

ABERDEEN CITY COUNCIL

COMMITTEE	Corporate Policy and Performance
DATE	4 th March 2010
DIRECTOR	Stewart Carruth
TITLE OF REPORT	Corporate Records Management Policy
REPORT NUMBER:	CG/10/014

1. PURPOSE OF REPORT

To seek Committee approval for a Corporate Records Management Policy and related Procedures, as covered in the report.

2. RECOMMENDATION(S)

2.1 To approve the Corporate Records Management Policy and related Procedures.

2.2 To note that the City Solicitor will issue further information and guidance documents in support of the Policy.

3. FINANCIAL IMPLICATIONS

There is a need to review the operational delivery of the Records Management Service. This need will become more apparent with the conclusion of the Information Storage Audit currently being undertaken on behalf of ICT by Tribal in anticipation of the office relocation of 7 sites into Marischal College in May 2011. It may be necessary therefore to return to committee with the recommendations from this audit and decide how we continue to deliver a 'fit-for-purpose' Corporate Records Management Service and the associated financial implications.

4. SERVICE & COMMUNITY IMPACT

Compliance with the Corporate Records Management Policy and Procedures, and with the Council's legal obligations in relation to Freedom of Information (Scotland) Act 2002 ("FOISA"), will support the Council's objectives to offer Aberdeen Citizens prompt, seamless responses to their service needs while demonstrating business accountability and transparency through robust governance.

See attached for details of Equality and Human Rights Impact Assessment Form.

5. OTHER IMPLICATIONS

Adherence to the Records Management Policy and subsequent procedures will ensure legal compliance with FOISA, with best practice ISO 15489 and Legal Admissibility BS 10008. Failure to comply could leave the Council exposed to investigation by the Scottish Information Commissioner and could result in legal

action. It could also cause reputational damage as there may be no evidence (records) to demonstrate accountability or transparency in the Council's business decisions and operations.

The adoption of this policy and the supporting Corporate Retention Schedule will ensure that all staff are actively managing the Council's records in a confident and robust way, ensuring accountability and transparency of its business activities. It will also ensure environmental conditions for staff storing and retrieving records is risk assessed, that the records themselves are stored according to preservation standards and that the council is only paying for those records held for legal, business or historical purposes.

Staff must be aware of, and be able to, correctly implement the Policy and Procedures and understand how these relate to the ICT Security, Data Protection and Freedom of Information policies and reinforce these in relation to security of Information held on Council systems.

6. REPORT

This Policy proposal is a result of an outstanding recommendation made to the Standards and Scrutiny Committee by Henderson Loggie, which carried out the External Audit on Data Protection in 2008. Essentially, the requirement for this Policy is that all records in all formats be managed corporately through the Records Manager and that a retention schedule is developed and approved by committee, determining the lifecycle of all records, from their creation to their destruction, and that this be governed by the legal, business and historical requirements. A Records Management Policy would provide the framework in which the Council can be confident about their accountability and transparency of business activities and therefore compliance with FOISA and Data Protection legislation. Work is currently being undertaken on a Corporate Retention Schedule and this will be presented to Committee for approval later in the year.

Due to the procedural detail involved with processing the Records Management Policy, all Procedures are documented separately.

A copy of the updated Policy is attached and copies of the Procedures have been placed within the Member's library.


Once approved the updated Policy will be uploaded to both the Council website and the intranet ("the Zone") and the Procedures will appear on "the Zone". Hard copies of all documents will also be sent to all Heads of Service and Data Protection Liaison Officers and Freedom of Information (Scotland) Act Liaison Officers for their information. Statements advising that the Policy and Procedures have been updated will be placed into Citylife.

7. REPORT AUTHOR DETAILS

Caroline Anderson

Records Manager

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 01224 (52)2521

8. BACKGROUND PAPERS

Corporate Records Management Policy

Equalities and Human Rights Impact Assessment Form

Records Management Procedures –
Records Appraisal
Retention and Disposal
Transfer to Archives
Destruction of Records

Vibrant, Dynamic & Forward Looking



CORPORATE POLICY RECORDS MANAGEMENT

Date Created:	January 2010
Version:	Draft V1
Author (s) of Document:	Caroline Anderson, Records Manager
Review:	January 2013
Changes:	Reviewed, amended – January 2010 Submitted to Corporate Policy and Performance Committee 4 th March 2010

INTRODUCTION

Aberdeen City Council (“the Council”) is dependent on its records to operate efficiently and account for its actions. This policy defines a structure for the Council to ensure adequate records are maintained, managed and controlled effectively and at best value, commensurate with legal, operational and information needs.

