Records Management Policy

Contents

Records management

Records management is an established theory and methodology for ensuring the systematic management of all records and the information they contain throughout their lifecycle.

According to International Standard ISO 15489: 2001, records management is defined as:

> *The field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including the processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records.*

A detailed description of what constitutes a record will be explored further in the section what is a record?

The AGO has a print to paper policy for the retention of records. All the AGO records must be printed and placed on the registered file. Items that are impossible to print (such as a DVD or other digital media) should be attached to the file.

The core concept underpinning records management theory is that of the lifecycle, which sees records having a series of phases from creation to final disposition ultimately resulting either in their controlled destruction or being retained on a permanent basis as an archival record.

The principle reason for applying the lifecycle concept to records management is to ensure that the records being created and held by the institution are being managed and maintained in such a way that they:

- meet all the internal business needs of the AGO.
- enable the defence of the rights and interests of the AGO.
- enable the content of the record to be accessed, used and reused in a controlled and efficient manner
- is compliant with all regulatory and statutory requirements including the Public Records Acts, Data Protection Act and the Freedom of Information Act.
- is capable of providing evidence of a transaction or business process which is admissible in a court of law
- is kept and maintained/stored in the most appropriate way consistent with the above.

- is disposed of in a way which is auditable, and meets all environmental and other requirements

According to International Standard ISO 15489: 2001 records management includes the following activities:

- setting policies and standards
- assigning responsibilities and authorities
- establishing and promoting procedures and guidelines
- providing a range of services relating to the management and use of records
- designing, implementing and administering specialized systems for managing records and
- integrating records management into business systems and processes

Why is records management necessary?

The AGO is aware of the potential value contained within the internal records they hold. This could be the lessons from past experiences, allowing us to learn from both our successes and failures.

As the evidence left behind from the activities we undertake, our records are also our best ally in terms of protecting our rights and interests. Effective records management ensures that the AGO can call upon a body of reliable evidence if required to justify its actions, or defend its position. This will be a valuable strength as we move into an increasingly litigious society.

The AGO needs to proactively demonstrate its accountability and good standards of corporate governance. This may take the form of internal audit, submissions to funding bodies or public scrutiny through legislation such as the Freedom of Information Act, Environmental Information Regulations and Data Protection Act. Compliance with all of these is only possible if the appropriate body of records exists to prove what actions were taken, why they were taken and on whose authority, and what their outcomes were. This is only possible with effective records management.

The AGO has to react to individual situations as they arise, and therefore good record keeping is needed to ensure their accountability for reference.

The AGO is a small organisation but undertakes a diverse range of work and works and shares information with many government departments. Some of the AGO's work is high profile. In order to operate as a modern, agile and efficient organisation able to sustain growth and manage change, it is essential that we have effective

control over the records we create and use. Historically the way in which internal records have been managed has developed in a piecemeal, organic fashion. The AGO recognises that a more proactive, consistent and comprehensive approach is required for the AGO to be able to cope with current and future demands.

Government departments are under pressure to do more for less. The AGO is no exception to this. Creating accurate, reliable records; providing controlled, ready access to them and only retaining those worthy of preservation are all part of the essential infra-structure necessary to meet these challenges. This is especially true as it becomes less and less possible to rely on the knowledge and experience of individual members of staff. Staff turnover and organisational restructuring can mean that the records the AGO creates now represent its 'collective memory' to a far larger degree than ever before.

Creation

Whilst all records are information, not all information is a record. In this section we will look at what are the unique properties that separate records from more generic sources of information or data and as a result what is required to produce good, reliable records.

The contents of this section build on and augment the information provided in the Information Lifecycle – Creation strand and should be considered in this light. What this section attempts to do is build on the general good practice guidance on information creation covered previously and look specifically at the additional requirements for creating good records.

As such it will be of use to those tasked with managing records at the AGO, auditors and those responsible for the design of new systems and processes.

What is a record?

The International Standards Organisation (ISO) defines records as:

> *information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business.*

Whilst useful in stressing the essential evidential quality of a record and of highlighting the vital role played by the record as the output of a transaction, it could

be said that this definition of a record fails to adequately describe the properties which define a record.

