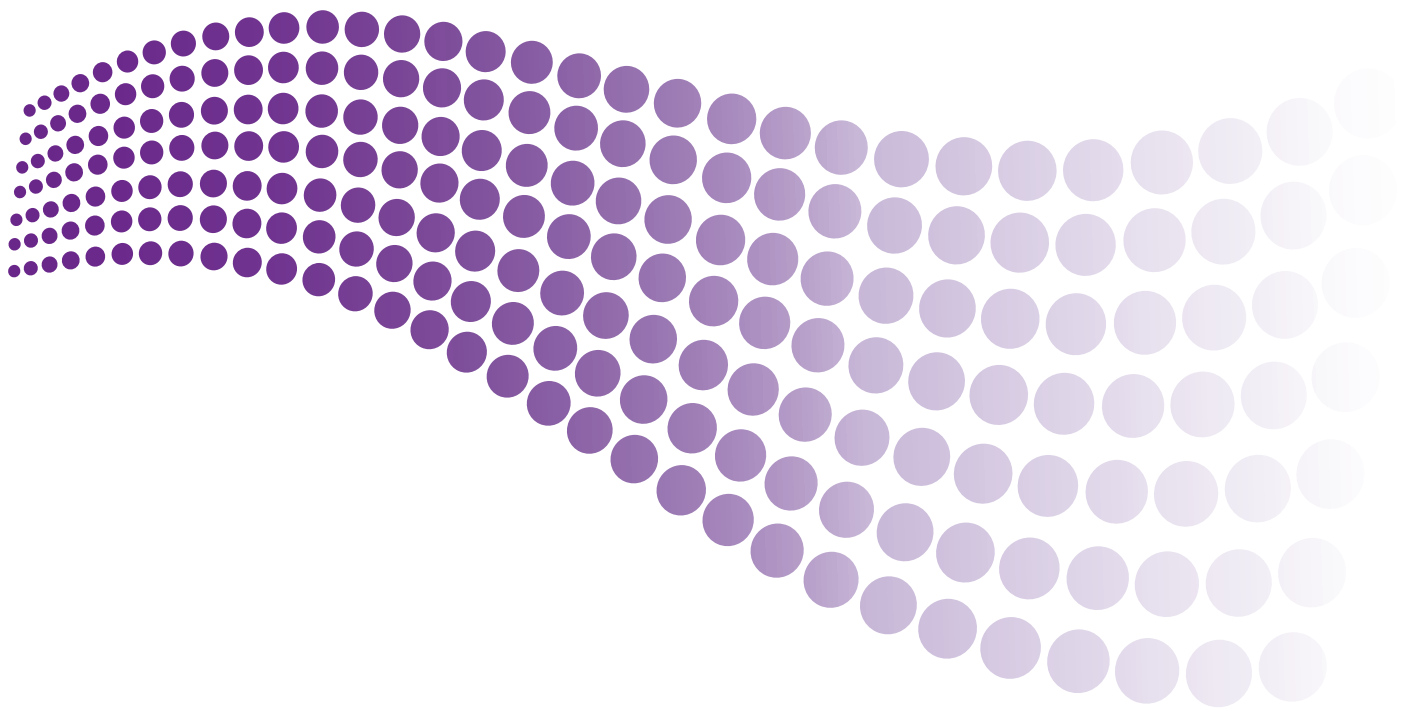


Guide 4 Keeping records to meet corporate requirements



This guidance has been produced in support of the good practice recommendations in the Code of Practice on Records Management issued by the Lord Chancellor under section 46 of the Freedom of Information Act 2000. A PDF version of the full code can be found here:

www.justice.gov.uk/guidance/docs/foi-section-46-code-of-practice.pdf

Who should read this guide

This guide is written for people who have no background in records and information management but find themselves responsible for it within their organisation, or have some other reason for acquiring a basic understanding of the subject.

What this guide is about

This guide is one of a series of guides produced to support the good practice recommendations in the Code of Practice on Records Management issued by the Lord Chancellor under section 46 of the Freedom of Information Act 2000 (from now on this Code of Practice will be referred to as 'the Code').

This guide covers the third good practice recommendation:

'Authorities should ensure they keep the records they will need for business, regulatory, legal and accountability purposes.'

An initial and very important step when managing records is to ensure that those records exist in the first place. According to section 8 of the Code organisations need to:

- decide what records should be kept
- create business rules or procedures that tell staff what records they should keep of their work and how to do so
- identify any particular requirements applying to particular records
- apply the business rules.

