



# The Moray Council

## Records Management Reference Handbook

2013

## Element 3 Records Management Handbook

### Appendix 5

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#### Introduction

“Any freedom of information legislation is only as good as the quality of the records to which it provides a right of access. Such rights are of limited use if reliable records are not created in the first place, if they cannot be found when needed, or if the arrangements for their eventual archiving or destruction are inadequate.”<sup>1</sup>

The purpose of this Handbook is to help staff to define what Council records are and why and how they should be kept.

#### 1. WHAT ISN'T THE RECORD? EPHEMERA, DUPLICATES AND COPIES

Records management does not apply to ephemeral information i.e. information which does not form part of the business or long-term memory of the Council and, as such, should be destroyed after its usefulness has passed. Ephemeral information includes personal emails, personal documents, travel timetables, calendars and diaries, outdated manuals, drafts and notes

Copies and duplicates should also be destroyed when they are no longer required. The 'owner' of the document will retain the official Record.

#### 2. WHAT IS THE RECORD?

The basic unit of record keeping is the electronic or paper document set, file or folder [called the File for ease of reference]. These are hierarchical groupings bringing like information together related to a particular function, process or activity.

Electronic files must be organised in the same way as paper files to enable decisions to be made at file level.

All decisions about records will be made about the file rather than individual documents within the set, files or folders.

A record is recorded information, in any form, created or received and maintained by the Council in the transaction of business or the conduct of affairs and kept as evidence of such activity. Records include charters, deeds, legal documents, minutes, reports, accounts, agreements, licenses, registers, project work, pupil, client and staff files etc.

The Record is information which has been agreed, finalised, completed, published, signed, released and records the official business, client, financial, legal transactions, projects and services provided by the Council.

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<sup>1</sup> Scottish Executive, Freedom of Information (Scotland) Act 2002 – Code of Practice on Records Management November 2003.

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The record may have been created or received by the Council in the regular course of its business activities or in the pursuance of legal transactions.

As such all records are the property of the Council and not of the employee, agent, or contractor. This applies regardless of the physical location of the record, or whether it is held in off-site storage, in a computer or within a service provider's system.

Public records are records created by public authorities, e.g. a local authority, in the course of conducting its business. Records are created and kept as evidence of transactions, to satisfy statutory and regulatory requirements, to facilitate good business administration, to document decisions for current and future knowledge, and for accountability. All records, whether paper or electronic, created or received by employees in the course of the Council's business are the official records of the Council.

Each record should have an owner, who is responsible for the management of the information. Duplicates and copies of records should be destroyed when no longer required as the owner will retain the original record.

To decide whether something is a record, look at it in the context of:

- The legislative and regulatory environment
- Legal, business and accountability requirements
- The risk of not keeping it, i.e. would anyone need to retrieve the information again.

### 3. RECORD LIFECYCLE

Information is created, drafted, saved, edited, revised, reviewed, discussed and shared. It is then approved, signed, published and at this point is declared as a record of business transacted.

Drafting will probably be done as a private activity by the creator or owner of the document. It is likely that at this point staff will use My Documents. Once the information is ready to be shared it will be moved to the EDRMS or to the shared drives.

Some personal, sensitive or confidential information will also be created in My Documents (as this is accessible only to the member of staff it is assigned to) or a secure section of a shared drive or electronic document and records management system (EDRMS).

The Council has one corporate EDRMS – SharePoint 2010 and several used by services including Uniform, IDOX, IWorld, Carefirst. The Council has one corporate customer relation system – Lagan.

Some of these systems are capable of managing information throughout its lifecycle and some are not. In these systems records require to be managed manually and retentions applied by staff. In the corporate EDRMS retentions are applied automatically to records and records are stored in the records centre.

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If the document is part of a business process it will be created and saved in the EDRMS and shared appropriately using the access permissions assigned to the staff working on the information.

Information passes through these stages during its lifecycle:-

- Active or Current when information may be added to the file and the documents are in active, daily use
- Semi-current when it has been closed but is used for reference purposes
- Closed when the work is complete, finished, finalised, agreed or published but needs to remain under retention until destruction
- Archive when the information is important for legal, business, audit, reference, policy, cultural or historical reasons and has been selected for permanent preservation the Council archives.

