

The National Archives Records Management Guides

6. Disposal arrangements

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Introduction

This Records Management Guide has been produced by The National Archives as part of a series of brief explanatory guides, which have been developed to help public authorities achieve compliance with the Code of Practice issued by the Lord Chancellor under Section 46 of the Freedom of Information Act 2000. This code provides guidance on good practice in records management to all authorities subject to either the Freedom of Information Act, or the Public Records Act 1958 or the Public Records Act (Northern Ireland) 1923. For the convenience of the reader this Code is hereafter referred to as the Records Management Code.

Active records ultimately become inactive and it is good practice to remove them from current filing systems, both to free up space for new records and to prevent the system becoming unwieldy with a lot of redundant records. This applies whether the records are paper files, electronic folders, registers or ledgers. The records management system needs to specify how to decide when and how to close files in any media.

This guide covers:

- What happens to records when they are no longer needed for frequent reference in day to day business
- How to decide how long to keep these closed records and what should happen to them when that period elapses
- How to develop and implement disposal schedules which act as timetables for records
- How to transfer records to an archives service, where applicable
- What record destruction procedures and documentation are needed to ensure that information about disposal is available when needed.

What is Disposal?

“The point in their lifecycle when they are either transferred to an archives or destroyed” (from the Records Management Code)

For the purposes of this Guide, ‘disposal’ is the term used to cover the final action taken on records. This will be either destruction or transfer to archival storage. The disposal action is determined by the appraisal process and decision. Guidance on appraisal is given below.

Closing files

The first step in managing records disposal is to ensure that records, whatever their format, are closed when it is appropriate to do so. This is to ensure that the system is not full of inactive records and also that only inactive records are moved out of current recordkeeping systems. There is otherwise a risk that records may be closed but not formally designated as such, in which case they cannot be identified for disposal. Record closure policies and procedures should be documented and monitored.

There are a number of triggers for closing records:

- No action on the record – either addition of material or retrieval/access
- End of project or cycle
- The record exceeds a certain size (this size will depend on the format and purpose of the record)
- Expiry of a number of years (TNA guidance for files is 5 years)

If the file or other record needs to be continued after one of these triggers has occurred, a new part can be opened.

Paper records such as files or registers should be marked closed when they are formally designated as such. Electronic folders or database records should be tagged in some way so that the metadata indicates the record is closed. Closed records should also be indicated on any record list, database or index

Appraisal

Appraisal is the term used for assessment of the value of records. Appraisal is a two-part decision making process. The first part is deciding how long the record needs to be kept for business purposes and the second part is deciding whether the record can be destroyed when it is no longer needed by the organisation or whether it is archival, i.e. it is of on-going historical and cultural value. It does not really matter which decision is made first. The earlier that appraisal decisions are made the more effective the record keeping regime will be, particularly if electronic records are involved. This is because electronic records that are to be kept in the medium to long term need careful preservation management from creation onwards.

Record value

Records have two main types of value: primary, or business value to the organisation and secondary, or value to society and wider stakeholders as evidence of the significant work and decisions of the organisation. The record's primary value will determine how long it should be kept unless it also

has secondary value. Records with secondary value may also have primary value but they should be identified as early as possible so that when they come to the end of their value for current business needs, they can be transferred to an archives service to ensure they will be permanently preserved.

Appraisal at the series or group level

Appraisal should not be carried out at the level of the individual record but at the level of record series or record group. A record series is a coherent set or collection of records that supports an activity which results in many different instances of the same record. Personnel files are a good example: each file refers to a different member of staff but its composition will be identical to the other files in the series. We can therefore set an appraisal value for all files in the series. If we decide they are of historical value they will all be archival. If we decide they must be kept for a set number of years after closure, they should all be kept for the same number of years once they have been closed. This ensures consistency and also cuts down on the time and resources needed to make appraisal decisions. There may be individual exceptions to this rule where a specific case file is identified as falling into a different disposal class because of its particular content.

The benefits of appraisal

The benefits of effective appraisal are:

- Records of on-going value are identified and managed appropriately
- Records which cease to have any value to the organisation or as archives are identified for effective disposal
- Well-documented appraisal policy, methodology and procedures provide transparency and accountability for disposal actions

Appraisal decisions should be made by the records manager or archivist in consultation with the creating business unit and, if necessary, the legal advisor.

