



Government
Internal Audit
Agency



Disclosure &
Barring Service

Review of DBS Data Retention Policy

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Review of DBS Data Retention Policy

INTERNAL AUDIT REPORT

Final Report

October 2015

Distribution of Report

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Further Information

This engagement was managed by Justin Martin and conducted by Adrian Blackman and covered the period 18 MAY 15 to 15 JUN 15. A copy of the engagement objective and scope from the agreed Terms of Reference for this engagement are included in the main body of the report.

Please contact either of the above for further information about this engagement.

EXECUTIVE SUMMARY

1.1 We were asked by the Disclosure and Barring Service (DBS) to undertake a review of their Data Retention Policy (the Policy), its application (i.e. the delivery processes currently in place to manage retention of case files) within the organisation and a high level review of the teams responsible for its implementation.

1.2 To achieve this understanding we used DBS' barring service to test of how the Policy had been implemented and the general awareness within the teams of obligations to manage case files in line with it. This was supported by further interviews with the Information Security Team and SIRO as well as an assessment of the destruction of records against the Data Retention Policy's requirements.

1.3 This work forms Phase 2 of a wider engagement reviewing paper file management and disposal within the Barring service of DBS. This work was conducted in parallel with Phase 1, where we conducted a reconciliation of paper files in DBS' custody and their corresponding handling in accordance with the agreed Memorandum of Understanding with government departments in Northern Ireland. This first phase has been reported to the DBS separately.

KEY OBSERVATIONS AND RECOMMENDATIONS

1.4 Our review of the Barring team identified an established team and a structure for information management. We also noted that the current Data Retention Policy introduction is clear, identifies a need for data retention within DBS and the policy itself provides significant detail geared to guiding operational users on retention practice. However, we found the policy to be lacking in some retention components and recommend that the current Data Retention Policy be reviewed to ensure it aligns with guidance from authorities such as "The National Archives" and the Lord Chancellor's Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000. This should include:

- Identification and capture of key information when disposing of a file to include: date opened and closed, user who created the file and reason for disposal;
- The legal or business reason that supports the retention period; and
- A clear instruction of what should happen to the file (e.g. destroy or archive) and when.

1.5 DBS should also review the levels of awareness of the Data Retention Policy and Procedures within operational and Barring teams in order to help staff ensure compliance.

1.6 Within the Barring team we recommend a review of the systems used to create, track and dispose of case files. Each part of the process is recorded separately in related databases and a disposals spreadsheet. In it's current form the process does not provide a single, coherent overview of when a file is created, used and destroyed. In addition the spreadsheet that records disposal does not capture enough information to always understand why a file was destroyed.

1.7 In addition, we recommend a review of the R1 case management implementation to ensure it does not reduce the visibility and understanding of the correct procedures for management of paper case files.

1.8 As this review has focused on the Barring team in DBS we recommend a detailed information governance assessment across DBS to understand if the issues raised in this report are representative of the whole organisation and not specific to the Barring team.

1.9 We have included a template for management use with our recommendations in Annex A.

DETAILED FINDINGS: DATA RETENTION POLICY REVIEW

1.10 We compared the Policy with good practice guidance, international standards and examples of published retention schedules within UK Government (listed in Annex B)

1.11 The Policy introduction is clear and identifies a need for retention within DBS. It identifies an owner of the document and local record managers who support various aspects of the retention schedules.

1.12 When considering the detail of the Policy we found it to be highly granular but lacking in some components that would be expected to be present in a retention schedule. The Lord Chancellor's Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000 states; "*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*".

