

Council



## **Information Security Document**

## **Record Disposal Policy**

**Version 12.0**

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1.0		Published	unknown
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11.0	11/08/2020	Reviewed by Information Governance Group. Updated figure for permanent records. Executive Directors responsible for retention schedules.	Mark Smith
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**This document has been prepared using the following ISO27001:2013 standard controls as reference:**

ISO Control	Description
A.8.2.1 >2	Information classification
A.8.3.2	Disposal of media
A.8.2.3	Handling of assets
A.15.1.2	Addressing security within supplier agreements
A.18.1.1	Identification of applicable legislation and contractual requirements
A.18.1.3	Protection of records
A.18.1.4	Privacy and protection of personally identifiable information

## **1. Introduction:**

This policy should be read alongside the Council's Corporate Records Management Policy which outlines the Council's commitment to the proactive management of records and associated roles and responsibilities.

The disposal of records is a key aspect of a proactive approach to the management of records and concerns actions to be taken at the end of a record's operational life.

Disposal is the process which determines the final fate of a record and can include physical destruction, transfer to another body, or permanent retention. All records are subject to disposal processes but not all records are destroyed. Approximately 10% of retention rules found in the Council's retention schedules recommend permanent preservation at Derbyshire Record Office.

The UK General Data Protection Regulation (GDPR) and the Freedom of Information Act 2000 require the Council to demonstrate consistency and transparency in the disposal of records.

This policy outlines the core principles of records disposal. An associated document exists on the practical procedures for the disposal of records.

## **2. Aims and Objectives:**

This policy aims:

- To ensure that records are managed and eventually disposed of in accordance with the Council's Corporate Records Management Policy in compliance with Section 46 of the Freedom of Information Act 2000.
- To ensure the disposal of time-expired records no longer required for legal or operational purposes to facilitate efficient access to information, and economic use of storage spaces (physical and electronic).
- To provide methods for determining the appropriate retention periods and disposal actions for records as well as practical procedures for records disposal.

## **3. Retention Periods for Records:**

Records, regardless of their format, should be actively managed. It is best practice to avoid the passive accumulation of records, as this leads eventually to access difficulties as their volume grows. In some cases, disposal of records is a legal requirement. For instance, GDPR specifies that records containing personal data should be kept for no longer than is necessary for the purposes of processing. However, disposal does not always mean destruction, because GDPR also allows "archiving purposes in the public interest", to support scientific, historical or statistical research. Records of potential historical value should be offered to Derbyshire Record Office in accordance with the Corporate Records Management Policy.

Each section of the Council should have in place an agreed retention schedule which outlines the appropriate retention periods for their records. These retention schedules should be agreed upon by departmental management and responsibility for the development of them should be designated to a member of staff (typically those with responsibility for access to information requests) supported by the Corporate Records Manager.

Retention periods are determined by legislation, best practice standards, and operational requirements. At a minimum they should meet legislative time-frames, however there may be justifiable operational reasons to retain certain records beyond the statutory retention period.

Records retention schedules provide a framework of retention periods which enables proactive disposal of records to take place in compliance with relevant legislative and operational standards.

Retention schedules should be living documents which are subject to regular review, at least every two years. This enables the retention schedules to take into account changes in legal frameworks or operational factors, and ensure their continued reliability. As part of the review process the departmental lead will work with the Corporate Records Manager to review the retention schedule alongside key stakeholders.

#### **4. The need for a disposal policy and procedures:**

The presumption of public access created by the Freedom of Information Act 2000 and associated access to information legislation requires the Council to provide justifiable reasons for retaining or disposing of records and to document the disposal of these records.

Section 46 of the Freedom of Information Act 2000 states as a broad principle that: "Authorities should define how long they need to keep particular records, should dispose of them when they are no longer needed and should be able to explain why records are no longer held".

Restricting the content within record systems to material which is only of continuing value for business and archival purposes through the disposal of time-expired records helps maintain efficiency and cost effectiveness.

The consistent management and disposal of records is required by a number of pieces of legislation including (but not limited to): The Freedom of Information Act 2000, The Environmental Information Regulations 2005, The UK General Data Protection Regulation (UK GDPR, incorporated into domestic law in 2020), The Data Protection Act 2018, and the Local Government (Records) Act 1962.

#### **5. Core principles regarding the disposal of records:**

When implementing the disposal of records the appropriate records retention schedule should be consulted to determine the appropriate retention period. The information and actions outlined in the retention schedule will ensure that the appropriate legislative and operational considerations have been taken into account.

The disposal of records requires the authorisation of two members of staff – typically the member of staff with operational responsibility for the records and their line manager.

When records are being disposed of summary information should be noted in a disposal certificate which provides evidence that the disposal has actually been carried out. This information should be in summary form at record series level in most cases (i.e. case files of pupils aged 25 years or over as of 1<sup>st</sup> April 2011).

#### **6. Roles and responsibilities:**

Executive Directors are responsible for ensuring that retention schedules are in place and being consistently adhered to; and that final disposal is undertaken in accordance with corporate disposal procedures. All record and IT disposals must be undertaken with a supplier approved by Derbyshire County Council. In the event that records have been accidentally or deliberately disposed of in breach of the policy the Director of Legal and Democratic Services, the Director of Finance & ICT and the Corporate Records Manager should be notified immediately

Managers are responsible for promoting the regular disposal of records, authorising disposal certificates, ensuring that staff are given training in how to implement disposal decisions, and allocating adequate time and resources to any large-scale record disposal, such as may accompany an office relocation or final vacation of a building. Corporate Property will ensure premises are clear of any remaining documents before closure.

Individual employees are responsible for ensuring that records required for disposal are identified on a regular basis and that disposal procedures are correctly followed.

Derbyshire Record Office is responsible for ensuring that retention schedules and disposal procedures are developed and that ongoing training is provided on how to implement these policies and procedures.

#### **7. Breaches of Policy:**

Breaches of this policy and/or security incidents can be defined as events which could have, or have resulted in, loss or damage to Council assets, or an event which is in breach of the Council's security procedures and policies.

All Council employees, agency workers, elected members, partner agencies, Third Parties and vendors have a responsibility to report security incidents and breaches of this policy as quickly as possible through the Council's Incident Reporting Procedure. This obligation also extends to any external organisation contracted to support or access the Information Systems of the Council.

The Council will take appropriate measures to remedy any breach of the policy and its associated procedures and guidelines through the relevant frameworks in place. In the case of an employee then the matter may be dealt with under the disciplinary procedures.

***This document is owned by the Information Governance Group and forms part of the Council's ISMS Policy and as such, must be fully complied with.***