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**East Dunbartonshire Council**

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## **Information and Records Management, Preservation of Archives Policy**

Version: 3 - Final  
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Finance and Shared Service Directorate  
Date: April 2015

## 1. Purpose

1.1 The purpose of this policy is to establish a framework for the effective and efficient creation and management of the Council and its' predecessors current, semi-current and permanently preserved information, data and records in all formats as noted below throughout their life cycle as follows:-

- Paper held in a paper based filing system
- Hard copy original documents
- Digital format – online / offline (network file storage, email)
- CDs, USB sticks, tapes.
- Data and information held within databases
- Electronic, printed and handwritten documents which may contain text, graphics, images, audio or video content
- Informal information held by individuals in notes of meetings, diaries etc

1.2 Information and records are a vital part of the Councils' corporate memory providing evidence of actions and decisions made and supporting our core functions.

1.3 All records created and received during the course of Council business are owned by the Council and not individuals, teams, departments or services which create the records. Records must not be used for any activity or purpose other than the Councils' business.

1.4 The Council is committed to establishing and maintaining record keeping practice which meet business needs, accountability requirements and stakeholder expectations.

1.5 This policy includes records created, received and managed by all employees, partners and third parties of the Council and its' predecessors.

## 2. Scope

2.1 This policy sets out the corporate policy for the management of information and records within the Council and applies to all permanent and temporary employees, contractors, consultants and anyone who has access to Council records.

2.2 Records management is defined under BS ISO 15489 as *“the field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records including processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records”*.

2.3 East Dunbartonshire Councils' records are a major component of its' corporate memory and as such are a vital asset that support ongoing operations and provide valuable evidence of business activities over time. The Council is committed to

implementing best practice recordkeeping systems to ensure that records are created, maintained and disposed of within a managed framework, regardless of their physical format, with appropriate evidential characteristics.

2.4 Under sections 53 and 54 of the Local Government (Scotland) Act 1994, the Council is empowered to make proper arrangements for the preservation and management of any records which have been transferred, created or acquired by the Council in the exercise of any of our functions or otherwise placed in our custody by way of gift, purchase, indefinite loan, or temporary deposit. Archives are those records which have been selected for permanent preservation because of their continuing value as evidence of past decisions, events and activities. In 2011 the Council transferred the management of their archives to East Dunbartonshire Leisure & Culture, a charitable trust, charity number SC041942. As such we as a Council will endorse and apply the Archive Collection Policy approved by the EDLC Trust Board in June 2014 and associated guidance and procedures as follows:-

- **Archives Collection Policy** - this sets parameters for what can be taken into the Archives
- **Archives Appraisal Form** - Checklist of questions used by the Archivist to record appraisal decisions based on professional judgement
- **Archives Transfer Form** - used by EDC Services sending records to the Archives
- **Archives Deposit Agreement** - used by community groups, businesses or individuals gifting records to EDC for Archives

2.5 This policy applies to all aspects of the Council operations and applies to all Council employees and those performing a function on behalf of the Council to create, receive and maintain records in all formats, including partners and third parties.

### 3. Policy Statement

The Council is committed to creating and managing its' information, data and records based on the requirements of the Public Records (Scotland) Act 2011, records management best practice and principles as follows:-

- 3.1 Created – Each employee should have in place adequate arrangements to document activities which take account of the regulatory and legislative environment in which they work.
- 3.2 Accurate – The records are an accurate and true reflection of actions taken, communicated or decided.
- 3.3 Classified and Managed - Managed and maintained in accordance with appropriate legislation and filed in a consistent manner and within the identified function and classification type they are part of.
- 3.4 Accessible - Records are easily accessible and are secured, accessed and disposed of according to their allocated business and security classification.
- 3.5 Records Policies and Guidance - Records management policies, practice,

- standards and guidelines are adhered to by all employees and external parties.
- 3.6 Accountability and Ownership - All services and employees within the services will be responsible for the records they create, store and manage throughout their life cycle and will be appropriately trained to do so.
  - 3.7 Storage - Records will be stored within appropriately accessed and shared record keeping system to be managed throughout their life cycle from creation to disposition to encourage information sharing practice and reduce duplication.
  - 3.8 Secure – Records will be managed in a secure record keeping environment and accessed only by approved employees
  - 3.9 Disposal – Records are stored for as long as required for business and legislative reasons and disposed of in an appropriate manner in accordance with the agreed retention period approved by the Council.
  - 3.10 Archived – Records identified for permanent preservation due to their legal, evidential or historical value are preserved appropriate to their format (paper and electronic).
  - 3.11 Protected - All vital records are identified and protected accordingly for business continuity reasons.