Appraising records for current business purposes

When deciding how long to keep different record series, records managers generally conduct a record survey. Details of how to conduct a record survey or inventory are given in The National Archives Guide, *Active Records Management: Record Keeping and Record Maintenance*. The survey identifies all record series, their medium and format and whether they are masters or copies. It also provides data on the functions or work each record series supports, which business units use the records and how long they are kept for at present. The survey also begins to identify any legislation, regulation or standards which stipulate how long the records should be kept. The retention period assigned to a record series is therefore dependent on a range of factors as follows:

- Whether the records are masters or copies
- The importance of the function that the records support
- What the creators and users of the records say about their requirements for access to the records
- legal or regulatory requirements (even if they don't actually specify the length of time records must be kept, other aspects, for example liability thresholds, will be relevant)
- If there is any accepted standard or sector best practice to follow
- Requirements of any authorising body such as an archival authority and/or auditors
- Whether there are any stakeholder interests or access rights which affect how long records should be kept
- The relationship between the records and other related records and the data or evidence they provide (often information rich, cumulative or summary records will be kept in the longer term whilst more detailed, bulky but ephemeral records can be destroyed fairly soon. For example, the quarterly accounting reports will be kept in the longer term whilst the weekly reports that contribute to them can be destroyed once the quarterly report has been compiled)
- Whether there is any significant risk to the organisation should certain records not be kept

Retention periods should be documented in disposal schedules. For more information on these, see the section on disposal schedules below.

Guidance on retention periods

There is a substantial body of guidance on retention periods for records with primary value. Predominant amongst these are:

- A set of disposal schedules for administrative records of government departments developed by The National Archives (TNA)
- The Records Management Society's guidance for local government records and for school records
- JISC's guidance for records of higher education bodies

Details and references are given in the Further Guidance and Information section of this guide.

Retention guidance can be difficult to interpret because all organisations are unique and create and manage their records to support the organisation's work in accordance with their own culture. When using published retention schedule guidance allow plenty of time to map the example record series to your organisational record series to ensure that you have made the correct match.

Selecting archival records

Selecting records for permanent preservation as archives is an important task which requires careful analysis of your organisation's records as a whole, knowledge of the mission and functions of the organisation and the society in which it functions, and an understanding of the principles of appraisal. The National Archives has produced guidance to support the archival appraisal process (details in the Further Guidance and Information section of this guide). In particular, The National Archives *Acquisition Policy* is a useful and important document as it indicates what type of records The National Archives expects to be kept as a permanent record of the UK Government and its interactions with UK citizens. Some archival records will be eligible for transfer to 'places of deposit' which The National Archives appoints under the Public Records Act 1958. These archives include those created locally with a specific local interest, records requiring very specialised skills for their preservation and/or use, not available at TNA and those of certain public records bodies (such as museums and galleries) which have an administrative need to keep their own archives. For more information on this, see *Beyond the PRO: Public Records in Places of Deposit* (details given in the Further Guidance and Information section of this guide)

It is good practice to develop an archival appraisal policy as part of the records management regime. This ensures that there is a policy and methodology that can be consistently applied to the selection of archival records. It is also advisable to look at the appraisal policy and guidelines of related or similar organisations as they can provide a valuable benchmark for the sorts of records that are generally considered archival in your sector. In selecting records as archives you are trying to identify a small sub-section of records (no more than 5% of the total) which encapsulate the significant work and contribution of the organisation and which represent the organisational or institutional memory. Generally speaking, the kind of records that you would identify as archival are:

- Records documenting the origins, legal status, obligations, rights and entitlements of the organisation
- Records documenting the rights and obligations of individuals
- Records providing evidence of the organisation's key activities
- Records providing evidence of organisation and structure
- Records resulting from significant programmes, projects, events and activities
- Regulations and procedures governing the organisation
- The organisation's policies, deliberations, decisions and actions (council/board and committee minutes and papers)
- Records on organisational mission and goals and success in meeting them
- Records of social development, including demographic, cultural and economic change
- Records providing evidence of any key changes to the physical environment
- Records which provide evidence of the efforts and influence of the organisation working with partners, stakeholders, citizens, government agencies and its own particular client community
- Records demonstrating compliance with regulation, legislation, standards etc, especially where there may be long term environmental and health impacts
- Records that do not duplicate information contained in other sets of records: information-rich summary records should be selected over bulky and routine data (e.g. annual financial statements rather than invoices, receipts and other financial information)
- The organisation's own publications (including its website)
- Information that provides significant context and background to the archives (e.g. organograms, historical narratives, selected press cuttings)

Often the records which need to be kept in the long term for business reasons will be the records that should be designated as archives.

