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Report To:	**Policy & Resources Committee**	**Date:**	**15 August 2023**
Report By:	**Head of Legal, Democratic, Digital & Customer Services**	**Report No:**	**LS/067/23**
Contact Officer:	**Martin Hughes**	**Contact No:**	**01475 712498**
Subject:	**Records Management Policy**		

1.0 PURPOSE AND SUMMARY

1.1 ☒ For Decision   ☐ For Information/Noting

1.2 The purpose of this report is to seek the views and approval of the Committee for an updated version of the Council's Records Management Policy ("the Policy").

1.3 The Council has had the Policy in place for some years. The purpose of the Policy is to have an overarching policy statement to assist Services with the management of records which meets the requirement of relevant legislation, enhances business efficiency and serves as a key public asset. In line with good practice the Policy has been the subject of a recent review by the Council's Information Governance Steering Group ("the IGSG") to ensure it remains up to date and appropriate.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Committee approves the updated Records Management Policy for the Council.

2.2 It is recommended that the Committee notes the update in respect of the approval of the Council's Records Management Plan.

Iain Strachan
Head of Legal, Democratic, Digital & Customer Services

3.0 BACKGROUND AND CONTEXT

3.1 The Council has a statutory requirement to 'make proper provision for the preservation and management' of its records; to be publicly accountable for and able to justify its decisions and actions; and to enable compliance with the requirement of the Public Records (Scotland) Act 2011; the Data Protection Act 2018, the UK General Data Protection Regulation, the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004. The Policy is one of the ways in which the Council seeks to do this, the Policy providing an overarching policy statement to guide and support Council service areas in meeting these and other related duties. The Policy was last reviewed in 2015.

3.2 The Council has chosen to update its Policy, due to the passage of time since the last review, which have seen changes in the relevant regulatory and notable changes in the Council's operational environment, most notably as a consequence of the Covid-19 pandemic and result move to hybrid working across much of the Council. Good records management is essential for the Council to function effectively, and there is a need to ensure its policy framework reflects the needs of service areas. The Council's records are essential to provide evidence of its own decision making, to protect historically important records and to also destroy any redundant information.

3.3 The Council currently has two policies for Records Management; (i) the Records Management Policy and (ii) the Policy for the Retention and Disposal of Documents and Records Paper and Electronic ("the Retention Policy"). The Policy sets out the Council's overall objectives and responsibilities within the Council for managing records.

3.4 The Retention Policy outlines retention periods within the Council and relates to practical guidance for Council officers to retain and destroy records. Please note that a separate report will be made to CMT on updating the Retention Policy with work being carried out and overseen by the cross-service Information Governance Steering Group (IGSG). The Retention Policy is due for review in September 2023. CMT has recently approved a review of the IGSG Terms of Reference and membership and have been consulted on the updated version of the Policy.

4.0 PROPOSALS

4.1 The Policy covers the management of all records of the Council. It is applicable to all Council officers as well as Elected Members, volunteers, consultants and partner organisations. Representatives on the IGSG act as points of contact for Services and are responsible for cascading to their service area any updates or changes on record management practices. It is proposed that the updated Policy, as included in Appendix 1 to this report, is approved. The main proposed changes to the Policy are summarised at Appendix 2. The proposed changes to the Policy are relatively minor.

4.2 A record is defined as recorded information which is created, received or maintained by an organisation or individual in pursuance of its legal obligations or in the transaction of its business (section 1). The Policy outlines that good records management will help the Council achieve the objectives set out in section 4 by managing its records effectively.

4.3 At section 5, the Records Management Standards and Responsibilities provides guidance on:

- information to be defined as records including records paper and electronic
- the role of the Council's Business Classification Scheme in setting out how Services will organise and manage their information
- the use of any Records Management system to help access electronic documents, such as SWIFT and CIVICA

- how records should be stored and maintained
- directing Services towards the Retention Policy for guidance on how records should be retained or destroyed.

4.4 The Policy also applies to all Council records and any records created as a result of partnership working. Appropriate clauses for records management are contained within the Council's Standard Terms and Conditions. Any external suppliers should co-operate and assist the Council to meet its obligations in relation to records management under the Public Records (Scotland) Act 2011.