The International Council on Archives (ICA) Committee on Electronic Records definition of a record as:

> *recorded information produced or received in 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.*

The International Council on Archives goes some way to addressing these short-comings by stressing three key properties inherent in all records is that they must possess:

1. **Content** (i.e. information or data)
2. **Context** (i.e. it must be possible to ascertain how it relates to other records and to the organisation which created it)
3. **Structure** (i.e. there must be an inherent logic to the way in which the information it contains – and the metadata which is likely to define its context – are laid out and which is ultimately interpretable by the human eye)

The result of adhering to these properties should be to create records which contain the following qualities:

1. **Authenticity**. It should be possible to identify, and preferably prove, the process which created the record and who its authorised creator was.
2. **Completeness**. The record should contain all of the content required to act as evidence of the transaction it is documenting. This does not mean that one record must contain *everything* to which it relates; simply that it is complete in its own terms.
3. **Reliability**. It is important that the content of the record can be relied upon as an accurate representation of the transaction it is documenting.
4. **Fixity**. Once declared as a record its content should no longer be altered or changed in any way. It is in this way that its evidential value is preserved (by ensuring that the content of a record remains exactly as it was at creation).

Finally, it should be noted that all of the above properties and qualities can apply regardless of the original record's format, whether it be a sheet of paper, email, photograph or database entry.

Such precise definitions and their theoretical underpinnings may seem complex and largely irrelevant However, as we shall see they are relevant and do have a very real and practical application. It is largely this definition of what records are which separates them from other types of information or data, provides them with their added value and, as we shall see, defines the way in which they must be managed.

Creating authentic records

The concept of *provenance* is a key aspect of records and archival management theory. It describes proof of the origin or source of something (in this case a record) and the chain of custody regarding whose hands it has passed through since.

Why is this important?

Capturing a record's provenance provides proof as to who the actors were in any given transaction or process and demonstrates that they had the appropriate authority to undertake it. It should also provide guarantees regarding the reliability of the content due to the known position and authority of the creator. Controlling and recording the 'chain of custody' then perpetuates these assurances throughout the remainder of its life. This issue is explored in more detail during the Active Use section.

How to create authentic records

Everyone creates records. All documents originating from the AGO should be created on the official templates. A registered file is created for all records and is given a title that accurately describes the content.

All authentic records should include the date that they were created and the name of the person who created them. If they are outgoing correspondence then a copy of the signed final version should be saved to the file. All other records (including other documents, notes or incoming correspondence) should be added to the registered file.

Creating complete records

Creating records which contain all relevant content and contextual information not only ensures that the transaction in question has been fully and appropriately documented, but also that the record has value as a source of information to others.

Why is this important?

Any 'record' which has parts of its content missing, or is otherwise incomplete, will clearly not be reliable as a source of evidence and is likely to be disregarded as such. This could leave the AGO unable to explain its actions and thus defend its legal interests.

Incomplete records not only reduce their informational value, they can also prove to be positively misleading and potential dangerous. The user may not be aware of important additional information, amendments or clarifications which may fundamentally alter the meaning of the record. This may lead to well-meaning but incorrect decisions being made based on false assumptions.

Records that are incomplete will be reliant on the memory, knowledge or experience of the end user to 'fill in the blanks'. Where all staff are in possession of such skills, this may not be an issue in the short term. However, staff turnover means that the AGO will be in this situation. Furthermore, the longer after the point of creation that the record is accessed for information, the less likely it is that the memory of staff can be relied upon to 'fill in the gaps' – thus increasing the risk.

How to create complete records

You create a complete record by keeping all key documents and/or media that explain how a decision was reached on a registered file. This can include (but is not limited to) correspondence, submissions, evidence, emails, court documents, internal memos, film, presentations, spreadsheets, minutes, agendas, business papers, reports, audio recordings, transcripts, press releases, web pages, policies, guidance and announcements.

A record is complete when its final version is issued, printed and placed on the registered file, with any draft versions behind it.

With regard to emails the entire chain of emails forms the record.

Creating reliable records

Alongside authenticity and completeness, reliability is the third key quality common to all records worthy of the name. In many regards a record's overall reliability will, to a large extent, be determined by the degree to which these other two qualities are present but it also exists as an important quality in its own right. A record may have been created by the appropriate, authorised person and it may contain all of the elements that it should but these will count for little if that content is itself factually incorrect.

Why is this important?

