

**WHAT TO DO WITH RECORDS IF YOUR
PUBLIC BODY IS BEING DISSOLVED**

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1. Introduction

The National Archives is the central advisory body on the care of records and archives, in all media, from creation to long-term preservation. We provide advice to government departments and the wider public sector on the management of digital and paper records, and their selection and transfer to The National Archives.

This guidance forms part of a suite of guidance that The National Archives is delivering to support information management across government and the public sector.

1.1 What is the purpose of this guidance?

This guidance provides a plan for the actions you must take to manage information if your public body is dissolved. It complements *Machinery of Government Changes: Guidance on Transfer of Records, Information and Knowledge*¹. This gives more detailed guidance on how to transfer information, whether you are transferring to The National Archives, your parent government department, another department or agency, or to a private body.

Guidance on other key implementation challenges is available from the Cabinet Office and from The National Archives.

1.2 Who is this guidance for?

This guidance is primarily aimed at Departmental Records Officers² (DROs) or the equivalent role in your organisation. It may also be useful for Heads of Knowledge and Information Management, Senior Information Risk Owners, change or project managers i.e. anyone within your organisation responsible for managing information risk, or managing change.

¹ http://www.nationalarchives.gov.uk/documents/machinery_of_government.pdf

² A departmental records officer (DRO) is responsible for looking after an organisation's records and information

2. What to do if your public body is being dissolved

If a decision has been made to dissolve your public body, your information needs to be properly disposed of or transferred to your parent department, and you need to build this into your planning at the earliest stages. If you are the Departmental Records Officer (DRO) for the public body being dissolved, get in touch with your parent department's DRO and The National Archives as soon as you can, to discuss the future management of, and access to, your records.

Bear in mind the impact of loss of expertise when a public body is dissolved and take early decisions on the disposal of records and the sensitivity of selected records while such expertise is still available.

2.1 The joint information transition team

The first action you need to take is to establish a joint information transition team including officials from the public body, the parent department and the successor organisation (if possible). Include expertise from information management, information technology, information assurance and change management. This will help you to ensure that information is protected and usable after transition. Your joint information transition team is responsible for information management before, during and after the transition programme.

2.2 Action Plan

Action	Responsibility	Evidence of completion
Get in touch as soon as you hear you may be being dissolved <ul style="list-style-type: none">• Contact the Departmental Records Officer (DRO) in the parent department• Contact The National Archives	<ul style="list-style-type: none">• Head of Knowledge and Information Management (KIM) or Departmental Records Officer (DRO) in the public body	<ul style="list-style-type: none">• Contact made
Set up an Information Transition Team <ul style="list-style-type: none">• Include expertise from a range of disciplines• Include people from the public body	<ul style="list-style-type: none">• Heads of KIM in parent department and public body	<ul style="list-style-type: none">• Team established and remit agreed

<ul style="list-style-type: none"> • Include people from the parent department 		<ul style="list-style-type: none"> • Parent department commits to team remaining in place after dissolution, until all actions are completed and responsibility transferred to the parent department's DRO
<p>Carry out a comprehensive information survey</p> <ul style="list-style-type: none"> • Document your records, their business and operational use and the technology that supports them; legal requirements and intellectual property rights for each record. Perform a sensitivity review (see Section 2.3) • Share the results with the DRO of your parent department 	<ul style="list-style-type: none"> • DRO for public body, with guidance from DRO of parent department 	<ul style="list-style-type: none"> • Information survey documented • Major record series identified prior to dissolution
<p>Review your records</p> <ul style="list-style-type: none"> • Identify records for permanent preservation and transfer them to your parent department • Identify records with continuing business use and transfer them to your parent department • Agree ownership of transferred records • Assign copyright and intellectual property • Identify and dispose of ephemeral records 	<ul style="list-style-type: none"> • DRO in public body identifies and reviews records • DRO in public body transfers documents to parent department • Transition team is responsible for ensuring transferred records are still usable as required • DRO in parent department transfers records for permanent preservation to The National Archives or other approved Place 	<ul style="list-style-type: none"> • Sensitivity review completed prior to dissolution • Records with permanent value or business use transferred to the parent department prior to dissolution • Records transferred in a way that ensures that they are still usable as required • Ephemeral records disposed of appropriately prior to dissolution • Ownership of records

