



ONCHAN DISTRICT COMMISSIONERS

Aim: To detail the Onchan District Commissioners' commitment to records management, advising on the policy and procedures to be adopted regarding document retention and disposals.

Document Retention Schedule and Disposal Policy

MARCH 2020

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Policy Review - History:

Please be aware that a hard copy of this document may not be the latest available version, which is available in the Authority's document management system, and which supersedes all previous versions.

Those to whom this policy applies are responsible for familiarising themselves periodically with the latest version and for complying with policy requirements at all times.

Effective from:	Replaces:	Originator:	Page X of Y
March 2020	Document Retention and Disposal Policy 2017	Chief Executive/Clerk	2 of 21
Board Ratification:		16 th March 2020	
History or Most Recent Policy Changes – MUST BE COMPLETED			
Version:	Date:	Change:	
1	14/06/2017	New Procedure	
2	02/03/2020	Updated	

CHAPTER 1: INTRODUCTION

1.1 Aims and Objectives of the Policy

Information and records created by Onchan District Commissioners are public records under the Public Records Act 1999. Good records management is vital to any area of business. This policy describes how Onchan District Commissioners manages information and records effectively and how we deliver a high standard of records management.

1.2 Policy Outcomes

This policy will ensure that the information and records are created, maintained and, stored securely. It will ensure that they remain usable, authentic and reliable for as long as required. It will ensure that information and records are disposed of appropriately, whether by transfer to the Isle of Man Public Record Office for permanent preservation if required, or through an appropriate method of destruction. Onchan District Commissioners are accountable to the public and to the Government; this policy will promote openness and transparency. The policy will also help the Authority to:-

- Continue to deliver quality services and make informed business decisions;
- Continue transparency and openness;
- Continue good records management, whilst following correct procedures;
- Protect the rights of employees and the public;
- Comply with relevant legislation;
- Provide an audit trail to meet business, regulatory and legal requirements; and
- Promote our achievements.

1.3 Scope

This policy applies to the management of all information and records, in all formats and mediums, created and received by Onchan District Commissioners within the remit of its business needs and activity. This policy applies to all members of staff, contractors, consultants and third parties who work for and on behalf of Onchan District Commissioners.

This policy will provide a corporate policy framework to govern management decisions on whether a particular document (or set of documents) should either be:-

- Retained – and if so in what format, and for what period; or
- Disposed of - and if so when and by what method.

1.4 (a) What is a Record?

All businesses create and keep information and records. They are integral to the operation of any organisation, they provide evidence of what decisions are made, services provided, what interactions and transactions occur, and what policies are developed and communicated. Records can occur in all formats, such as paper, digital, auditory or visual recordings. To define what a record is, the International Council on Archives state that, a record is “recorded information produced or received on the initiation, conduct or completion of an institutional or individual activity and that comprises content, context and structure sufficient to provide evidence of the activity.”¹

In summary a record can include:-

- Minutes of meetings;
- Diaries and calendars;
- Organisational policies and procedures;
- Internal and external emails;
- Internal and external paper correspondence;
- Digital files containing customer data;
- Photographs;
- CCTV recordings; and
- Audio recordings of a telephone call.

All Isle of Man public bodies create public records and are accountable to the public and to government; therefore it is important they keep reliable and authentic records, as it allows business continuity and provides evidence of openness, integrity and transparency.

(b) Why is Records Management Important?

Records management sets out a comprehensive regime to ensure control over what information and records are created, maintained, stored, destroyed and permanently preserved. By using policies, procedures, systems, process and behaviours, Isle of Man public bodies can ensure that reliable evidence of actions and decisions are kept, and that these records remain available for reference and use for as long as needed.

Having good records management is also important:-

- To understand past business activities;
- To know what records you store;
- To use resources more effectively;
- To preserve the corporate memory; and
- To comply with legislation.