If your organisation does not maintain its own archive, the appraisal guidelines should be developed in consultation with the archives service to which your records will be transferred. The archives service will have its own acquisition policy that will help to shape your own organisation's appraisal policy.

Archival records should be included in disposal schedules and clearly indicated as being archival. With electronic records this information should be

included in the record's metadata as early as possible in the record's lifecycle. These records should be transferred as soon as possible to archival standard storage.

Appraising electronic records

In principle, electronic records should be appraised using the criteria and methodologies covered in this section. However, due to their preservation needs, it is important to appraise them as soon as possible. This is because the length of time the records need to be retained affects what preservation strategy is selected. On the other hand, if a robust and cost-effective preservation strategy is in place, it is sometimes possible to keep more records in the long term where paper equivalents would have been too bulky.

With electronic records the duplication issue is usually much more significant: reports generated from databases, tests and versions as well as paper print outs are examples of duplicates that need to be assessed and the retention decision documented. Partial duplicates in the form of different versions of individual electronic records need to be managed as well to ensure that if earlier versions are to be retained their status is explicit to avoid confusion. It is also important to remember that with electronic records it is not only the data or record itself that needs to be retained but also the system and application. This can be either in the form of system and program files or in the form of enough metadata to identify and/or access the records. The National Archives guidance on surveying and evaluating electronic records provide more information: see the Further Guidance and Information section for more detail.

The appraisal process must be documented and this documentation retained to ensure consistency and accountability of the organisation's records appraisal and disposal procedures.

Disposal schedules

Disposal schedules (sometimes referred to as retention schedules) are timetables which give retention periods and disposal actions for record series. Together with file plans, indexes and databases they provide metadata about the records which enable them to be managed effectively, efficiently and in compliance with legislation, regulation, standards and best practice. In organisations without an inventory of their records, the disposal schedule could be the only source of information about whether the record series exists or once existed.

The benefits of disposal schedules

The main benefits of disposal schedules are:

- Faster retrieval of important records from record systems due to early elimination of records of no further business value

- Clear instructions on what happens to records when they are no longer needed to support the business
- Definitive periods of time for which records should be kept and remain accessible
- Consistency in retention of records across the organisation
- Compliance with legal and regulatory requirements for retention of records
- Evidence of what records were created but destroyed
- Highlighting of records which require special handling due to sensitivity of content etc.
- Identification of archival records from an early stage in their life
- Elimination of duplicate records at the earliest possible opportunity
- Confidence that the master record has been identified and will be retained for as long as and no longer than required

Developing disposal schedules

Disposal schedules should be developed in accordance with TNA guidance, legal and regulatory requirements, the operational needs of your organisation and the rights of stakeholders. The appraisal section of this guide gives guidance on how records should be evaluated, both to decide whether they are archival and to decide how long to keep those records that are not archival before destroying them. Once these decisions have been made you should document them in a disposal schedule. The schedule should provide this information about each series:

- Reference
- Title/description
- Medium and format
- Master or copy (plus a note of whereabouts of master)
- How long to be kept in office space or on the main server
- How long to be kept in non-current or off-line storage (optional)
- Overall disposal decision
- Reason for disposal decision
- Confidentiality/security/personal data issues
- A notes field for other relevant information such as related records

Timetables for disposal or removal to non-current or off-line storage should be expressed as multiples of a year or, exceptionally, 6 months as this makes implementation more straightforward. The disposal decision will be either to

destroy or to transfer to the archives. For a very few records the disposal action will be review, but this should be used sparingly because all it does is postpone the disposal decision. It is really only valid for records resulting from new functions or for complicated series where only a portion of the records or individual files should be kept. You will also need to record the trigger for disposal. In many cases this will be a number of years since the record was closed. In other cases the trigger could be the end of the project, the date of birth or retirement of the member of staff or the date the contract ends.

