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## **Information Security Document**

# **Record Disposal** **Procedures**

**Version 11.0**

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11.0	11/08/2020	Reviewed by Information Governance Group. URLs updated. Refers to online disposal form. Refers to record office website instead of Appendix D.	Mark Smith

**This document has been prepared using the following ISO27001 standard controls as reference:**

<b>ISO Control</b>	<b>Description</b>
A.6.2.3	Addressing security in third party agreements
A.7.2.1 >2	Information classification
A.10.7.2	Disposal of media
A.10.7.3	Information handling procedures
A.15.1.1	Identification of applicable legislation
A.15.1.3	Protection of organisational records
A.15.1.4	Data protection and privacy of personal information

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## 1. Introduction

This guidance has been produced by Derbyshire Record Office as part of a series of guidance documents developed to help the Council achieve compliance with the records management code of practice issued under Section 46 of the Freedom of Information Act 2000 and associated regulations.

These procedures outline the way in which Derbyshire County Council will dispose of its records and support the Council's Records Disposal Policy. These apply to all records of the Council, both confidential and non-confidential, and regardless of format – paper or electronic.

Disposal refers to the actions taken at the end of a record's lifecycle and will either be destruction, or permanent retention at the Council's archive service (Derbyshire Record Office).

Any queries regarding retention and disposition procedures should be directed to the Corporate Records Manager at Derbyshire Record Office (email: [records.management@derbyshire.gov.uk](mailto:records.management@derbyshire.gov.uk)).

## 2. When to dispose of records

Current records must have retention periods and associated trigger points assigned to them which have been agreed by the management team of the directorate/department/service and recorded in the relevant records retention schedule. Disposal is the last stage in this process.

In order to demonstrate active records management it is important to ensure the periodic identification of time-expired records. This should be done proactively throughout the year. Designating a particular period (i.e. a particular day or week/month) for reviewing and disposing of records can be a useful way of approaching the identification and disposal of records.

In most cases the disposal of records should be done with reference to the relevant department/sectional records retention schedule. These retention schedules will provide a framework on which to base disposal decisions. Only in exceptional circumstances should disposal take place without reference to an approved retention schedule (e.g. when dealing with legacy records which have been inherited by a department/section and which are no longer needed for the purposes for which they were created). In these exceptional cases the Corporate Records Manager should be contacted to provide assistance in determining the appropriate disposal actions. Records retention schedules are available on the council's website at the following location: <https://staff.derbyshire.gov.uk/retentionschedules>.

If disposal is being considered and a retention period has not previously been assigned to a record or record series, a risk assessment should be undertaken before decisions are implemented. This should take account of legislative and security implications, as well as any potential requirements in respect of legal, financial, human resources or business continuity needs of the Council.

No material which is the subject of ongoing Freedom of Information, legal, audit or similar enquiry should be the subject of disposal. If records relating to a current Freedom of Information request are disposed of the Council may be regarded as

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committing an offence under Section 77 of the Freedom of Information Act 2000 which can incur a fine from the Information Commissioner's Office.

### 3. Disposal of records

Once the end of a retention period has been reached, a full audit trail needs to be implemented in order to document the disposal of Council records (including any duplicate copies). This should take the form of completing a disposal certificate with summary information regarding the records which have been the subject of disposal. These certificates should provide summary information only and should not normally be completed for individual records (i.e. do not record the destruction of John Smith's case file, but record the destruction of all case files for 2001 including details of the type of record). This approach will ensure consistency and transparency in respect to the management of the Council's records. Disposal certificates are used alongside retention schedules to demonstrate that disposal actions have been implemented. A template disposal certificate is provided at Appendix A, which mirrors the form available at <https://staff.derbyshire.gov.uk/information-security/confidential-information/disposing-of-confidential-information/disposing-of-confidential-information.aspx>.

If the disposal action in a retention schedule states 'Offer to Derbyshire Record Office', Derbyshire Record Office should be contacted for further information on how and when to transfer the records. Record Office staff are available to offer advice on records which may have a long term historical value. Further information can be found at <https://www.derbyshire.gov.uk/leisure/record-office/depositors/derbyshire-county-council-archives/derbyshire-county-council-archives.aspx>

If the disposal action states 'Destroy', then the document should be completely destroyed. The method will differ according to the nature of the material and the working environment, in some cases shredding of records containing sensitive information might be appropriate, whereas in other cases this will not be required.