4.5 By way of update, the Council previously submitted its Records Management Plan in August 2022 to the National Records of Scotland (the NRS). The Council's Information Governance Solicitor has been contacted by the NRS. They have advised that they have been experiencing a backlog and our RMP is still to be assessed. However, it is understood that the NRS will be shortly addressing our RMP and a further report will be brought to CMT to advise on their comments once received.

5.0 IMPLICATIONS

5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial		X
Legal/Risk	X	
Human Resources	X	
Strategic (Partnership Plan/Council Plan)		X
Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing		X
Environmental & Sustainability		X
Data Protection		X

5.2 **Finance**

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

5.3 **Legal/Risk**

The adoption of the updated Records Management Policy will assist the Council in mitigating legal and other risks related to the Council failing in its information governance and records management duties.

5.4 **Human Resources**

The updated Policy will continue to place responsibilities on staff in compliance with records management, information governance, data protection and cyber security guidelines. If approved the updated Policy will be cascaded to staff. Training modules are available on Inverclyde Learns, and regular training is also made available.

5.5 **Strategic**

There are no strategic implications directly arising from this report.

5.6 **Equalities, Fairer Scotland Duty & Children/Young People**

(a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

	YES – Assessed as relevant and an EqIA is required.
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required.

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO – Assessed as not relevant under the Fairer Scotland Duty.

(c) Children and Young People

Has a Children's Rights and Wellbeing Impact Assessment been carried out?

	YES – Assessed as relevant and a CRWIA is required.

X	NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children's rights.

5.7 Environmental/Sustainability

Summarise any environmental / climate change impacts which relate to this report.

Has a Strategic Environmental Assessment been carried out?

	YES – assessed as relevant and a Strategic Environmental Assessment is required.
X	NO – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is like to have significant environmental effects, if implemented.

5.8 Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

6.0 CONSULTATION

6.1 The Information Governance Steering Group and the Corporate Management Team have been consulted on the updated Records Management Policy.

7.0 BACKGROUND PAPERS

7.1 None

Records Management Policy

Version 2.1

Produced by:
Information Governance Steering Group
Inverclyde Council
Municipal Buildings
GREENOCK
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DOCUMENT CONTROL

Document Responsibility		
Name	**Title**	**Service**
Chief Officer, HSCP	Records Management Policy	Information Governance and Management
Information Governance Steering Group	Records Management Policy (revised)	Information Governance Steering Group
Change History		
Version	**Date**	**Comments**
1.0	March 2015	Created
1.0	September 2015	Minor Updates
2.0	February 2023	Revisions made by Information Governance (Solicitor)
2.1	July 2023	Minor amendment made by Information Governance (Solicitor)
Distribution		
Name/ Title	**Date**	**Comments**
Information Governance Steering Group	February 2023	Minor amendments

Distribution may be made to others on request

Policy Review			
Updating Frequency	**Review Date**	**Person Responsible**	**Service**
3 years unless required earlier	April 2026	Information Governance Steering Group	Legal & Democratic Services

1 Introduction

Records management is the adoption of procedures and systems that allow the most efficient control of the information resources of the Council. Records management ensures that records are kept only as long as they are needed for commercial, legislative or administrative purposes. Any records of historical importance should be identified and stored in the most cost-effective way.

The Council has a statutory requirement to 'make proper provision for the preservation and management of its records to be publicly accountable for and able to justify its decisions and actions' and to enable compliance with the requirements of the Public Records (Scotland) Act 2011, the Data Protection Act 2018, the UK General Data Protection Regulation, the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.

A record can be defined as recorded information which is created, received or maintained by an organisation or individual in pursuance of its legal obligations or in the transaction of its business. Records are a means of providing evidence of activities which support the business and operating decisions of the Council.

2 Overview and Purpose

The Council recognises that having up to date and relevant information is essential to effective decision making and quality customer service. As an important public asset, records require careful management and accordingly the management of records has to be considered by all Services.

Records management is a service function responsible for the systematic and comprehensive control of the creation, capture, maintenance, filing, use and disposal of records.

Good records management is essential to ensure that the Council can comply with its legislative responsibilities and can act as a driver for business efficiency. Effective management of records and information brings the following benefits:

- increases efficiency by enabling better use of resources
- improves openness and accountability
- helps achieve and demonstrate compliance with legislative and regulatory requirements
- enables the protection of the rights and interests of the Council, its employees and citizens
- supports joint working with partners and the exchange of information across the Council
- provides institutional memory.