#### **4 Key Objectives**

- 4.1 Develop and encourage a culture which acknowledges the benefits and value of effective and efficient records management practice to ensure a common and consistent approach to records management throughout the Council
- 4.2 To meet our compliance and legislative requirements in relation to information management in all formats including Public Records Scotland Act, Data Protection Act, Environmental Information Regulations and Freedom of Information (Scotland) Act 2002
- 4.3 Establish and define a clear governance structure for monitoring and reporting on records management practice.

#### **5 Benefits**

The benefits of improved Information and Records Management practice for the Council are:-

- 5.1 Ensuring the creation and management of accurate and reliable information and records from creation to disposal in a managed environment is standardised and consistently applied across the Council.
- 5.2 Increased administrative efficiency and effectiveness by allowing employees to adopt modern methods of working to allow us to share information more effectively, reduce duplication, whilst improving our practice by digitisation and work flow to streamline our processes and make cost efficiencies.
- 5.3 Improved service level and legislative delivery in relation to Freedom of Information requests, Environmental Information Requests and Subject Access Requests

leading to a reduction in FOI reviews. This will also reduce the risk of ICO/OSIC complaints, which will secure our reputational status as a Council in relation to the efficient delivery in relation to Freedom of Information Act, Data Protection Act and Environmental Information Regulations.

- 5.4 Ensuring compliance with all relevant legislation.
- 5.5 Ensuring records are retained for as long as they are required and disposed of in line with our retention schedules to improve our practice and reduce our legislative risk and make cost efficiencies in relation to the storage of these records.
- 5.6 Protect our corporate memory by the efficient identification, transfer and recording of all records of historical value for permanent retention in the archives.

## 6 Legislative Context

This policy and all associated records management policies and procedures have been developed to address and apply in the most practical sense the records management principals set out within national legislation, professional standards and codes of practice as follows:

- 6.1 Local Government (Scotland) Act 1994 (c. 39) - This Act came into effect on 1<sup>st</sup> April 1995, as part of the Scottish local elections. This is an Act of the Parliament of the United Kingdom which created the current local government local government structure of 32 unitary authorities covering the whole of Scotland. It abolished the two-tier structure of regions and districts created by the Local Government (Scotland) Act 1973 which had previously covered Scotland except for the islands council area.
- 6.2 Data Protection Act 1998 - This is a United Kingdom Act of Parliament which defines UK law on the processing of data on identifiable living people. It is the main piece of legislation that governs the protection of personal data in the UK. Schedule 1 to the Data Protection Act lists the data protection principles in the following terms:
  - 6.2.1 Personal data shall be processed fairly and lawfully
  - 6.2.2 Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
  - 6.2.3 Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
  - 6.2.4 Personal data shall be accurate and, where necessary, kept up to date.
  - 6.2.5 Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
  - 6.2.6 Personal data shall be processed in accordance with the rights of data subjects under this Act.
  - 6.2.7 Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
  - 6.2.8 Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of

protection for the rights and freedoms of data subjects in relation to the processing of personal data.

6.3 Freedom of Information (Scotland) Act 2002 – The Freedom of Information (Scotland) Act 2002 provides significant and important rights to access information.

6.3.1 This is an Act of the Scottish Parliament passed in 2002 to make provision for the disclosure of information held by Scottish public authorities or by persons providing services for them; and for connected purposes. We support the Scottish Governments' six underpinning principles associated with the Act by encouraging behaviour which is open, transparent and increases public participation. The Scottish governments' six principles are as follows:-

- Supports Freedom of Information as an essential part of open democratic government and responsive public services.
- Operates within the Freedom of Information (Scotland) Act 2002 rather than propose significant changes to it, but adjusts the regime where it is necessary and sensible to do so.
- Publishes information proactively wherever possible.
- Maintains the exemptions set out in the Act in particular to protect "private space" for Ministers and others to consider advice and reach decisions.
- Maintains effective relationships with the Scottish Information Commissioner and other key stakeholders.
- Creates and shares information thoughtfully with regard to the principles above.