Here are some examples of decisions including trigger details:

- D C + 6 years (destroy closed plus 6 years: this means the records can be destroyed 6 years after the year in which they were closed. Note that if these are financial records the year is likely to be a financial not a calendar year)
- W for A C + 5 years (review and/or weed for the archives closed plus 5 years: this means the records may be worth going through to remove duplicates and administrative material prior to transfer to the archives)
- A (archival: this means the records should be transferred to archival storage when no longer required, at the specified date)
- R for A at C (review for the archives: this means the records need to be reviewed at closure in case some of them are of archival value)

Disposal schedules can be created in any media or format but it is probably best to create and maintain them in a database, especially if there is more information about the records than directly pertains to record disposal. A blank disposal schedule will look something like this:

Ref	Series title/ description	Medium and format	Master or copy	Keep in office space	Overall disposal decision	Confidentiality/ security/ personal data issues	Reason for retention/d isposal decision	Notes

For large organisations the schedule should also specify the creating business unit or department. As well as operational records, there are some records, which will be common to more than one department or business unit. These are most likely to be administrative records, for example (e.g. project records or contractual records). It is good practice to develop a general disposal schedule for those records to ensure that they are being retained and disposed of consistently across the organisation.

Authorising and implementing disposal schedules

Once the disposal schedules have been drafted they need to be agreed and authorised. The creating business unit should check the schedule to ensure that it covers all their records and the retention periods, actions and triggers are correct. The senior manager should sign a final copy or ratify agreement with the electronic record. Teams and departments will be given copies of the schedule. Records management staff should keep the original signed schedules as they authorise and underpin the whole disposal process.

Once it has been finalised the disposal schedule can be implemented. Implementation requires periodic review of all records to identify those that are closed (or ready for closure) and are subsequently due for disposal. Review and implementation of disposal action should be done at least once a year. In large organisations review is likely to be undertaken by the business unit. The records manager can send prompts and offer support and should undertake some monitoring.

Before carrying out any disposal action, you should check:

- The record use history (in case it suggests that records due for destruction have continuing business or archival value after all)
- That the trigger for disposal has occurred
- That the record is no longer involved in any action that is not yet complete
- The organisation is not involved in any legal case or litigation which preclude the destruction of records
- The record is not known to be subject to a request for information under the Freedom of Information Act or Environmental Information Regulations

When calculating disposal action dates, the clock only starts ticking when the file/folder is closed, the project is over or any other trigger has occurred. If the record is still active or open disposal should not occur. Records which are due for disposal should be removed from the system and disposed of according to the procedures outlined in the sections on record transfer and record destruction below.

Reviewing disposal schedules

Disposal schedules will not remain valid indefinitely. As organisations change, so do not only functions but also the records that support them. Disposal schedules should be reviewed regularly, especially immediately after initial development and implementation, to ensure that:

- Records which are included in the schedule still exist
- The disposal decision, retention period and trigger are still appropriate

- Records that are no longer created or received are removed from the schedule once the last records have been removed from the record system
- Any new record series are added to the schedule

Amendments and additions should be discussed with business units, agreed and subsequently authorised by senior management. Disposal schedules, including previous editions which were the basis of authorising record disposal, will need to be retained as long as other disposal documentation.

Transferring records to an archives service

As mentioned in the appraisal section earlier, about 5% of any organisation's records will be of archival value and they will therefore require special conditions for storage to ensure they are preserved as well as special conditions for access to ensure that they can be retrieved and viewed when needed.

Options for transferring archives to suitable repositories

It can be difficult to identify a suitable repository for your organisation's archives. Factors in your decision will include whether there is any legislation affecting your archives, whether your archives meet the repository's acquisition policy and how close the repository is to the organisation's site. The main possibilities for transferring archival records to suitable repositories are:

- If the organisation is covered by the Public Records Act, archival records must be transferred to The National Archives or another place of deposit for public records
- If the organisation is a public body not covered by the Public Records Act but of national significance, The National Archives may still be interested in maintaining the archives
- If the organisation is a public body not covered by the Public Records Act with a strong geographic emphasis, the relevant local authority archives service may be willing to take custody of the archives
- If there is no obvious repository The National Archives may be able to provide advice
- The organisation may decide to set up its own archive management programme

Transfer procedures

The repository receiving your archives should have a policy and procedures for transferring records. These will include:

- Whether records should be boxed before transfer and, if so, box requirements (material and dimensions)
- How boxes should be packed
- What notice of transfer the repository requires
- Transfer documentation required

Transfer documentation includes details of your organisation, details of the records being transferred and the authority for the transfer (this could include the disposal schedule). The archives service is likely to require a list of all records and their covering dates, but may accept a list of all record series only. The list of records should give clear information about which records are in which boxes so that they can be easily identified and retrieved. You should ask for a receipt for records transferred.

