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| Report To: | Policy and Resources Committee | Date: | 15 September 2020 |
| Report By: | Head of Legal & Property Services | Report No: | LP/087/20 |
| Contact Officer: | Andrew Greer | Contact No: | 01475 712498 |
| Subject: | Updated Policy for the Retention and Disposal of Documents and Records Paper and Electronic | | |

1.0 PURPOSE

- 1.1 The purpose of this report is to provide the Policy and Resources Committee with an overview of the updated Policy for the Retention and Disposal of Documents and Records Paper and Electronic; and to seek the Committee's approval of this updated Policy.

2.0 SUMMARY

- 2.1 The Policy provides guidance to assist Services with records management. The draft updated Policy is available on request from Andrew Greer, Data Protection Officer, and will be published on the Council's website pending approval.
- 2.2 The Policy helps to ensure the Council's compliance with the following legislation: the Freedom of Information (Scotland) Act 2002; the Data Protection Act 2018; the General Data Protection Regulation; and the Public Records (Scotland) Act 2011. Therefore, it is important that the Committee has oversight of this Policy.
- 2.3 Since the previous report to the Committee on 19 May 2015, the Policy has been updated to reflect any changes in legislation and any changes to the national guidance produced by the Scottish Council on Archives Records Retention Schedules (SCARRS), as well as any other relevant national guidance specific to individual Services.

3.0 RECOMMENDATION

- 3.1 It is recommended that the Committee approves the updated Policy for the Retention and Disposal of Documents and Records Paper and Electronic.

Gerard Malone
Head of Legal and Property Services

4.0 BACKGROUND

- 4.1 The Policy outlines the minimum retention periods for all records within the Council. The Policy assists Services in determining whether a record should be archived or securely destroyed once the record is no longer in active use. The draft updated Policy is available on request from Andrew Greer, Data Protection Officer, and will be published on the Council's website pending approval.
- 4.2 The Policy was first approved by the Committee on 13 November 2012, and a further updated Policy was approved by the Committee on 19 May 2015. The Policy has been further reviewed and updated this year to reflect any changes in the legislation, including the Data Protection Act 2018 and the General Data Protection Regulation, any national guidance and any amended statutory retention periods in the schedules produced by the Scottish Council on Archives Records Retention Schedules (SCARRS).
- 4.3 The Policy helps to ensure the Council's compliance with: the Freedom of Information (Scotland) Act 2002; the Data Protection Act 2018; the General Data Protection Regulation and the Public Records (Scotland) Act 2011.

Freedom of Information (Scotland) Act 2002 (FOISA)

- 4.4 FOISA gives the public extensive rights of access to all forms of recorded information held by public bodies and lays down stringent requirements for responding.
- 4.5 Good records management will help to ensure that:
 - Only the right information is created in the first place;
 - Information is kept as long as is necessary and no longer;
 - Information can be located and retrieved in a timely and controlled manner;
 - Information is secure.
- 4.6 This in turn, assists the Council complying with Freedom of Information requests within the time limits.

The Data Protection Act 2018 and General Data Protection Regulation

- 4.7 The Policy ensures compliance with the storage limitation principle of the data protection legislation, whereby personal data is kept "for no longer than is necessary for the purposes for which the personal data are processed".

The Public Records (Scotland) Act 2011

- 4.8 The Public Records (Scotland) Act 2011 obliges Inverclyde Council and Inverclyde Licensing Board and other public authorities in Scotland to prepare and implement a records management plan (RMP).
- 4.9 Section 1(2)(b)(iii) of the Act specifically requires a RMP to include provision about the archiving and destruction or other disposal of the authority's public records, which is also known as element 5.
- 4.10 Therefore, the Policy ensures the Council's compliance with element 5 of the RMP.
- 4.11 The above highlights the significance of the Policy, and it is therefore important that the Committee has oversight.

Updating Process

- 4.12 Each Service was asked by the Information Governance Team to update their relevant sections of the Policy by comparing them with the national guidance produced by SCARRS and any other relevant national guidance and changes in legislation specific to the Service. The changes to the Policy vary from Service to Service and include the deletion of no longer

applicable activities such as Parental Rights Applications, as well as the addition of new activities and operations such as the Integration Joint Board. The Services responded to the Information Governance Team, which collated the comments into a master copy.

Implementation

- 4.13 Overall, the implementation of this Policy across the Council has been successful and has resulted in a more systematic and organised approach to records management within the Council. This has been monitored regularly via Internal Audit and is a standing item on the agenda of the Information Governance Steering Group. One area for improvement which has been identified is the retention of destruction logs by Services. There are also the challenges of ensuring that there are sufficient storage facilities for records and this requires to be explored further. A Records Management Working Group is to be established to progress the implementation on a corporate basis to ensure consistency and compliance across the Council. The Working Group will be made up of representatives from each Service and will be chaired by the Records Manager. The Working Group will meet once every 2 months and will report to the Information Governance Steering Group.
- 4.14 The progress of implementation of improvement actions related to the Policy will be presented to the Committee as part of the review of the Records Management Plan which is due to be submitted to the Keeper of the National Records of Scotland this year.

5.0 IMPLICATIONS

5.1 Finance

The Policy itself does not have any financial implications. Directorates will contain any implementation costs within their own budgets.

Financial Implications:

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 | | | | | |

5.2 Legal

The Council requires to take the steps as identified in this report to comply with regulatory and legislative requirements.

5.3 Human Resources

There are no direct HR implications on this report.

5.4 Equalities

Equalities

- (a) Has an Equality Impact Assessment been carried out?

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|---|--|
| | YES |
| 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, no Equality Impact Assessment 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 |

(c) 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 |

5.5 Repopulation

There is no implication for repopulation within Inverclyde.

6.0 CONSULTATIONS

6.1 The Information Governance Steering Group was consulted on the contents of the Policy and their input has been incorporated into the Policy.

7.0 BACKGROUND PAPERS

7.1 Policy presented to the Committee on 13 November 2012
<https://www.inverclyde.gov.uk/meetings/meeting/1550>

7.2 Updated Policy presented to the Committee on 19 May 2015
<https://www.inverclyde.gov.uk/meetings/meeting/1755>