

Complying with the Records Management Code: Evaluation Workbook and Methodology

Module 6: Records disposal

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General

8.1 This module deals with the records disposal regime. It is particularly important under FOI that there are clearly defined policies and procedures for identifying how long records should be kept, for disposing of those no longer required for business purposes, (either by destruction or transfer to an archive) and for documenting the decisions and their implementation. This will provide evidence that records have not been destroyed in order to avoid providing information in response to a request for information. Authorities must therefore have in place clearly defined arrangements for the appraisal and selection of records, and for documenting such work.

8.2 The relevant workbook questions which should be used to assess whether an organisation's records disposal regime comply with the Lord Chancellor's Code and supporting best practice guidance commence on page 6.

Context

8.3 Section 9 of the Records Management Code lists the key elements and activities needed to establish the required processes, and mechanisms for effective disposal arrangements. It states that:

It is particularly important under FOI that the disposal of records - which is here defined as the point in their lifecycle when they are either transferred to an archives or destroyed - is undertaken in accordance with clearly established policies which have been formally adopted by authorities and which are enforced by properly authorised staff.

8.4 Each public authority should establish a system for documenting appraisal decisions. This should include information on records selected for permanent preservation, destroyed or retained by the authority. Disposal schedules may form part of this documentation. Disposal schedules are timetables that set out when individual/groups of records are due for review, transfer to an archives and/or destruction. They make it easy to establish whether or not a record exists if a request is received and give the public confidence that a public authority has adequate procedures for identifying the appropriate disposal action for records, together with the appropriate time-scale for its implementation.

- 8.5 The main benefits of robust and comprehensive records scheduling are:
- to maximise the retention and ready availability of ‘smart’ or highly relevant information for the conduct of effective public business, maintain the corporate memory and avoid needless repetition ;
 - to comply with specific applicable legal and regulatory requirements¹ including the Freedom of Information Act 2000 and its Records Management Code, the Environmental Information Regulations, the Data Protection Act 1998 and the Public Records Act 1958;
 - to support accountability through the retention of records (including the availability of archival records of genuine historical value);
 - to demonstrate that the disposal of information assets has been carried out according to an agreed policy;
 - to translate the aspirations of the organisational records management policy into direct consequences for categories or series of records and make the disposal decisions and execution with proper authority and auditability;
 - risk management: to avoid the costs and potential liabilities of retaining information the organisation does not really need and which is likely to result in legal discovery actions and possible involvement in third party disputes; and
 - to minimise the administrative overhead of storage and review to the organisation.

Relevant guidance

8.6 Each sector may have its own sector specific rules, regulations and guidance and readers of this workbook should use such guidance when establishing a record keeping or management system. Additional guidance on this subject has been provided by The National Archives (TNA) and is available on the TNA web-site. Although some of the earlier publications were written initially for a central government audience they are broadly relevant to any public authority requiring to manage its records in conformance with the *Lord Chancellor's Code of Practice on the Management of Records issued under section 46 of the Freedom of Information Act 2000*. The following publication provides an overview to the subject and is recommended as an introduction:

Disposal Scheduling

http://www.nationalarchives.gov.uk/recordsmanagement/advice/pdf/sched_disposal.pdf

¹ For example local authorities will need to ensure compliance with agreed procedures under section 224 of the Local Government Act 1972

8.7 The aim of this publication is to set out the principles behind records disposal scheduling so that records are kept for as long as they are needed, all legitimate considerations having been considered. It draws attention to existing generic schedules and gives some pointers to the development of other schedules that are not covered by the latter. The generic schedules are located at:

<http://www.nationalarchives.gov.uk/recordsmanagement/advice/schedules.htm>

8.8 Additional guidance is available in the form of a toolkit, which was designed for organisations to make an initial evaluation of the content of their inventories of electronic record collections. Evaluation of existing electronic records will help public authorities identify information flows and eliminate unnecessary duplication. The publication is entitled:

Evaluating information assets: appraising the inventory of electronic records

It can be accessed on the TNA website at the following location:

http://www.nationalarchives.gov.uk/electronicrecords/advice/pdf/appraisal_toolkit.pdf

8.9 This toolkit was aimed to assist in the development of three products:

- guidance for records managers on best practice in evaluating electronic record collections recorded in departmental inventories
- a schedule of electronic records listed in the inventory which should be preserved in their current location, or migrated to a formal electronic records management system
- a schedule of electronic records to which a departmental preservation strategy must be applied.

