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Information Security Document

Record Disposal
Procedures

Version 12.0

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12.0	05/10/2021	Reviewed by Information Governance Group.	Mark Smith

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

ISO Control	Description
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).

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 an ongoing Subject Access, Freedom of Information, legal, audit or similar enquiry should be disposed of. Doing so may constitute a criminal offence under Section 77 of the Freedom of Information Act 2000, or Section 173 (3) of the Data Protection Act 2018.

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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/services/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 United Kingdom General Data Protection Regulation (UK 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 storage provider will only undertake disposal if authorised to do so by a designated 'authorised account user' (lists of authorised users are maintained corporately).

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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. 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)

4. Authorisation for Disposal

	Name	
	Job Title	
	Date	
	Signature	

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