Files move from one stage to another depending on where they are in the business process and only records of continuing value are filed into a classification scheme. Ephemeral records should not be kept and must be disposed of by staff as soon as they have completed their purpose. Records should be destroyed according to the corporate retention schedules.

Files should be closed on a regular basis, when there is no more work to be done, or when they have become too large.

Paper files should be closed when approximately 5cm thick to avoid papers being damaged or any injuries from the file, and a new file opened.

Electronic records of value to the Council's business must be captured into a corporate current filing structure and must be accessible to all authorised staff.

The electronic filing structure must capture all metadata needed to identify, access and retrieve the electronic record so that it is possible to establish the:

- Context of the record – its place and purpose in the business process
- The provenance of the record (who created it)
- How the record is related to other records

All files that have outlived their administrative usefulness and are not of historical significance will be destroyed in a secure manner. Confidential or sensitive paper must be destroyed using the corporate confidential paper waste contract, which will also deal with ICT hardware such as disks, tapes etc.

All records made or received by the Council in the course of its business that are of continuing value for historical or legal reasons must be transferred to the Archives. These records can be in any medium such as paper, cd, dvd, microfilm, film, magnetic tape or disc, optical disk, video or audiotape. It is important as the Council moves towards more digital information that digital continuity is build into systems where possible eg through the use of pdf or pdf-A [ISO19005].

## 4. WHAT IS RECORDS MANAGEMENT?

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Records Management is a corporate function within the Council, and brings together responsibilities for all records held by the Council, from creation through to disposition.

Records Management is concerned with the systematic creation, capture, storage and retrieval of records throughout their lifecycle. Records are dynamic and can move from being active to semi-active, and sometimes by moving from being semi-active to being active again.

According to the Records Management standard ISO 15489 records management procedures and practices should result in records which have:

- Authenticity
- Reliability
- Integrity
- Usability

Records must function as evidence of business activities and processes by adequately capturing and describing the actions they represent.

#### 5.1 AUTHENTICITY

An authentic record is one that can be proven:

- to be what it claims to be,
- to be created or sent by the body or person said to have created or sent it,
- to be created or sent at the time claimed,
- not to be tampered with or altered in any way

To ensure the authenticity of records, each department should endeavour to control the creation, receipt, maintenance and disposition of records by ensuring that paper files are locked away, computer systems are accessed by password, and that records are disposed of according to corporate retention schedules.

#### 5.2 RELIABILITY & INTEGRITY

The reliability and integrity of a record refers to its being complete and unaltered. To be considered complete, a record must preserve not only content but also the context in which it was created and used. The links to other records created before and after it must be maintained. This includes the metadata created in an electronic system.

Records must be protected against unauthorised modification or alteration. Departments must specify which additions or annotations are permissible to their records, as well as who is authorised to make them.

Security permissions must be in place to control access, permissions and editing rights.

#### 5.3 USABILITY

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A useable record is one that can be located, retrieved and interpreted. Records form part of the corporate memory of the Council and are a valuable re-usable resource. The record's value as a business transaction that produced it should be apparent. Electronic records support the sharing of information by allowing multiple and simultaneous use, which benefits the Council and the public through improved service delivery.

#### 5. ACCESS AND SECURITY OF RECORDS

Records may contain personal, commercial or operationally sensitive information, and in some cases access to information in records should be restricted. Restrictions on access can be applied both within the Council and to external users. The Freedom of Information (Scotland) Act 2002 allows a general right of access to information, unless an exemption applies and even then after a public interest test has been applied. The public interest test may change over time and has to be applied each time the information is requested.

#### 6. PERSONAL, SENSITIVE AND CONFIDENTIAL RECORDS

##### 7.1 CONFIDENTIAL RECORDS

**Confidential records** will include personnel records, payroll records, bank account and salary details, drafts of policy documents which have not been agreed, documents with security implications, business records, legal records, medical, social work, education and pupil records, employee records and also cctv and video etc.

Some records will also have Government security ratings and these should be observed. The use of the .gsx email system is required for such protectively marked information.