1.13 Our review of the Policy found that, although it is has been created in line with the requests of operational users; in its current form it may adversely impact on effective disposal decision making as it:

- Presents a mix of reasons and endorsements for the Policy but does not clearly state the legislative or regulatory reason for retention of each type of record DBS identifies in its retention schedules (e.g. Data protection Act 1998 or Public Records Act 1958);
- The document is 113 pages long and mixes policy with operational retention schedules. This may make it difficult for operational users to navigate it and understand what retention schedules they should follow;
- The retention schedules are highly granular and reference individual record types. This approach could result in record categories within a file being destroyed at different times from the file itself which in turn could disrupt continuity of file information and ultimately usefulness of the file;
- The "Retention Period" column uses inconsistent terminology and disposal actions which could lead to records being retained outside of the retention period (e.g. a disposal period marked as "1 year" and "delete 2 years"); and
- The Policy does not provide legal or business reasons for the retention period and disposal action, as can be found in other policy guidance. For example, a typical financial legal citation references HMRC regulation and The Companies Act which permit financial records to be destroyed after six years.

1.14 We recognise that each organisation's data retention policy is personal to them. The purpose of the comparison was to identify the key features that are not currently present, or clearly identifiable in DBS Data Retention Policy so management can consider amendment.

1.15 We understand that Home Office the Information Commissioner's Office and The National Archives had sight of the Policy. We understand that the Home Office is currently reviewing their own policy on retention periods so we recommend that the current DBS retention policy is reviewed in line with the Home Office when the work is complete.

1.16 We also recommend that the policy is structured in a way that is easily navigated by users so that they can get to the relevant sections more easily.

DETAILED FINDINGS: APPLICATION OF THE DATA RETENTION POLICY

Training and awareness

1.17 On review of the Policy and in interviews within the Barring team we have identified a number of issues that may affect its application within DBS. The main issues are:

- Interviewees from the operational teams did not identify the Policy as being accessible and were not aware of their responsibilities listed within it.
- Interviewees knew this information was available on the corporate intranet, but did not access it because the case management system is on a separate network; and
- Barring team members defer in almost all cases, to colleagues or desk instructions for managing cases and this does not provide consistent direction on data retention requirements.

Case management and disposal processes

1.18 We noted that the Barring team's disposal register, whilst containing some key information, does not provide a reason for full disposal. As all other copies and details of a file are deleted from the other systems upon disposal it may be difficult to understand what a file was about and why it was disposed of.

1.19 The Lord Chancellor's Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000 section 12.14 provides guidance on this stating "*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.** Evidence of this nature will enable an authority and its staff to explain why records specified in a court order cannot be provided or to defend themselves against a charge under section 77 of the Act that records were destroyed in order to prevent their disclosure in response to a request for information*".

1.20 We did note that files that have been partially destroyed (i.e. weeded) do have a note in the file to explain why, but that this is not consistently recorded on the proforma available. A breakdown of these disposals is shown in Annex C.

Supporting systems and applications

1.21 Our review of how the Barring team within DBS manages case files identified that the current process relies on three unintegrated applications:

- Microsoft CRM, used to create and manage case files during their active life;
- Microsoft Access database, used to log case files when they are sent offsite and who recalled them; and
- Microsoft Excel spreadsheet, used to log the destruction of a case file.

1.22 The administrators of these applications are, necessarily, diligent in ensuring that all the systems are as accurate as they can be. There are, however, notable issues which should be addressed including:

- Key information regarding the opening date, current location, closing date, and disposal of case files is held in three separate applications. As they are not integrated, there is a risk that DBS may not be able to describe how a file was used and why it was destroyed during its lifetime.
- Each action for tracking, managing and disposing of a case file requires manual data entry into systems that do not integrate with one another; and
- The Access database and CRM do not retain any record of a file once it is destroyed, increasing the reliance on the Excel Spreadsheet which contains incomplete data.

1.23 Although we did not identify any specific instances of it, the unintegrated applications could simultaneously identify a file as being offsite and having been destroyed. In such a scenario it is most likely a file would in fact be destroyed, but without a categorical audit trail the only way to determine this would be a full search. This may lead to files being lost or held longer than required, placing DBS at risk of not being able to record disposals in line with the Policy.

1.24 The introduction of R1 may mitigate this risk for new files (and reopened cases) but a proportion of the Barring Team's paper case files will still need managing that may never be added to the system.

1.25 To address this DBS have an ongoing review of how to manage paper case files in the post implementation of R1. This will consider two aspects of management:

- What is the most appropriate way to add paper files to R1 when the box they are in is recalled from storage; and
- How to manage the paper files that are to be retained, but do not get added to R1.

