

REVIEW OF GOVERNMENT DIGITAL RECORDS

1. I was asked by the Cabinet Secretary to conduct a review to establish the position across government on managing digital records. This was to cover:
 - a. Policies for capturing and managing digital information;
 - b. Policies for selection, retention and disposal of digital records and how sensitivity checks are handled;
 - c. Whether these policies are complied with in practice, and any risks and issues;
 - d. Whether government has the right tools (including technology) and resources;
 - e. Whether government has the right skills and capacity and any gaps that need to be addressed (in particular, in respect to Departmental Records Officers)
2. This review followed an earlier review I had been asked to do on the annual release of papers to The National Archives (TNA), in which I had noted some of the issues that needed to be addressed in relation to digital records.

Summary

3. In summary, my conclusions are:
 - a. Good record management, whether of paper or digital records, is essential for good government: to support policy development, to provide accountability, to enable comprehensive evidence to be submitted to inquiries and court actions, and eventually to provide the historical background to government;
 - b. The policies and guidance – largely produced by TNA - on capturing and managing digital information are sound; the problems come in the implementation;
 - c. Existing systems which require individual users to identify documents that should constitute official records, and then to save them into an EDRMS or corporate file plan, have not worked well. The processes have been burdensome and compliance poor. As a result, almost all departments have a mass of digital data stored on shared drives that is poorly organised and indexed;
 - d. The issues split into two: what are the best technologies going forward to ensure that digital information is properly managed in future; and what technologies can help to organise and search existing legacy digital data stored outside EDRMSs (Electronic Document and Record Management Systems) ;
 - e. The Government Digital Service (GDS) and TNA need to work closely with departments on solutions for records management in the future. Several departments – including the Cabinet Office – have introduced systems which make storing records appropriately simpler and more straightforward, though issues remain around storing emails;
 - f. Even with improved systems, there will be a need to ensure the appropriate culture is embedded in departments and that changes are backed up by a high level push to make sure new procedures are followed in practice.
 - g. GDS and TNA also need to work with departments to help develop a strategy for dealing with the legacy of poorly organised digital records. The need to respond to inquiries and

court actions has given impetus to this. It does not make sense for individual departments each to have to seek solutions independently;

- h. The principles for selection and retention of digital records, and what needs to be done to check sensitivity, are well understood. But significant practical problems remain, not least because of the poor organisation of much digital data; more research is needed on sensitivity review;
- i. The concerns are less around the skills and capacity of DROs and more around the need to secure high level traction and buy-in for the importance of good record management; but skills in digital record management need to be stepped up;
- j. GDS and TNA need to work closely together on many of the issues raised in this report. High level attention and proper co-ordination will be essential. I am agnostic whether this is best done by the Cabinet Office or the Ministry of Justice. Either should be capable, provided they are ready to take on the necessary leadership role.

Conduct of the review

- 4. I was ably supported in the review by Katie Griffiths from the Cabinet Office, and benefitted from working closely with Roger Smethurst, the Head of Knowledge and Information Management in the Cabinet Office. I am also grateful for the wide-ranging support provided by TNA.
- 5. I held meetings with the records management teams in most major departments, and questioned them on their records management systems and the issues that arose. I had a series of meetings with the Keeper and with others at TNA, and attended some inter-departmental meetings organised by TNA. I had meetings with the Permanent Secretaries in the Cabinet Office and the Ministry of Justice (MoJ), and with the Government Digital Service and the Information Commissioner's Office. I also discussed the subject with the National Archives and Records Administration (NARA) in the U.S. by phone, so as to compare notes on the issues.

Why record management matters

- 6. Good record management is essential for good government, whether the records are paper or digital. Records are needed to support policy development; to help assess the impact of policies; to provide accountability for decisions; to share knowledge across government; to enable departments to provide accurate and comprehensive evidence to inquiries or in legal actions; to answer Freedom of Information requests; and eventually to provide the historical background to government.
- 7. To amplify some of those points: good records management is essential to support policy development. Those involved in developing policies need to be aware of the background to the issues, and previous consideration of similar policies. All civil servants – including me – have at times experienced the frustration of asking for back papers on a particular subject and being told they can't be found. This is inefficient, can lead to re-inventing the wheel and risks similar mistakes being made all over again.
- 8. Good records are also needed to provide an audit trail for decisions, as well as for example providing evidence of whether contractors are fulfilling the terms of their contracts. There have been a

number of examples where departments have needed to call in outside help to sift through unstructured records to provide a comprehensive account of the department's dealings with a particular firm, so as to establish whether the firm is delivering what it contracted to do.