##### 7.2 PERSONAL DATA, INCLUDING SENSITIVE PERSONAL DATA – AS DEFINED BY THE DATA PROTECTION ACT.

Scheduled information under Data Protection applies when sharing personal and sensitive personal information with a third party who is not the data subject.

Personal data readily identifies an individual. Some personal information is also very sensitive.

**7.2.1 Personal data** includes any information which can identify an individual and includes name, address, telephone number, email address, fax number, identifiable photographs and cctv, membership details, signatures, national insurance numbers etc.

**7.2.2 Sensitive Personal data** requires further protection from unauthorised third party access under DPA. It includes information relating to political opinion, racial and ethnic background, religious beliefs, mental or medical condition, trade union membership, sexual life, offences or criminal proceedings and financial information.



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#### 7.3 COMMERCIALY SENSITIVE RECORDS

This may include reports, consultation documents, legal agreements, documents involving third parties, business records and drafts of documents which have not been published.

## 7. DIGITAL PRESERVATION & MIGRATION OF ELECTRONIC RECORDS

It is realised that the reliance of the Council's business on electronic records can only increase. With the introduction of a central scanning unit and the introduction of a corporate EDRMs the Council is moving towards the Record being the Digital Record.

Once declared a record the information will be stored in a format which cannot be edited or altered and which is capable of future migration and to ensure, as far as is possible, that it remains readable and usable. The format recommended for this purpose is pdf-A. [ISO 19005]

In order to move forward toward reliable retention of electronic records while they are current, semi-current and held for long-term preservation and to ensure their future legal admissibility, an electronic preservation strategy must be developed, which will:

- Determine compatibility across the Council
- Define appropriate levels of access to information
- Enable records in an electronic format to be kept for long-term retention to meet administrative, statutory and historical needs
- Prevent the loss of records caused by media deterioration and obsolescence
- Ensure that records and their contextual metadata are stored in such a way as to prevent future modification or deletion by users
- Preserve data and metadata in a format that is independent of proprietary hard and software

Once a system is obsolete all records that are to be preserved should be migrated to a new system or medium capable of storing, retrieving and allowing them to be understood, to ensure that the record remains useable over time.

Records should be stored on media that ensure their usability, reliability, authenticity and preservation for as long as they are needed. This may involve migration to different software or formats, when existing software become obsolete or damaged. When information has been migrated from one media to another evidence of this should be kept along with details of any variation in design and format.

## 8. SCANNING

The Council has a corporate scanning unit to scan all incoming mail and documents. Scanned images are saved into electronic systems. It is important as the Council moves towards the electronic version being the Record that scanning is done to legal evidential standards to ensure that electronic information is acceptable in court. Service Level Agreements will be in place for this purpose and

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paper records will be kept only until quality assurance has been completed. Records which require to be kept as paper for legal, audit, business, client or historic reasons will be retained and noted in the Service Level Agreement.

## **9. LEGAL COMPLIANCE**

Records Management is important to ensure that in its record creation, storage, access, security, sharing of information the Council is compliant with legislation thereby reducing the risk of being issued with enforcement notices or court fines

Records Management will monitor the Council's compliance with good records management practices and to ensure effective and consistent record keeping across the Council. Where it is found that the requirements of the policy are not being met, this will be reported to the appropriate director so that remedial action can be taken.

## **10. VITAL RECORDS**

A vital record is one that is essential to the continued operation of the Council following a disaster. The vital records in all departments must be identified and protected as much as is possible to minimise the risk of loss in the event of a disaster.

Protection of vital paper records could be in the form of secure physical storage, for example: fire resistant cabinet; or the maintenance of backup copies stored in different locations, for vital electronic records.

## **11. VERSION CONTROL**

In certain circumstances it is necessary to keep successive drafts of a document, for example: policy development, to provide evidence of the process and as an audit trail of the input from stakeholders. The need to keep successive versions of items should be based on the business needs of the department who creates the record, and should be documented in local procedures. It is worth noting that drafts of documents can be requested under the Freedom of Information Act 2002, and thus if retained the drafts must also be released if appropriate

## **12. CAPTURING THE RECORD**

Once identified as of continuing value to the Council electronic records must be moved out of personal workspace and into shared workspace and filed in the appropriate electronic folder. Paper files should also be placed in a shared folder.