Related Working Practices

1.26 We also noted additional working practices that, although not specific to the Policy, can impact compliance with it:

- Prior to case creation and a file being created, bundles of loose papers consisting of a referral are passed between teams.
- The unintegrated systems for file tracking has led to incidents of files being incorrectly flagged as missing or lost. This issue stems from the CRM record not being correctly updated with the file location or the person who is working on it. While, not common (around once a year), there are incidents which invoke an "all hands" process which effectively halts all relevant business processes while everyone involved in case management searches for the file. These incidents can be mitigated in the short term by increased communication and training to users on the importance of consistently updating CRM with the location of the file and who is working with it.
- Our observations of the files examined under Phase 1 found that the handling of paper files was inconsistent and could lead to loss or damage (e.g. loose papers placed inside, tight elastic bands cutting file covers and inconsistent marking of unique identifiers on case files).
- Users seem to be working on a number of files at any one time which leads to multiple case files on their desks. There is a risk that users may muddle up the papers and the wrong information could end up in a file and potentially lead to barring decisions being

made on incorrect data. Users should be trained to completely close up a file when not being worked on to minimise this risk.

1.27 These issues combined do not give us confidence that the Barring team is able to consistently apply the Policy.

1.28 We noted as part of our review that DBS are undertaking a major IT and process change programme (referred to as “R1”) due to go-live in December. This primarily involves the digitisation of case files by a third party and DBS effectively working in a “paperless” environment.

1.29 The R1 system in its planned implementation is expected to eradicate some of the current file management risks by centralising all cases into an auditable digital environment. DBS has yet to determine how it will manage existing legacy paper files in terms of digitisation. There is a risk that this may create a two-tier system where legacy paper case files are not maintained to the same standard as the cases in R1.

DETAILED FINDINGS: OF THE DATA RETENTION TEAM

1.30 Our review of the Barring team did identify an established team and structure for information management. This includes a newly appointed CIO providing board level representation for management of DBS information.

1.31 There are also designated representatives and two site managers who oversee the execution of the Data Retention Policy. The destruction team take a thorough and diligent approach to their work (e.g. ensuring double sign-off for disposal).

1.32 Our interviews identified that the team members within the barring operations could not readily identify this management structure or how to interact with it to identify issues with managing casefiles outside of their immediate line management.

1.33 It is noted that DBS has sought guidance on retention policy from a range of stakeholders and has instigated a review process to ensure it meets the organisational need. This report has identified areas where DBS should consider their current approach.

MANAGEMENT COMMENTS

DBS accepts all four recommendations proposed by the review. They will be addressed as part of our annual review programme.

The review acknowledges that every organisation's data retention policy is personal to them and that the development of DBS' current policy involved extensive consideration.

Our policy reflects the specific retention requirements of every aspect of our business and has been considered against the approach taken by comparable organisations. Therefore, we are confident that it provides the detail necessary for us to safely manage the range of data for which we are responsible.

Nevertheless, we welcome every opportunity to improve our working practices and DBS intends to review its approach to information management informed, in part, by this review to develop an Information Management Strategy by May 2016 which will set out how these actions have been addressed.

Proposed Action 1

We will update our retention policy to address the comments made in the report as part of our annual review. This will be done in conjunction with the Home Office review of retention periods. The Police Service will also be consulted during the review as DBS accesses police data for operational purposes.

It is anticipated that the review and update work will be completed by the end of the financial year.

Proposed Action 2

All staff attend face to face briefing sessions and undertake training annually. We will test levels of awareness in advance of this programme to identify any gaps in knowledge. This will be done within 6 months of the IM Strategy being agreed.

Proposed Action 3

A review of the arrangements for the ongoing management of paper case files has already commenced under the modernised system project which will include retrieval from storage, scanning into the new system and the associated training. Oversight of the work will be maintained by the Chief Information Officer in line with the project development timescale to ensure our organisation:

- capitalises on its information
- minimises or removes the need for paper files (through electronic capture) thereby removing the need for separate applications to manage them
- maximises the use of electronic data for management information purposes
- applies a consistent approach to retention management, disposal and compliance across all parts of DBS.