9. One area that is of growing importance is providing comprehensive evidence to public inquiries and to legal proceedings involving the government. The Goddard Inquiry into Child Sex Abuse recently wrote to the Cabinet Secretary and others to set out the importance of retaining all relevant records and undertaking a thorough search to make sure all such records have been identified¹. There have in the past been a number of embarrassing incidents where it has transpired that initial government evidence to inquiries or courts was incomplete and further searches have found additional relevant material that needed to be submitted².
10. Maintaining the public record for the benefit of historians and researchers when files are opened in 20 or 30 years' time is of course one particular reason for ensuring good record management practices are adopted and followed. The existing material in The National Archives is almost all paper based, but departments are beginning to enter the era when digital records will gradually overtake paper in new transfers to TNA. The scale and scope of the material at TNA provides a huge and valuable resource, and it will be important to maintain the breadth and quality as digital transfers develop. What may at the time have looked like ephemera, such as manuscript comments, can prove of particular interest.

Policies on management of digital records

11. There is a wealth of guidance to departments on records management, both digital and paper. This includes extensive information provided by TNA³ as well as the Lord Chancellor's Code of Practice on the management of records, issued under section 46 of the Freedom of Information Act 2000⁴.
12. The Lord Chancellor's Code of Practice includes recommendations in the following areas:
 - a. Authorities should have in place organisational arrangements that support records management;
 - b. Authorities should have in place a records management policy, either as a separate policy or as part of a wider information or knowledge management policy;
 - c. Authorities should ensure they keep the records they will need for business, regulatory, legal and accountability purposes;
 - d. Authorities should keep their records in systems that enable records to be stored and retrieved as necessary;
 - e. Authorities should know what records they hold and where they are, and should ensure that they remain usable for as long as they are required;
 - f. Authorities should ensure that records are stored securely and that access to them is controlled;
 - g. 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;

¹ See <https://www.csa-inquiry.independent.gov.uk/sites/default/files/letter-to-sir-jeremy-heywood.pdf>

² See for example <https://www.gov.uk/government/publications/peter-wanless-and-richard-whittam-qc-supplementary-report>

³ See <http://www.nationalarchives.gov.uk/information-management/manage-information/>

⁴ See <https://www.justice.gov.uk/downloads/information-access-rights/foi/foi-section-46-code-of-practice.pdf>

- h. Authorities should ensure that records shared with other bodies or held on their behalf by other bodies are managed in accordance with the Code;
- i. Authorities should monitor compliance with the Code and assess the overall effectiveness of the programme.

13. The Code then goes on to flesh out these recommendations in some detail.
14. The TNA guidance includes material on planning; on policy and processes (including disposing of records; managing digital records without an EDRMS; managing emails; and managing Private Office records); on managing risk; on selecting and transferring records; and on preserving digital records. As noted in paragraph 81 below, the guidance needs to be regularly reviewed to make sure it reflects new systems and processes as they are introduced, and to take account of issues that may arise in practice.
15. In my view, the Code and the guidance is comprehensive, and if followed fully would produce record management of a high standard across government. It is extensive and does require resources to implement it in full, but most departments have carried the material across into internal policies and processes⁵. The issues arise where the guidance has not been followed properly within departments, or has been followed only partially.