Capturing information as a record refers to placing it in a classification scheme or filing system. Electronic records should be saved in a format which renders them uneditable e.g. pdf or pdf-A

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All systems should ensure that appropriate levels of security and access are maintained.

The purpose of capturing a record is to:

- Record the business decisions and activities of the Council
- Establish why the record was created
- Link the record to other records
- Ensure that appropriate access and security settings are present
- Ensure that appropriate audit trails are maintained
- Manage the record through all stages of its life cycle
- Assign an appropriate retention and disposition schedule to each record

## 13. NAMING CONVENTIONS

In order to ensure that each electronic record is appropriately titled and linked in folders to related records clear, consistent terminology and standard naming conventions must be used for titles and for metadata so that records can be identified and retrieved quickly and accurately.

## 14. METADATA

Once a record has been captured into an electronic system, metadata must be allocated to the record and either embedded in, attached to, or associated with the record permanently.

Metadata elements must be stored in a profile, which is clearly and indelibly attached to the record itself. The metadata must be completed accurately and monitored by appropriate staff to ensure it is being completed correctly.

Metadata can be automatically or manually added. Some metadata may be required. It is important that metadata is captured and recorded consistently as failure to do so will result in e.g. poor or inaccurate search returns.

It would be useful if the some metadata was added consistently in all systems whether electronic or paper e.g. a unique client reference number to create on client record across the Council.

Metadata is supplementary information about the record, and would typically include such fields as: author, date, file reference, title etc.

Individual departments may have further specific requirements to be included as metadata, and these should be documented in those departments. This may include names, address, client reference number

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Metadata is essential in order to be able to re-trace the status and integrity of the record at any point in time, and allows the relationships and links with other records to be maintained.

## **15. REGISTERING THE RECORD**

Once a record has been captured into a system it should be registered. The main purpose of which, is to provide evidence that a record has been created or captured, and aids in the retrieval of the record. It involves recording metadata about the record, and assigning a unique identifier to that record. This is done automatically in an electronic system.

## **16. CLASSIFICATION - FILING OR ARRANGING RECORDS**

With regards to paper or electronic records, records should be kept and arranged in a record keeping system that enables the Council to obtain maximum benefit from quick and easy retrieval of information.

The filing process must involve the identification and saving of information, which details the context as well as the content of the record.

All Council records, whether they are in a paper or electronic format, should be filed or arranged according to the function of the business or department that created the record rather than by organisational structure or subject.

The corporate EDRMS uses a corporate business classification scheme based on the local government classification scheme recommended for use by local authorities. All systems should use the same classification scheme as it associates records and information with recognisable business processes in a consistent manner.

A business classification filing system makes locating files easier, reduce duplication of information, as well as making it easier to review files for retention or destruction.

It also makes the administrative functions of the Council easier to access, understand and operate meaning staff can be guaranteed to understand the filing system even if it is not specifically their area.

This classification or filing arrangement is not based on the structure of the organisation, but rather on the functions and activities carried out by the organisation which means that it is future proof against organisational structure changes.

Responsibility for the capture and maintenance of electronic records will rest with all staff who create and use them. Isolated records are of minimal value, therefore records, including e-mails, must be saved into a classification scheme or filing system.

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Each record will form part of a narrative and a greater insight into that particular business activity will be gained by accessing the record within its wider context. The structure of the classification scheme should proceed from the general to the specific:-

Level 1/Function – This is starting point for users to commence navigation at library level to find their documents. At this level all documents you have permissions for can be viewed.

Level 2/Activity – This is the 2nd level of navigation and filtering whereby users can now view documents that link to the activity only.

Level 3/Transactions – This 3rd level of navigation is further filtering whereby users can now view their working processes and documents.

## 17. CLOSING THE RECORD

Records must be closed as soon as they have ceased to be of active use, other than for reference purposes. The trigger for closure may be end of process, date of death, date of birth, start date, end date etc. For electronic systems something like a date is the best form of closure.

## 18. DISPOSAL OF RECORDS

It is essential that the disposal of records is undertaken in accordance with clearly established policies and agreed retention schedules. All disposition decisions and actions must be documented.