The management of records, whether in paper or electronic form, is critical to the ongoing business and legislative obligations of the Council. Compliance with the Freedom of Information (Scotland) Act 2002 (“FOISA”) will be assisted by having in place comprehensive records management arrangements. Failure to comply with FOISA may result in punitive action by the Scottish Information Commissioner and reputational damage to the authority.

SCOPE

Overall responsibility within the Council for ensuring proper maintenance of records and associated record keeping systems lies with the Chief Executive and is devolved to Directors, Heads of Service, Managers and individual members of staff. All Line Managers should ensure that staff clearly understand the Records Management Policy responsibilities and follow all guidance and procedures relating to record-keeping systems.

This Policy applies to all staff in relation to:

- the records they create, receive or maintain on behalf of the Council
- all records regardless of format
- all council services

POLICY STATEMENT

The policy represents a statement of intent that will

- Form the basis of the Council’s Records Management Strategy
- Define records management as a specific corporate function
- Describe the framework for the management of all records throughout their lifecycle; through to their ultimate disposal by destruction, or transfer to the Council’s Archive
- Provide all staff with clear guidelines and procedures to implement the Records Management Policy

GOVERNANCE

The policy together with the Records Retention Schedule provides the framework for internal governance of Council records throughout their lifecycle. It is important that the retention, disposal or final disposition of records is undertaken in accordance with the guidance of the FOISA S61 Code of Practice. The disposal and destruction of records will ultimately be subject to a documented appraisal procedure, which will promote consistency in identifying which records have been disposed of, and on whose authority. The Corporate Retention Schedule will be submitted for approval to Committee at a later stage.

Adherence to the Records Management Policy and Retention Schedules will facilitate compliance with other legislation such as Health and Safety, Employment, or Human Rights provisions, and with other areas of regulatory compliance such as Finance and Data Protection principles.

Directorates

Heads of Service are responsible for the implementation and maintenance of records management procedures across their Service areas. They are responsible for ensuring that the minimum standards required by the Policy are met and maintained.

Staff

All staff who create, receive and use records are responsible for managing those records in accordance with the guidance provided.

Training

The Records Management Service will, in consultation with Employee Development, establish an effective records management training programme. They will also provide guidelines, procedures and staff time to support the compliance and development of record-keeping systems in line with this Policy. This includes:

Records Management Procedures

- Records Appraisal
- Retention and Disposal
- Transfer to Archives
- Destruction of Records

Implementation of these records management procedures will complement and support the Freedom of Information and Data Protection Policy and Procedures, all of which can be found on the Office of City Solicitor web pages on the Zone.

APPROVAL OF POLICY

This policy will be reviewed annually in conjunction with the Council's Publication Scheme to ensure that it remains in step with legal requirements and best practice, and relevant to the Council's business needs.

Equality and Human Rights Impact Assessment - the Form

There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form. Throughout the form, proposal refers to policy, strategy, plan, procedure or report.

STEP 1: Identify essential information

1. Name of proposal.

2. Officers completing this form.

Name	Designation	Service	Directorate
Caroline Anderson	Records Management	City Solicitor	Corporate Governance

3. Date of Impact Assessment.

4. When is the proposal next due for review?

5. Identify the Lead Council Service and who else is involved in the delivery of this proposal. (for example other Council services or partner agencies)

The Archives and Records Management Service, the Office of the City Solicitor, are leading this proposal.

6. Please summarise this Equality and Human Rights Impact Assessment, (EHRIA). This must include any practical actions you intend to take / have taken to reduce, justify or remove any adverse negative impacts (if necessary continue on blank sheet of paper). **Please return to this question after completing EHRIA.**

Adherence to the Records Management Policy and subsequent procedures will ensure legal compliance with Freedom of Information (Scotland) 2002 Act, best practice ISO 15489 and Legal Admissibility BS 10008. Failure to comply could leave the Council exposed to investigation by the Information Commissioner and legal action. It could also cause reputational damage as there may be no evidence (records) to demonstrate accountability or transparency in the Council's business activities.

7. Where will you publish the results of the Equality and Human Rights Impact Assessment? Tick all that apply.

- Summary of EHRIA will be published in committee report under section "Equality Impact Assessment"
- Full EHRIA will be attached to the committee report as an appendix
- Summary of EHRIA to be published on Council website within relevant service pages

STEP 2: Outline the aims of the proposal

8. What are the main aims of the proposal?

The adoption of this policy and its Corporate Retention Schedule will ensure that all staff are actively managing the council's records in a confident and robust way, ensuring accountability and transparency of its business activities. It will also ensure environmental conditions for staff storing and retrieving records is risk assessed, that the records themselves are stored according to preservation standards, that records are destroyed securely, and that the council is only paying for those records held for legal, business or historical purposes.

9. Who will benefit most from the proposal?

- All council staff and Elected members
- All individuals accessing their right to Freedom of Information (Scotland) 2002 Act (FOISA).