Digital record management in practice

16. The issues around good record management apply to paper records just as much as to digital records. Papers can be wrongly filed, or files misplaced – and there have been many examples of that⁶.
17. But the process for organising maintaining paper records is well-established. The same is much less true of digital records.
18. Departments made increasing use of IT from the 1980s. Initially they adopted a “print to paper” policy, where it was the printed copy of a digital record that was stored in paper files, organised in the traditional way, and which formed the official record. The “print to paper policy” persisted into the 2000s – and even later in some departments. But as digital data became increasingly prevalent, departments gradually began to adopt policies of recognising digital records as part of the official record – though in many cases these existed alongside paper files in a hybrid system.
19. Digital records were initially stored on shared or personal hard drives. Departments gradually began introducing software packages to help manage digital information from the 1990s onwards. The Foreign and Commonwealth Office (FCO) was the first, rolling out Aramis in 1992. The Treasury introduced its first EDRMS in 1996. Most other departments introduced one or more EDRMSs in the 2000s, though some – such as HM Revenue and Customs (HMRC) and Department for Transport (DfT) – have relied on documents being saved into a corporate file plans instead. As EDRMSs were introduced, departments began phasing out their “print to paper” policies
20. Whether a department adopted an EDRMS or used a corporate file plan, the onus was on the individual user to identify records that were significant and needed to be preserved. They were then

⁵ See for example:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/98709/ho-group-info-management-strat.pdf

⁶ For a recent example see <https://www.gov.uk/government/publications/peter-wanless-and-richard-whittam-qc-supplementary-report>

expected to save those records from their personal storage areas into the EDRMS or corporate file plan. Some users did follow the practice scrupulously. But many found it an unwanted burden – typically, the act of saving a record into an EDRMS required users to fill in a range of additional fields to provide the information to identify the record and its content. And it was often easier for a user to find and retrieve records which he or she had stored on a shared or personal drive.

21. Many departments have introduced several different EDRMS over the years, requiring users to learn new ways of saving records, and causing problems for records managers in transferring existing records from one EDRMS to another, or in uploading records from shared drives. And because different departments used different systems, users moving between departments had to learn to adapt to new systems. By contrast, the Northern Ireland Civil Service adopted the same EDRMS across all their departments (and in the NIO) so that staff moving departments were familiar with the records management processes.
22. The result has been that, while EDRMS and corporate file plans contain a portion of what should be departments' official records, a large portion has remained stored in users' personal or shared drives, or email in-boxes. Some has subsequently been migrated into new EDRMSs, but lacks the structure of properly saved records – the "metadata". Most of the data has been preserved – my initial concern that large quantities of data would simply have been destroyed does not seem borne out – but it is poorly organised and indexed, and is mixed in with ephemera and duplicate copies.
23. This is partly an issue of culture and partly of technology. In terms of culture, it reflects a lack of awareness and understanding of the importance of good record keeping. In terms of technology, it reflects the use of systems that make it burdensome to save documents as part of the official record.
24. This is not a newly discovered issue. TNA's Information Management Assessments (IMAs) have frequently highlighted the problem. This, for example, from an IMA carried out in 2013:

"The assessment team found that most staff use shared drives in preference to the EDRMS because they are perceived to offer quicker and easier access to information."
25. Nor is the UK alone in experiencing these problems. When I spoke to NARA in the US, they said that asking individuals to take responsibility for identifying public records and saving them into an EDRMS was proven to have failed. NARA were now deeply committed to automated solutions for saving records.

Issues going forward; and dealing with the past

26. The actions needed to deal with this situation split into two. One is to identify systems going forward that make it easier for users to store records into an organised structure, and to build a culture where everyone recognises the importance of good record management. The other is to help departments deal with existing records, wherever and however they are stored. This will require finding solutions to retrieving all relevant records, integrating searches across those records stored in EDRMSs or corporate file plans with material stored on shared drives.
27. Most of the focus is on text documents and emails, but I should note that records can encompass a wide range of formats, some of which are complex and not easily stored even in newer systems.
28. Departments are aware of the problems, and some have addressed the way forward by introducing new systems. The Cabinet Office and the Department for Culture, Media and Sport (DCMS) have introduced a Google-based system which makes the process of storing documents more

straightforward, and, through enabling working on shared copies of documents, reduces the number of duplicate copies stored. But even here, issues remain, for example over saving emails or in tagging records to make retrieval easier. Other departments are updating their Sharepoint systems and customising them to make the processes more straightforward. The Department for Business, Innovation and Skills (BIS) is introducing an open-source solution, Alfresco. Others are considering what systems to introduce as their existing IT contracts come up for renewal.