Risks of poor records management include:-

- Poor decision making and incomplete records;
- Inadequate security for confidential records;
- Loss of vital records;
- Financial loss due to unreliable evidence or fines for non-compliance;
- Legal prosecution due to noncompliance;
- Reputational damage; and

¹ International Council on Archives (ICA) Committee on Electronic Records, 2005, p.11

- Increase in costs in storage and staff time.

(c) What is the Public Records Act 1999?

The Isle of Man Public Record Office is the National Archives of the Isle of Man. The Record Office selects preserves and maintains records of Isle of Man public bodies that are of historic significance in order to preserve the Island's national and corporate memory for the future. The Public Records Act 1999 sets out the statutory basis for the work of the Public Record Office.

The Public Records Act's primary aim is to permanently preserve Isle of Man **public records** for historical purposes. The Act came into legislation in 1999 and it defines public records as being the administrative and departmental records of Tynwald, central government, other public bodies and the courts. The Public Records Act sets out statutory obligations which Isle of Man public bodies must follow in order to correctly administer the public records they hold.

The Act also highlights the core functions which the Isle of Man Public Record Office will carry out, and it clearly establishes a principle of **partnership** between Isle of Man public bodies and the Isle of Man Public Record Office. The Public Records Act further ensures that public records are properly looked after throughout their working life and that:-

- An informed and documented **process** for selecting public records for permanent preservation is followed; ²
- Those records are then **transferred** to the Isle of Man Public Record Office; and
- The public has **access** to public records at the appropriate time for those particular records, taking into account confidentiality and sensitivity.

Isle of Man public bodies have a legal obligation to work together with the Isle of Man Public Record Office to ensure that the regulations set by the Public Records Act are being met.

(d) Retention of specific documents may be necessary to:-

- Fulfil statutory or other regulatory requirements;
- Evidence events/agreements in the case of disputes;
- Meet operational needs; and
- Ensure the preservation of documents of historic or other value.

Conversely, the permanent retention of all documents is undesirable, and appropriate disposal is to be encouraged for the following reasons:-

- There is a shortage of new storage space;
- Disposal of existing documents can free up space for more productive activities;
- Indefinite retention of personal data may be unlawful; and
- Reduction of fire risk (in the case of paper records).

There is evidence that the de-cluttering of office accommodation can be psychologically beneficial for many workers.

² i.e. providing advice and assistance to public bodies and the use of record retention schedules to make record selection decisions

(e) Destruction - The untimely destruction of documents could cause the Authority:-

- Difficulty in defending litigious claims;
- Operational problems;
- Embarrassment; and
- Failure to comply with the Freedom of Information or Data Protection Acts.

Modern day records management philosophy emphasises the importance of organisations having in place systems for the timely and secure disposal of documents/records that are no longer required for business purposes.

The Freedom of Information Act makes it important that the Authority has clearly defined policies and procedures in place for disposing of records, and that these are well documented.

CHAPTER 2: LEGISLATION

2.1 Information and Record Related Policies

Onchan District Commissioners is bound by a legal framework on managing information and records appropriately, efficiently and with transparency. It is important to recognise that there are many statutes and regulations relating to public records, which can affect the type of records created, the length of time they are kept and the access restrictions on them. Laws which apply specifically to records and information management are outlined below:

2.1.1 The Data Protection Act 2018 and the EU General Data Protection Regulation 2017 - this legislation regulates how personal information should be collected, how it should be managed and for what business purposes personal data can be kept.

2.2 The Freedom of Information Act 2015 - this provides Isle of Man residents a legal right to request access to information created from October 2011 onwards and held by Isle of Man public bodies, subject to appropriate exemptions to protect sensitive information. It is important that information and records are discoverable and managed correctly to ensure compliance.