Where documents for disposal are deemed to be confidential because they may contain commercial or personal information, then the disposal method needs to take into account legislative requirements and reduction of risk of inadvertent release of information. A risk assessment may be advisable, in addition to practical precautions such as taking care not to leave records for disposal in locations which are insecure or to which members of the public have access. Staff should refer to the Council's Confidential Waste Procedure for more detailed information on the disposal of confidential waste.

The General Data Protection Regulation 2016 (GDPR) and the Freedom of Information Act 2000 require the Council to demonstrate consistency and transparency in the disposal of records.

Final document disposal should be authorised by two members of staff. These would normally be the staff member with immediate operational responsibility for the records, and their line manager. This procedure ensures that checks can be made in case any records are still required for a legitimate purpose.

If any records for disposal are held by the provider of off-site document records storage, the provider can undertake disposal on behalf of the Council. The procedure outlined above for authorising and certifying destruction should be followed, and the

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storage provider will only undertake disposal if authorised to do so by a designated 'authorised account user' (lists of authorised users are maintained corporately).

Confidential documents must not be left in unsecured areas such as corridors or entrance halls, regardless of whether they have reached the end of their operational use. Where this is unavoidable additional precautions should be taken including shredding of the information. Precautions of this nature are necessary because the sensitive and personal nature of certain documents remains an issue even if the records are being disposed of.

Non-confidential records to be disposed of still require care in their disposal, for both security and environmental reasons. It is important that the non-confidential status of material is checked and confirmed before destruction.

A proactive approach to records disposal is required for all records irrespective of their format, including electronic records. The same processes for disposing and documenting the disposal of records apply to electronic records.

The Corporate Records Manager should be provided with summary details of disposals in order to maintain a central log of records disposals. **The most efficient way of doing this is by using the online disposal form. Where paper forms are preferred, a scanned copy should be sent to [records.management@derbyshire.gov.uk](mailto:records.management@derbyshire.gov.uk).** The log of disposals enables quick checks to be made should an access to information request be submitted pertaining to records which have been disposed of.

***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.***

**1. Origin**

Directorate / Department	
Service Area	

**2. Record(s)**

Record Series title <i>(e.g..Service User Files 2001-2004)</i>					
Further information <i>(e.g. box number)</i>					
Covering Dates					
Quantity <i>(e.g. 3 boxes)</i>					
Format <i>(e.g. paper, electronic, microfilm...)</i>					
Reason for Disposal					
Destruction Date/Retention Schedule Reference <i>(e.g. Finance Retention Schedule reference FIN 2.02)</i>					
Disposal Method <i>(e.g. in-house shredding)</i>	<table border="1"> <tr> <td>Confidential?</td> <td><input type="checkbox"/></td> <td>Non Confidential?</td> <td><input type="checkbox"/></td> </tr> </table>	Confidential?	<input type="checkbox"/>	Non Confidential?	<input type="checkbox"/>
Confidential?	<input type="checkbox"/>	Non Confidential?	<input type="checkbox"/>		

**3. Status**

Active FOI?		Active EIR?		Active DP?		Active Legal?	
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If the answer to any of these questions is yes please contact the Corporate Records Manager for guidance (email: [records.management@derbyshire.gov.uk](mailto:records.management@derbyshire.gov.uk))