29. I believe the Government Digital Service has an important role to play in this. I welcome the fact that they have now begun to work with departments on records management solutions, and have appointed a product lead as part of their Common Technology Services plans. This should help departments identify suitable systems going forward. TNA also have a role to play in ensuring that new systems make it easy for departments and users to follow the guidance and best practice on records management. I recommend that GDS and TNA work closely with departments to help ensure new systems enable and simplify records management processes.
30. Even with improved systems, there will be a need to ensure the appropriate culture is embedded in departments. As noted above, the guidance issued within departments is in principle fine. But it needs to be backed up by a high level push to make sure it is followed in practice. That will be easier if common tools and common processes are adopted and backed up by sustained and co-ordinated top down support and encouragement.
31. In my previous report, I highlighted the importance of giving a higher profile to TNA's Information Management Assessments⁷ (IMAs), which provide an independent assessment of departments' information management practices. TNA have, in response to one of my recommendations, published a review of good practice from the IMA programme⁸. They have also recently carried out Business Intelligence Interviews with each department as background for preparing for digital transfers to TNA, and the records of these interviews contain much valuable information about the issues faced in each department.
32. I am still not, however, convinced that the importance of good record management is given the high level attention it needs, both to address the issues raised and to ensure an appropriate culture is spread throughout departments. I address this further in the section on governance below.
33. As well as addressing the issues going forward, there is also a need to deal with the legacy of records stored in EDRMSs, shared drives etc. The problem is the poor organisation of the records. Where records are stored on shared drives, or have been imported into EDRMSs in bulk from shared drives, they often lack needed metadata – such as subject matter, understandable titles, dates created etc. This makes it hard to search or retrieve records intelligently.
34. This creates a range of problems. It makes it hard to retrieve the information needed to support policy decisions. It can make it hard to demonstrate accountability for decisions, or to provide the audit trail to ensure contracts are being managed properly. It can make it hard to deal properly with Freedom of Information requests.
35. One particular area where this has come to the fore is in providing evidence to public inquiries or court actions – most recently in relation to evidence to be provided to the Goddard Inquiry. Given the problems over locating paper records, there is understandable concern to ensure that searches

⁷ See <http://www.nationalarchives.gov.uk/information-management/manage-information/ima/ima-reports-action-plans/>

⁸ See <http://www.nationalarchives.gov.uk/documents/information-management/ima-programme-good-practice-report.pdf>

of digital records are carried out thoroughly and comprehensively. Because of the need to deal with court actions, the Ministry of Defence (MoD) has set up a special team to handle searches of digital material. More recently, GDS have been asked to assist the Home Office and other departments in addressing how best to deal with this issue.

36. The private sector has considerable experience in dealing with similar problems in relation to legal actions and regulatory investigations. A range of e-discovery and data analytic tools and services have been developed. Departments have employed these on occasions, for example in assembling evidence of dealings with contractors to resolve disputes. I had a meeting with one of the firms who act in this field, and saw a demonstration of the software they employ. The Serious Fraud Office (SFO) also has made extensive use of e-discovery tools in its work, and is contributing to discussions about how to deal with the issues of providing evidence to the Goddard Inquiry.
37. TNA are evaluating a number of software packages in the e-discovery and related fields. This was primarily aimed at dealing with issues around sensitivity review, but the read-across to appraisal and selection of records for eventual transfer to TNA was soon recognised. And it clearly has wider application to the issues discussed above. The evaluation has identified useful technologies for clustering records – grouping records that are conceptually similar – and categorisation – defining exemplars and using algorithms to identify similar records.
38. This is an issue which calls for a co-ordinated approach across government. Many departments face similar challenges, for which the solutions will be similar. There will be differences in exactly how to handle specific set-ups in individual departments. But where common tools can be deployed, it makes sense for central co-ordination to be provided. This may also help reduce the costs, where single licences can be obtained or larger contracts negotiated across several departments. There may be short-term costs in sorting these issues out. But the longer-term costs of failing to address them can be considerable – for example when expensive forensic accountants have to be brought in to deal with urgent problems.
39. I recommend that GDS and TNA work with department to develop a strategy for dealing with the legacy of poorly organised digital records.