Poor records management create risks for the Council, such as:

- poor decisions based on inaccurate or incomplete information inconsistent or poor levels of service
- financial or legal loss if information required as evidence is not available or cannot be relied upon
- non-compliance with statutory or other regulatory requirements
- failure to handle confidential information with an appropriate level of security and the possibility of unauthorised access or disposal taking place
- failure to adequately locate information that is vital to the continued functioning of the Council, leading to inadequate business continuity planning
- unnecessary costs caused by storing records and other information for longer than they are needed
- staff time wasted searching for records
- staff time wasted considering issues that have previously been addressed and resolved

- loss of reputation as a result of all of the above, with damaging effects on public trust.

3 The Policy

This Policy covers the management of all records of the Council and it is applicable to all Council officers as well as Elected Members, volunteers, consultants and partner organisations.

The purpose of this Policy is to assist with the management of records across the Council which meets the requirements of relevant legislation, codes of practice and policies, and acts as a driver for business efficiency.

Any records shared or received from other organisations or third parties should be managed in accordance with this Policy, unless any records relate to partnership working which is discussed further at section 7 of this Policy.

Currently, the Council relies on two main policies for record management:

- **The Records Management Policy**, being this Policy, which sets out the Council's commitment to managing records and high level objectives and responsibilities within the Council for managing records.

- **The Policy for The Retention and Disposal of Documents and Records Paper and Electronic** which outlines the minimum retention periods for all records within the Council, and a tool to assist in determining whether a record should be archived or securely destroyed once the record is no longer in active use. It is the responsibility of Services to inform their records management representatives on the cross-service Information Governance Steering Group (IGSG) of any records which are not covered on the retention schedule.

4 The Objectives

Records management at the Council will achieve the following objectives:

- records necessary for business, regulatory, legislative and administrative purposes will be identified and retained
- records will be managed in a cost effective manner that ensures value for money for the Council
- records will be captured into systems, manual or electronic which enable them to be stored, retrieved and destroyed as necessary
- records potentially required as evidence in a legislative or regulatory process will be subject to controls to ensure that their evidential value can be demonstrated if required
- business continuity plans will identify and safeguard vital records of the Council and make provision for records and records management processes which are essential to the continued function and protection of the Council in the event of a disaster
- records will be stored in an appropriate, safe and secure physical or electronic environment which protects against accidental loss or destruction
- inactive records, which cannot be held in a safe and secure format, will be transferred to the Council's record storage facility once it has been upgraded
- access to records will be controlled and monitored in accordance with the nature and sensitivity of the records and with regard to relevant legislation
- records will be accessible to staff who are authorised to use them
- records will be arranged and described in a manner which facilitates fast, accurate and comprehensive retrieval
- provision will be made for the preservation of records to ensure they are complete, available and usable for as long as they are required

- time expired records will be destroyed consistently in accordance with the Policy for the Retention and Disposal of Documents and Records Paper and Electronic
- records will be destroyed in a secure manner as is necessary for the level of confidentiality
- records of historical and administrative importance will be identified as archives and transferred to the Archives section for permanent retention
- records will be shared/processed in accordance with relevant laws and policies
- records will be classified
- records will be kept accurate and up to date
- records will be kept safe at all times including when they are taken off site.

5   Records Management Roles

Corporate

The Council has a corporate responsibility for maintaining its records and record-keeping systems. Representatives on the Information Governance Steering Group act as points of contacts for Services and are responsible for providing updates on records management progress to the IGSG.

The purpose of the IGSG is to

- support and drive the broader information governance agenda across the Council;
- ensure the effective management of all information governance risks; and
- provide assurance to the Council's Corporate Management Team that appropriate frameworks, work-streams and initiatives are in place to support, co-ordinate, promote, monitor and assure the development and delivery of effective information governance.

In respect of records management, the IGSG will support Services in meeting their records management duties and oversee the Council's delivery of its Records Management Plan. The IGSG's terms of reference and membership is reviewed by the Council's Corporate Management Team annually.

Individuals

All Council staff including Elected Members, contractors, consultants and volunteers employed to undertake Council business have a responsibility to document actions and decisions by creating and filing appropriate records and subsequently to maintain and dispose of records in accordance with the Council's records management policies and procedures.

The Records Management Policy will be available to all staff.