6.3.2 Section 61 Codes of Practice - The Freedom of Information (Scotland) Act 2002 required. Scottish Ministers to issue two Codes of Practice, under sections 60 and 61 of the Act. Before the Codes were issued, the Scottish Ministers consulted formally with the Scottish Information Commissioner and, in relation to the section 61 Code of Practice, with the Keeper of the Records of Scotland. This provides authorities with guidance as to the keeping, management and destruction of the authorities' records, and on the review and transfer of records to both the Keeper of the Records of Scotland at the National Archives of Scotland (NAS) and other public archives.

6.4 Environmental Information (Scotland) Regulations 2004 - The Environmental Information (Scotland) Regulations 2004 (also referred to as 'the EIRs') came into force on 1st January 2005. Every Scottish public authority has a duty to make environmental information available on request. There has been legislation governing access to environmental information in the UK for over 15 years. The Environmental Information Regulations 1992, which were amended in 1998, gave the public the right to ask for information which "relates to the environment" and which was held by a "relevant person".

6.5 Re-use of Public Sector Information Regulations 2005 - The Regulations implement an EU directive that encourages the re-use of public information for purposes other

than its original purpose. The aim is to stimulate the European information industry and enable companies to use such information for commercial purposes. The Regulations do not require public bodies to make their information available for re-use and do not oblige them to create, adapt or continue to produce certain documents so that others may re-use them. They do however, set out the following rules that public bodies must follow if they allow information to be re-used.

- publish a list of the main documents which can be re-used
- publish any standard conditions (licence) associated with re-use
- publish any standard charges associated with re-use
- operate a request procedure
- operate a complaints / appeals procedure.

The Regulations apply to any recorded information, including whole documents or parts of documents. There are some exemptions to the regulations eg. Educational or cultural establishments, intellectual property that rests with a third party or information that is exempt under Freedom of Information Act, Data Protection Act and other legislation.

### 6.3 BS 10008:2008 - Evidential Weight and Legal Admissibility of Electronic Information Specification

- 6.3.1 If a document is to be admissible in court, its authenticity must be beyond question. Organisations that process large volumes of data therefore need to maximise the reliability of the electronic information they manage, whilst minimising the risk of its long-term storage.
- 6.3.2 BSI has previously produced guidance in this area in the form of a Code of Practice (BIP 0008, available in 3 parts) and has now published a British Standard (BS 10008 Evidential weight and legal admissibility of electronic information), which more formally specifies the requirements for the implementation and operation of electronic document management systems.
- 6.3.3 This sets out the requirements for the implementation and operation of electronic information management systems. This includes data processing, information exchange between computers and electronic storage. The standard addresses issues relating to the authenticity and integrity of data, helping organisations to comply with the law and legal procedures. BS 10008 also covers the process of electronic identity verification, such as the use of electronic signatures and electronic copyright systems.
- 6.3.4 BS10008 helps organisations to manage their electronic information over long periods and when their technology changes. By following this standard's best practice guidelines, a company can better manage the various risks that are associated with electronic information and data security. Other topics covered are policies, security issues, procedures, technology requirements and the auditability of electronic document management systems (EDMS).
- 6.4 The INSPIRE (Scotland) Regulations Act 2009 – This Act came into force on 31<sup>st</sup> December 2009. The purpose of the regulations is to create a Europe-wide electronic

network of spatial information which is accessible to the public. Spatial information is information which has a geographical reference, for example postcodes and map data.

The Regulations set out, amongst other things: definition of "spatial information" and "spatial datasets", the definition of Scottish public authorities and third parties covered by the regulations and the obligations of bodies covered e.g. creation of metadata, establishment and operation of discovery services, links to other datasets as part of a network details of how the regulations will be enforced.

6.5 BS ISO 15489-1:2001 Information and Documentation Records Management - Part 1 of BS ISO 15489-1 provides guidance on managing records of originating organisations, public or private, for internal and external clients. All the elements outlined in this part of ISO 15489-1 are recommended to ensure that adequate records are created, captured and managed. Procedures that help to ensure the management of records according to the principles and elements outlined in this part of ISO 15489-1 are provided in ISO/TR 15489-2 (Guidelines).