This guide explains the process in the following sections:

- 1 Why you should go through this process**
- 2 Deciding what records should be kept**
- 3 Developing the business rules**
- 4 Evidential value and particular controls that might be needed**
- 5 Ensuring staff keep records in accordance with the business rules**

At the end there are references to some **further guidance** and a list of **other guides** in this series.

When reading this guide, note that the term 'keeping records' is used in the same way as in the Code, i.e. 'recording the authority's activities by creating documents and other types of records as well as handling material received'. The term 'keep' is used for creating documents as well as, for example, filing incoming emails or letters.

Note also that these guides do not apply to the management of archives, i.e. the small proportion of records selected for permanent preservation and transferred to an archives service once they were no longer needed by the authority for current business or legal reasons.

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1 Why you should go through this process

Unless decisions are made about what records should be kept, organisations are likely either to end up without the information they need or to be overwhelmed by information they do not need. Both carry risks.

Too much information means:

- systems become clogged up with ephemeral information – searching is harder and takes longer, and it can be difficult to identify what is relevant to the business in hand
- staff and other resources, including storage capacity, are wasted managing information that is not needed
- identifying the definitive version of a document can be difficult.

Too little information means:

- the organisation has an inadequate corporate memory
- records required to show accountability or for reference purposes are not there when needed
- records providing evidence of rights and entitlements are not there when needed
- there are doubts as to the reliability of what is there.

Ensuring that the necessary records are kept is a matter of identifying what is significant and what is ephemeral and taking appropriate action. Some organisations leave decisions on what to keep to individuals but this creates risk as two individuals sitting side by side and doing similar work might take a different view of what records they should keep of that work. Individuals need clear guidelines that will ensure that business needs for information about past actions and decisions – i.e. for records – are met.

Essentially, an organisation's records will:

- enable staff to do their work consistently, in full knowledge of the processes, decisions and actions that inform and drive the business
- ensure the availability of credible and authoritative evidence to protect the rights of the organisation, its staff and anyone else affected by its activities
- provide corporate memory so that lapse of time does not affect access to and availability of the corporate knowledge resource
- demonstrate accountability by providing the evidence and information required for any possible internal or external audit.

EXAMPLES Records that should be kept

- ◆ Minutes of senior management meetings at which key decisions are made. Accountability requires an agreed note of decisions that attributes and dates them.
- ◆ Details of property owned or leased, i.e. evidence of occupancy rights and benefits, which will be needed for at least as long as the property is owned and possibly for some time thereafter.

Records are sometimes kept unnecessarily. This happens when:

- there is no need for evidence that something has been done
- a record duplicates evidence or information in one or more other records
- material reflecting private interests finds its way into the organisation's records.

EXAMPLES Records that do not need to be kept

- ◆ Personal copies of material that is in the organisation's records.
- ◆ Trivial or irrelevant emails and notes, e.g. confirming a meeting to be held.
- ◆ Early drafts of documents which are not shared with colleagues.

2 Deciding what records should be kept

Each organisation must decide for itself what records to keep, taking account of the legal and regulatory environment, the nature of its business and its continuing need for evidence and information about how it has carried out that business.

The decision requires an understanding of the organisation's purpose and functions, how it carries out those functions, and how it uses the records it holds already. This means investigating and analysing:

- the functions of the organisation as a whole
- the functions of the various parts of the organisation – the business units¹ – and the various programmes and projects that complement or sit alongside the business units
- what information each business unit uses during its work
- what records result from the work of each business unit
- how those records are shared with or used by other parts of the organisation.

There is no single right way of tackling this and the approach adopted will depend on the nature, size and complexity of your organisation. What follows is a possible step-by-step approach which you can adopt or adapt as required. The steps are:

- **Step 1: Secure senior management support**
- **Step 2: Plan the project**
- **Step 3: Preliminary research**
- **Step 4: Work with each business unit**

Step 1: Secure senior management support

Support from the person with lead responsibility for records management will be essential. (The role of this person is explained in **Guide 2**.) You will be asking busy colleagues to set aside pressing work to help you in a task that you know will be to their and the organisation's benefit, but which to them is yet another call on their time. You may need sponsorship at a senior level to secure the co-operation of managers of business units but you should also explain what is in it for them. It is important to present the work as something which will bring real benefits and will contribute to management of risk.

1 The term 'business units' is used in the Code, but they could also be known by another name, e.g. divisions or sections

TOP TIPS

- ◆ Tap into relevant organisational agenda and initiatives to link records management to your organisation's goals.
- ◆ Alert managers to the risks arising when the right information is not available when needed. Although too great a focus on risk may seem negative, it can be a good starting point and a way of getting attention.
- ◆ Explain how the results can lead to cost and time savings and more effective working.

