



Department
of Health

Legacy records management

Services provided by the Department of Health Records Office

July 2015



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Services provided by the Department of Health Records Office

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Accompanying documents:

Form for registering contact details with the Department of Health Records Office – published July 2015

Department of Health Records Office: Governance and Service Delivery – published July 2015

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The Departmental Records Office (DRO) and Legacy Records

Introduction

The Department of Health's Departmental Records Office (DRO) provides records management services from our site in Burnley, Lancashire. Our services are primarily aimed at the Department of Health, but extend to a number of Arm's Length Bodies (ALBs) who are reliant on us to provide records management services.

Our aim is to ensure that the owners of records comply with their records management obligations and data protection legislation. We do this by providing a range of services to records owners, which are delivered by the team and/or third party contractors. We have extensive expertise in all areas of records management and are happy to provide advice and guidance on a wide range of policy and service delivery topics.

Background

In 2013, the Secretary of State for Health agreed to take responsibility for operational management of Legacy records that were owned by the former Primary Care Trusts (PCTs) and Strategic Health Authorities (SHAs). This management has been transferred to; and completed by the DRO.

What are Legacy Records?

When all the PCTs and SHAs closed, their records needed to be transferred. Examples include patient records for health visitors, deeds of properties or financial records. In most cases the records are owned by a new organisation, but they are stored in a contract that was inherited by the Department of Health. The challenge for the DRO is to make sure that the right people have the records they need, and that they take responsibility for them.

Legacy Records Management and Services

Prior to the work moving to the Burnley office, a Records Transfer Project was established to manage a number of contracts for Legacy records management, document storage and related services with various storage suppliers. This involved millions of records, over three hundred organisations and approximately forty storage suppliers. The Records Transfer Project also identified which records owned by former PCTs and SHAs became the responsibility of the organisations within the new healthcare structure (including NHS and non-NHS organisations).

As part of this work, in 2014 the Records Transfer Project team wrote to every organisation across England to explain their role and detailed the work they had completed together with future plans for the Legacy records. This information also confirmed the allocation of records to the organisations and detailed the expectation of the owners of the records to:

- Meet the costs of the services that are provided to manage the records that they own, in a timely manner;
- Provide a nominated contact or contacts to act on behalf of organisations in approving individuals who have access to records and for records destruction decisions;
- Manage the records throughout their life cycle, ensuring that they discharge their legal and statutory obligations.

As there is such a wide range of suppliers, services and contracts involved, this document cannot provide breakdowns for operational management and associated charges for each circumstance.

This document is a follow up to the original prospectus that was issued in August 2014 by the Legacy Transfer Project. It has been published for the immediate attention of all organisations identified as having ownership of Legacy records held by a commercial provider and who were recipients of the original prospectus sent by the Legacy Project team in 2014.

The contracts which exist to store these records are between the Secretary of State for Health and the records storage providers and will contain records which belong to more than one organisation.

You can expect the DRO to:

- Manage all aspects of the contracts which have been inherited by the Secretary of State for Health;
- Act as broker between the records owners and the service supplier;
- Establish methods, processes and procedures to help records owners take control of their records inventories and ensure compliance with their obligations under information rights and records legislation;
- Provide compliance with the Public Records Act by providing reviewing, preparation and transfer services in conjunction with Local Places of Deposit;
- Provide advice and guidance on all aspects of records management and engage with you on achieving the strategic aims of your organisation in managing inherited records.

Governance and Service Delivery

Further information relating to governance and service delivery can be found in the accompanying document, *'Legacy Records Management – Department of Health Records Office: Governance and Service Delivery'*.

Frequently Asked Questions (FAQs)

Who meets the costs of records management services?

The records owner will be expected to meet the costs of storage and all other services. The DRO will deliver a single invoice on a timescale agreed between DRO and your organisation, with a minimum one invoice per financial year. Ideally, quarterly invoices will be issued but consideration has to be taken in the timing of this release, and accompanying documents. The invoices will reflect the actual costs billed to us by the supplier. Some account contracts include clauses to increase service costs on a periodic basis, or apply additional costs based upon a measure or formula (for example, there may be fuel surcharges based upon the index rate on the cost of fuel).

Where DRO has been asked to deliver services in a particular way, and we have used some of our own resources to deliver that service, we will also charge a fixed or percentage cost to reflect the resources we have used. You will have had agreed to these costs before they are applied.

I have been told that I cannot add records to these existing accounts, why?

The accounts that we manage are between the supplier and the Secretary of State for Health. It is likely that materials stored under these contracts are owned by more than one organisation, which makes opening up the contract to your organisation complicated. We are happy to discuss your current records management requirements, but it could be that your organisation is already advancing plans in putting in new commercial relationships to hold your new material.

The freeze on adding new material to accounts has been to ensure that the legacy management team were able to undertake a 'receiver body' allocation process, and recognised that all the records held under a contract were owned by an identifiable organisation. Adding records from other organisations would break the implied provenance of the records, and add potential confusion over records ownership.

How can I get access to records which have been allocated to me?

Email drolegacyteam@dh.gsi.gov.uk describing the records that you need. If we can identify the records, can confirm that you are the owner of the records and have cleared that you are permitted access to recall the records we will place an order with the supplier on your behalf.