Proposed Action 4

The actions above will extend across DBS and so a broader assessment will take place in the next financial year to provide assurance to the DBS Board that the actions have been addressed satisfactorily and robust information governance is in place across the organisation.

Annex B – Research resources for Data Retention Review

We have included a list of the key resources we used to benchmark the Policy against to understand how it compares to accepted standards adopted by UK Public Sector Authorities who deal with sensitive personal data. This is not an exhaustive list of all research carried out.

Resource	Date	Authority
Corporate Records Retention & Disposal Schedule & Guidance http://www.england.nhs.uk/wp-content/uploads/2014/02/rec-man-pol.pdf	February 2014	NHS England
Pi-28-2014 Archiving Retention and Disposal Policy https://www.justice.gov.uk/search?collection=moj-matrix-dev-web&form=simple&profile=_default&query=PI+28	October 2014	National Offender Management Service
Lord Chancellor's Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000 https://www.justice.gov.uk/downloads/information-access-rights/foi/foi-section-46-code-of-practice.pdf	N/A	Ministry of Justice
Information Commissioner's Office: Guide to Data Protection https://ico.org.uk/for-organisations/guide-to-data-protection/	N/A	Information Commissioner's Office
The National Archives guidance on record retention scheduling http://www.nationalarchives.gov.uk/documents/information-management/sched_info_management.pdf	2012	The National Archives
BS ISO 15489-1:2001 Information and documentation. Records management. General http://shop.bsigroup.com/en/ProductDetail/?pid=000000000030055690	2001	British Standards Institute
BS 10008:2008 Evidential weight and legal admissibility of electronic information. http://www.bsigroup.com/en-GB/bs-10008-electronic-information-management/	2008	British Standards Institute

Annex C – Analysis of Barring case file disposal

The following tables provide an overview of the analysis we conducted on the records of case files disposed of by the Barring team. The disposals are recorded either as a “partial” or “complete” disposal.

We have identified that both types of disposal are broadly consistent from year to year with a notable exception in 2012 and November 2013. We are unable to provide commentary on the reasons for this as the Barring team does not record the reason for disposal (including disposal trigger), the age of the file or the type of case.

Additionally disposals for 2015 only reflect just under half a year’s disposal activity.

