

Report to Cabinet

Subject: Records Retention and Disposal Policy

Date: 12 November 2020

Author: Director of Organisational Development and Democratic Services

Wards Affected

All wards

Purpose

To update Members on the review of the Council's Records Retention and Disposal Policy and to seek approval of the updated Records Retention and Disposal Policy at Appendix 1.

Key Decision

This is not a key decision.

Recommendation(s)

THAT Cabinet:

- 1) **Approves the updated Records Retention and Disposal Policy at Appendix 1.**

1 Background

- 1.1 As part of information governance, it is important that clear processes are in place to govern records management. The retention and disposal of records, many of which may contain personal data or special category data must be undertaken in a way that complies with legislative

requirements. The benefits of effective records management are:

- protecting Council business critical records and improvement of business resilience
- ensuring Council information can be found and retrieved quickly and efficiently
- complying with legal and regulatory requirements
- reducing risk for litigation, audit and government investigations
- minimising storage requirements and reducing costs

- 1.2 The Local Government Act 1972, requires local authorities to have “proper arrangements in place” to deal with Council records. In addition, access to information and how information will be processed must be in compliance with the General Data Protection Regulations 2016 (GDPR), the Data Protection Act 2018 (DPA), the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR). This is in addition to other legislative requirements governing the retention of records, for example, legislation may require that certain data held by the Council must not be destroyed and in some circumstances, it may be necessary to keep records for a certain period of time in case they are needed in the course of legal proceedings.
- 1.3 The Council’s current Records Retention and Disposal Policy has been in place for several years, however, as technology has developed, legislation has changed, and the areas of work undertaken by the Council have grown, it has become necessary to review the Records Retention and Disposal Policy, to ensure that it remains fit for purpose and complies with legislative requirements.
- 1.4 The review of the Records Retention and Disposal Policy has been undertaken in consultation with Service Managers across all departments to ensure that all work streams are incorporated. In addition, the review has been undertaken to reflect requirements in the GDPR and DPA which require that records containing personal data are not kept longer than necessary for their lawful purpose.
- 1.5 Data retention periods have been reviewed having regard to the Information Asset Registers (IARs) held for each service area. The IARS document all personal data held by service areas and include reference to any statutory timescales for retention of data. The Records Retention and Disposal Policy now provides clear timescales for the retention of data and sets out when data should be destroyed and when it is necessary to retain certain records. The policy is broken down into work areas making it easy to follow.

- 1.6 Many records are now held electronically, but the policy applies to all records whether paper or otherwise. Many IT systems will have data archiving and destruction facilities, other records will require manual destruction, such destruction should always be conducted in a secure way and in accordance with the Records Retention and Disposal Policy. Since the introduction of GDPR and the DPA in 2018, there has been a real push across the organisation to data cleanse. A series of “bin it weeks” were held across the Council where service areas were provided with secure waste bins to place records for disposal. There has also been a push on destruction of electronic records, which has seen an increase in capacity for electronic storage.
- 1.7 Good records management is essential to demonstrate accountability under the GDPR and DPA. A robust Records Retention and Disposal Policy provides clarity to officers around data storage and has been identified as necessary both through internal audit and ICO guidance.
- 1.8 As well as setting out clear timescales for data retention across service areas, the Records Retention and Disposal Policy has been updated to set out roles and responsibilities with regard to records retention and disposal. Whilst every officer is required to comply with the policy, the Senior Information Risk Owner (SIRO), currently the Director of Organisational Development and Democratic Services is responsible for managing information risk for the Council. As part of the report from the SIRO presented to Cabinet 6 August 2020, reference was made to the review of the Records Retention and Disposal Policy. Service Managers are responsible for managing the information held within their service areas and must ensure staff are aware of the importance of records management as well as ensuring compliance with the Records Retention and Disposal Policy.

2 Proposal

- 2.1 It is proposed that members approve the updated Records Retention and Disposal Policy at Appendix 1 to this report. This policy has been prepared with input from all service areas and forms part of a suite of policy documents that demonstrate the Council’s commitment to good information governance and compliance with legislative requirements.

3 Alternative Options

- 3.1 Members could determine not to approve the amended policy document or propose alternative amendments, however, the policy document has been prepared taking into account all relevant legislative requirements and with the input of all service areas.

4 Financial Implications

- 4.1 There are no financial implications arising from this report.

5 Legal Implications

- 5.1 Records Retention and Disposal is key to good information governance. Providing clear timescales to staff and customers as to how long their data and other Council information is held ensures compliance with relevant legislation including the GDPR, DPA, FOIA and EIR. A policy setting out appropriate timescales and legal justification for retention periods, is necessary to demonstrate compliance with legislation, and reduces the risk of legal challenge, from information being held unlawfully.

6 Equalities Implications

- 6.1 There are no equalities implications arising directly out of this report.

7 Carbon Reduction/Sustainability Implications

- 7.1 There are no carbon reduction/sustainability implications arising out of this report.

8 Appendices

- 8.1 Appendix 1 – Gedling Borough Council's Records Retention and Disposal Policy

9 Background Papers

9.1 None

10 Reasons for Recommendations

10.1 To ensure that the Council's Records Retention and Disposal policy remains relevant, complies with legislative requirements and is fit for purpose.

Statutory Officer approval

Approved by: Tina Adams
Date: 21 October 2020
On behalf of the Chief Financial Officer

Approved by: Francesca Whyley
Date: 21 October 2020
On behalf of the Monitoring Officer