The AGO faces the same risks if creating unreliable records as it does if creating incomplete records, in terms of decisions being made based on inaccurate data. However, where content is present but incorrect that risk is increased. This is because the likelihood of it being accepted as the truth and acted upon as such is correspondingly higher. It is not difficult to imagine examples of where incorrect information stated in unreliable records could materially damage the AGO's interests. For example, it would embarrassing to the AGO if an incorrect name is placed on a document presented to the court, or if information given to the Attorney General to answer a Parliamentary question was incorrect. Another example is if a response to a request made under the Freedom of Information Act was inaccurate or incorrect the AGO could be reported to the information commissioner.

It should also be remembered that when dealing with personal data it is a legal requirement to ensure that records containing personal data are *accurate and where necessary up to date*

Lastly, as the main source of the historical record charting the development and progress of the institution, it is clearly in its long term interests to ensure that the records it creates are as accurate and reliable as possible.

How to create reliable records
All records created by the AGO should be accurate and complete. An accurate record would allow someone at a later date to get a complete understanding of how a decision was made or the position of the office without any prior knowledge of the subject, piece of work or event.

To create reliable records it is important that the details of the author, the subject and the date it was created are recorded. If it is a draft version, it should be marked accordingly. If there are multiple drafts and a final version held on a registered file, clear and consistent version control should be used.

Fixity and declaring records

We now live in an age where we expect information to be fluid. Database content is continually changing, web pages are updated by the minute and our news programmes now come as constant 24 hour rolling broadcasts. Yet from the records management perspective it is vital that at set points in the process we draw a line in the sand and fix the content of a record as it stands at that point. Once fixed it is equally important that it stays fixed – preserved as an accurate, unaltered record of the event in question.

Why is this important?

The importance of this concept of fixity stems again from the fact that records have an importance and purpose above and beyond simply the information they contain. In order to function as evidence, it is vital that records are an accurate and contemporary record of how things were at the time of the record's creation. An example of when this would be the terms and conditions of a contract agreed with a 3rd party supplier which needs to be maintained for the duration of the contract or the law in a given field at the time Law Officer's advice was given. Without agreement as to when these key records have reached their final, approved state and subsequent assurances that their content has not been altered it is easy to predict the potential disputes and challenges which may arise.

Things do, of course, change over time and the records we create must reflect that. The concept of version control is covered in the next section. For now we are focusing on the initial point at which the content of the record is fixed, a process commonly known as *declaration*. All records will have a life before they are declared as a record and their contents fixed. They will be drafted, edited and redrafted as draft documents many times before their contents are agreed, finalised and ready for any formal sign-off procedure. It is at this point that the process of *declaration* should occur and a record be created.

How to declare records

A record is declared at the point that a final version is created. That is that the contents of the record are frozen at this point and should remain un-editable from thereon.

It is important that the principles of provenance are also considered. For example, that the name of the creating department as stated in the original remains as it was

at the time the record was created, even if subsequently changed during a re-structuring process.

Care should be taken to consider the entirety of the record at the point of declaration. For example, ensuring that external information on which that record is reliant (such as a page on the intranet) is also captured and printed.

Once declared it should still provide the user with the ability to create a new record based on that declared which will then be treated as a separate entity.

Active use

The life of a record begins at the moment of its declaration. This means it is already information of some maturity by the time it enters its active use. For records then the active use phase may be characterised less by constant use and rapid change than for other, more informal types of information. Instead the emphasis remains on ensuring the maintenance of the specific qualities and properties of the record which give it is value throughout this first stage of its use. As such it will be of use to those who manage records at the AGO, auditors and those responsible for the design of new systems and processes.

Managing version control

Even once declared as a record it is still inevitable that updates will need to be made to a record over time. Thanks to the need to preserve the virtues of fixity and authenticity, changes should not be made to the content of the original record once it has been declared. Any further amendments, alterations or even corrections should be made and saved as a new version of the record – keeping the original as it was at the time of declaration. In this scenario it is now essential that we retain control over new versions of the record and are able to distinguish when subsequent drafts do themselves become newly declared records.

Why is this important?

The same requirement to be able to distinguish between draft documents and final records applies with regards to subsequent versions as discussed in the previous section with reference to their original creation and declaration.