Securing support from the person with lead responsibility may require preparation of a business case. Separate guidance is available on developing business cases (see the references to further guidance at the end).

Step 2: Plan the project

As with most activities, planning is critical. If you organise the task and have a structure that will enable you to monitor and report on progress, you can keep momentum going. You may find that there are peaks and troughs of activity in each business unit, and it would be sensible to take account of these when timetabling work with business units. Although your intention may be to cover the entire organisation, it would be prudent to select one or two supportive business units to trial your methodology before expanding the project further.

TOP TIPS

- ◆ Prioritise business units for attention.
- ◆ Do as much work in advance as possible so as to make good use of business unit time.
- ◆ Communicate – publicise the project across the organisation and send out regular updates.

Step 3: Preliminary research

Quite a lot of preliminary work can be done before detailed face-to-face work with each business unit begins. Undertaking some research at this point can reduce time and effort later on. Here are some of the things that can be done.

Develop an overall function statement for the organisation

A good starting point for further more detailed work is an agreed statement of the organisation's overall functions. The function statement is an outline of the role and purpose of the organisation. It is not a mission statement, which tends to reflect current priorities, but an objective statement that should not date too quickly.

TOP TIPS

The following sources may be useful:

- ◆ If your organisation was set up by legislation, check its terms for details of powers and duties.
- ◆ Annual reports usually describe the main purpose of the organisation.
- ◆ You should have included a description of the organisation's role and responsibilities in your Freedom of Information (FOI) Publication Scheme.²
- ◆ If the organisation applies the Re-use of Public Sector Information Regulations 2005 to re-use of its information it may have defined its 'public task' (a term used in the Regulations).

Research the organisation's legal and regulatory environment

The legal and regulatory environment is a powerful driver in determining what records should be kept. Legislation may specify that certain records are to be kept and may even specify the information those records should contain. This legislation may be generally applicable, as with health and safety legislation, or may be specific to the organisation, such as the requirement in charities legislation that the Charity Commission keep a register of current charities. Some of this may not emerge until you are working with business units but some can be ascertained at this stage.

EXAMPLE General requirements to keep the records

- ◆ Details of accidents at work must be kept in an accident book under health and safety legislation.

There may also be sector-specific rules or guidance that determine what records should be kept.

EXAMPLES Specific requirements to keep the records

- ◆ Maintained schools are required to keep a formal record of each pupil's achievements.
- ◆ Local authorities are required to maintain a register of social workers and social care workers.

² Guidance on Publication Schemes issued by the Information Commissioner's Office provides for this information to be included in the class 'Who we are and what we do'. The relevant guidance is in the form of definition documents, available here:

www.ico.gov.uk/what_we_cover/freedom_of_information/publication_schemes/definition_documents_main_page.aspx

Develop an initial function statement for the business unit to be tackled

This cannot be finalised without the involvement of the business unit concerned but it is useful to gain some prior understanding of what they do to serve as a starting point for discussions with them.

TOP TIP

- ◆ There may be a description of each business unit's role on your organisation's internal website.

Step 4: Work with each business unit

This is a crucial stage during which you develop a full understanding of:

- what the business unit does and how it does it
- what information it uses in the course of its activities and how it uses it
- what records are currently kept of those activities and where they are kept
- how those records are shared with or used by other parts of the organisation and which are critical in the event of an audit or inspection
- any involvement by outside stakeholders which might give them an interest in what records are kept and how they are kept.

This will enable you to reach conclusions as to:

- what records must be kept
- the circumstances in which a record need not be kept
- at what point in a business process the record should be kept and by whom
- where the records should be kept, including any particular needs arising from the confidentiality or security of the information
- who is responsible for the records (the 'owner')
- how long the record should be kept (it may be possible to determine the disposal decision as part of this process, but see **Guide 8** for more detailed guidance on this aspect).

It is important at this stage to bear in mind that current practice in relation to what records are kept is relevant but not necessarily conclusive – your project may lead to recognition that some changes are needed.

Conduct interviews

This stage will involve a series of interviews with key people in each business unit. Interviewees should include not only the head of the business unit, who will be best-placed to agree the unit function statement and identify risks associated with current record keeping practices, but also other staff carrying out a range of duties which involve using and keeping records.

TOP TIP

- ◆ Decide who to interview and identify the topics to be covered in each interview, then circulate details so that each person knows who else is being interviewed and the aspect each interviewee is expected to cover.

The questions to be put to these interviewees should reflect the contributions sought from them. So, for example, senior managers might be asked about information risks associated with particular records and whether there are any checks in place to ensure important records are kept, while their staff might be asked how they know what records to keep and where to keep them, and whether their managers check to ensure important records are kept.

