

Date: July 2018

Subject: Record Retention and Disposal Guidelines

1. Introduction

- Council records and the information they contain have a high operational and functional value and are regarded as Information Assets within the Information Management environment. In the same way that the Council will seek to protect and manage its physical assets, Information Assets should be effectively managed, lawfully exploited and adequately protected.
- One aspect of good practice in records management is controlling the retention and disposal of records so that operational, legal and regulatory requirements are appropriately met.

In respect of personal data (identifying living individuals) the Data Protection Act 2018 states that such information shall not be kept for longer than necessary in a form that permits identification of the data subject. Breaching this may result in substantial fines and reputational damage to the Council.

2. What should I be aware of?

Record Retention and Disposal Guidelines

- The Council already has in place documented ***Record Retention and Disposal Schedules*** that can be accessed on the Council's intranet and website. The objectives of the guidelines are to:
 - Assist in identifying records that may be worth preserving permanently as part of the Council's archives;
 - Prevent the premature destruction of records that need to be retained for a specified period to satisfy legal, financial and other requirements of public administration;
 - Provide consistency for the destruction of those records not required permanently after specified periods; and
 - Promote good records management practice.
- The guidelines are structured around types of records and define the periods for which the records must be retained in order to comply with legislation and regulations. The contents are structured on formats defined by the Local Government Association.
- Information Asset Owners (managers/team leaders) must be aware of the defined retention periods for the records maintained within their operational areas and ensure their compliance. The Council could be penalised, incur additional costs and face disruptions if records were to be disposed of prematurely or kept beyond their retention period.

Legal and Regulatory Implications

- The Council must comply with a range of statutory, regulatory and financial requirements in relation to the maintenance and retention of records (for example, the Public Records Act 1958 and the prevailing HMRC VAT regulations).

The Data Protection Act 2018 places additional obligations on the Council with respect to retaining and disposing of records in order to protect personal information and the rights of data subjects.

Disposal and Destruction of Records

- Records must only be disposed of or destroyed in strict accordance with the periods defined within the Record Retention and Disposal Schedules and the requirements of the Council's Records Management Policy. Records earmarked for permanent preservation should only be deposited in an appropriate and secure Council archive facility or official local or national archive.
- The physical destruction of records must be undertaken in a secure manner by approved contractors or staff operating in a secure facility that protects the records from loss and unauthorised disclosure.
- The disposal method applied should render the records unusable and unreadable (for example, cross-cut shredding).
- Unwanted hard drives that have contained Council records must be irreversibly destroyed and rendered unusable by the IT Section.

3. Required Actions

- Information Asset Owner's (IAO's) and staff should consider the range and type of records they create, maintain and use, and ensure that retention periods prescribed for that type of record within the Schedules are being complied with.
- IAO's should consider whether they have in place sufficiently robust measures to prevent the premature or inappropriate destruction of their records.
- Any possible instances of non-compliance should be brought to the attention of the City Solicitor so that appropriate action can be taken.
- IAO's should consider how they currently dispose of records that are no longer required and whether the methods employed are adequately secure.

4. Sources of Further Information

- The Council's ***Record Retention and Disposal Schedules*** (available from the Council's intranet and website)

- All staff should become familiar, with the following documents and their responsibilities:
 - GDPR and Data Protection Policy
 - GDPR and Data Protection Policy Summary Sheet
 - Freedom of Information Policy Summary Sheet
- Staff should initially seek clarification from IAO's (their line manager or team leader).
- Any remaining specific queries should be routed as follows:
 - Data Protection Officer- Sally Brooks-Ext 3765.
 - Freedom of Information Officer – Becky Scott (Legal & Democratic Services Manager – Ext 3441).
 - Security and use of IT records – Matt Smith (Business Development and IT Manager – Ext 3308).