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AQW 14776/22-27

Timothy Gaston has asked:

To ask the Minister of Finance to place a copy of the overarching Northern Ireland Civil Service Retention and Disposal Policy in the Assembly library.

ANSWER

The NICS Retention and Disposal Policy was issued to the Assembly Library on 25 September 2024.

Signed:



Dr Caoimhe Archibald MLA

Date:

25/09/2024



NICS Record Retention and Disposal Policy

Document history

Version	Date	Author	Updates
1.0	May 2020	IMC	Policy signed off by IGB



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This policy is also available on <https://www.nidirect.gov.uk/articles/records-management-public-bodies>

If you have any enquiries regarding this policy please contact us at:
recordsmanagement@communities-ni.gov.uk

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1. Introduction

This document describes the retention and disposal policy for all records, regardless of format, held by departments in the Northern Ireland Civil Service (NICS), including Executive Agencies.

This policy has been developed in line with the guidance issued by the Lord Chancellor who, in fulfilling his duty under section 46 of the Freedom of Information Act 2000 (FOIA), has produced a Code of Practice on the management of records. (<http://www.nationalarchives.gov.uk/documents/information-management/foi-section-46-code-of-practice.pdf>).

This policy underpins the Retention and Disposal Schedule of each of the NICS departments.

It will be reviewed on an annual basis by the Information Management Council (IMC), and endorsed by the Information Governance Board (IGB).

2. Good records and information management

Records and information are key assets, which must be managed appropriately like any other business asset. Understanding what information to retain, and disposing of information that is no longer required, is an important part of effective records and information management. This in turn will support public authorities in making timely, effective, evidence-based decisions in line with statutory duties and functions.

Public authorities must be able to provide authoritative information as evidence of their activities. There are significant financial, legal and reputational costs when information and records are not properly managed.

Retention and disposal is an activity that public authorities are required to do, to comply with legislation such as the Public Records Act (Northern Ireland) 1923, Data Protection Act 2018 (DPA), the General Data Protection Regulation 2016 (GDPR), the Freedom of Information Act (2000) and Environmental Information Regulations 2004 (EIR).

The purpose of putting in place good records and information management procedures, within the Northern Ireland Civil Service (NICS), is to ensure that records are kept in such a way that:

- all records required for business, regulatory, legal and accountability purposes are retained for as long as is necessary;
- records can be readily retrieved when required (they do not just exist for immediate business use);
- non-compliance risks are reduced by making it easier to identify and retrieve relevant information when required to do so;
- there is accountability and an appropriate audit trail;
- records are identified for historical or research purposes;
- recognises information is a valuable resource and protected accordingly.

Departments are expected to have in place records management policies and guidance, including the management of email accounts, that promote best practice on records and information management. For digital information this will include policy and procedures which support the creation, capture, management, security and preservation of records in such a way that maintains their integrity and authenticity over time.

Departments must ensure records and information management forms part of staff induction, and refresher training. Information Asset Owners, Departmental Information Managers and Information Management Branches should promote, and support, good records and information management.

2. Definitions and terminology

The following terms are used throughout this document, and their definitions are as follows:

- Records – regardless of format, records are defined as information created, collected, received or maintained in support, and evidence, of business functions, and as part of the official record;
- Retention period – defined as the length of time records are kept in relevant filing systems, for example in hard copy filing systems (including off site

storage), HP Records Manager, Line of Business applications, shared drives, and web based systems;

- Review – refers to the review of records by business areas, or appraisal by the Public Record Office of Northern Ireland (PRONI), to determine whether to retain or dispose;
- Disposal – defined as the action taken, (or to be taken), with records including to permanently preserve or destroy;
- Permanently preserve – defined as the action taken when a record has been identified as being of historical, research or evidential value: such action will involve the transfer of the record to PRONI;
- Permanent Retention – defined as the action taken when a record has been identified as having no historical, research or statistical value but requires to be permanently retained by the Department for administrative or legislative purposes;
- Destroy – defined as the action taken when the record no longer has any business, historical, research or evidential value: such action will be taken in accordance with the department's deletion of records guidance.

4. Benefits of having a retention and disposal policy

All records, digital and paper, created by Northern Ireland Government Departments, Courts and other public bodies in the conduct of their business are Public Records under the Public Records Act (Northern Ireland) 1923.

Under the terms of the PRA 1923, all public authorities have a legislative requirement to transfer public records to the PRONI through the implementation of effective records and information management.

The retention and disposal of public records in Northern Ireland is authorised in line with the Public Records Act (NI) 1923 as well as the Disposal of Documents Order 1925 No 167, the Imperial Records Order 1925 No. 170 and more recently the General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018.

The FOIA 2000 s46 Code of Practice on the management of records s12 states that Retention and Disposal must be done responsibly.

This is achieved by developing a Records and Information Management Policy and secondly by creating and implementing a Retention and Disposal Schedule. These documents have a number of benefits for the public authority; they:

- Encourage control over the records created and held by public authorities.
- Enable records managers to dispose of records promptly when they cease to be of any continuing administrative or legal value.
- Provide a mechanism for PRONI to identify which records should be transferred for permanent preservation because of their long term historical or research value.

It is the policy of NICS to maintain authentic, reliable and useable records, which are capable of supporting business functions and activities for as long as they are required. NICS is therefore committed to the operation and continuous improvement of effective records management policies and procedures.

The FOIA 2000 s46 Code of Practice on the management of records, states that:

'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.'