	<p>of Deposit in due course</p> <ul style="list-style-type: none"> • DRO in public body disposes of ephemeral records 	<p>agreed prior to dissolution</p> <ul style="list-style-type: none"> • Crown Copyright and Crown Database rights assigned to the Controller of HM Stationery Office at The National Archives • Non Crown Copyright and intellectual property rights assigned
<p>Agree access rights to records</p> <ul style="list-style-type: none"> • Review sensitivity of records • Agree who has the authority to retrieve and provide access to records once they are transferred to The National Archives, including who will assist in FOI enquiries 	<ul style="list-style-type: none"> • DRO in public body reviews sensitivity • DRO in parent body agrees access with The National Archives 	<ul style="list-style-type: none"> • Sensitivity review completed prior to dissolution • Parent department and The National Archives agree access to closed records prior to dissolution
<p>Preserve publicly available material</p> <ul style="list-style-type: none"> • Ensure websites are captured into the UK Government's web archive 	<ul style="list-style-type: none"> • DRO in public body informs The National Archives' web archiving team of the need to capture website no later than six weeks prior to dissolution. 	<ul style="list-style-type: none"> • Website captured into UK Government Archive.
<ul style="list-style-type: none"> • Archive datasets as part of your website capture, or transfer them to your parent department. Investigate any planned updates to datasets. If they are yet to be published, ensure they are posted to your website before the date of the final website capture. • Document the technical 	<ul style="list-style-type: none"> • DRO in public body informs The National Archives' web archiving team of need to capture dataset(s) no later than six weeks prior to dissolution • DRO in public body transfers unpublished 	<ul style="list-style-type: none"> • Datasets captured as part of the website capture. Unpublished Datasets transferred to the parent department prior to dissolution

dependencies, make arrangements for transfer of technology, licences and documentation if needed. Collect and transfer information on how the data was captured processed and arranged	datasets and supporting technology, licences and documentation.	
<ul style="list-style-type: none"> Identify documents made available for public inspection, agree whether they are still required, and make them available through appropriate sources 	<ul style="list-style-type: none"> DROs in public body and parent department agree documents required after dissolution 	<ul style="list-style-type: none"> Documents previously available for public inspection made available through appropriate sources after dissolution
<ul style="list-style-type: none"> Agree selection and disposal of unpublished reports 	<ul style="list-style-type: none"> DRO in public body and The National Archives agree selection and disposal of unpublished reports 	<ul style="list-style-type: none"> Reports disposed of, or transferred to the parent department, as agreed, prior to dissolution

2.3 The information survey

Your comprehensive information survey should include the information creator, the current owner, the format, and how the information needs to be used. By 'used' we mean how to find, open, work with, understand and trust your information. For digital information this must include the main software formats and an inventory of all IT hardware and software used for managing and disseminating information (including servers, hard drives, laptops, data sticks, databases, internet/intranet and information held by other organisations).

The information survey should cover:

- documentation and records
- email and communication logs
- database and/or file lists
- organisation charts
- contracts with external storage [paper/electronic] organisations
- previous information surveys/inventories

The survey should cover all the areas information could be stored in and information in all media – both physical filing locations and digital ones. Take particular care with personal filing systems, which may contain both original records and 'working copies'. These must be evaluated by the individual members of staff alongside information management teams, and re-integrated into the main information repositories or disposed where appropriate.

You may have existing surveys or inventories that you can build upon, such as an information asset register or a configuration management database (CMDB). The National Archives has produced a range of guidance that can help you to document your information and IT assets³.

You must review the sensitivity of records of historical value *before* your public body is dissolved. This means you must identify information that may be exempt from disclosure under the Freedom of Information Act and the Environmental Information Regulations (EIR). You must note categories of records with particular storage and handling requirements, e.g. sensitive personal data or protectively marked material. Further guidance on reviewing records for sensitivity is available from the Ministry of Justice and the Information Commissioner's Office.⁴

³ Guidance is available from: <http://www.nationalarchives.gov.uk/information-management/projects-and-work/digital-continuity-stage-2.htm>

⁴ <http://www.justice.gov.uk/guidance/foi-exemptions-guidance.htm>,
http://www.ico.gov.uk/tools_and_resources/document_library/freedom_of_information.aspx

2.4 Reviewing your records to assess value

Every record must be assessed for potential historical value and ongoing business value.