Disposal of records

40. A part of good record management is deciding what to keep, and setting appropriate disposal schedules for records that will not have a long-term business need or be of historical value. Many records are ephemeral and could be destroyed soon after creation. Others will need to be kept for a period but TNA guidance is that information “should be retained only as long as it is needed for business, legal or historical purposes”. Most departments have produced “What To Keep” guidance for their staff⁹.
41. Disposal of records is, however, always something viewed with suspicion by the public, with fears that it is used to prevent damaging information being revealed. So it is important that a record is kept of what official records have been disposed of, and the reasons behind the decisions. This needs to be done in a way that is proportionate – not, for example, requiring users to account for disposal of what are clearly ephemera. The Lord Chancellor’s Code of Practice says:

“Details of destruction of records should be kept, either as part of the audit trail metadata or separately. Ideally, some evidence of destruction should be kept indefinitely because the

⁹ See for example

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/387086/what-to-keep.pdf

previous existence of records may be relevant information. ... At the very least it should be possible to provide evidence that as part of routine records management processes destruction of a specified type of record of a specified age range took place in accordance with a specified provision of the disposal schedule.”

42. I mentioned above the Goddard Inquiry’s request to departments to “ensure that no line of investigation is curtailed by the premature destruction of files or records that later become required as evidence”, and listing categories of documents that should be retained. To some extent, this, and related concerns about records having been lost or deleted, may change perceptions of the balance of risk. It may encourage departments to retain records until they are sure they will not be the subject of further investigation or inquiry, rather than disposing of them when they did not perceive a routine business need to keep them. I believe that would be an appropriate response: it does not change the principles behind the guidance on disposal, but clarifies what “business need”. I recommend that TNA reflect this in their guidance.

43. Publicity was given recently to policies about auto-deletion of emails. The TNA guidance on emails says:

“There are ways of motivating staff to manage their email messages, for example introducing auto-deletion and restricting mailbox size, but these should only be introduced after careful consultation and preparation to ensure staff are capable of managing their mailboxes.”

A few departments do have auto-deletion arrangements in place, though with a large range of different periods before emails are auto-deleted. Even here, deleted emails can be retrieved from backups for several years afterwards, though at a cost.

44. I discuss this further in the section on e-mail below.

Longer term

45. It is worth pausing to consider whether technical trends will render some of these issues and problems irrelevant. If the costs of storing digital data continue to fall, and if search technologies became more and more sophisticated and easy to use, why not simply save everything without worrying about structure or organisation and rely on search to retrieve whatever records are needed?

46. That might be an eventual outcome, but we are nowhere near there now. In particular, with current technologies, it is very much easier to retrieve records that have been structured in a logical way. The more data that is stored, the more that current searches will turn up irrelevant records and duplicate copies. And the harder it will be for departments to conduct sensitivity reviews before documents are released.

47. So, while the government should keep wider developments under review, it is important to continue to promote good records management practices, including structuring records in a coherent way and adopting sensible disposal policies.

48. The longer term issues do, however, highlight the point that the government will need in the future to be ready to deal with very large data stores, including customer data as well as departmental data, and in a more intensive way. This will be costly, and require support if it is to be done properly. To do this effectively, the government will need to be ready to consult with others outside

government, including outside the mainstream suppliers. GDS and the Cabinet Office will have an important role in setting appropriate standards.

Digital transfer to TNA

49. As I have indicated, eventual transfer of records to TNA is only one of the drivers for good record management, though it is an important one. As part of its planning for digital transfer, TNA has been taking a lead in addressing many of the issues raised in this report.
50. TNA has so far accepted transfers primarily from a number of completed inquiries (such as the Leveson inquiry), but has recently trialled transfers of records from the Welsh Government and of some of its own records. The series of Business Intelligence reviews that it has conducted with departments are designed to establish the facts about departments' digital holdings, and their readiness to make transfers. The first significant transfer under the 20 Year Rule is due from the FCO, BIS and the Home Office in 2017. Thereafter, digital transfers from departments will gradually build up, depending on when they ended a "print to paper" policy.
51. The first stage in preparing for a transfer is the selection of records which are of historical value and are appropriate for permanent preservation. This inevitably runs into the issues of dealing with unstructured data held on shared drives or transferred from shared drives. The need to address this lies behind TNA's trialling of the software packages mentioned in paragraph 37 above. It is important to ensure that records have suitable metadata associated with them so that they can readily be searched for in TNA's catalogue.
52. Once records have been selected, TNA has developed a tool to ensure they are in a format that TNA can accept and to organise the actual transfer, and this tool is being regularly updated. TNA can accept a wide range of digital formats that should cover all the types of data held by departments. At the start of this review, I had some concerns that departments might hold digital data in obsolete formats that were no longer readable, or on media that was now impossible to read. But that does not seem to be the case – and the bulk of the data is in text-based files that can readily be converted into modern formats. There are some issues for TNA over, for example, mapping data or 3D model rendering data but these affect specialised areas. There are also issues over how video files can best be presented to those accessing TNA material (and the Supreme Court, for example, is generating large volumes of video from its hearings and judgments). But TNA have work on this in hand.

