

**FREEDOM OF INFORMATION ACT 2000****RECORDS MANAGEMENT**

N.B. The 'Code Ref.' Refers to the paragraphs in Lord Chancellor's Code of Practice on the Management of Records Under Section 46 of the Freedom of Information Act 2000, and the relevant extract is also attached.

<b>DATE TO BE COMPLETED BY:</b>	<b>REQUIRED OR RECOMMENDED</b>	<b>TASK</b> (see related text in the model plan)	<b>CODE REF.</b>
31 <sup>st</sup> December, 2002	Required	Publication Scheme to be submitted to Information Commissioner for approval.	
31 <sup>st</sup> January, 2003	Recommended	Examine functional organisation to see whether responsibility for FOI implementation and departmental records can be placed in the same area (4.1.1)	5.1
	Recommended	1. Ensure that all information functions are part of the same command or that there are close working relationships between them (4.1.2)	5.1
28 <sup>th</sup> February, 2003	Required	Approved Publication Scheme to be in operation	
30 <sup>th</sup> April, 2003	Recommended	1. Undertake an audit of records management to establish the need for action to reach compliance with the code, and establish lines of communication with FOI champion/officer (4.2.2)	
	Recommended	2. Analyse business activities in preparation for drafting an overall records management policy statement (4.3.1) and departmental statements (4.3.2)	6

APPENDIX 1

30 <sup>th</sup> June, 2003	Recommended	Policy Statement for records management system to be made available to all staff.	
	Recommended	1. Ensure that adequate resources are in place to support the records management function (4.1.3)	7.3
	Recommended	2. Establish a competency framework to identify skills and knowledge required by records management staff (4.2.4)	7.3
	Recommended	3. Establish the need, or otherwise for records management support staff (4.2.3)	7.3
	Recommended	4. Make available the agreed records management policy statements (4.3.3)	6
	Recommended	5. Draw up a programme on awareness of records management issues for inclusion in induction training (4.4.1)	7.3
30 <sup>th</sup> September, 2003	Recommended	1. Recruit records management support staff, if required (4.2.5)	7.3
	Recommended	1. Complete an information survey (4.5.1)	8.4
31 <sup>st</sup> January, 2004	Recommended	1. Introduce a programme of professional training for records management staff (4.4.2)	7.3
		10.6	

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	Recommended	2. Design and implement a system to ensure that records are appraised in good time (4.7.1)	9.4
	Recommended	3. Design and implement a system for documenting appraisal decisions (4.7.2)	9.5
		4. Design and implement a system for documenting disclosure and non-disclosure decisions (4.8.1)	8
30 <sup>th</sup> June, 2004	Recommended	1. Ensure that record keeping systems are in place that meet operational needs and accord with the regulatory environment (4.5.2)	8.5 & 8.6
	Recommended	2. Ensure that records maintenance procedures are in place that enable the quick and efficient location and retrieval of information (4.6.2)	8.7 & 8.8
	Recommended	3. Ensure that a business recovery plan is in place (4.6.1)	8.9
1 <sup>st</sup> January, 2005	Recommended	Establish a performance measurement scheme for the records management system (4.9)	6.2
	Required	Records Management system, to comply with Freedom of Information Act 2000 to be operational	

**EXTRACT FROM LORD CHANCELLOR'S CODE OF PRACTICE****5 Functional Responsibility**

- 5.1 The records management function should be recognised as a specific corporate programme within an authority and should receive the necessary levels of organisational support to ensure effectiveness. It should bring together responsibilities for records in all formats, including electronic records, throughout their life cycle, from planning and creation through to ultimate disposal. It should have clearly defined responsibilities and objectives, and the resources to achieve them. It is desirable that the person, or persons, responsible for the records management function should also have either direct responsibility or an organisational connection with the person or persons responsible for freedom of information, data protection and other information management issues.

**6 Policy**

- 6.1 An authority should have in place an overall policy statement, endorsed by top management and made readily available to staff at all levels of the organisation, on how it manages its records, including electronic records.
- 6.2 This policy statement should provide a mandate for the performance of all records and information management functions. In particular, it should set out an authority's commitment to create, keep and manage records which document its principal activities. The policy should also outline the role of records management and its relationship to the authority's overall strategy; define roles and responsibilities including the responsibility of individuals to document their actions and decisions in the authority's records, and to dispose of records; provide a framework for supporting standards, procedures and guidelines; and indicate the way in which compliance with the policy and its supporting standards, procedures and guidelines will be monitored.
- 6.3 The policy statement should be reviewed at regular intervals (at least once every three years) and, if appropriate, amended to maintain its relevance.

**7 Human Resources**

- 7.1 A designated member of staff of appropriate seniority should have lead responsibility for records management within the authority. This lead role should be formally acknowledged and made known throughout the authority.
- 7.2 Staff responsible for records management should have the appropriate skills and knowledge needed to achieve the aims of the records management programme. Responsibility for all aspects of record keeping should be specifically defined and incorporated in the role descriptions or similar documents.

7.2 Human resource policies and practices in organisations should address the need to recruit and retain good quality staff and should accordingly support the records management function in the following areas:

- the provision of appropriate resources to enable the records management function to be maintained across all of its activities;
- the establishment and maintenance of a scheme, such as a competency framework, to identify the knowledge, skills and corporate competencies required in records and information management;
- the regular review of selection criteria for posts with records management duties to ensure currency and compliance with best practice;
- the regular analysis of training needs;
- the establishment of a professional development programme for staff with records management duties;
- the inclusion in induction training programmes for all new staff of an awareness of records issues and practices.