Directors, Heads of Service, Interim Heads of Service and the Chief of Social Work will be responsible for ensuring the existence and operation of appropriate records management systems and their use. This includes ensuring that all line managers know their responsibilities and those procedures which comply with corporate policy and standards are in place.

All staff will be aware of their responsibilities for the management of records. Line managers will have responsibility for ensuring staff have the knowledge and skills required to fulfil their records management duties.

Agreements and contracts relating to service provision on behalf of the Council and/or where the Council is working in partnership will clearly define and document responsibilities for the management of records.

6   Records Management Standards and Responsibilities

The following information below relates to standards and responsibilities in how records should be handled. For information on how individual Services should implement record management practices then please consult the Policy for the Retention and Disposal of Documents and Records Paper and Electronic.

(i)   Records Creation

As stated in section 1 of this Policy, a record can be defined as recorded information (irrespective of medium or format) which is created, received or maintained by an organisation or individual in pursuance of its legal obligations or in the transaction of its business.

This relates to any records paper and electronic used by Council Services needed for business, legal, regulatory and accountability purposes.

Records will be complete, accurate and created at the time of the matter to which they relate or as soon as possible afterwards. Information contained within records must accurately reflect the action, communication or decision being recorded.

(ii)   Business Classification Scheme

The Council has implemented a Business Classification Scheme (BCS) to help its Services classify and manage its information and records based on key functions. This includes both records paper and electronic.

Every Council Service will manage the information and records created, used and managed by their teams, regardless of the technical or physical format or age of the information in accordance with their own individual Business Classification Scheme.

More information can be found here in relation to the Council's Business Classification Scheme.

(iii)   Records Management Systems

Individual Council Services use records management systems such as SWIFT and CIVICA to help store electronic records. Heads of Service and line managers for these relevant services should ensure these systems are used properly and appropriately. Any new use of records management system will be considered for record management functions by the IGSG.

Please note that the email system should not be used to store records.

(iv)   Arrangement and description

Sufficient information will be created and linked to the record to enable the record to be interpreted, retrieved and managed.

(v)   Storage and Maintenance

Paper records will be kept in clean, dry and secure storage environments which minimise loss or damage. Strategies will be developed by individual Services which ensure electronic records will remain easily accessible, readable, usable and reliable for as long as they are required.

Vital records and measures for their protection will be considered as part of business continuity planning in conjunction with Civil Contingencies Service. Records containing personal information must comply with the Data Protection Act 2018 and UK General Data Protection Regulation.

Records particularly those that contain personal, confidential and sensitive information will be securely maintained to prevent unauthorised access, destruction, alteration or removal. It will be possible for any member of staff authorised to access the record to retrieve them within an acceptable time frame. It will be possible to track the location of a record and where required an audit trail will be available to log activities.

Where Council officers are working from home, they must ensure an appropriate level of security for any Council records which they are handling. Further guidance can be found in the Acceptable Use of Information Systems Policy.

(vi)   Retention & Disposal

Records will be retained in line with periods stipulated in the Policy for the Retention and Disposal of Documents and Records Paper and Electronic. Destruction of records will be carried out in a manner consistent with the security classification and sensitivity of the information content. Records identified as having historical significance as archives will be transferred to the Council's Archivist.

7   Permanent Preservation

Services will be responsible for the management of records no longer required for business purposes, but which have been identified as being of historical significance. All services are required to nominate a departmental officer or officers to supervise this process, but the final decision on which records should be preserved, where legislation does not apply, will lie with the Council's Archivist.

8   Partnership Working

Where records are created as a result of partnership working there needs to be clearly defined responsibilities between the Council and the partner organisation for the creation and management of records. Where the Council is the lead partner:

- the Council's Records Management Policy will be applicable
- the Council will be responsible for the custody and ownership of the records
- the Council's records management procedures including retention policy will be followed.

Where another organisation is the lead partner:

- the records management policy and procedures of the lead organisation are applicable
- the lead partner organisation will be responsible for custody and ownership of records. This should be included within the Minute of Agreement and the Information Sharing Agreement with the partner
- the Council should identify and retain records relating to its role in partnership required for its own business purposes. They should be retained in line with the Council's records management policy.

Where there is no identified lead partner the Council should ensure that provisions are made for one of the partners to assume responsibility for the management of the records. The partner assuming responsibility for the management of the records should be included within the Minute of Agreement and the Information Sharing Agreement with the partner.