6.6 Public Records (Scotland) Act 2011 (the Act) - This is a piece of legislation to support  
an ethos that better appreciates the value of records across the public sector comes fully into from January 2013. The Act require that named public authorities across Scotland including the Scottish Government, Scottish Parliament, local authorities, the Scottish courts, the NHS and others will be required to produce and implement a records management plan (RMP) to be agreed with the Keeper of the Records of Scotland. The draft model plan suggests 14 elements that the Keeper would expect a Scottish public authority to consider when creating its RMP as follows:

1. Senior Management responsibility
2. Records Manager responsibility
3. Records management policy statement
4. Business classification
5. Retention schedules
6. Destruction arrangements
7. Archiving and transfer arrangements
8. Information security
9. Data protection
10. Business continuity and vital records
11. Audit trail
12. Competency framework for records management employees
13. Assessment and review
14. Shared information

6.10 Acknowledgement of Service Specific Legislation – This policy acknowledges that individual Council Services records may be subject to individual Acts of Parliament and Codes of Practice not mentioned above which should be followed unless superseded by more current legislation.

## **7. Implementation and Delivery**

This policy will be implemented through the Information and Records Management

Strategy and delivered through the Information and Records Management Strategic Implementation Programme (IMSIP). This programme of work also includes the production, approval and implementation of the Councils' Records Management Plan to comply with the Public Records Scotland Act 2011 as per section 4.9 above.

## 8. Ownership and Accountability

Ownership and accountability through clearly allocated roles and responsibility is key to the success of the implementation of this policy, the Information and Records Management Strategy and Strategic Implementation Programme (IMSIP). East Dunbartonshire Council is the official owner of the information and records created, received and maintained during the course of its business. All processes and procedures relating to information and records must adhere to and support this policy. The following key roles play a vital part in the implementation of this policy and by encouraging best practice:-

- 8.1 **The Council** - The role of the Council exercised in the first instance through the Policy and Resources Committee, is to produce this policy, promote best practice in relation to information and records management and ensure key employees responsible for its' implementation are held accountable for its' delivery.
- 8.2 **The Policy and Resources Committee** - The Policy and Resources Committee are responsible for the authorisation of all policies associated with Information and Records Management policy
- 8.3 **Elected Members** - Elected members acting in their capacity as members of the Council are subject to the same corporate responsibilities as employees for the effective and efficient management of their records and in line with procedural guidance provided.
- 8.3 **Chief Executive** – The Chief Executive accepts overall responsibility for ensuring the information management principles associated with this policy are prioritised, implemented and adopted by all employees, associated third parties and across all records keeping systems.
- 8.4 **Senior Responsible Person / Senior Information Risk Owner** – Ian Black, Director of Finance and Shared Services is the Councils' Senior Information Risk Owner from a Data Protection legislation perspective. As such he has been allocated the responsibility for the Councils Records Management Plan and its' delivery through the Information and Records Strategic Implementation Plan(IMSIP) which forms part of the Councils' Information and Records Strategy and its' implementation across the Council and secure compliance with the Public Records Scotland Act. This policy has been reviewed and approved by Ian Black.
- 8.5 **Directors and Managers** – The Directors and Managers have overall responsibility for ensuring at directorate and service level, this policy is disseminated to all employees and that all principles and guidance in relation to

good information management is prioritised, disseminated and adhered to. They are also responsible for approving the Retention Schedules relating to the business functions of their directorate /service.