When a record is being updated it is likely that the changes will be made over several sessions, perhaps involving multiple members of staff. Without clear co-ordination of this process and management of the various versions created chaos will soon reign with no clear picture of which is the most current version, and which

should be declared as the next version of the record. This risks decisions being made according to out of date information which is believed to be current. It can also lead to potential embarrassment with content which was removed from a previous draft being mistakenly included within the final declared record.

Finally of course it leads to wasted time and considerable frustration both on the part of the author who spends time needlessly working on an old version and the reader who has read an obsolete document.

How to maintain version control

Draft versions of documents must be clearly marked as a draft. If there are multiple drafts and a final version held on a registered file, clear and consistent version control should be used. Background documents and items that are used for reference in compiling draft copies should be attached to the draft copy that they relate to.

Retaining the audit trail

Records represent our best, and often our only, link with the past – whether that be to satisfy our historical curiosity or to prove the legitimacy of our actions. Knowing what a record said at a particular point in time and being able to demonstrate how its content has evolved is key to preserving this link between the record and the process or event it describes.

Why is this important?

As well as acting as evidence of the transactions we undertake, many records actually define the boundaries within which these transactions must occur and dictate the way in which they are carried out. For example, the terms of reference of the various groups within the office (such as the Executive Board, Staff Engagement Group and the Green Group) determines how they operate and abide. Important decisions are taken against the contents of a these records as they exist at the time. It is therefore vital that it is possible to pin-point exactly what the record said at any given point in time in order to re-create these conditions and verify the validity of the decisions made.

It may also prove necessary to be able to demonstrate exactly who made what changes and when. This could be in order to provide proof of who was involved in a process and evidence of their authority to do so or simply to enable the author of a particular version of a record to be identified and contacted to provide clarification over a point of detail.

The audit trail can also help show how ideas developed over time and in response to specific events. All of which can be valuable from a 'lessons learnt' perspective.

How to retain the audit trail

Correct version control, as outlined in the previous section should be followed. Once a record has been declared it must only be destroyed in accordance with the AGO retention schedule.

Managing the master copy

Thanks to the ease with which new records can be created, copied and circulated, it is inevitable that multiple copies of records will still exist – even if the creation and version control advice featured in previous sections is followed. For example, all members of a committee each receiving their own copies of the minutes and associated papers.

It is necessary to strike a balance between the need to extend appropriate management controls to all information held by the institution and the separate need to identify and manage the master copy of a record as a prime concern.

Why is this important?

It may be that the master copy of a record has additional unique properties which give it added value and significance over any other copies which may exist, for example if it contains an official signature, or an original court order.

Lastly, as we shall explore in more detail in the section on the retention schedule the master copy will usually have different retention requirements than will apply to other associated copies.

How to manage the master copy

The master copy of a record should be identified and kept on the registered file. Mast copies can be:

- A copy of a submission with ministerial comments
- Minutes recording a decision to spend money on a particular purchase or project
- A photocopy of outgoing correspondence with a signature
- A signed copy of a contract

Protecting vital records

Vital records are defined as those categories of record which are required by the AGO to be able to carry out its essential core functions in a legally compliant manner. As such they take many forms ranging from letters and submissions, through to building records and emergency out-of-hours contact details for key staff.

Why is this important?

The quickest way to describe the importance of such records is to imagine the situation without them. We may not be able to provide the court with case papers or brief a minister before their appearance at a select committee, nor contact our contractors to arrange for them to attend to an incident involving the building, such as a flood, that could put it out of action.

This may represent the most extreme, vision but even the 'milder' consequences resulting from the loss of vital records are certainly to be avoided at all costs. These include loss of intellectual assets which could cause severe damage to the AGO's reputation

How to protect vital records

Measures to manage vital records cover both existing records, plus all new vital records created in the future. Vital records are securely stored either in the office, or at our secure off-site storage center, with a limited number of staff being able to access them.

Categories of vital records	Examples
Legal	Law Officer's advice Original court orders The reasons why (or why not) the Attorney General granted consent to prosecution
Financial	Decisions on how and why money is spent
Commercial	Contracts Leases/MOTOs MOUs Guarantees for works
Disaster	Disaster recovery plan Out of hours staff contact details

Retention management

A retention schedule is a list of records for which pre-determined destruction dates have been established. One of the principle aims of the records survey is to establish those categories of records for which there is a known disposal date.