2.4.1 Records for permanent preservation

- Identify records of historical value that clearly merit permanent preservation. Consult The National Archives on the method of selection and review.
- Transfer records for permanent preservation to your parent department. They will transfer them to The National Archives or an approved Place of Deposit⁵ as part of a planned transfer of records, at the appropriate time. Records may be transferred directly to The National Archives or an approved Place of Deposit, but only with the written approval of an Information Management Consultant [IMC] at The National Archives. For more information about how to transfer records, read *Machinery of Government Changes: Guidance on Transfer of Records, Information and Knowledge*⁶.
- Review the sensitivity of records of historical value *before* your public body is dissolved. Identify information that may be exempt under the Freedom of Information Act and the Environmental Information Regulations (EIR). Note categories of records with particular storage and handling requirements, e.g. sensitive personal data or protectively marked material.
- Your parent department will need to identify officials who are authorised to retrieve on loan and provide access to any selected records when they are eventually transferred to The National Archives.

2.4.2 Records with ongoing business value

Records with ongoing business value should be transferred to your parent department. This includes records which need to be kept for legal purposes.

2.4.3 Ephemeral records

Records deemed not worthy of permanent preservation, and not required by your parent department, should be securely disposed of according to approved retention policies.

⁵ There is a general statutory duty “to make arrangements for the selection of those records which ought to be permanently preserved and for their safe-keeping”. This is to be done under National Archives’ supervision. Section 3(1) and (2) of the Public Records Act 1958

⁶ http://www.nationalarchives.gov.uk/documents/machinery_of_government.pdf

2.5 Assigning ownership of records

Discuss ownership of records with your parent department's legal teams as soon as you can, and finalise ownership before your public body is dissolved⁷.

Documents, information and databases produced by Crown bodies are subject to Crown Copyright and Crown Database right protection, which are centrally managed by the Controller of HM Stationery Office⁸

Copyright and database right for records and databases created by non-Crown bodies can be assigned to the Controller of HM Stationery Office, who will then allow the material to be made available for re-use. You should agree this with your parent body and The National Archives prior to dissolution. It is important that copyright is assigned before you are dissolved.

If you're not sure whether you are a Crown body or a non-Crown body, please ask for advice from The National Archives Information Policy team. Crown bodies include central government departments, NDPBs and Executive Agencies.

2.6 Preserving publicly available material

Before your body is dissolved, consider archiving/capturing websites, datasets, information made available for public inspection, and published/unpublished reports.

2.6.1 Websites

All central government websites (including those of arms'-length bodies) are routinely captured and archived by The National Archives. Your information survey should include websites and you should determine whether you need any supplementary web archiving. If so, discuss at the earliest opportunity with The National Archives Web Archiving team. For more information on website archiving and managing website content see web guidelines TG105 and TG125, produced by the Central Office of Information (COI)⁹.

⁷ Copyright and related rights; <http://www.nationalarchives.gov.uk/documents/copyright-related-rights.pdf>;

⁸ Information and databases produced by Crown bodies are subject to Crown copyright protection under s163 [Copyright, Designs and Patents Act 1988](#) or [for databases] under s14 (3) of the [Copyright and Rights in Databases Regulations 1997](#). Crown copyright and database right are managed centrally by the Controller of HM Stationery Office [an official within The National Archives], who is also responsible for the [Re-use of Public Sector Information Regulations 2005](#).

⁹ <http://coi.gov.uk/guidance.php?page=239>, <http://coi.gov.uk/guidance.php?page=265>

2.6.2 Datasets

According to the government's transparency agenda, all datasets not containing sensitive data should be published on the organisation's website, in a format that will enable them to be captured into the UK Government's web archive. Before dissolution, as part of the information survey, datasets should be reviewed and published wherever possible. Datasets that are too sensitive to publish, but which have been selected for permanent preservation, should be transferred to your parent department in a usable format– along with any supporting information (see chart on page 8 for more information). Your parent department should maintain the dataset until the sensitivity falls away. You must transfer data according to the recommendations in Data Handling Procedures in Government Final Report.¹⁰

2.7 Making sure records are still usable after transfer

It is vital that the usability of the records is not lost during transfer to your parent body or to the successor organisation. You must maintain the continuity of your information so that you do not lose the ability to find, access, work with, understand and trust the information in the way that you need. For paper records this may mean maintaining filing structures, listing files, or updating catalogues.