- 8.6 **Team Leaders / Information and Records Champions** – The Team Leaders and responsible for ensuring all principles and guidance in relation to good information management associated with this policy are prioritised, disseminated and adhered to within their teams. They are also responsible for developing and updating the Retention Schedules relating to their business functions.
- 8.7 **Information and Records Champions** - are responsible for the completion of all tasks associated with the roll out of this policy, the Information and Records Strategy and the IMSIP programme to ensure we update our current practice. They are also responsible for developing and updating the Retention Schedules relating to their business functions along with the Team Leader.
- 8.8 **IM Programme Board** – The IM Programme Board led by the Senior Responsible Person will ensure the IMSIP programme is delivered to implement this policy, Information and Records Strategy through the IMSIP programme to deliver the Records Management Plan to comply with the Public Records Scotland Act 2011.
- 8.9 **Information and Records Manager** - The Information and Records Manager has responsibility for the overall day to day implementation of the Records Management Plan (RMP) as well as creating, maintaining, implementing records management standards, procedures and guidance across the Council to comply with the RMP. Karen Watt, Shared Services is our Information and Records Manager and also has responsibility for managing the IMSIP programme of work to comply with the Information and Record Policy and implement the Information and Records Strategy.
- 8.10 **Information Management Team** - The Information Management Team will support the Information and Record Manager to provide support and guidance to all employees across the Council in relation to all aspects of managing information and records and the policies, guidance and procedures associated with this.
- 8.11 **Archivist** – Janice Miller, Archives & Local Studies, East Dunbartonshire Leisure & Culture Trust has the lead role and professional oversight in respect of all archival issues within EDC and EDLC. The Archivist is responsible for the management of all archival records held by the Council, including appraisal, storage, cataloguing, preservation, conservation and providing access.
- 8.12 **Officer With Responsibility for Information Security** – The Officer(s) responsible for Information Security will contribute to the development, maintenance and implementation of this policy to ensure this aligns to the Information Security policy, principles and requirements.

- 8.13 **Data Protection / FOI Officer** – The Data Protection / FOI Officer contribute to the development, maintenance and implementation of this policy and ensure this aligns with the Data Protection, Freedom of Information and Environmental Information policies’ principles and requirements.
- 8.14 **ICT** – ICT are responsible for ensuring records keeping systems are designed, maintained and implemented in line with the principles of this policy, records management standards and the principles of good information management practice and that any systems are auditable.
- 8.15 **Records Keeping System Owners** – Officers with responsibility for record keeping systems are responsible for ensuring that all record keeping systems adhere to records keeping principles and are managed and maintained in accordance with this policy and associated guidance.
- 8.16 **All Council Employees** – All council employees have a responsibility to ensure they create, manage and dispose of records in accordance with relevant policies and procedures. All employees and third parties responsible for Projects must ensure records management requirements are addressed during the planning, design and implementation of records management systems consider this policy and associated guidance at decision making stages.
- 8.17 **Third Parties, Contractors, Volunteers and Non Profit Organisations** – This policy and associated guidance must be adhered to by all third parties, contractors, volunteers and not for profit organisations performing a function on behalf of the Council.

## 9 Other Related Policies and Guidelines

- Information and Records Management Strategy and Information Management Strategic Implementation Programme(IMSIP)
- EDC Classification Scheme and Retention Schedules
- Appraisal and Disposition Policy and Procedures
- Vital Records Policy
- Confidential Waste Policy
- Data Protection Policy
- Data Protection Breach Reporting Policy and Guidance
- Freedom of Information Policy and Guidance Toolkit
- Archives Collection Policy and associated procedures
- Information Security Policy and associated procedures
- IM – File Housekeeping – Employees Guidance Note (1) 03.08.12
- IM – Top Ten Tips for Better Records Management – Employee Guidance Note (2) 03.08.
- Saving an Email Guidance
- Naming Electronic Records

## **10 Monitoring and Reporting**

Monitoring of activities will be carried out by services as a part of working practice. Compliance with this policy must be monitored by internal audit as part of the statement of compliance of the Council within its' Code of Corporate Governance. Where non-compliance with this is discovered suitable remedial and long term actions will be implemented to ensure resolution.

Ongoing progress in relation to the implementation of this policy, strategy and the IMSIP programme of work will be reported through the Senior Responsible Person, the IM Programme Board and Corporate Management Team.

## **11 Review**

This policy will be reviewed annually. The next review date of this policy will be December 2016.

<b>Version Control Table</b>			
<b>Version number</b>	<b>Date issued</b>	<b>Author</b>	<b>Update information</b>
V1	August 2004	Archives	EDC RM Policy V1
V1.1	November 2014	Isabella Holmes	Draft
V2	June 2015	Karen Watt	Draft
V3	June 2015	Karen Watt	Final