Sensitivity review

53. Once records have been selected for transfer to TNA, they need to be subject to sensitivity review to determine whether they can be opened for access or whether they contain information that is subject to those Freedom of Information exemptions that continue after 20 years. I outlined in my previous report the process by which this is done for paper records but noted that review of digital records would raise new problems.
54. In part these problems are physical – reviewers find it harder to scroll through data on a screen than to leaf through paper files, and the volumes of digital data are likely to be very significantly greater than those of paper records. But more important is the problem of identifying which records may contain sensitive material. With a paper file, the subject matter will normally provide an indication whether it is likely to contain sensitive material. But where digital records are not organised in as structured a way, other methods will be needed.

55. It seems inevitable that this will require some form of search technology. The various e-discovery tools discussed above, including those being trialled by TNA, will be important here and have shown some promising results. Simple search strings on their own will not be adequate: they will produce too many documents that are not relevant. Some form of semantic or sentiment analysis will be needed in addition.
56. These tools can also help with identifying one of the particular sources of continuing sensitivity: the exemption for personal data. Tools which can identify data such as names, addresses or phone numbers and can automatically redact them, subject to review, could greatly simplify the process.
57. In my previous review, I noted the proposal from Northumbria University and the University of Glasgow for a research project into digital sensitivity review. The project is seeking Research Council funding, and has submitted its application but has not yet heard the outcome.
58. It is notable that in TNA's Business Intelligence Reviews, the most common area where departments indicated that they needed help was on sensitivity review of digital records. I recommend that research into ways of addressing this should be a priority for TNA, with support from GDS and others as appropriate, and drawing on the Northumbria/Glasgow research if that receives funding, as I hope it will.
59. The risk if this issue is not addressed satisfactorily is either that material will be released to TNA without proper review, leading to embarrassment when sensitive material is found to be in the public domain; or, perhaps as a reaction to the discovery of such releases, departments become risk averse and apply for blanket closures of records.

Emails

60. While much of the focus is on documents in the form of minutes, submissions, letters etc., there is no doubt that significant information and decisions are conveyed by email, and therefore need to be preserved as part of the official record. TNA have produced specific guidance on managing emails¹⁰.
61. Saving emails into EDRMSs or corporate file plans seems to have been complied with even less rigorously than for other records. Even in some of the newer systems, it is not always easy to do this – it is not possible in some to “drag and drop” emails without first converting them to pdf's. Chains of emails converted to text formats are not always easy to follow, and there can be problems over dealing with attachments. TNA's 2012-13 digital landscape review found that two-thirds of departments could not search their Outlook emails in email servers or archives. The TNA guidance recognises that compliance may be a problem, and poses a number of questions to be addressed, such as “does the system intended to store and manage emails actually work?” and “does the process meet both user and business needs?” It notes that non-compliance is often a cultural issue, “where users are simply reluctant or too busy to manage emails”.
62. The U.S. government has introduced its “Capstone” policy¹¹, under which the mailboxes of designated ministers and senior officials are automatically preserved. It is open to the individuals to weed their mailboxes of ephemera and personal content, but the default is that everything is saved. When I spoke to NARA they said this default position provided them with comfort that all relevant material was being preserved.