The main objective of the retention schedule is to define how long records need to be retained in order to satisfy all operational, legal and regulatory purposes and to help co-ordinate their resulting maintenance, disposal or preservation.

Why is this important?

There is a careful balance which needs to be struck with regards to the retention of records. As we have covered in previous sections, it is important that records are kept for as long as their contents have operational value and for as long as they may be required as evidence of the transactions they document. However, there are often also compelling reasons not to retain such records for any longer than they are required relating to costs of storage, pressures on physical space and the need to disclose all relevant information you hold in response to an FOI request or legal discovery exercise. When it comes to records containing personal data there are also legal requirements under Principle 5 of the Data Protection Act which require institutions to not retain personal data for longer than is necessary for the purpose(s) for which it was obtained.

There are also legal requirements governing how institutions and other public bodies should remove the records they wish to legitimately dispose of. According to the s.46 Code of Practice on the Management of Records which accompanies the Freedom of Information Act:

> *The retention schedule states how long records should be held for if they are not going to be preserved permanently and the Operational Selection Policy refers to which files should be selected for consideration for permanent preservation.*

Retention schedules

The AGO retention schedules is a generic document designed to cover the majority of situations and records. As a result they will not be a perfect fit for all records. When closing a file and signing it off the file owner needs to consider how long the record needs to be retained and make a decision on when it should be destroyed.

Effective management of records, and the scheduled and orderly destruction of those no longer required by the AGO can help save money in storage costs.

Final outcome

This final phase in the records lifecycle leads to two logical outcomes: either the record is destroyed, or it is retained as a permanent, archival record. The main objectives of this phase is to ensure that each record follows the correct path and that the decisions which decide this are made according to pre-determined rules and criteria. For those records which are retained, so new records may in turn be created which draws upon their content or the learning contained within them – thus perpetuating the lifecycle.

As such it will be of use to those tasked with managing records within the AGO, auditors, archivists and those responsible for the design of new systems and processes.

Record appraisal and disposal

The act of disposing of a record is not one which should be carried out in an ad hoc or unmanaged manner, but according to pre-defined criteria and clearly articulated processes. This will ensure that you can justify why the records in question were destroyed, as well as proving beyond refute that no trace of them remains.

Why is this important?

Even if carried out with completely innocent motives, the uncontrolled destruction of records without proper authorisation or due process can easily be interpreted as an attempt to avoid releasing damaging information and prevent the cause of justice. Notorious cases of deliberate unauthorised destruction of records such as at Enron have increased the need to be seen to exercise suitable control over this aspect of records management. The introduction of the Freedom of Information Act in the UK has also increased the importance associated with the need for transparency and accountability during the disposal process and the requirement for an institution to be able to defend its actions if challenged.

The AGO has a clear and defined process to significantly reduce, the chances of either valuable records being destroyed in error, or the wrong records being retained.

How to appraise and destroy records

The AGO's retention schedule was approved by the Executive Board. It provides the basis for the selection and decision-making process. However, the schedule only defines *minimum* retention periods. Be prepared to consider any special

circumstances which may alter the situation for individual records (for example, any record which is the subject of an ongoing FOI request should not be destroyed, even if due for destruction according to the retention schedule).

The appraisal and destruction process are regularly scheduled business processes and not ad hoc events. The AGO ensures that all records scheduled for destruction are destroyed. Records are destroyed in a confidential and non-recoverable manner following a documented destruction process.

Permanent preservation

Archival management is a vast subject in its own right. As a result, this section can be no more than a signpost to some of the main issues as viewed solely from the perspective of their implications for records management. In this light the primary challenges faced here chiefly relate to ensuring the ongoing security and safety of permanent records and guaranteeing continued access to them.

Why is this important?

Both the content and evidential value associated with some records may require them to be retained for such long periods of time that as far as any member of staff managing them today is concerned and for all practical purposes they can be assumed to require permanent preservation. For example, the records of those who are declared vexatious are required for 84 years when the member of staff creating it will have left the AGO.

As well as the operational or legal value inherent in records, a small percentage will also have enduring historic value as archival records. Such records chart the history and development of the AGO and act as its collective memory. They represent an important aspect of the AGO's identity and heritage.

How to preserve records

Achieved files, including those stored for permanent preservation are stored both off site and within our offices, until they are either destroyed or transferred to the National Archives. The location of the files is detailed on the AGO's Cardbox database.