TOP TIPS

- ◆ Use a form for the questions to be asked in each interview. It will serve as a check list you can work through which will ensure consistency in the data gathered and analysed.
- ◆ But use this as an aid not a straitjacket – probe answers and follow emerging evidence if it looks promising.
- ◆ Allow space on the form for additional comments or carry extra paper for that purpose.

Analyse data and draw conclusions

Having gathered the data, the next step is to analyse the results and reach conclusions as to what records should be kept, when and by whom. This should lead to a set of recommendations to be agreed with the head of the business unit.

3 Developing the business rules

Decisions as to what records are to be kept should be documented in a way that can be used by staff in their daily work and can serve as evidence of the organisation's intentions. The Code uses the term 'business rules' for this documentation but you may prefer to call them schedules or procedures – it is a matter of what will work best in your organisation. In some cases the rules will be embedded in the system, e.g. a case management system based on workflow is likely to require completion of action before it will move on. In other cases staff will need to decide a record should be kept and take appropriate action.

The business rules should give clear instructions to staff on the following aspects:

- **What records to keep**
- **Where to keep them**
- **Who should keep them**
- **When to keep them**

What records to keep

The business rules should be detailed enough for staff to have a clear and consistent understanding of which actions and decisions should be documented in the records. However, they should not be so long and complicated that they are ignored. There is a balance to be struck between detail and utility and where to strike that balance will depend on the organisation, its staff and how they work. Personal judgement will always be a factor because each member of staff will have to decide, for example, whether a telephone call was significant enough for a note of it to be kept or an email significant enough to be filed instead of deleted.

Where to keep them

Effective records management provides for records to be available for future use by those who need to see and use them. This means that records must be kept in agreed corporate systems, not in personal systems accessible only to the individual concerned. It also provides for them to be kept in context so that their connection to other records relating to the same matter is apparent. This will enhance their meaning and usefulness and contribute to their legal admissibility. The business rules should ensure that individuals are in no doubt as to where records should be kept. (Records systems are dealt with in more detail in **Guide 5**.)

Who should keep them

In many cases there will be an obvious person to keep a record of an action or decision or other event. In some cases, however, it will be less clear, for example when there is an email chain involving more than one person within the organisation. The business rules should provide guidance to avoid double-filing or no filing. For example, they could specify that the sender always files an internal email.

When to keep them

In many cases there will be an obvious time in a business process or an activity to keep a record. For example, a note of a meeting should be written as soon after the meeting as possible, similarly a note of an important phone call. With an email chain it may be less obvious. What matters are firstly, that all parties are clear on who will keep the record and secondly, that there are no gaps in the story.

What the business rules look like and what details they include will depend on the organisation's ways of working. Two examples of business rules³ are shown on the next page. The first example is a schedule setting out not only what records should be kept but also for how long they should be retained, i.e. the disposal decision is included. The second example is a schedule without the disposal decision. (See **Guide 8** for guidance on disposal.)

³ Examples of other approaches will be added to this guide if and when they become available

EXAMPLE Business rules with disposal decision

Policy development

| What to keep? | Where should it be kept? | Who should keep it? | When should it be kept? | How long should it be kept? |
|---|--|---------------------|------------------------------------|-----------------------------|
| Early drafts (not shared with colleagues) | Personal workspace | Originator | Immediately | Delete when superseded |
| Drafts for comments | Appropriate folder in file plan ⁴ | Originator | When access required by colleagues | Delete when superseded |
| Drafts reflecting significant changes in approach | Appropriate folder in file plan | Originator | When access required by colleagues | 5 years |
| Final versions | Appropriate folder in file plan | Originator | When approved | Keep permanently |

EXAMPLE Business rules without disposal decision

Emails

| What to keep? | Where should it be kept? | Who should keep it? | When should it be kept? |
|--|--|---|--|
| Personal, trivial or ephemeral emails | Inbox | Sender or recipient as applicable | Automatically |
| Emails arranging meetings | Inbox | Sender or recipient as applicable | Automatically |
| Emails discussing business (internal) | Appropriate folder in file plan | Sender | Immediately |
| Emails reflecting decisions | Appropriate folder in file plan | Sender | Immediately |
| Email exchanges with external stakeholders | Inbox if short term use only, appropriate place in file plan otherwise | First recipient of incoming emails, sender of outgoing emails | As soon as decision made as to whether short term use only |

⁴ A file plan is usually associated with an electronic document and records management system. If you are relying on shared drives instead, you should set up corporate folders that mirror a file plan in which documents and emails can be stored and made accessible to all staff. (See **Guide 5** for more on file plans)

TOP TIP

- ◆ Make sure the format in which emails are saved enables attachments to be opened and preserves the metadata.⁵

4 Evidential value and particular controls that might be needed

It goes without saying that if a record is worth keeping it is worth keeping well, so that there can be no doubt as to its reliability as evidence of the past and for use in the future.

