## POLICY ON RECORD MANAGEMENT

### Introduction

Information is an asset. 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, they also need to be managed. They are only an asset if they provide important sources of administrative, evidential and historical information.

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.

There are 3 stages in the life cycle of information:

- a) It is created or received
- b) It is used
- c) It is disposed of or retained / archived.

### The Importance of Record Management

If there is no agreed or recognised information handling system then ultimately chaos rules, time is lost and problems arise. A problem left, results in frustration and continued confusion. This policy is therefore aimed towards promotion of systematic handling of information. 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.

The benefits of good record management:

- ✓ Improves the conduct of business
- ✓ Helps to ensure compliance with statutory obligations
- ✓ Supports the decision-making process
- ✓ Protects the interests of the council
- ✓ Makes tangible savings in time

### Legislative Background

The Freedom of Information Act 2000 ("the Act") provides the citizen, who could be anyone anywhere including companies, with the right to request information from the Parish Council (PC). The only requirement is that PC must HOLD the information/record, which is the subject of the request. 'Hold' does not mean that the PC either initiated the information or that the information relates to PC's functions or operations. The information could be information that another organisation has initiated or produced, and forwarded to the PC for 'information purposes'. The PC 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 or annually published by PC and which is also a requirement of the Local Audit and Accountability Act 2014. If a category is included

in the Publication Scheme it must be published and any request for the disclosure of that information can simply be directed to the PC's publication source i.e. PC's website. Where an enquiry is made for information as a hard copy, this will be responded to by the Parish Clerk with the appropriate charges being made.

There is also data which is personal, and the Data Protection Act of 1998 now updated by new data protection regulations (2018) details the principles which must be followed by organisations which process personal information. Personal information is information held about an individual which on its own or with other data can identify a living individual. Processing 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. This information, if held, should be recorded in an Information Audit.

Information must often be retained for a considerable period of time and some indefinitely. There are statutory requirements relating to the retention of certain information or records, e.g. council minutes, personnel information for HMRC, financial information etc. (see Appendix 1) but the retention of other information is at the discretion of PC.(see Appendix 2). The destruction of some information has to be undertaken securely and destruction has to show conformity with this policy. The destruction of some paper copies should be complete i.e. incineration or shredding. Electronic copies must be completely deleted from any memory source or other media. It should be noted that the PC is not required to meet its disclosure commitments for information which is archived, out of date or otherwise inaccessible.

### **Definition of a record**

A record means any documents or data which forms recorded evidence of PC's activities. i.e. hard copy letters, email messages or letters and other documents held on the computer or set as a hard copy. This extends beyond the Clerk to individual members of the Council. These records or information are created or received, used and maintained by PC in the conduct of its activities. A record is something which can be retained and remain useable for as long as it is needed, it can be something which is required to be retained or something which can be destroyed when no longer required. A record if held either as an electronic copy or as a paper copy should be held within 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's status e.g. final version. Out of date material should be destroyed or deleted.

There are several categories of information which have only short-term use and can be destroyed within 3 months:

- a. Items for information only – such as advertising leaflets and merchandise
- b. Items which support discussion and decision making but which can be easily found on websites – such items might have been referred to, for example, in a report the Clerk has made to Council
- c. Items requiring a decision, and once dealt with can be destroyed because they are available from an alternative source – for example, a planning application

- d. Items which support minute taking, report and letter writing – draft copies and notes
- e. Spare copies of items – agendas, minutes, reports, and so on.

Categories of information which have a longer term or permanent use (but also refer Appendix 1)

- a) Items which might have been included or are currently included on the publication scheme – such as a policy or grass cutting contract. Such a document can be destroyed once it has been amended, unless required for historical reasons. For example, it is worthwhile for a PC 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 the signed minutes. It is good practice to publish, as a minimum, current and previous council year. It might be practical for a council to retain its minutes for five years, in which case it would publish those minutes but when over five years old, the minute book might then be sent to the Norfolk Record Office (NRO) for safe keeping. If this is the case, then no disclosure is required.

### **Responsibility**

The officer who has operational responsibility for retention and destruction is the Parish Clerk. The Chairman supports the Clerk with this responsibility. However, all members of the Parish Council have a responsibility to ensure that they handle correspondence and information whether received or sent as a hard copy or electronically in the correct manner and that they adhere to the council's policy relating to retention and disposal correctly and in a timely way. The Clerk also has responsibility for maintaining the FOI Publication Scheme and for responding to requests for information requested. The Clerk has a responsibility to respond to subject access requests, investigate data breaches and for the careful audit of information held under Data Protection regulations.

Members should be made aware of the Policy and any paper 'movement' so that if they themselves hold copies of this information they can destroy that information. The Parish Clerk will advise a meeting of the Council which records are being destroyed and which records are being removed to the Norfolk Record Office prior to that taking place. This information is then detailed in the minutes.

### **Managing Emails**

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. Care should be taken with sending email trails.

### **Retention of Hard Copy Documents**

Records have been identified as described in 3. above and detailed in Appendix 1. These are records which should be kept or archived at the appropriate time. The Council office or the Clerk's home will still be the main location for stored records which should need to be retained past the operational requirement. The records stored in the Clerk's home 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.

### **Destruction**

Upon the information reaching the expiry date for retention, 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 Clerk to ensure proper disposal of the documents. Confidential means any record which contains personal information about a living individual.

### **Review of this Policy**

This will be done within 3 years of the adoption of the Policy, or earlier if the legislation requires.

Adopted 11<sup>th</sup> January 2021