Where the supplier has the capability to isolate your records and place access controls around them, we can make arrangements for you to deal direct with the supplier should you so choose.

I need an item back urgently, how can this be arranged?

If you have an urgent request, please call on 01282 471660 in addition to emailing your request. The service levels that are available for urgent and rush orders vary widely by supplier, and are often dependent on where the records are stored and where they need to be delivered to (as an example it is unlikely that a box stored in Birmingham could be delivered to an address in London within two hours). There is usually a significant additional cost to rush and urgent orders.

The DRO does not provide a service outside of 9am to 5pm on weekdays, excluding bank holidays. If this is likely to be a requirement, we can assess whether the supplier who holds the records is able to provide it.

How can I allow organisations with which we have a data sharing agreement to have access to our records?

You can either permit them recall access to your collection of records, or you can submit recall requests on their behalf. If you allow representatives from another organisation access to your records, you will be charged the costs levied by the supplier.

How have the records been indexed?

The level of information recorded against each item held by a supplier is variable, and it was provided on an 'as is' basis. There has been some work undertaken to identify the owner where no information was recorded about the item when it was inherited by DH, but no other data quality or cataloguing work has been undertaken. Articles may have retention dates applied to them, but these have not been verified as being consistent or correctly applied.

I have a record allocated to our organisation, but it doesn't belong to us. What happens next?

Reasonable endeavours have been made to make allocations correctly, but this may not be the case if the item has been incorrectly described on the supplier inventory. There are occasions where geographic differences in which organisations undertake functions have identified the wrong recipient organisation.

In these cases, we would ask for your support in correcting the information held on the inventory and ask that you confirm that the correct owner is content to accept the reallocation of the articles to them. Once we have confirmation, we will reallocate the articles to them.

Who owns these records?

Your organisation is the data controller and owner for all items which have been allocated to you, until the items are destroyed or have been transferred to another organisation which has accepted them.

The role of the DRO is limited to being a data processor, and we are considered to hold the records on your behalf under the Freedom of Information Act.

How should I return records to store?

Email drolegacyteam@dh.gsi.gov.uk describing the records that need to be placed into store. It would be helpful if you have the supplier's barcode or inventory number for the items you wish to return. Depending on where the records are stored, we may be able to arrange a collection of the items or advise you how to transport them for storage.

What are your acceptance criteria for records being returned to store?

Items should be returned in the same condition in which they were delivered. These are your records so you are free to manage them as you wish. We do not recommend adding new items to existing boxes that do not relate to the original content, nor do we advocate removing elements of a box without recording the removal or destruction.

Most suppliers will not accept boxes which weigh more than 15kg, or where the stored content prevents the box being correctly sealed. We recommend the use of cable ties to seal lids to boxes rather than using packing tape. If tape must be used, it should not cover any barcodes or identifiers on the box itself.

The box I received has been damaged in transit. What should I do?

If you have received a delivery of damaged boxes, you should assess whether it is possible that content may have been lost in transit. You should inform DRO and follow your organisational processes if you believe that a potential data loss has occurred. It is helpful to note the damage on any delivery slip you are asked to sign, as part of the delivery process.

In most cases the boxes returned to you are the original boxes which have been placed in storage. Some design of box are not sturdy enough to withstand transit or stacking, which is particularly the case if the box is not full of content (a full box can prevent crushing). In these cases we suggest that the item is re-boxed – we can often arrange the storage supplier to provide replacement supplies. There is usually a nominal charge for the provision of these supplies.

You should take care to ensure that any barcodes or information from the original box is applied to the replacement. If you need help or guidance, you should contact drolegacyteam@dh.gsi.gov.uk or call 01282 471660.

How can I arrange to have items destroyed?

Procedures for destruction vary between suppliers, but once you have agreed a destruction list and it has been approved by you, the destruction will be commissioned from the supplier. A destruction certificate will be issued by the supplier for the destruction. The level of information contained on a destruction certificate varies between supplier, and in some cases may be undertaken by a subcontractor to the storage supplier.

How long does this arrangement between us and DRO last?

The timescale will last for a defined period of time before review, but as the owner of the records you would be expected to meet costs for as long as there are records still stored. We can mutually agree to exit this arrangement, but we would need to ensure that all articles stored are destroyed, returned to you, or moved to an alternative supplier. You would need to meet all costs of exiting the arrangement that are imposed by the supplier, which would include the costs of destruction or permanently removing the articles from storage.

Will there be any significant costs we need to budget for?

There are scenarios where you will need to bear costs in addition to routine storage and activity costs, such as:

- Wishing to remove all items from the incumbent supplier to move them to another contracted arrangement entered into by your organisation

DRO will take appropriate advice and liaise with you if

- The contract between DH and the supplier ends, and cannot be extended. There may be costs associated with migrating the records to a new supplier
- The costs in migrating any digital assets (such as scanned files or electronic records) from supplier systems

I already have my own storage supplier. Are there any costings to move the records into a DH managed storage supplier?

This is dependent on existing arrangements. The Legacy team will look at each circumstance individually as different storage suppliers often have different charges and rates for activities, including permanent withdrawal and/or transfer of records. This makes it impossible to provide an estimated figure for costings without further information relating to the individual scenario.