The Code (at paragraph 8.3) says that it should be possible to show that records possess the following four qualities:

- authenticity – it is what it says it is
- reliability – it can be trusted as full and accurate
- integrity – it has not been altered since it was created or filed
- usability – it can be retrieved, read and used.

The first three qualities are particularly relevant to the usefulness of the records as evidence. This has implications for the way in which records are kept and stored and the underlying processes, which are demanded by the fourth quality.

EXAMPLES What is needed

- ◆ Records systems should be capable of providing audit trails of who has accessed and/or amended a document within the system.
- ◆ Administrative processes should ensure that approved minutes of meetings are distinguished from draft minutes.
- ◆ It should be possible to show that a particular piece of guidance which it is claimed was used at a particular time was, in fact, the version in use at that time.

However, the Code also recognises that it may not be necessary to satisfy this standard to the same degree for all records. In discussion of risk management in **Guide 2**, it is suggested that patient records will be more critical to the functioning of a hospital than those relating to the staff canteen. This concept of relativity can be applied also in the context of the qualities set out above. It may be necessary to gold-plate some records but not others, and as part of this project you should consider whether there are particular records on which you may need to place particular reliance. If so, then it may be necessary to introduce specific controls so that this need can be met.

⁵ Metadata is information about the context within which records were created, their structure and how they have been managed over time. Metadata can refer to records within digital systems, for example logs of who has accessed or amended a document. It can also refer to systems such as paper files that are controlled either from a digital system or by a register or card index, for example the title and location

5 Ensuring staff keep records in accordance with the business rules

Once you have decided what records should be kept and documented the decisions in the business rules, it remains to ensure that staff follow the rules and keep the records designated to be kept.

Guide 3 contains guidance on launching and implementing a records management policy and much of that guidance is applicable here too. The crucial difference is that the business rules will require specific actions by staff and it must, therefore, be made absolutely clear to them what is expected of them. It must also be made clear to them that they are personally responsible for keeping adequate records of their work. Heads of business units and other managers should be held accountable for the agreed records being kept by the staff they manage and should, therefore, monitor how their staff are following the business rules.

TOP TIPS

- ◆ Keep instructions simple and clear so that they are easy for staff to apply.
- ◆ Ensure all new staff receive training in keeping records.
- ◆ Do spot checks to establish whether staff are keeping records as instructed.

However, there is a further important aspect. Staff need to ensure that the records they are keeping can be found and retrieved by others, for example by colleagues and successors. If keeping a record involves giving it a title, that title should be sufficiently informative for the general nature and contents of the record to be obvious. Staff should be given guidance on agreed standards, for example on terminology and date formats. Ideally the standards will be applied across the organisation's records systems to facilitate cross-searching. Training should include, amongst other things, good practice in the titling of records and monitoring should include checks on titling.

TOP TIP

- ◆ Use terminology and date formats that staff can relate to and feel comfortable using – otherwise they will ignore the standards.

Further guidance

- *Lord Chancellor's Code of Practice on the management of records issues under section 46 of the Freedom of Information Act 2000:*

www.justice.gov.uk/guidance/docs/foi-section-46-code-of-practice.pdf

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)*

These can be purchased from the British Standards Institution, together with supporting guidance. For details of what is available search under 'information governance' at shop.bsigroup.com.

Guidance from The National Archives

- What to Keep:
nationalarchives.gov.uk/information-management/projects-and-work/what-to-keep.htm
- *Managing digital records without an electronic records management system:*
nationalarchives.gov.uk/information-management/projects-and-work/essential-records-management.htm
- *Guidelines on the Realisation of Benefits from Electronic Records Management:*
nationalarchives.gov.uk/documents/benefits_realisation.pdf

Other guides in this series

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| Guide 2 | Organisational arrangements to support records management |
| Guide 3 | Records management policy |
| Guide 5 | Records systems |
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| Guide 7 | Security and access |
| Guide 8 | Disposal of records |
| Guide 9 | Records created in the course of collaborative working or through out-sourcing |
| Guide 10 | Monitoring and reporting on records management |

These guides can be found on our website:

nationalarchives.gov.uk/information-management/projects-and-work/implementation-guides.htm