## 8. **Active Records Management**

### *Record Creation*

- 8.1 Each operational/business unit of an authority should have in place an adequate system for documenting its activities. This system should take into account the legislative and regulatory environments in which the authority works.
- 8.2 Records of a business activity should be complete and accurate enough to allow employees and their successors to undertake appropriate actions in the context of their responsibilities, to
- facilitate an audit or examination of the business by anyone so authorised,
  - protect the legal and other rights of the authority, its clients and any other person affected by its actions, and
  - provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.
- 8.3 Records created by the authority should be arranged in a record keeping system that will enable the authority to obtain the maximum benefit from the quick and easy retrieval of information.

### *Record Keeping*

- 8.4 Installing and maintaining an effective records management programme depends on knowledge of what records are held, in what form they are made accessible, and their relationship to organisational functions. An information survey or record audit will meet this requirement, help to promote control over the records, and provide valuable data for developing records appraisal and disposal procedures.
- 8.5 Paper and electronic record keeping systems should contain metadata (descriptive and technical documentation) to enable the system and the records to be understood and to be operated efficiently, and to provide an administrative context for effective management of the records.
- 8.6 The record-keeping system, whether paper or electronic, should include a set of rules for referencing, titling, indexing and, if appropriate, security marking of records. These should be easily understood and should enable the efficient retrieval of information.

### *Record Maintenance*

- 8.7 The movement and location of records should be controlled to ensure that a record can be easily retrieved at any time, that any outstanding issues can be dealt with, and that there is an auditable trail of record transactions.
- 8.8 Storage accommodation for current records should be clean and tidy, and it should prevent damage to the records. Equipment used for current records should provide storage which is safe from unauthorised access and which meets fire regulations, but which allows maximum accessibility to the information commensurate with its frequency of use. When records are no longer required for the conduct of current business, their placement in a designated records centre rather than in offices may be a more economical and efficient way to store them. Procedures for handling records should take full account of the need to preserve important information.
- 8.9 A contingency or business recovery plan should be in place to provide protection for records which are vital to the continued functioning of the authority.

## **9 Disposal Arrangements**

- 9.1 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.

*Record Closure*

- 9.2 Records should be closed as soon as they have ceased to be of active use other than for reference purposes. As a general rule, files should be closed after five years and, if action continues, a further file should be opened. An indication that a file of paper records or folder of electronic records has been closed should be shown on the record itself as well as noted in the index or database of the files/folders. Wherever possible, information on the intended disposal of electronic records should be included in the metadata when the record is created.
- 9.3 The storage of closed records awaiting disposal should follow accepted standards relating to environment, security and physical organisation.

*Appraisal Planning and Documentation*

- 9.4 In order to make their disposal policies work effectively and for those to which the FOIA applies to provide the information required under FOI legislation, authorities need to have in place systems for managing appraisal and for recording the disposal decisions made. An assessment of the volume and nature of records due for disposal, the time taken to appraise records, and the risks associated with destruction or delay in appraisal will provide information to support an authority's resource planning and workflow arrangements.
- 9.5 An appraisal documentation system will ensure consistency in records appraisal and disposal. It should show what records are designated for destruction, the authority under which they are to be destroyed and when they are to be destroyed. It should also provide background information on the records, such as legislative provisions, functional context and physical arrangement. This information will provide valuable data for placing records selected for preservation into context and will enable future records managers to provide evidence of the operation of their selection policies.

*Record Selection*

- 9.6 Each authority should maintain a selection policy which states in broad terms the functions from which records are likely to be selected for permanent preservation and the periods for which other records should be retained. The policy should be supported by or linked to disposal schedules which should cover all records created, including electronic records. Schedules should be arranged on the basis of series or collection and should indicate the appropriate disposal action for all records (e.g. review after x years; destroy after y years).
- 9.7 Records selected for permanent preservation and no longer in regular use by the authority should be transferred as soon as possible to an archival institution that has adequate storage and public access facilities (see Part Two of this Code for arrangements for bodies subject to the Public Records Acts).

- 9.8 Records not selected for permanent preservation and which have reached the end of their administrative life should be destroyed in as secure a manner as is necessary for the level of confidentiality or security markings they bear. A record of the destruction of records, showing their reference, description and date of destruction should be maintained and preserved by the records manager. Disposal schedules would constitute the basis of such a record.
- 9.9 If a record due for destruction is known to be the subject of a request for information, destruction should be delayed until disclosure has taken place or, if the authority has decided not to disclose the information, until the complaint and appeal provisions of the FOIA have been exhausted.

## 10 **Management of Electronic Records**

- 10.1 The principal issues for the management of electronic records are the same as those for the management of any record. They include, for example the creation of authentic records, the tracking of records and disposal arrangements. However, the means by which these issues are addressed in the electronic environment will be different.
- 10.2 Effective electronic record keeping requires:
- a clear understanding of the nature of electronic records;
  - the creation of records and metadata necessary to document business processes: this should be part of the systems which hold the records;
  - the maintenance of a structure of folders to reflect logical groupings of records;
  - the secure maintenance of the integrity of electronic records;
  - the accessibility and use of electronic records for as long as required (which may include their migration across systems);
  - the application of appropriate disposal procedures, including procedures for archiving; and
  - the ability to cross reference electronic records to their paper counterparts in a mixed environment.
- 10.3 Generic requirements for electronic record management systems are set out in the 1999 Public Record Office statement *Functional Requirements and Testing of Electronic Records Management Systems*. (see: <http://www.pro.gov.uk/recordsmanagement/eros/invest/default.htm>). Authorities are encouraged to use these, and any subsequent versions, as a model when developing their specifications for such systems.

- 10.4 Audit trails should be provided for all electronic information and documents. They should be kept securely and should be available for inspection by authorised personnel. The BSI document *Principles of Good Practice for Information Management (PD0010)* recommends audits at predetermined intervals for particular aspects of electronic records management.