The Council has a corporate contract for the disposal and secure shredding of paper confidential, personal and sensitive personal paper waste.

Disposition refers to the process of determining whether to keep or destroy records, and is governed by Moray Council's Retention Schedules.

Wherever possible information on the intended final disposition of electronic records should be included in the metadata at the time the record is created.

A disposition action can have any of the following outcomes:

- Immediate physical destruction
- overwriting and deletion from the recycle bin in a computer
- destruction upon reaching the end of the retention period in an electronic system
- Retention for a further period within the business unit
- Transfer to another organisation that has assumed responsibility for the business activity
- Transfer to the Archives (Local Heritage Service)

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If the record is subject to review in order to make a decision about whether it should be kept consider the following:

- Consult the Council record retention schedule
- Contact the records manager for advice
- Is the record still required for the day-to-day running of the authority?
- Is there any outstanding work?
- Is there any current or pending litigation, investigation or access request which is relying on the existence of that record?
- Does any legislation or official regulation govern how long it must be kept?
- Is it likely to be of ongoing or recurrent public interest e.g. for historical or cultural purposes?
- Does it record a major policy change or event for the Council?

Retention periods apply equally to records in all formats, whether they are paper, electronic or other media.

It is not possible to keep all Council records indefinitely due to high storage costs for the physical storage of paper records or server space for electronic records.

Records selected for permanent preservation and which are no longer in regular use by the Council should be transferred as soon as possible to the Archives.

When a record has been selected for destruction according to a retention schedule, it must be destroyed and a note of destruction kept. They should be destroyed in as secure a manner as is necessary according to the level of confidentiality or security markings they bear. A record of the destruction of records, showing the authorising officer, reference, description, reason for destruction, and date of destruction, should be maintained.

Deletion of an electronic document is not equivalent to destruction, as it may still be retrievable. In order to be considered destroyed the document must be deleted, and the recycle bin emptied, and an email must be deleted from the inbox, and then deleted from the deleted items. ICT systems delete information on a routine basis from back-up systems.

All copies that are authorised for destruction, including security copies, preservation copies and backup copies of a record in all formats, paper and electronic should be destroyed at the same time.

In some circumstances it may be a criminal offence to destroy a record, for example: destroying a record after having received a request for information relating to that record under a Freedom of Information request or a legal request.

## 19. ARCHIVE OR PERMANENT RETENTION OF RECORDS

The main reasons for permanent retention as Council Archives are:-

- The records are essential to the Council e.g. Council minutes, agendas and reports
- They document the Council's policies, structures and processes so that its activities may be accountable to the present generation

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- The records have a cultural or historical use beyond that for which they were created. E.g. school admission and leavers information

## **20. STORAGE OF RECORDS**

Records that continue to be useful and relevant, no matter what format they are in, need appropriate storage and handling to ensure they are preserved for as long as they are needed. Storage and handling processes should be designed to protect records from unauthorised access, loss or destruction, and from theft and disaster.

Equipment used for records should provide storage which is safe from unauthorised access, and which meets fire regulations and health and safety legislation, but which allows maximum accessibility to the information commensurate with its frequency of use.

When records are closed and are no longer required for current business, it is more economical to store them in the Council's corporate closed records store rather than in the offices.

## **21. RESPONSIBILITY FOR RECORDS**

The Records Manager is responsible for the management of the authority's Records and is responsible for ensuring compliance with the records management policy, strategy and plan as required by the Public Records Scotland Act, Data Protection Act and Freedom of Information (Scotland) Act.

Under the guidance of the records manager responsibility for managing records rests with everyone who has access to Council records. All individuals are responsible for creating full and accurate records, and to document their actions and decisions in the Council's records.

Managers are responsible for ensuring that good records management procedures are implemented throughout their departments and supporting the Records Manager to ensure good practice and legal compliance.

## **22. TRAINING IN RECORD MANAGEMENT**

The Records Manager is responsible for providing support to the Council as is required to implement this policy, and providing training in records management when required.

## **23. CLOSED RECORDS STORE**

The Council has a corporate closed records store for the storage of paper records under retention.