

Information Governance Records Management

Policy Framework

**THE
SOUTH
AYRSHIRE
WAY**



RESPECTFUL
POSITIVE
SUPPORTIVE

Document Control

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Source Location	County Buildings, Wellington Square, Ayr
Published Location	County Buildings, Wellington Square, Ayr
Other documents referenced	
Related documents	Available on Re-wired at: SAC Records Management
Acknowledgements	

Version Control:				
Version	Revision Date	Change summary	Distribution	Author
1.0	12 May 2016	Final RM Policy Framework	All SAC Staff (Re-wired)	P. Wilkes
1.1	November 2018	Update of legislation references and change to new corporate format	All SAC Staff (Re-wired)	D. McVey

1. Introduction

- 1.1 Records Management is the systematic control of records to ensure optimum efficiency of storage, retrieval, disposal or preservation. South Ayrshire Council ('the Council') has a statutory responsibility under the Public Records (Scotland) Act 2011 to ensure that records created by the Council are properly managed. A records management policy is also required to meet the requirements of the Freedom of Information (Scotland) Act 2002, Environmental Information Regulations 2004, and The General Data Protection Regulation 2016 (GDPR), as supplemented by the Data Protection Act 2018.

2. Scope

- 2.1 This policy framework:

- 2.1.1 Applies to all aspects of the Council's work, all records created and received during the conduct of Council business, and all information systems used to create, hold and manage records.
- 2.1.2 Provides the overarching framework for any other Council records management policies, practices or guidelines, to ensure all Council records are accurate, reliable, securely managed and disposed of appropriately to meet all of its statutory, regulatory, administrative and accountability requirements.
- 2.1.3 Will ensure that all members of staff and Councillors understand what their responsibilities are in relation to the information they produce and handle.
- 2.1.4 Has been developed with reference to and complies with relevant legislation and standards (*see section 11*).

3. Principles

- 3.1 Effective records management delivers the following significant benefits:
- (i) it allows the Council to know what records it has, and how to locate them easily;
 - (ii) increased administrative efficiency and effectiveness;
 - (iii) improved information security as records are accessed on the 'need to know' principle;
 - (iv) improved transparency and accountability;
 - (v) improved achievement of business objectives and targets; Supports decision making;

- (vi) improved compliance with legislation or guidelines governing the retention of local authority records;
- (vii) identification, at the earliest possible moment, of records with historical value for permanent retention as archives; and
- (viii) improved compliance with legislation such as the Freedom of Information (Scotland) Act 2002, Environmental Information Regulations 2004, and the General Data Protection Regulation 2016 (GDPR) as supplemented by the Data Protection Act 2018.

4. The Record Management Plan

- 4.1 The Public Records (Scotland) Act, 2011 requires the Council to submit and implement a Records Management Plan (RMP) setting out the arrangements for managing records within the Council. This Records Management Plan was approved on an Improvement Model basis by the Keeper of the Registers of Scotland on 1st September 2017 and will be reviewed on an annual basis.
- 4.2 The RMP relates to records throughout their lifecycle from creation and receipt to disposal. The RMP is based on the Keeper's published Model Records Plan, which contains 14 elements:
- (i) Senior Management responsibility;
 - (ii) Records Manager responsibility;
 - (iii) Records management policy statement;
 - (iv) Business classification;
 - (v) Retention Schedules;
 - (vi) Destruction arrangements;
 - (vii) Archiving and transfer arrangements;
 - (viii) Information security;
 - (ix) Data protection;
 - (x) Business continuity and vital records;
 - (xi) Audit trail;
 - (xii) Competency framework for records management staff;
 - (xiii) Review and assessment; and
 - (xiv) Shared information.

5. Storage of Electronic Records

- 5.1 Records and information created electronically should be stored on the systems for which they are created – for example, SWIS or stored in shared drives (such as S:\drive). Council records and information should **not**, under any circumstances, be stored on desktops, PC local drives, personal drives or in email accounts.
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5.2 Information stored on shared drives supports effective information sharing; aids search and retrieval processes; reduces duplication of records, assists with version control; and supports effective retention and disposal practices.

6. Current Records

6.1 Each Council directorate will have a designated Directorate representative(s) with the following responsibilities:

- (i) ensuring the creation and capture of authentic and reliable records to provide evidence, accountability and information regarding decisions and activities;
- (ii) assisting with the dissemination of new or revised records management policies and procedures across the directorate;
- (iii) supporting staff within the directorate to ensure agreed Retention Schedules are adhered to and notify the Information Governance of any changes necessary; and
- (iv) supporting staff within the directorate to ensure confidential destruction of records not transferred to Records Management (*see Records Destruction Policy*).

6.2 When staffing changes take place Heads of Service, Service Leads and Managers must ensure that Directorate representatives are replaced to ensure continuity in relation to these responsibilities. Responsibility for records management should be included in appropriate job descriptions to also ensure continuity.