2.3 The Public Records Act 1999 and the Public Records Order 2015 - this legislation requires that Onchan District Commissioners keep their public records safe, they work in conjunction with the Public Record Office to select records for permanent preservation, they arrange the transfer of said records³ and the Public Record Office provides public access to the records; usually when they are 30 years or older.⁴

2.4 Legislation Related to all Areas of the Business

Some legislation is applicable to all public bodies, and will apply to some or all record types created by Onchan District Commissioners. This legislation includes:-

- **Health and Safety legislation** - such as the Health and Safety at Work etc. Act 1974;
- **Financial legislation and regulations** - such as the Treasury Act 1985, the Audit Act 2006 and the Accounts and Audit Regulations 2007;
- **Employment legislation** - such as the Employment Act 2006 and the Rehabilitation of Offenders Act 2001;
- **Limitations Act 1984** - this establishes the maximum period of time after certain events that legal proceedings can be taken; and
- **Electronic Transactions Act 2000** - this is to enable electronic commerce to be put on the same legal footing as paper based commerce, as well as removing any legal impediments to the use of electronic communications with public authorities.

2.5 Legislation Related to a Specific Business Area

- Some legislation is applicable specifically to Onchan District Commissioners, and will apply to some or all record types. This legislation includes:-
- Local Government Act 1985
- Housing Act 1955
- Building Control Act 1991
- Town and Country Planning Act 1999
- Representation of the People Act 1995

³ Records being transferred are usually 30 years or older, however there are sometimes exceptions - please contact the Isle of Man Public Record Office for guidance.

⁴ There are exceptions in relation to public access restrictions through the Public Records Order 2015.

2.6 Information and Record Related Policies

Onchan District Commissioners will follow various policies alongside the legislation outlined in sections 2.1-2.3. Following these policies will benefit the organisation and help us to manage and operate our information and records efficiently.⁵

- 2.7 **The Public Records Act 1999 (PRA)** gives the authority to the Registrar General [Chief Registrar] to make selection and permanent preservation decisions on public records. The Registrar General is also responsible for guiding, coordinating and supervising all arrangements of said selection.⁶

The Public Record Office acts on **behalf** of the **Registrar General [Chief Registrar]**, and Public Record Office is the place of deposit once public records have been selected for permanent preservation.

- The Public Record Office provides advice and guidance to Onchan District Commissioners on safe-keeping of records and the selection process.
- The Public Records Act 1999 also gives any officer of the Record Office (authorised by the Registrar General [Chief Registrar]), permission to examine any public records, for the purposes of permanent preservation, regardless of whether the records are restricted or confidential.⁷

2.8 Complying with the Public Records Act 1999

To comply with the Public Records Act Onchan District Commissioners will:-

- **Safeguard** our records by ensuring that information and records are managed well and stored securely;
- Work in conjunction with the Isle of Man Public Record Office to select records for **permanent preservation**;
- Transfer selected records to the Public Record Office at a date mutually agreed between both parties; and
- Agree on any **access** restrictions to records transferred to the Public Record Office. Public records are usually open to the public once they have reached 30 years old.⁸
 - Onchan District Commissioners are responsible for documenting (and justifying as required) where records are open before transfer or where they meet the criteria for extended/special closures.

Under the Public Records Act the **Isle of Man Public Record Office** will:-

- **Work** with Onchan District Commissioners to guide, coordinate and supervise their work in delivering their responsibilities under the Public Records Act 1999;
- Maintain and **preserve** the transferred records; and
- Provide appropriate **access** to the transferred records to the public.

1.1.1 ⁵ Not all Public Bodies are subject to these policies - please refer to your line manager or business guidelines if you are unsure.

⁶ The Public Records Act 1999, S3 (2)

⁷ Ibid S3 (3)

⁸ Extended closure periods can be implemented through the Public Records Order 2015.

CHAPTER 3: RECORDS MANAGEMENT

3. Creating and Maintaining Good Records

3.1 Creating

When creating records in any format, Onchan District Commissioners' employees will follow set procedures and create records which have appropriate and sufficient:-

- **Content** - the information and data contained within the record;
- **Context** - the record needs to relate to other corresponding records and to the organisation and to its specific area of business; and
- **Structure** - the record must be constructed in a logical way, and the information must be able to be interpreted.