8.10 The TNA has also developed generic guidance to assist records managers to categorise records in a way that reflects how the records are used and will be able to be used as a broad measure of their different requirements. Through developing these categories it will be possible to ensure that the records of most value to the department are not compromised and will be fit for purpose. Although this guidance was developed primarily to assist in developing record maintenance strategies it is also relevant when developing record management policies and disposal schedules

Generic requirements for sustaining electronic information over time: Volume 4. Guidance for categorising records to identify sustainable requirements

http://www.nationalarchives.gov.uk/electronicrecords/pdf/generic_reqs4.pdf

8.11 The Department of Health has provided sector specific guidance in the form of a Health Service circular which provides relevant advice on this topic, which should be consulted by NHS Trusts and health authorities. This is

Health Service Circular HSC 1999/053, For the Record

This publication can be accessed at the following location

<http://www.dh.gov.uk/assetRoot/04/01/20/36/04012036.pdf>

8.12 The Local Government Group of the Records Management Society has published relevant guidance on retention periods for use within local government. This is:

Retention Guidelines for Local Authorities

<http://www.rms-gb.org.uk/uploads/Retention%20Guidelines%20for%20Local%20Authority.pdf>

8.13 Additional guidance on recommended retention periods for the different record series created and maintained by schools is also published on the Records Management Society of Great Britain website at

http://www.rms-gb.org.uk/uploads/schoolsretentionschedulefinal_v1.doc

Evaluation questionnaire

8.14 To assess whether this element has been adequately addressed see the questions in the table on the following page, numbered 1 to 18 in this workbook. Guidance on how to analyse the responses to these questions is provided in the chapter entitled *Risk evaluation and development of mitigation strategies*.

1. *Is there a system to assess retention periods for each set of records identified and held in the record keeping or record management system?* Yes No N/A

Reference

2. *Are electronic records and databases also subject to the application of disposal/retention periods?* Yes No N/A

Reference

3. *Where a system to assess retention periods for each set of records identified and held in the record keeping or record management system has not been established is there a plan and a timetable for the introduction of such a system?* Yes No N/A

Reference

4. *Are there selection and disposal policies and schedules to address all the records created or held by each business unit?* Yes No N/A

Reference

5. *If disposal schedules for each business unit are not comprehensive, is there a programme to produce them, with deadlines?* Yes No N/A

Reference

6. Are there disposal schedules for records common to several business units? Yes No N/A

(e.g. financial records, human resources, health and safety and project records. Note: it is assumed that with the advent of electronic record management that information will increasingly be shared and accessed laterally across an organisation. In such circumstances it is likely that an increasing number of disposal schedules would be common to a number of business units as opposed to the maintenance of a large number of unique disposal schedules which are specific to certain units. Adoption of this approach should ease the management of the organisation's schedules)

Reference

7. Are disposal schedules subject to validation by the senior record manager? Yes No N/A

Reference

8. Is there a plan to assess and evaluate records by reviewing and executing disposal schedules each year with specific targets and timescales for implementation? Yes No N/A

Reference

9. Have criteria been established and applied to determine when records become inactive (i.e. closed) to enable disposal schedules to be applied? Yes No N/A

Reference

10. Do the criteria for appraisal explicitly include continuing need of the information for current and future business purposes? Yes No N/A

Reference

11. Do the criteria for appraisal include identification of records required to meet legal, regulatory or audit requirements? Yes No N/A

Reference

12. Do the criteria for appraisal include the implications for accountability that may arise from a decision to dispose of specific record sets? Yes No N/A

Reference

13. Do the criteria for appraisal include ascertaining the relationship to other sets of records or the support they provide to the interpretation and use of other sets of records? Yes No N/A

Reference

14. Where records contain personal data does the criteria for continued retention include whether use of them complies with the Data Protection Act? Yes No N/A

Reference

15. Has the records disposal policy been incorporated within the organisation's risk mitigation strategy to ensure timely destruction of records when they are no longer required and continued safeguarding of those which merit continued retention? Yes No N/A

Reference

16. Where records merit permanent preservation on historic grounds are there processes to identify them as such and ensure their transfer to a permanent archival facility? Yes No N/A

Reference

17. *In the event of a disaster necessitating restoration of records from older back-up copies are there mechanisms in place to allow for the re-running of disposal schedules, which had been invoked after the backed-up copy was taken?* Yes No N/A

(Note: - to support conformance with Freedom of Information and Data Protection requirements this is to ensure electronic records which had been previously destroyed and removed from the on-line system by an authorised auditable process are not automatically restored without the knowledge of the record manager)

Reference

18. *Is an annual report on the management and implementation of the disposal policy highlighting risks and providing recommendations for remedial action submitted to senior management for consideration and approval?* Yes No N/A

Reference