Where required, Service areas should seek advice on such matters from the Council's Information Governance Team.

9   Commissioned Services and Suppliers

Where Services have been commissioned from external suppliers the contractor shall co-operate with and assist the Council to meet its obligations in relations to records management under the Public Records (Scotland) Act 2011 together with any guidance issued and will, where requested and notified by the Council, comply with this Policy.

Appropriate clauses for records management are contained within the Council's Standard Terms and Conditions. Contractual terms for records management should be incorporated into any contract with external party including suppliers and consultants.

10   Project Records

Where records such, as project records, are created as a result of an activity of a temporary nature the senior manager with responsibility for the activity is responsible for:

- ensuring appropriate records are created and managed in accordance with the records management policy
- ensuring there are appropriate resources assigned to fulfil the responsibility for managing records
- ensuring ownership for the records transfer to the Council once the activity has ended.

11   Related Documents

The following may be relevant to Service area use, retention and destruction of records.

Legal and Regulatory Requirements

- Public Records (Scotland) Act 2011
- Local Government (Scotland) Act 1994
- Freedom of Information (Scotland) Act 2002
- Environmental Information (Scotland) Regulations 2004
- Data Protection Act 2018
- UK General Data Protection Regulation
- The National Archives Records Management Code
- Privacy and Electronic Communications (EC Directive) Regulations 2003.

Related Council Policies and Codes of Practice

- Policy for the Retention and Disposal of Documents and Records Paper and Electronic
- Data Protection Policy
- Acceptable Use of Information Systems Policy
- Data Protection Breach Management Protocol
- Information Classification Policy
- Business Classification Scheme.

Key Codes of Practice which affect the general management of the Council's records

- Code of Practice on Records Management by Scottish Public Authorities under the Freedom of Information (Scotland) Act 2002 (section 61).

Examples of British and International Standards related to Records Management

- ISO15489 standard on best practice in records management
- ISO 176699 standard on information security management

- BS 1008:2008 addresses issues around evidential weight and the legal admissibility of electronic
- information
- DIS PD 0010:1997 the principles of good practice for information management.

12   Performance Management

Performance in relation to the management of records will be monitored by Internal Audit through completion of the Annual Governance Statement, as below.

13   Implementation of the Policy

The IGSG will continue to monitor this Policy as well as records management issues and practices more generally.

Compliance with the Records Management Policy and procedures will be built into the Head of Service self-assessment for the Annual Governance Statement. Failure to comply will be reported to the Corporate Management Team and any thematic issues shared with the IGSG.

The approved Policy will be made available via ICON.

14   Review of the Policy

This Records Management Policy will be reviewed at regular intervals and, if appropriate, it will then be amended to maintain its relevance.

Further reviews will be carried out to reflect changes in legislation or new records management standards or practices.

SUMMARY OF PROPOSED REVISIONS TO RECORDS MANAGEMENT POLICY – JUNE 2023

PAGE	TITLE	SECTION	PROPOSED CHANGE
3	Introduction	1	Minor change amended to include updated data protection legislation, from GDPR to UK GDPR.
3	Overview and Purpose	2	Minor amendment from Inverclyde Council to the Council.
4	The Policy	3	Minor insertions in the two bullet points.
5	Records Management Roles	5	New paragraph covering off the role and responsibility of the Information Governance Steering Group.
5	Records Management Roles	5	Minor revision to roles of Directors
6	Records Management Roles	5	Minor amendment from Inverclyde Council to the Council.
6	Records Management Standards and Responsibilities	6	Minor amendment re description of Information Governance Steering Group (IGSG).
7	Records Management Standards and Responsibilities	6	Minor addition re inclusion of updated data protection legislation.
7	Partnership Working	8	Minor amendment from Inverclyde Council to the Council.
8	Partnership Working	8	Minor insertion re Service reps seeking advice from Information Governance.
8	Project Records	10	Minor amendment from the Inverclyde Council to the Council.
8	Related Documents	11	Updated legislative references.
9	Performance Management	12	Minor insertion re Internal Audit using Annual Governance for performance management.
9	Implementation of the Policy	13	Minor amendments re monitoring of records management issues from CMT and IGSG.
9	Review of the Policy	14	Minor amendment re Records Management Policy.