By following these values, newly created records will be authentic, reliable, usable, evidential (of business actions) and complete.

Onchan District Commissioners will implement the following policies and procedures in relation to the creation of records:-

- Internet and Email Policy

3.2 Maintaining

Onchan District Commissioners will maintain good records by creating an **information asset register** and a records **retention schedule**.

The Information Asset Register will:-

- Allow identification of information and records held by the Authority and document how they are currently managed;⁹
- Highlight any inadequacies in information security and document which record types are liable for legislative restrictions;
- Identify vital business information and records and how they are protected;
- Help legislative compliance and highlight which records will fall under such Acts; and
- Provide control over information and records, which will enhance Onchan District Commissioner's business effectiveness, reduce the time it takes to conduct record-keeping tasks and reduce the costs in storing records.

The records retention schedule will:-

- Provide knowledge/control over the records we create - which in turn enhances business effectiveness;
- Set out a plan for each record during (and after) its business lifetime; and
- Ensure legislative compliance and assist us in avoiding financial repercussions.

Onchan District Commissioners will follow the Internet and Email Policy, and the Privacy Notice, to further maintain good records within the organisation.

1.1.2 ⁹ For example - in a filing system or stored electronically.

3.3 Storage and Security

Onchan District Commissioners will store information and records securely. This will ensure:-

- Records are stored appropriately and safe from physical harm;
- Records are found quickly and efficiently;
- Records cannot be used inappropriately or without authorised access;
- Records are organised, easily retrievable for business use and easily shared between the appropriate, authorised parties; and
- The risks of information and record loss, destruction or misuse are minimised.

To store information and records effectively, Onchan District Commissioners will:-

- Store all information and records (of all formats) in the appropriate manner to provide a controlled environment where information and records can be easily shared and retrieved for business purposes, and an auditable trail of record transactions is provided;
- Store and maintain information and records in conjunction with Onchan District Commissioner's **other record management policies** to ensure continuing access to information;
- Follow the actions set out by Onchan District Commissioners record retention schedule to ensure efficient and economical storage of records;
- Store information and records securely and where appropriate, in accordance with data security classifications (and any Information Security Policies);
- Provide a safe working environment for members of staff; any equipment used to store (all formats of) records will prevent unauthorised access and follow Health and Safety and Fire Regulations;
- Store records in accordance with our business continuity policies, to safeguard all records (including vital records) and provide a continuation of functions within the organisation in times of disruption; and
- Keep full and accurate documentation about destroyed records and records transferred to the Public Record Office for permanent preservation.

3.4 Roles & Responsibilities

3.4.1 Chief Executive/Clerk

The Chief Executive/Clerk has overall responsibility and accountability for records management within Onchan District Commissioners. They will ensure that:-

- The appropriate policies, procedures and mechanisms are in place to support service delivery and continuity;
- Appropriate and accurate information is available when required;
- Onchan District Commissioners are complying with its statutory functions under the legislation relating to good records management; and
- Monitoring and auditing is carried out as outlined in Section 4.4.

3.4.2 Department Managers (Finance Manager and District Surveyor)

The Department Head is responsible for ensuring good and controlled records management throughout their sector/area of work. They will:-

- Work alongside the Chief Executive/Clerk and construct further records management policies and procedures to suit their business needs;
- Assess any potential record management risks;
- Review policies and make the appropriate amendments when needed; and
- Ensure the relevant legislation is being followed and that the Information and Records Management Policy is being implemented throughout Onchan District Commissioners.

The Department Manager is the point of contact for information and record management matters/queries within Onchan District Commissioners.