**4. Authorisation for Disposal**

	<b>Name</b>	
	<b>Job Title</b>	
	<b>Date</b>	
	<b>Signature</b>	

**5. Confirmation of Disposal**

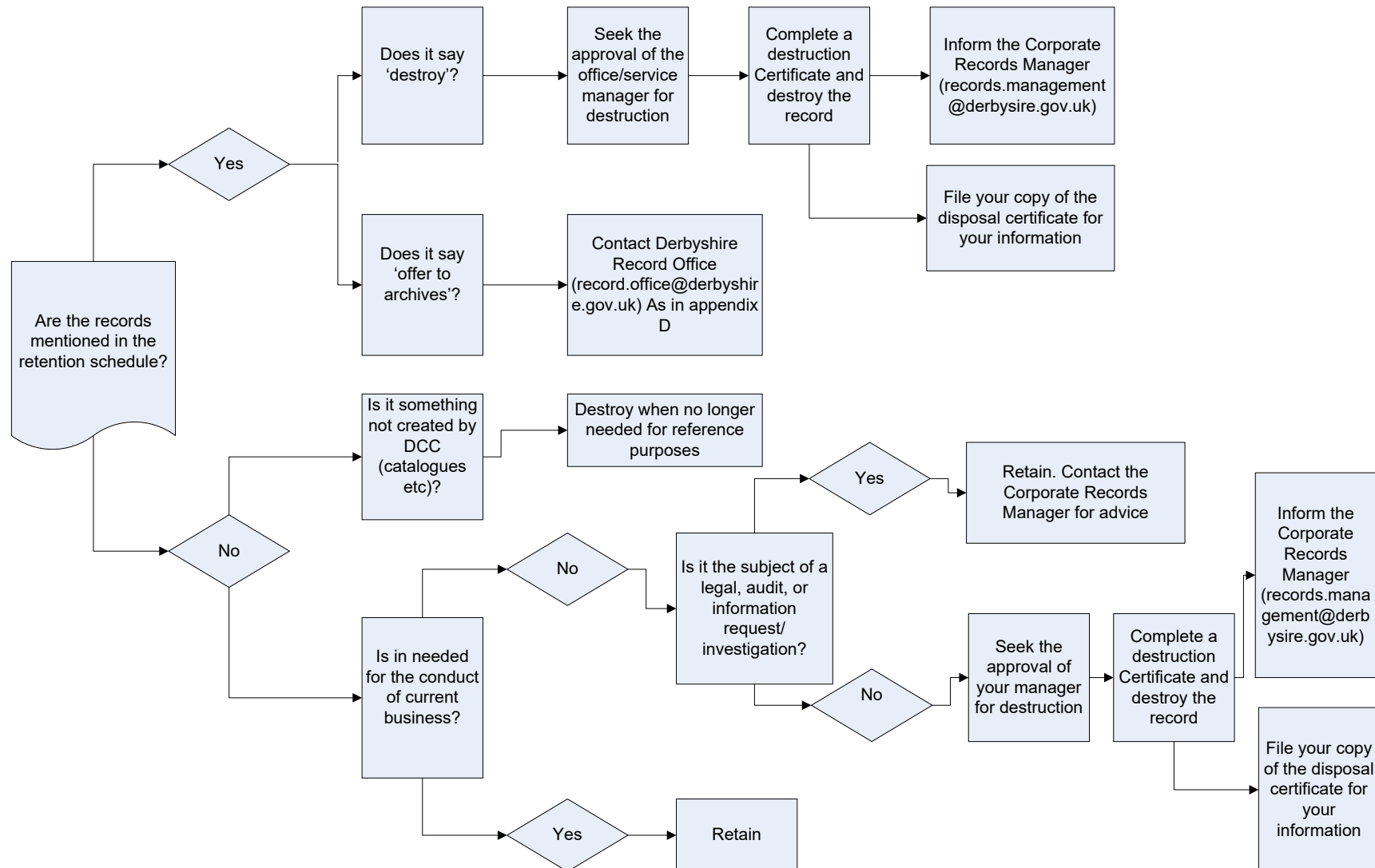
Name	
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Date	
Signature	

*Please retain a copy of this certificate for your records and send a copy to the Corporate Records Manager at [records.management@derbyshire.gov.uk](mailto:records.management@derbyshire.gov.uk)*

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**APPENDIX B: Disposal Workflow**





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APPENDIX C

**FREQUENTLY ASKED QUESTIONS  
REGARDING RECORDS DISPOSAL**

Q. ***What are records?***

A. Records are documents or other items containing recorded information which are produced or received by Derbyshire County Council as part of a business activity or transactions. These can range from hard copy documents to audio tapes and CD-ROMs. Emails can also be records and need to be captured as such. Routine or ephemeral administrative material such as circulars, flyers, trade catalogues or leaflets are not records (largely because they do not document activities).

Q. ***What is disposal?***

A. Disposal is an action affecting the fate of a record. This may be triggered by different events, for example “*x years after a file is closed, the record will be disposed of*”. This can mean transfer to Derbyshire Record Office, physical destruction, or migration of the record between systems. Destruction of a record is a type of disposal. ‘Destruction’ means the permanent deletion of the record so it can in no way be reinstated. In respect of electronic records, this means that the hardware must be wiped clean as effectively as possible. For further information, see the Council’s information security policy and procedures.