7. Non-Current Records

7.1 The Information Governance Service will be responsible for:

- (i) efficient, secure storage of Non-Current Records in a cost effective and adequate storage area;
- (ii) providing a retrieval service to services for Non-Current Records from designated storage areas in line with service level agreements;
- (iii) implementing and maintaining agreed Retention Schedules;
- (iv) liaising with services to ensure agreed Retention Schedules are adhered to;

- (v) providing advice across the Council on records management best practice;
- (vi) providing advice on Council-wide policies that impact on records management;
- (vii) facilitating confidential disposal, review, or transfer to Archives for permanent preservation, of records no longer required for operational purposes, in accordance with agreed retention schedules;
- (viii) protection of vital records required by the Council in order to function effectively (*see separate Vital Records Policy*); and
- (ix) working closely with colleagues, including EOT and ICT to ensure appropriate storage, retrieval, preservation and disposal of electronic records whether held on Council equipment, by commercial systems suppliers, or other storage providers - for example, cloud storage.

8. Retention Schedule

- 8.1 The Council has adopted the Scottish Council on Archives Record Retention Schedule (SCARRS) and consulted with each directorate to develop a bespoke Retention Schedule for the Council. The maintenance of the Retention Schedule will primarily be the responsibility of the Records and Data Officer and Information Governance Team Leader, with input from services to ensure appropriate business needs are reflected.

9. Access

- 9.1 Access to records transferred to Records Management Storage will only be made available to the service which transferred them or with the written permission of that service
- 9.2 No direct public access will be permitted to Non-Current and Semi-Current Records transferred to Records Management Storage. Records will only be made available to authorised personnel of the service that transferred the records. It will be the responsibility of the service to pass on the required information to the public within the terms of any applicable legislation as part of day to day business, or in liaison with the Information Governance team to co-ordinate responses to queries made under the Freedom of Information (Scotland) Act 2002, the Environmental Information Regulations 2004, and the General Data Protection Regulation 2016 (GDPR) as supplemented by the Data Protection Act 2018.

10. Allocation of Responsibility

- 10.1 The Chief Executive has responsibility for the management of the Council's records under Section 1 (2a) of the Public Records (Scotland) Act, 2011.
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- 10.2 The Chief Executive and each Executive Director/ Director has responsibility for ensuring records are appropriately managed supporting statutory and regulatory obligations.
- 10.3 The Records and Data Officer reports to the Information Governance Team Leader and is responsible for enabling and co-ordinating the development, promotion, implementation, maintenance and monitoring of records management in conjunction with services.
- 10.4 All employees are responsible for creating and maintaining authentic and reliable records by following guidance on naming conventions and storage of electronic records.
- 10.5 Internal Audit will periodically scrutinise record keeping practices to ensure compliance with this framework policy and as part of risk management. (See Section 12).

11. Relevant Legislation and Standards

- 11.1 Legislation of relevance across the Council includes:
- 11.1.1 Public Records (Scotland) Act 2011;
 - 11.1.2 Environmental Information Regulations 2004;
 - 11.1.3 Freedom of Information (Scotland) Act 2002;
 - 11.1.4 The General Data Protection Regulation 2016 (GDPR) as supplemented by the Data Protection Act 2018
 - 11.1.5 Local Government (Scotland) Act 1994; and
 - 11.1.6 BS ISO 15489:2016 International Records Management Standard.
- 11.2 Certain business functions and activities within the Council may be subject to specific legislation or professional best practice – for example, Social Services, Building Standards, Legal Services, etc.
- 11.3 The Council will seek to comply with relevant guidance on best practice issued from such bodies as the National Records of Scotland, the Scottish Information Commissioner, and the UK Information Commissioner.

12. Audit

- 12.1 The Records and Data Officer will regularly audit Council records management practices for compliance with this policy framework. Services will be expected to audit their own records management practices regularly in light of existing and future legislation and Council requirements. The Council's Records Management Plan states that Internal Audit will include Information Management as an element in the Risk Register to be periodically scrutinised.

12.2 Audits will:

- (i) identify areas which do not meet the requirements of this framework; and
- (ii) highlight training / awareness needs.

13. Review

13.1 The policy framework will be subject to changes, with the approval of the Council, according to developments in records management standards and practice, Government legislation, and Council strategy.

14. Definitions

14.1 *Current Records*

Records used regularly and frequently in the day-to-day work of the Council. In general they will be referred to and used at least two or three times a month.

14.2 *The General Data Protection Regulation 2016 (GDPR) (as supplemented by the Data Protection Act 2018)*

This gives individuals the right to access personal information held about them in any format. It requires the data controller (the Council) to ensure the security of personal and sensitive data.

14.3 *Freedom of Information (Scotland) Act 2002 / Environmental Information Regulations 2004*

Gives rights to individuals and organisations to request access to any information held by any public authority in Scotland subject to a limited range of exemptions.

14.4 *Non-Current Records*

Records no longer required for operational purposes but must be retained for legal, audit or statutory purposes. These are referred to very infrequently.

14.5 *Retention Schedule*

This provides details of how long records should be retained for.

14.6 *Semi-Current Records*

Records required for the work of the Council but referred to on an infrequent basis. In general they will be used at least twice a year but less than once a month. These include records that must be retained for a statutory period.

15.0 CONTACT DETAILS

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