3.4.3 All employees, contractors, consultants and third parties, who create, receive, maintain or have access to Onchan District Commissioners' information and records, are responsible for ensuring that they act in accordance within the set policies, guidance and legislative procedures:-

- They must use the relevant policies and procedures for guidance;
- Ownership of any information and records created and held by the Authority lies with the organisation, and any unauthorised transfer should not happen under any circumstances;
- If an employee leaves, any information and records in all formats must stay with Onchan District Commissioners;
- In the event of an employee moving roles, agreements must be made to ensure the relevant information and records remain with the outgoing team/position.

CHAPTER 4: OUTCOME

4.1 Record Disposal or Transfer

The Authority will use the Isle of Man Public Record Office record retention schedule to document the Isle of Man Public Record Office legal and business retention periods, the Isle of Man Public Record Office's selection decisions (as discussed and agreed with the Public Record Office) and the actions required. Once the retention periods have ceased Onchan District Commissioners will follow the actions set out for each record series, either:-

- **Disposal**;
- Selected for **permanent preservation** and transferred to the Public Record Office; and
- Or **review** if there is a continued business need.

All Onchan District Commissioners' disposed records will be recorded in a **disposal log**.

4.1.1 Disposal

There are two principal options to transfer (e.g. by passing to another organisation) or to destroy. Managers in operational areas are responsible, within good governance and the quality management process for making sure that records are periodically and routinely reviewed to determine what can be transferred or destroyed in line with the Policy. Please refer to Appendix 2 'Guidance Notes for Disposal of Paper and Electronic records'.

There are some records that do not have to be kept at all and staff may routinely destroy such "unimportant" information in the course of the duties. Please refer to this Policy and Appendix A which provides specimens of typical data of this type.

Disposal can be achieved by a range of processes:-

- Confidential waste' – i.e. making available for collection by a designated refuse collection service;
- Physical destruction on site (paper records - shredding) ;
- Deletion – where computer files are concerned; and
- Migration of document to external body.

Department Managers should take into account the following considerations when selecting any method of disposal:-

- Under no circumstances should paper documents containing personal data or confidential information be simply binned or deposited in refuse tips. To do so could result in the unauthorised disclosure of such information to third parties, and render Onchan District Commissioners liable to prosecution or other enforcement action under the Data Protection Act. Such documents should be destroyed on site (e.g. by shredding) or make arrangements for such documents to be placed in the roto-press refuse vehicle.
- Deletion – If steps are taken to make data virtually impossible to retrieve, then this will be regarded as equivalent to deletion.
- Migration of documents to a third party (other than for destruction or recycling) is unlikely to be an option in most cases. However, this method of disposal will be relevant where documents or records are of historic interest and/or have intrinsic value. The third party here could well be the Public Record Office (“PRO”). “Migration” can, of course, include the sale of documents to a third party. The Chief Executive is the point of reference in cases where migration to the PRO or other external archive is considered a possibility.
- Recycling – wherever practicable disposal should further recycling, in-line with the Authority’s commitment to their waste disposal strategy.

4.2 Transferring to the Public Record Office - Permanent Preservation

Onchan District Commissioners’ records that are 30 years or older which have been selected for permanent preservation will be transferred to the Isle of Man Public Record Office. Both institutions have a statutory responsibility under the Public Records Act 1999 to **work together** to ensure public records of historic value are preserved, transferred and made accessible to researchers.

To start this process, Onchan District Commissioners will contact the Isle of Man Public Record Office to discuss their records and their retention schedule periods. A collective decision will be made on what is selected for permanent preservation and transferred to the Isle of Man Public Record Office. Before transfer the Authority will provide the Isle of Man Public Record Office with:-

- A listing of the relevant records for transfer;
- Contextual information regarding the records;
- Agreed closure periods on any records;
- A signed transfer agreement, authorised by the appropriate senior officer identified in section 3.3; and
- Secure physical transportation of the records to the Isle of Man Public Record Office.

Onchan District Commissioners will decide the fate of any un-selected records in accordance with our records retention schedule and create a disposal list for future reference.