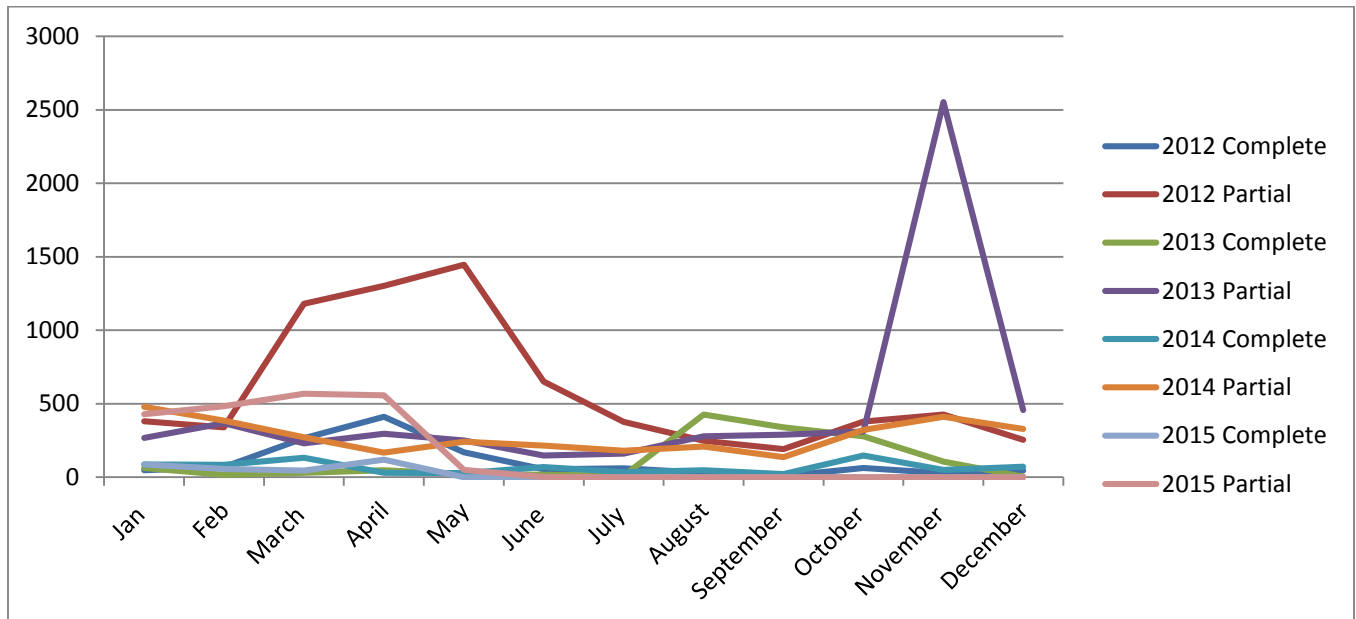


Figure 1 Comparison of disposals by month 2012-2015

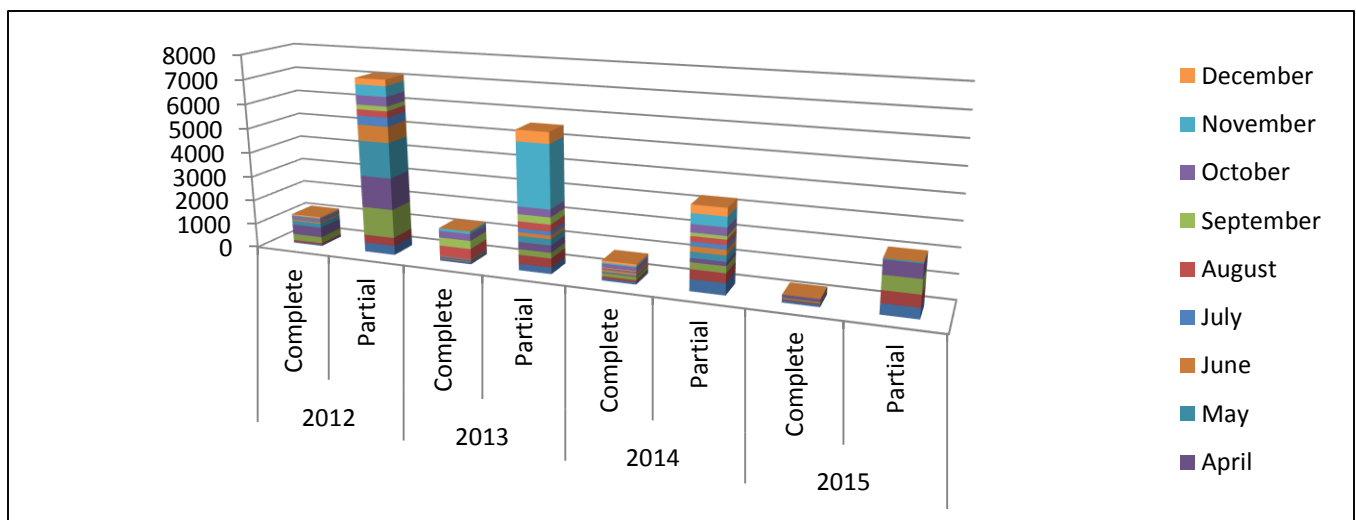


Figure 2 Comparison of disposals by year 2012-2015

Annex D – Engagement Terms of Reference

Background

1.34 The DBS has been providing a Barring Service for Northern Ireland since early 2009. When the DBS started providing this service files relating to individuals subject to barring decisions were transferred to the Darlington site. These files were subject to a Memorandum of Understanding (MOU). This requirement for file management was, however, not recognised until October 2013 when a request for a file was received from Northern Ireland (NI). It was then established that some of the files stored at the Darlington site were not treated in compliance with the MOU.