Metadata should be transferred along with the records to which it relates. Any file lists, schedules, databases or other recordkeeping documentation will provide the archives service with invaluable information about the records. Transfers of electronic records will need to include software and systems data and/or files.

For details of transfer requirements for public record creating bodies, see Part II of the Records Management Code and The National Archives standard *Preparation of records for transfer to The National Archives and approved places of deposit*.

It is advisable to draw up a transfer agreement, which will set out the basis on which the records are being transferred. It is possible to deposit records on loan, which means they remain your organisation's property but are in the custody of the archive repository. Alternatively ownership of the records can be transferred. It is also possible to stipulate that no records may be disposed of without your organisation's consent. In transferring records you will need to ensure that authority and accountability for the records is clear, that any legal or regulatory requirements with respect to the records will continue to be fulfilled and that there is no adverse impact on the organisation. If any records are not to be made available for research immediately, for example because of data protection, they should be clearly identified. You may wish to require that you are to be consulted in the event that a request for access to closed records is received by the archives service. If so, you should specify the contact point for consultation. Note that such consultation is a requirement for public records.

A copy of all transfer documentation should be retained so that the organisation has adequate audit trails to track the transfer authority and decision-making as well as actions.

Record destruction

When non-archival records are no longer required by the creating organisation they must be destroyed. Destruction is the final action for about 95% of the organisation's records. If destruction does not take place, the effectiveness and reliability of the whole records management programme is called into question.

Records designated for ultimate destruction are listed in disposal schedules which will give the trigger (e.g. closure of file) and the retention period which must elapse before the records can be destroyed.

Destruction can be carried out in a variety of ways, including shredding, pulping and burning. With electronic records crushing, hammering and deployment of magnetic fields may also be used. It is important to remember that deleting electronic records does not destroy that record and even reformatting and rewriting may not be enough to eradicate it. Note that if an electronic record has not been eradicated or its carrier destroyed, it may still be regarded as being 'held' in the event that an FOI request is received. Legally this applies also to back-ups of electronic records, which should also be destroyed before disposal action can be considered completed.

If an external contractor is being used for destruction it is advisable to shred the records first or to require a certificate of confidential destruction. You should inspect the premises of external contractors, both before the contract is awarded and periodically thereafter, to ensure security is adequate and that records are destroyed soon after they are received. You will also need the contractor to supply a certificate of destruction, if the confidential destruction is not required.

Records identified for destruction should be destroyed in as secure a way as required by their security markings, business confidentiality or data protection status. The National Archives Standard *Disposal Scheduling* gives recommendations for the appropriate destruction method for the various levels of security classified records.

Ideally it is preferable to keep documentation on destroyed records indefinitely and certainly for as long a period as may be required to meet all legal, regulatory and business needs. Such documentation can provide evidence that disposal has taken place in a timely and proper manner. In its absence it will be difficult, if challenged, to demonstrate that the disposal of records was not gratuitous. The documentation should include:

- Lists of records destroyed, including covering dates. With some types of record it may be sufficient to document that records in a particular disposal class with a given date range were destroyed on a specified date in accordance with the schedule; with others it may be preferable to create lists or to annotate existing file lists with destruction dates..
- Reference to disposal schedule authorising destruction
- Authorisation signatures of senior manager responsible for the records

- Evidence of destruction or confidential destruction, for example a Certificate (to include method and place of destruction, date of destruction, contractor's details) OR details of the method and place of destruction, date of destruction, name and signature of organisation's own staff carrying out destruction. For electronic records, details of overwriting or destruction of back-ups should be provided. Where organisations use Electronic Document and Record Management systems (EDRM and ERM) execution of deposal schedules will provide a detailed record which will be preserved in the audit trail.