4.3 Training and Awareness

Relevant training and awareness in information/records management and Public Records Act 1999 compliance will be available for all Onchan District Commissioners employees. Engaging in training, and having established lines of communications (with relevant parties), will ensure that employees are aware of their obligations to the various policies, procedures and legislation in their area of work.

4.4 Monitoring and Audit

Implementation of this policy and all related policies and procedures will be monitored.

Audits play a valuable role in maintaining good governance, integrity and attaining specific business objectives. Successful auditing is only possible if there is good records management - following record management policies, procedures and legislation will protect our business values, enhance our reliability and transparency during the auditing process.

Information and records management will be included within Onchan District Commissioner's audit arrangements.

Onchan District Commissioners will conduct internal audits every 2 years.

External audits may be conducted by external bodies on the request of Onchan District Commissioners or as required by relevant authorities, for example, the Isle of Man Information Commissioner.

4.5 Review

This Information and Record Management Policy will be reviewed every 3 years and amendments will be made in accordance to current best practice and procedures.

Isle of Man Public Record Office will be notified of all revisions to this policy and all related policies, procedures and retention schedules. Agreement and approval will be sought to these revisions to ensure the requirements of the Public Records Act 1999 are met.

REFERENCES

TO LEGAL, CENTRAL GOVERNMENT AND OTHER EXTERNAL DOCUMENTS:

Data Protection Act 2018
Public Records Act 1999
Freedom of Information Act 2016
Local Government Act 1985
Housing Act 1955
Building Control Act 1991
Town and Country Planning Act 1999
Representation of the People Act 1995

ONCHAN DISTRICT COMMISSIONERS REFERENCES:

Department of Infrastructure – Retentions of Records Policy – Housing

Thurrock Council – Document Retention Policy <https://www.thurrock.gov.uk/sites/default/files/assets/documents/thurrock-council-document-retention-policy.pdf>

DEFINITIONS:

This policy provides information and advice about record retention, transfer and destruction. It applies to **ALL** records held by the Authority regardless of the media on which they are held.

ROLES:

All

AUTHORITY TO VARY THE PROCEDURE:

Chief Executive

Appendix 1

Summary Document Retention Schedule

Forever

- a) Board agenda, minutes, reports and business papers
- b) Corporate planning
- c) Complaints and Claims
- d) Legal action
- e) Leases
- f) Conveyancing
- g) Personnel Information
- h) Rateable values & valuations
- i) Disposal of Assets & Land
- j) Health and Safety policies & training records
- k) Work with asbestos
- l) Prosecutions

7 years

- a) Election Paperwork
- b) Department planning
- c) Budgeting, monitoring and review
- d) Media Releases
- e) Applications for Social Housing after allocation or withdrawal
- f) Social housing records (after tenancy comes to an end)
- g) Legal Advice
- h) Contracts (after end)
- i) Salary and wages records
- j) Staff Performance & Appraisal
- k) Staff Training (after left)
- l) Invoices and Receipts
- m) Bank statements
- n) Budgets
- o) Rent payments
- p) Rate appeals
- q) Building Maintenance (after disposal of building)
- r) Grounds maintenance
- s) Vehicle documents (after vehicle disposal)
- t) Insurance policies
- u) Insurance claims
- v) Health and Safety Assessments
- w) Staff Accident information
- x) Waste Management

2 years

- a) Organisation of Civic Events
- b) Expressions of Interest
- c) Tenders (Successful or unsuccessful)
- d) Purchase orders

