Governace, Risk & Best Value Commitee

10.00am, Thursday, 12 April 2016

Council Retention Schedule

Item number	7.11
Report number	
Executive/routine	
Wards	

Executive Summary

A retention schedule is a key records management tool that documents how long records should be kept for with reasons. In line with the Council's Records Management Policy, a Council-wide retention schedule has been developed to support the disposal of Council records. The Public Records (Scotland) Act 2011 also places a statutory requirement on the Council to develop and implement retention schedules as part of its Records Management Plan.

Links

Coalition Pledges	
Council Priorities	CO25 The Council has efficient and effective services that deliver on objectives.
Single Outcome Agreement	

Report

Council Retention Schedule

1.   Recommendations

1.1   To note the development and implementation of the Council Retention Schedule.

2.   Background

2.1   A retention schedule is a key records management tool that documents how long records should be kept for and reasons. It is based upon an analysis of statutory, regulatory, business and historical requirements in relation to records created as a result of business activities, and promotes organisational confidence that records are being managed and retained appropriately.

2.2   The proper use and implementation of retention schedules helps to prevent the premature destruction of records; ensures that information is not held unnecessarily, saving staff time, space and equipment; and provides transparency as to why information is no longer held.

2.3   The development and implementation of a Council-wide retention schedule is a core element of the Council's Records Management Policy. The Public Records (Scotland) Act 2011 also places a statutory requirement on the Council to develop and implement retention schedules as part of its Records Management Plan.

2.4   The Council's retention schedule is maintained by the Information Governance Unit within the Strategy & Insight Division with a range of work underway as new services develop post transformation.

3.   Main report

3.1   The Council approved its first set of corporate retention schedules in 2011, using the Scottish Council on Archives Record Retention Schedules as the baseline. These were organised by local authority functions and activities, and followed the structure of the Local Government Classification Scheme - a national data standard. Prior to this some Council service areas, notably education and social work, had operated local retention rules since the 1980's.

3.2   These function based 2011 retention schedules have now been substantially revised through an eighteen month consultation across the organisation, concluding in November 2015 with a combined authorisation by the Council Leadership Team.

The most significant changes have been the removal of duplicate or conflicting retention rules.

3.3   While the functional structure still remains and is central to the management of the nine hundred and sixteen individual rules, it is intended that they will be searchable against the Council's organisational structure for ease of use – initially by directorate, but also by lower organisational divisions in the new structure on demand.

3.4   Each retention rule details its:

   3.4.1   Activity (including examples of records created as a result of that activity);

   3.4.2   Retention period (e.g. time period, usually in years but sometimes for shorter durations);

   3.4.3   Trigger, which determines when the retention period starts (e.g. file closure);

   3.4.4   Disposal decision (destruction, transfer to a third party or preservation within the Council archives); and

   3.4.5   Authorisation (e.g. business justification or regulation on which the retention rule is based).

3.5   Retention rules are format agnostic and cover both physical and electronic records that fall under the same activity.

3.6   The retention rules have been available, alongside with relevant guidance, on the Council's intranet since 2012, with the revised rules published and promoted in February 2016.

3.7   A new procedure has also been established for the authorisation and maintenance of individual retention rules. It formalises a process that involves the Council Records Manager and the Directorate Records Officers, as delegated by their Director.

3.8   Retention rules with a permanent retention disposal action are also reviewed and approved by the Council Archives Manager.

3.9   In terms of implementation, each manager is required by the Council's Records Management Policy to document within a 'records management manual' what records are created within their team or service area and which of the Council's retention rules apply to them.

3.10   Managers are also required by the policy to create and maintain a disposals register that documents the disposal of Council records in their custody against individual retention rules.

3.11   These two requirements are reinforced through mandatory policy awareness and a foundation level e-learning module on information governance.

3.12   Further reinforcement will be achieved through a managers' e-learning module on information governance (currently under development) and a communications strategy.

3.13   A template records management manual and disposal register, with corresponding guidance, have also been created and published to assist managers in meeting their policy responsibilities.

3.14   These requirements are still in the early stages of implementation and Internal Audit have recommended that the Information Governance Unit develop and drive a 5 year plan around promoting and supporting the creation of records management manuals and disposal registers throughout the Council. This has been agreed, subject to the Council's Records Management Plan being approved by the Keeper of the Public Records of Scotland (expected April 2016).

3.15   Assurance around the use of the Council's retention rules will be centred on an annual information governance maturity assessment, which will ask questions around retention and disposal practices.

3.16   This maturity assessment is currently being piloted through the Schools Assurance Framework and will be rolled out across all Council services by December 2016.

3.17   Additional assurance activities are planned over 2016.

3.17.1 A review of boxes within the Council's Records Centre will seek to apply the Council's retention rules retrospectively in order to reduce risk and cost.

3.17.2 Information risk management will be promoted as a distinct subset of the Council's Risk Management Framework, with a specific strand supporting managers in understanding how to identify risks around the retention of Council records and how to mitigate them.

3.17.3 Implementation of the Council's Enterprise Content Management Solution (April 2016 onwards) will help streamline and document the disposal of electronic records through workflow and audit trails.

4.   Measures of success

4.1   The development and maintenance of local records management manuals and disposal registers that document and control the routine and transparent disposal of Council records

4.2   The ongoing maintenance and update of the Council's Retention Schedule in light of policy, regulatory and statutory changes

4.3   Retention rules applied consistently to all boxes within the Council's Records Centre

4.4   Implementation of the Enterprise Content Management Solution

5.   Financial impact

5.1   Though difficult to quantify in financial terms, the over retention of Council records has a cost in relation to both storage and time spent on retrieval.

6. Risk, policy, compliance and governance impact

6.1 The undocumented and unmanaged destruction of records creates a significant risk to the Council in leaving it unable to defend its actions, if subject to legal challenge. This could cause both financial and reputational damage.

6.2 In terms of statutory compliance impact, the over retention of records makes it difficult to respond in time to statutory requests for information - both in terms of locating relevant information, as well as in the determination of what must be released once found.

6.3 Principle 5 of the Data Protection Act, 1998, also requires that personal data is only retained for as long as it is needed. Retaining it longer, whether by intention or inaction, unnecessarily increases the impact upon both the Council and any data subjects affected by a security breach.

6.4 The regulator's guidance on the Public Records (Scotland) Act, 2011, specifically requires the development and maintenance of a Retention Schedule. The inability to demonstrate such a schedule and its proper use will mean the Council is failing in its statutory obligations around public records.

6.5 Finally, in a wider governance setting, there are numerous pieces of legislation that govern the retention of specific sets of records. The inability to identify and follow these requirements raises the risk of under retention, breach of statutory obligations and potentially to affected service users.

7. Equalities impact

7.1 There are no equalities issues arising from this policy.

8. Sustainability impact

8.1 There are no sustainability issues arising from this policy.

9. Consultation and engagement

9.1 The current retention rules have recently been substantially revised through an eighteen month consultation across the organisation, concluding in November 2015. These revised retention rules were authorised by the Council Leadership Team in December 2016.

10. Background reading/external references

10.1 [Council Records Management Policy](#)

10.2 [Council Information Governance Policy](#)

10.3 [Keeper of the Public Records of Scotland's Model Records Management Plan Guidance for Element 5; Retention Schedule](#)

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Links

Coalition Pledges	
Council Priorities	CO25 The Council has efficient and effective services that deliver on objectives.
Single Outcome Agreement	
Appendices	