1.35 In January 2015, Northern Ireland contacted DBS with the view to getting the files back and it was agreed that the files would be returned in March 2015. In the course of obtaining these files, it was discovered that a number of the files had not been treated in accordance with the MoU. The SIRO was informed on 11th April 2015 and The Chief Executive and the Home Office were informed shortly afterwards.

1.36 PwC were commissioned by the Chairman of the DBS to undertake a set of procedures looking at records management and the data retention policy. This work was to be undertaken across 2 phases of engagement – Phase 1 – a reconciliation of files, and Phase 2 – a retention policy review. Phase 1 of our work and the detailed scope of that assignment have been reported separately to the DBS.

Data Retention Policy Review Scope-

1.37 We obtained an understanding of the objectives of the Data Retention Policy through interview with the policy owners and also reviewed the Data Retention Policy against good practice and legal requirements, making any recommendations for improvement as

1.38 We assessed this against:

- Guidance issued by The National Archives on data retention and retention scheduling;
- BS ISO 15489-1:2001 Information and documentation. Records Management;
- Lord Chancellor's Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000;and
- Published data retention policies from across UK Government.

1.39 Compliance with the key controls was established through the review of relevant documentation for a sample of data as provided by the Barring team. Findings on compliance with the key controls and policy requirements are reported in this document alongside recommendations to improve compliance and effective controls.

1.40 We were provided with the following sources of information:

Document Name	Implementation Date	Review Date	Author
IGF SI 01 - Record Retention and Review Standing Instruction v1.9	01/05/2010	May 2011	ISA
IGF SI 01 - Record Retention and Review Standing Instruction v1.91	01/05/2010	May 2011	ISA

IGF SI 01 - Record Retention and Review Standing Instruction v1.92	01/05/2010	May 2011	ISA
IGF SI 01 - Record Retention and Review Standing Instruction v1.95	10/12/2012	Sept 2013	ISA
DBS 113 Data Retention Policy1.0	6/12/2013	Dec 2014	DBS
DBS 113 Data Retention Policy v2.0 (published version).	6/12/2014	August 2014	DBS
DBS 113 Data Retention Policy v5.0	11/06/2015	June 2016	DBS

Application of Data Retention Policy

1.41 Interviews were held with a selection of individuals involved in data retention from across the Barring Directorate operations to establish their understanding of the Data Retention Policy and how they monitor compliance with the policy. Interviews were based on the contents of the current Data Retention Policy.

1.42 We tested compliance with key controls and key policy requirements for a sample of data / documents from across the Barring Directorate operations.

1.43 These procedures also considered whether there are any arrangements for the management of data other than as disclosed in the Data Retention Policy and how these arrangements are communicated, monitored and enforced.

1.44 Factual findings from the above procedures and related recommendations were documented as appropriate.

Review Work of Data Retention and Management Team

1.45 Through interviews with senior management and team members we obtained an understanding of the purpose and objectives of the team. We then reviewed a sample of outputs/activities to deepen our understanding of the processes underpinning team activities and then compared these to best practice.

1.46 In addition, we interviewed representatives from the teams that are responsible for the management of the paper files from creation to disposition including the SIRO, Head of Facilities and Security, and Data Protection Officer.

The scope of the interviews covered three key areas in relation to the management and handling of case files within the Barring team: policy, process and training.

1.47 Using this approach we were able to identify existing issues and requirements for improved data retention management within DBS

Deliverables

1.48 The deliverable from our work are documented in the Detailed Findings section above.

Limitations of scope

1.49 We only performed the procedures specified in the 'Methodology' section above.

1.50 The services we performed do not constitute an audit or a review carried out in accordance with generally accepted auditing standards and we provide no assurance on the contents, adequacy and effectiveness of and compliance with the data retention policies and related controls or activities or on the adequacy of the investigation methodology. We only

performed the procedures as set out in the 'methodology' section above, highlighting findings from these and made recommendations for improvement as appropriate. If we were to perform additional procedures or an audit or review of the data retention policy and related key controls and activities that we are being commissioned to test, other matters might come to our attention that we would report to you.