10. Tell us if and how the proposal will increase equality of opportunity by permitting positive action to redress disadvantage?

The adoption of a Records Management Policy will ensure that the council can confidently process all records throughout their lifecycle; retrieve and account for records required to evidence decisions and operate their business in an open and transparent way, meeting FOISA compliance (i.e. individuals can access the information they request).

11. What impact will the proposal have on promoting good relations and wider community cohesion?

The Policy will ensure consistency of records management principles, using a robust records management framework across all services in the Council. All staff can be confident that they are adhering to their corporate responsibility for processing records and managing their business in an open and transparent way. Corporately, greater business cohesion and collaboration will ensure that the fundamental root of business is recorded and preserved to best value standards.

STEP 3: Gather and consider evidence

12. What evidence is there to identify any potential positive or negative impacts in terms of consultation, research officer knowledge and experience, equality monitoring data, user feedback and other?

- Monthly/annual monitoring and evaluation of Retention Schedule/records management cycle
- Quarterly meetings with all FOI Liaison Officers
- FOISA Reviews

STEP 4: Assess likely impacts on equality strands

13. Which, if any, equality target groups and others could be affected positively or negatively by this proposal? Place the symbol in the relevant box.

(Positive +, neutral 0, - negative)

Equality Target Group					
Race*	+	Disability	+	Gender**	0
LGB***	0	Belief	0	Younger	+
Older	+	Others e.g. poverty	+		

* Race includes Gypsies/Travellers

** Gender includes women, men, Transgender

*** LGB: Lesbian, Gay and Bisexual

14. Please detail the potential positive and/or negative impacts on the groups you have highlighted above? Detail the impacts and describe the groups affected.

Positive impacts (describe groups affected)	Negative Impacts (describe groups affected)
<p>Overall, this will have a positive impact on all groups as the aim of the policy is to make information more readily and easily accessible to the public.</p>	<p>There may still be negative impacts for some equality groups as they try to follow this procedure, for example, people with literacy challenges including Gypsies/Travellers, people with sensory, physical and learning disabilities and people whose first language is not English.</p> <p>Actions will be put in place to overcome these barriers, for example, use of Plain English, and if / when producing publicity material will include community languages.</p>

STEP 5: Apply the three key assessment tests for compliance assurance

15. Does this policy/procedure have the potential to interfere with an individual's rights as set out in the Human Rights Act 1998? State which rights might be affected by ticking the appropriate box(es) and how. **If you answer "no", go to question 19.**

- Article 3 – Right not to be subjected to torture, inhumane or degrading treatment or punishment
- Article 6 – Right to a fair and public hearing
- Article 8 – Right to respect for private and family life, home and correspondence
- Article 10 – freedom of expression
- Other article not listed above

How?

Article 10 of the HRA provides 'a qualified right 'to receive information and recognises that in some situations the right to receive information may be restricted. FOISA sets out the general right to access information however, information may be withheld by a public authority under FOISA where an exemption applies.

Legality

16. Where there is a potential negative impact is there a legal basis in the relevant domestic law?

Yes, FOISA sets out the right to access information which is balanced against the need in certain circumstances for information to be withheld.

Legitimate aim

17. Is the aim of the policy a legitimate aim being served in terms of the relevant equality legislation or the Human Rights Act?

Yes, the policy reinforces the Council's duties and obligations under FOISA at a corporate level.

Proportionality

18. Is the impact of the policy proportionate to the legitimate aim being pursued? Is it the minimum necessary interference to achieve the legitimate aim?

Yes, the policy applies to all staff and elected members (in certain situations).

STEP 6: Monitor and review

19. How will you monitor the implementation of the proposal? (For example, customer satisfaction questionnaires)

Monitoring will be conducted through the processing of a corporate retention schedule via representatives from each Head of Service. This will ensure that all Services have a documented record of all their business activities and hold them according to legal, business or historical requirements, and that only those records required to be held are done so in the appropriate environment, destroyed in the appropriate way and therefore accounted for in a manner that conforms to records management standard ISO 15489 and Legal Admissibility BS 10008.

20. How will the results of this impact assessment and any further monitoring be used to develop the proposal?

All results will be used to inform the Records Management Strategy and annual Records Management Team Action plan/future developments.

STEP 7 SIGN OFF

The final stage of the EHRIA is formally to sign off the document as being a complete, rigorous and robust assessment.

Person(s) completing the impact assessment.

Name	Date	Signature

Quality check: document has been checked by

Name	Date	Signature

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Head of Service (Sign-off)

Name	Date	Signature

Now –

Please send a copy of your completed EHRIA together with the proposal to:

Head of Service
Community Planning and Regeneration,
Housing and Environment
Aberdeen City Council
St. Nicholas House
Broad Street
Aberdeen
AB10 1GZ