¹⁰ See <http://www.nationalarchives.gov.uk/information-management/manage-information/policy-process/managing-email/>

¹¹ See <http://www.archives.gov/records-mgmt/bulletins/2013/2013-02.html>

63. I recognise that adopting this approach in the UK would run counter to the general guidance on good records management practice, in that it would result in information being retained that was not necessarily of value or importance to the business. But, notwithstanding my comments above about disposal policies, I can see considerable advantages in providing a guarantee that significant information which may be poorly captured at present will be preserved. I recommend that TNA, MoJ and the Cabinet Office consider carefully whether it should be adopted here.

Private Offices

64. Private Offices are the conduit by which information is provided to ministers, and ministerial decisions are recorded and promulgated. They therefore have an important role in record management. The Cabinet Office and TNA have produced specific guidance on the management of private office papers¹². The norm in many departments is for private offices to rely on individual divisions or branches to maintain appropriate files for their area, including material sent out from the private office¹³.

65. It is notable that when material is released by TNA under the 20 Year Rule, the manuscript annotations by ministers on submissions are often seen as giving important insights into their thinking. I asked departments how these were handled in the digital era. In many cases, the answer was that private offices would send out emails recording the minister's comments. I know, though, that private office summaries of a minister's views are rarely a verbatim transcript, and something of value will be lost if the manuscript comments are not themselves preserved.

66. A few departments told me that it was their practice to scan any documents with ministers' comments and add the scanned copy to the stored records. That seems to me a good way of preserving such material and I recommend that all departments adopt that practice. It may be, of course, that ministers will increasingly move to reading submissions and other documents on screens rather than on paper, and then recording their comments in emails or similar digital means. In that case, the discussion above about preserving emails will apply.

More highly classified material

67. My review has focussed primarily on handling data and records with a security classification of "official" or which is unclassified. But I had a meeting with officials in the Cabinet Office to discuss briefly the record management of more highly classified data.

68. Many of the same issues apply here, and the necessary solutions will be similar. As with less sensitive data, some users and departments have been assiduous in storing data into appropriate file systems, while others have operated via email and personal storage. The issue is over how to search and retrieve data, rather than concerns about any such material being deleted or lost.

69. One particular issue concerns material held on previous systems certified as able to hold "confidential" data. The data held on such systems needs to be analysed to see what can be transferred to "official" level systems and what needs to be kept on "secret" level systems. Where the data is poorly structured, this can be a difficult exercise, and departments have generally accorded this a lower priority than other record management tasks.

70. The Cabinet Office is leading an exercise to introduce a new system capable of handling "secret" level data with improved capabilities for users. The intention is that departments will have the ability

¹² See <http://www.nationalarchives.gov.uk/documents/information-management/popapersguidance2009.pdf>

¹³ Model 2 in the guidance

to adopt their own records management solutions. I urged the Cabinet Office to take note of my findings from this review, and to avoid setting up arrangements which placed the burden on users to decide what to save as official records. The Cabinet Office accepted the point, and said that user research was a key part of developing the system. I also recommend that the Cabinet Office and departments consider introducing parallel filing structures across “secret” and “official” systems so as to make information retrieval more straightforward.

Skills and capacity

71. I was asked to consider whether government has the rights skills and capacity and any gaps that need to be addressed (in particular, in respect to Departmental Records Officers). My view is that the issue is not the general skills and capacity of Departmental Records Officers, many of whom I met and who seemed generally well seized of the issues. It is more in securing higher level traction and buy-in for the importance of records management – something which the need to respond to the Goddard Inquiry has helped promote.
72. Where there are gaps is in digital skills and experience, for example in the area of e-discovery and searching poorly structured digital data. This is an area where departments will naturally look to GDS and TNA for leadership, but will also need to invest in building up their own understanding and skills. There are also gaps and a lack of capacity for sensitivity review of digital records, though this is bound up with the need to develop technologies to support this.
73. GDS are also developing an executive education programme on technology, and I recommend they consider including a short section on digital record management.
74. Developing the tools needed in these areas, or making use of private sector solutions, will inevitably require some additional resources, which will be hard to find in the context of the current spending review. This reinforces the need to find solutions that can be deployed across multiple departments, rather than leaving each department to attempt to solve the problem individually. I recommend that GDS and TNA continue to work towards this objective.