Q. ***Who selects records for preservation?***

A. Selection of records, whether hard copy or electronic, for preservation takes place within the record-creating departments following corporate guidelines from Derbyshire Record Office. Initially, records will be identified for long-term preservation in records retention schedules. These will be agreed by heads of service, confirmed by Derbyshire Record Office, and be reviewed regularly by a designated departmental/sectional contact and the Corporate Records Manager to ensure that they reflect current legislative, regulatory and operational requirements.

Derbyshire Record Office accepts material identified as archival and subject to criteria defined in its Acquisition Policy. The Record Office does not accept records until they are no longer needed for legal, administrative or financial purposes.

Q. ***What role do creating departments play in decisions about which records should be permanently preserved?***

A. By implementing agreed retention schedules effectively, creating departments can ensure, through consultation with the Archives and Local Studies Manager and Corporate Records Manager, that records selected for permanent

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preservation are identified and transferred to Derbyshire Record Office as soon as possible.

Record creators know the operational need for the records that they are creating, but there are many record series that need to be kept permanently beyond any operational period because of their archival value. Examples include: County Council minutes or records of a major project.

Separate guidance is available on how to determine archival values and whether disposal is an appropriate action.

Q. ***What happens if a creating department is unable to agree on disposal of records?***

A. Derbyshire Record Office and the Corporate Records Manager will be able to offer advice and guidance on disposal/retention periods. All departments must have agreed retention schedules in place in order to comply with Section 46 of the Freedom of Information Act 2000 (the Code of Practice on Records Management).

Q. ***What determines retention periods?***

A. Retention periods are based on legislation, best practice recommendations in the public sector, and the operational uses of the records. The Corporate Records Manager can advise on specific cases where retention periods are not immediately apparent.

Q. ***What can be done to ensure that the process of implementing disposal decisions is consistent and compatible with legislative requirements?***

A. General advice on legal requirements for records management is available at <http://www.nationalarchives.gov.uk/information-management/legislation-and-regulations.htm>. Information about recent legislation is available at <http://www.legislation.gov.uk/>. In addition, each department's legal services advisor will be able to give advice on current legislation affecting that department's services.

Compliance with the Council's Records Disposal Policy and Procedures will ensure consistent decision-making processes and documentation.

Q. ***What can be done to ensure that the process of transferring records from departments/services to Derbyshire Record Office goes smoothly?***

A. A good retention schedule will identify series of records with the potential to be transferred to Derbyshire Record Office. If these have been identified correctly, then regular transfers of material can be arranged in consultation with Record Office staff.

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Receipts will be issued for records transferred to the custody of Derbyshire Record Office.

**Q. *What principles should be followed for the final destruction of electronic records?***

A. The main principles for electronic records are the same as those affecting hard copy records. The chief difference lies in the method of physical destruction of the records. Destroyed electronic records must not be retrievable by normal means, including the use of back-up tapes.

**Q. *Who authorises final destruction of Derbyshire County Council records?***

A. At least two people must sign a disposal certificate with reason for destruction e.g. end of retention period. One of the two should be the member of staff with responsibility for records/information management. The second is normally the first person's line manager.

Records should be disposed of in line with agreed retention schedules that have been approved by senior management and by using a method appropriate to the confidential/sensitive status of the record.

**Q. *Why do I need to document the disposal of records?***

A. Disposal certificates enable the Council to confirm to external enquirers that records have been disposed of in line with corporate policies and procedures. They also help to defend the Council in the event of allegations that the Council has breached Section 77 of the Freedom of Information Act 2000 (a charge relating to deliberately destroying records pertaining to a current FOI enquiry).

They also provide a safety check which can enable managers to confirm that records can be destroyed and that they are not part of any current investigations or projects.

Disposal certificates work alongside retention schedules as confirmation that a consistent approach has been taken to the disposal of records.

**Q. *What information should I record in a disposal certificate?***

A. A template for a records disposal certificate is available within the Records Disposal Procedures document. Information recorded should include a description and date range of the records disposed of (i.e. service user files 1970-1980); the quantity of records disposed of; the rationale behind the disposal (i.e. beyond retention period); whether there were any access to information or confidentiality issues with the records; and who authorised the records for disposal.