For digital records maintaining the continuity of the information may mean transferring or replicating entire technology support systems – it is not enough to transfer the digital files themselves if the recipient does not have the software or hardware to open the files. This is something you need to discuss and agree with your parent department at the earliest opportunity.

These issues must be covered by the information survey and you should consult Information Asset Owners, Knowledge and Information Managers, Information Assurance Managers, change managers and IT service providers (both in-house and external) to agree how records need to be used after transfer, and take the actions required to maintain that use.

The National Archives has a Digital Continuity Service that anyone in the public sector can use to help manage your digital information through changes.¹¹ This includes guidance, technical tools and services, risk assessment, and a free file profiling tool called DROID.

¹⁰ http://www.cesg.gov.uk/products_services/iatp/documents/data_handling_review.pdf

¹¹ The Digital Continuity Service is available from www.nationalarchives.gov.uk/digitalcontinuity

2.8 Further reading

If your public body is being dissolved you may find the following guidance useful:

2.9 Public Record Bodies

- More information on the Public Records Act, Public Record Bodies and selection processes:
<http://www.nationalarchives.gov.uk/information-management/legislation/public-records-system.htm>
- *Public Bodies Reforms – checklist for departments*: available from the Cabinet Office.
- *Machinery of Government Changes: Guidance on Transfer of Records, Information and Knowledge*:
http://www.nationalarchives.gov.uk/documents/machinery_of_government.pdf

2.10 Conducting an information survey:

- *Identify Information Assets and Business Requirements*:
<http://www.nationalarchives.gov.uk/documents/identify-information-assets.pdf>
- *Information Asset Register Template*: <http://www.nationalarchives.gov.uk/information-management/projects-and-work/digital-continuity-stage-2.htm>
- *Mapping the Technical Dependencies of Information Assets*:
<http://www.nationalarchives.gov.uk/documents/mapping-technical-dependencies.pdf>
- Conducting a sensitivity review:
<http://www.justice.gov.uk/guidance/foi-exemptions-guidance.htm>
http://www.ico.gov.uk/tools_and_resources/document_library/freedom_of_information.aspx

2.11 Copyright

- Copyright and related rights
<http://www.nationalarchives.gov.uk/documents/copyright-related-rights.pdf>;
- Copyright in Public Records
<http://www.nationalarchives.gov.uk/documents/copyright-in-public-records.pdf>
- Copyright in Works Commissioned by the Crown:
<http://www.nationalarchives.gov.uk/documents/copyright-in-works-commissioned-by-crown.pdf>
- The Re-use of Public Sector Information Regulations 2005
<http://www.legislation.gov.uk/uksi/2005/1515/contents/made>.

2.12 Transferring digital records

For a wide range of digital continuity guidance: nationalarchives.gov.uk/digitalcontinuity/

- *Migrating Information between EDRMS*
<http://www.nationalarchives.gov.uk/documents/edrms.pdf>
- *Digital Continuity for Change Managers*
<http://www.nationalarchives.gov.uk/documents/digital-continuity-for-change-managers.pdf>
- Data handling review – transferring datasets
http://www.cesg.gov.uk/products_services/iatp/documents/data_handling_review.pdf
- Web archiving and managing website content, web guidelines TG105 and TG125
<http://coi.gov.uk/guidance.php?page=239>, <http://coi.gov.uk/guidance.php?page=265>
- Exporting and Transferring Electronic Data
<http://www.nationalarchives.gov.uk/information-management/projects-and-work/exporting-transferring-electronic-data.htm>
- Migrating records across ERM systems and interpretation of the metadata standard – the record management application profile of the e-GMS.
<http://www.nationalarchives.gov.uk/information-management/projects-and-work/xml-schema.htm>
<http://www.nationalarchives.gov.uk/information-management/projects-and-work/interpreting-metadata-standard.htm>

If you need any further advice or assistance, please contact the Information Management team at The National Archives: information.management@nationalarchives.gov.uk