Essentially destruction documentation must provide evidence that the destruction has taken place in accordance with established and formally adopted policies and schedules with appropriate authorisation. In the electronic domain where records have been held on an EDRM or ERM system and subsequently destroyed depending on the technical solution it may also be possible to retain a metadata stub recording a minimum set of metadata associated with the destroyed folders.

Documenting Appraisal and Disposal

As with good management of all phases of the records lifecycle, there must be documented disposal policies and procedures as well as documented actions. This provides accountability: evidence that records are created, maintained and destroyed or transferred to an archives service according to standards and best practice. It also provides protection in the event of an allegation that records have been destroyed in breach of section 77 of the Freedom of Information Act, which makes it an offence to destroy records containing information that has been requested if the purpose of the destruction is to prevent disclosure. How detailed this documentation should be depends on an assessment of the risk of not having it. Organisations should assess the type of evidence that might be required in the event that destruction of particular records is queried.

Details of disposal documentation have been given in the relevant sections above but in summary, the key documentation that must be kept is:

- Record closure policies and procedures
- Appraisal policy and criteria
- Reference to published retention guidance
- Applicable archives acquisition policy or policies
- Disposal schedules, including previous editions
- Record transfer lists and receipts
- Record transfer agreements
- List of records destroyed
- Certificate or other record of destruction

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Further Guidance and Information

Standards

- *ISO 15489-1:2001 Information and documentation – Records Management (Part 1 General)*
- *PD ISO/TR 15489-2:2001 Information and documentation – Records Management (Part 2: Guidelines)*

Guidance

- Beyond the PRO: Public Records in Places of Deposit
http://www.nationalarchives.gov.uk/archives/framework/pdf/beyond_pro.pdf
- The National Archives: *Disposal Scheduling*
http://www.nationalarchives.gov.uk/recordsmanagement/advice/pdf/sched_disposal.pdf
- The National Archives' retention and disposal schedules
<http://www.nationalarchives.gov.uk/recordsmanagement/advice/schedules.htm>
- *Evaluating information assets: appraising the inventory of electronic records*
http://www.nationalarchives.gov.uk/electronicrecords/advice/pdf/appraisal_toolkit.pdf
- *Records Management: NHS Code of Practice*
http://www.dh.gov.uk/PublicationsAndStatistics/Publications/PublicationPolicyAndGuidance/PublicationsPolicyAndGuidanceArticle/fs/en?CONTENT_ID=4131747&chk=tMmN39
- Records Management Society: *Retention Guidelines for Local Authorities*
<http://www.rms-gb.org.uk/resources/91>
- JISC: *Higher Education Institutions Function Activity Model & Record Retention Schedule*
http://www.jisc.ac.uk/index.cfm?name=srl_structure

- ACPO Guidance on the Management of Police Information 2006
http://www.acpo.police.uk/asp/policies/Data/MoPI%20Guidance_INTER_03.03.06.pdf

- ACPO Retention Guidelines for Nominal Records on the Police National Computer
<http://www.acpo.police.uk/asp/policies/Data/Retention%20of%20Records.pdf>

- The National Archives: *Preparation of Records for Transfer to the National Archives and Approved Places of Deposit*
http://www.nationalarchives.gov.uk/recordsmanagement/advice/pdf/stand_for_transfer.pdf

- The National Archives: Procedures and Guidance Relating to Public Records Transferred to and Held by Places of Deposit
http://www.nationalarchives.gov.uk/policy/foi/pdf/foi_guide.pdf

- The National Archives Acquisition Policy
<http://www.nationalarchives.gov.uk/recordsmanagement/selection/acquisition.htm>

- The National Archives Appraisal Policy
<http://www.nationalarchives.gov.uk/recordsmanagement/selection/appraisal.htm>

- The National Archives Disposition Policy
<http://www.nationalarchives.gov.uk/recordsmanagement/disposition/policy.htm>

- *Requirements for Electronic Records Management Systems*
<http://www.nationalarchives.gov.uk/electronicrecords/reqs2002/>

- *Complying with the Records Management Code: Evaluation Workbook and Methodology*
<http://www.nationalarchives.gov.uk/recordsmanagement/code/assessing.htm>