18 months

- Final Warnings

1 year

- Written warnings

6 months

- Oral warning, recruitment information if shortlisted and interviewed

0 months

- Recruitment information if not shortlisted

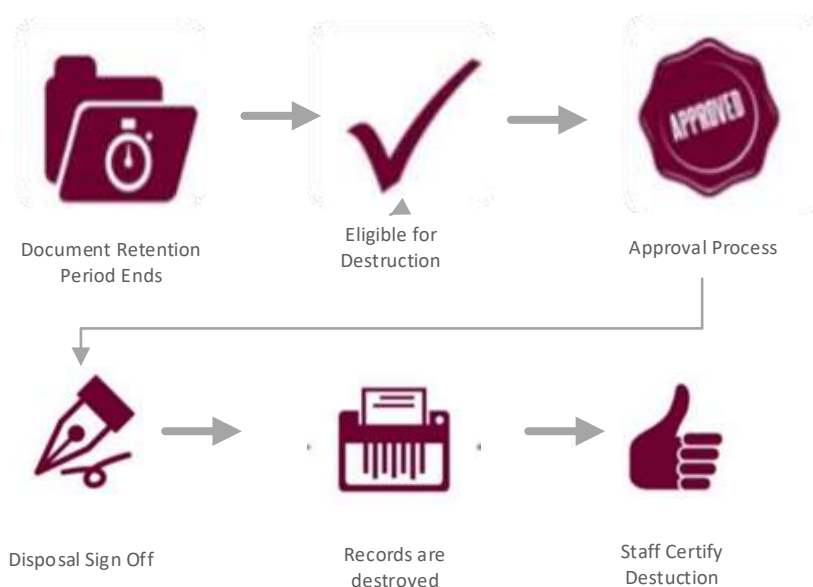
Appendix 2

Guidance Notes for disposal of paper and electronic records

These guidance notes are to be used in conjunction with the Retention of Records Policy.

In this context records include, paper and electronic records, emails, plans, charts, images, as well as videos, DVDs, CDs, floppy disks, audio recordings all of which should be considered within the policy.

1. Under the Public Records Act 1999, records cannot be destroyed without reference to the retention policy and schedule.
2. In order to retain an audit trail of records which have been transferred or destroyed, a register will be retained within the Authority's Laserfiche System.
3. Where the retention policy is not clear or where clarification is required as to whether a record should be transferred or destroyed the Chief Executive should be consulted. The Chief Executive will in turn seek clarification from the Public Record Office before a decision to destroy, transfer or retain is made.
4. Any records which are identified for destruction will be examined by the relevant team manager who will authorise the destruction and sign-off the Disposal of Record Form.



5. The Disposal of Record Form will be forwarded to the Executive Assistant/Officer for this to be scanned in to Laserfiche and the Executive Assistant/Officer will update the register for transferred and disposed records accordingly.

Table 1 below summarises the type of record which **maybe** routinely destroyed, subject to exceptions identified by the retention schedule.

Table 1

- Compliment Slips.
- Externally provided catalogues and magazines such as sales literature, industry magazines, specifications and the likes.
- Telephone slips where the information has been transferred to a file note.
- Trivial e-mail or notes not related to the core business of the Authority.
- Out of date distribution lists, address books and telephone directories
- Early and incomplete draft reports, presentations, papers, letters, agendas, minutes which have not been shared outside the Authority.
- Early and incomplete draft spreadsheets, database, process notes, guidance notes which have not been shared outside the Authority.
- Duplicated data, which is repeated elsewhere.

Table 2 below summarises the principal reasons why information **should not** be destroyed.

Table 2

The record is to be retained as the result of a legal requirement or falls within the retention period set out in the policy.

The record might be called upon as evidence to prove that something has happened. For example, it may be required for possible legal proceedings or investigation.

The record forms part of a live Freedom of Information request.

There is doubt as to whether the record can be destroyed and a response from the Public Record Office is required.

All records that have been identified for destruction must be checked for personal data, confidential or business sensitive content and should be destroyed in as secure a manner as appropriate to the level of confidentiality associated with the record. For example: shredding or disposal by a reputable waste company.

Appendix 3

Generic records retention schedule for Isle of Man Local Authorities issued by the Public Records Office

See separate document.

Appendix 4

Internet and Email Policy

See separate document.

Appendix 5

Privacy Notice

See attached document.