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In most instances disposal certificates should not be completed for individual records. They should instead provide summary information on the group of records being disposed of (i.e. correspondence from 2004/5)

**Q. *How are records destroyed?***

A. Records which are disposed of in confidential waste bins in Council offices are treated as confidential waste. Additionally precautions such as shredding documents might be appropriate for certain types of records. Facilities for destruction of records stored off-site are available from the contractor, currently Restore Plc at Swadlincote.

**Q. *Does Derbyshire Record Office charge for professional services in relation to local authority records?***

A. No, Derbyshire Record Office will provide services for the managing, storage and cataloguing of all local authority records that have been appraised for permanent preservation.

**Q. *How does Derbyshire Record Office care for and make available DCC records?***

A. Derbyshire Record Office has Search Room facilities that allow for the consultation of DCC records. It also employs full time conservation staff and all strongrooms have environmental controls to ensure the continued preservation of records held at the Record Office.

Further details on Record Office services can be found at [www.derbyshire.gov.uk/leisure/record\\_office](http://www.derbyshire.gov.uk/leisure/record_office)

**Q. *Does Derbyshire Record Office accept records in electronic format?***

A. Yes . Derbyshire Record Office will accept electronic records if they are selected for permanent preservation subject to being in a suitable format. Further advice is available.

**Q. *What are operational selection policies and how will they work?***

A. Operational selection policies are policies that set out the criteria for the selection of record series that will be transferred to Derbyshire Record Office. These policies will identify series of records that have potential to be worthy of permanent preservation at the Record Office and will operate in conjunction with current acquisition policies of the Record Office. Most material will be identified within agreed retention schedules. Further advice and guidance is available from the Record Office: email: [record.office@derbyshire.gov.uk](mailto:record.office@derbyshire.gov.uk) .

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### **APPENDIX D: Transferring historical records to Derbyshire Record Office**

#### **Introduction:**

Derbyshire Record Office (DRO) is the archive service for Derbyshire County Council. Records which have been identified as requiring permanent preservation should be offered to Derbyshire Record Office to ensure they are preserved for future generations and to enable access to be provided.

#### **General Principles:**

In order to identify records which require permanent preservation the transferring department should consult their records retention schedule (available at [www.derbyshire.gov.uk/confidentialwaste](http://www.derbyshire.gov.uk/confidentialwaste)). This will establish which types of records do require transferring to DRO. Further guidance on what types of records fall within DRO's collections policy can be obtained by contacting DRO.

To transfer historical records to DRO the transferring department should contact the Duty Archivist by emailing [record.office@derbyshire.gov.uk](mailto:record.office@derbyshire.gov.uk) or telephoning extension 39209. At this point the archivist will advise on whether it appropriate to transfer the records and the practical arrangements involved.

DRO reserves the right to refuse to accept transfers which do not conform to the steps outlined in the transfer process (below). All steps in this process must be completed to ensure a smooth transfer of records to DRO.

#### **Timescales:**

DRO will accept transfers of historical records from Council departments throughout the year. However all transfers should be pre-arranged with DRO in advance.

#### **Process:**

Step 1: Contact DRO to discuss the potential transfer of historical material and establish whether the material you intend to send falls within DRO's collections policy. DRO staff will be able to advise further whether information should be retained and if using the council's off-site storage provider might be more appropriate.

Step 2: Box up and package records: you will need to box your records prior to transfer and mark each box with a unique number. All boxes should include within them a box list within it which summarises the content of the box to aid future retrieval (an electronic copy of this list should also be sent).

Step 3: Complete a record transfer form: this will be sent to you by DRO prior to transfer, and you will need to complete all required fields on this form prior to transfer.

Step 4: Email record transfer form and box lists to DRO: you will need to attach and email the form to [record.office@derbyshire.gov.uk](mailto:record.office@derbyshire.gov.uk) . Once this form has been received

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an archivist will review it to ensure all appropriate information is completed and correct and confirm that you can now arrange transfer of boxes. Do not proceed further until you have received this confirmation email from DRO.

Step 5: Arrange to physically transfer boxes to DRO: you will need to arrange to transfer the boxes from your office to DRO, please liaise with your courier and DRO for an appropriate time and date.