Governance

75. In my earlier report, I addressed the issue of governance of records management. As I set out there, TNA is a non-ministerial department, under the umbrella of the Lord Chancellor. The Chief Executive has the formal title Keeper of Public Records and is TNA’s accounting officer. Section 3 of the Public Records Act says:

“It shall be the duty of every person responsible for public records of any description ... to make arrangements for the selection of those records which ought to be permanently preserved and for their safe-keeping.”

“Every person shall perform his duties under this section under the guidance of the Keeper of Public Records and the said Keeper shall be responsible for co-ordinating and supervising all action taken under this section.”

76. This clearly places the duties on individuals in departments, co-ordinated and supervised by TNA. The Civil Service Code reinforces this, providing that civil servants must “keep accurate official records and handle information as openly as possible within the legal framework”.

77. But I noted that TNA needed some higher-level backup within Whitehall. I considered whether the Cabinet Office, with its responsibility for cross-departmental functions, should take on the role of backing up TNA's recommendations and ensuring they were carried through. I concluded that it made more sense for it to be a responsibility of the Ministry of Justice. The Public Records Act places ministerial responsibility with the Lord Chancellor (it says he "shall supervise the care and preservation of public records"), and MoJ is the department which supports the Lord Chancellor in his ministerial role and had responsibility for Freedom of Information and Data Protection.
78. I have, however, reconsidered this in the context of digital records and in the light of the transfer of responsibility for policy on Freedom of Information from MoJ to the Cabinet Office. My previous review was largely focussed on paper records, and the advent of digital records raise new issues. Many of these are technical – though as I make clear elsewhere in this report, there are also significant issues around culture and working practices.
79. GDS, as part of the Cabinet Office, has a role to play here. Its primary remit is leading the digital transformation of government and making public services digital by default, with responsibility for choosing the right technology for government. As part of this, GDS is working with departments on developing "Government as a platform", looking at common technology services and platforms and standards.
80. As I have indicated above, GDS is now becoming involved in helping departments with some of the issues around records management. I welcome this. In particular, GDS needs to play a role in looking at future systems for managing records, and assisting departments with work on searching past records, for example to find documents relevant as evidence to the Goddard Inquiry. They will need to re-inforce the leadership that is needed to make sure new systems are adopted and new procedures followed throughout departments.
81. As will be apparent from many of my recommendations, I believe that TNA and GDS need to work closely together on the issues raised in this report. This will need to include looking at TNA's guidance to make sure it is compatible with new systems and processes. At present, both GDS and TNA have relatively small teams working in these areas. Departments will look to GDS for guidance and support on IT issues and to TNA for records management expertise, as well as leadership on cultural change. There will need to be high-level backup and co-ordination behind this, as well as to press the cultural changes needed.
82. I am agnostic whether this role is best played by the Cabinet Office or MoJ. In either case, what will be needed is to increase the attention and focus on the issues around digital record management, and to ensure that the efforts of GDS and TNA are properly co-ordinated. The department will also need to make sure that the issues are being recognised and addressed across all departments. In either case, the department would need to allocate sufficient resources to make sure the role was carried out properly, as well as making sure that GDS and TNA are properly resourced.
83. The Cabinet Office has experience in managing cross-government issues, and its role in doing this is familiar to departments. But MoJ should equally be capable of overseeing the necessary work, with Cabinet Office backing where necessary. The same would apply were another department to take on responsibility for records management.
84. I continue to believe, as I set out in my previous report, that the profile of TNA needs to be raised, in particular to secure recognition that its role goes beyond simply being an archive and extends also to securing best practice in records management. I recommended that the Keeper should be invited annually to attend a meeting of Permanent Secretaries and to make a presentation on departmental

performance on records management and on issues of concern. This was agreed, but has not so far taken place. It should.

Public Records Act

85. I asked TNA whether they felt they needed any additional powers to fulfil their remit, and whether there were any other changes to the Public Records Act they would ideally like to see. They felt the issue was more one of securing high level buy-in across Whitehall than needing new powers.
86. They also noted that although the legislation governing public records dates from 1958, long before departments had begun to generate electronic records, its basic definitions are sufficient to encompass such records. The Act defines “records” as including “not only written records but records conveying information by any other means whatsoever.”

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