The benefits to the NICS in having a retention and disposal policy are to:

- Comply with the specific legal and statutory requirements including Freedom of Information Act 2000 (FOIA), the Environmental Information Regulation 2004 (EIR), Data Protection Act 2018 (DPA), and General Data Protection Regulation (GDPR);
- Comply with the specific legal and statutory requirements under Public Records Act (Northern Ireland) 1923 and Disposal of Documents Order (1925);
- Satisfy the expectations of the Lord Chancellor's Code of Practice on the management of records, by stating in broad terms the types of records to be selected for permanent preservation;

- Demonstrate transparency, good governance and accountability for the records held;
- Only keep records for as long as there is a business need;
- Reduce the volumes and costs of paper and electronic records storage;
- Prevent duplicates of records being maintained; and
- Make it easier to find and share information.

5. Retention and Disposal Schedule

Records must be kept only for as long as there is a business or legislative need. This will vary and in some limited cases records will have to be kept for the lifetime of the asset.

Departments can apply many different retention and disposal triggers, or can aggregate records into three categories:

- Short term – there is a business need to keep the records for up to two years;
- Medium term – there is a business need to keep the records for up to five years after closure; and
- Long term – there is a business reason to keep the records beyond the five year closure period (for example for specific legal, financial, or personnel reasons).

PRONI is reviewing and updating its guidance, which will shortly be published on its records management section via NI Direct.

The National Archives (TNA). London has comprehensive records management guidance which can be found at:

<http://www.nationalarchives.gov.uk/information-management/browse-guidance-standards/?letter=r>

Each department of the NICS is responsible for drawing up, and agreeing a Retention and Disposal Schedule, for **all** records created and retained by them, setting out the class/type/description of the record, the period of retention and the disposal action.

Retention and Disposal Schedules including final disposal actions must be agreed between the relevant Public Authority and PRONI before the schedule is laid at the Northern Ireland Assembly via the negative resolution procedure for the required statutory period and becomes operational.

Sample classes of records that fall under the schedule final actions can be seen at **Annex A**.

6. Implementation of the Retention and Disposal Schedule

It is the responsibility of the Departmental Information Manager to ensure that regular reviews of the records held are carried out, and that appropriate action is taken as set out in the department's retention and disposal schedule.

Records to be retained for permanent preservation, and transfer to PRONI, must be reviewed, and access decisions must be made, under FOIA.

Under Section 3 of the Public Records Act (Northern Ireland) 1923, Public Records transferring to PRONI must do so under a warrant. The warrant is the legal instrument authorising the transfer of public records from a Public Authority to PRONI and gives PRONI the legal authority to hold these records. The warrant must firstly be signed by the Deputy Secretary for the Department for Communities and the Departmental seal applied. Once completed, the warrant is issued to the Deputy Keeper of the Records of Northern Ireland (PRONI).

Once the Deputy Keeper of PRONI has received the signed warrant, PRONI will issued a copy of the completed warrant to the Public Authority confirming that the transfer can take place. The warrant should include a schedule of records which are transferring into PRONI's custody. PRONI will also check that all records listed on the schedule have transferred into their custody along with the completed PR14 forms.

Transfer of electronic records must be made through the Departmental Export Tool.

Digitisation of any records must be carried out in consultation with PRONI and must follow NICS scanning policy guidance.

Departments and PRONI have a joint responsibility to ensure that on transfer records remain useable for as long as they are required, and it continues to be possible to retrieve, use and rely on them. This is of particular importance with regards to digital records. PRONI has developed a digital repository to ensure that departmental records will remain usable and accessible following transfer to the archive for permanent preservation.

Destruction of records must be in accordance with the department's guidance for destroying records. This guidance must reflect, as a minimum, the relevant guidance produced by The National Archives: (<http://www.nationalarchives.gov.uk/information-management/manage-information/policy-process/disposal/>). Departments must be able to provide details of destruction of records, and retain evidence of destruction indefinitely.

7. Records and functions moving between Public Authorities

The NICS has agreed as a guiding principle that the responsibility for specific records follow the functions of a Department. This means that if a function moves from one Department to another, then the records, and accompanying retention and disposal actions, created by the original Department are automatically inherited by the new Department.

Records which transfer from one Department to another become the responsibility of the recipient Department. The transferring Department must ensure a comprehensive R&D exercise is carried out on those records prior to transfer, regardless of format i.e. paper and repository. The new recipient Department is responsible for applying the final actions agreed on the retention and disposal schedule and will arrange for the relevant records to be destroyed or transferred to PRONI for permanent preservation.

The recipient Department will be responsible for the completion of the access decisions and associated PR14 form for each container or file and providing this to PRONI.

See Part 2 of the s46 code.

<http://www.nationalarchives.gov.uk/documents/information-management/foi-section-46-code-of-practice.pdf>).

If records are transferred to PRONI for permanent preservation, PRONI will assume the recipient Department will be designated as Responsible Authority for the purposes of carrying out the consultation process under s15 and s66 of FOIA.

Functions transferring from one department to another

In the event that a certain departmental function moves from one Department to another, the associated records relating to this function should be transferred and integrated into the recipient Department's file plan

Both the original Department and recipient Department are responsible for updating their retention and disposal schedules ensuring that the relevant classes of the records have either been removed from or added to the relevant schedules. Those classes of records which are added to the recipient's retention and disposal schedule as an addendum cannot be actioned for destruction or transferred to PRONI until the addendum is officially signed off. The revised retention and disposal schedule will be required to be laid at the Northern Ireland Assembly, superseding the previous schedule once it becomes operational.

Sample Final Action Record Classes

The final action applied in a Public Authority's Retention and Disposal schedule will be one of three options and this will be approved by the relevant Information Asset Owner, the Departmental Information Manager (in the case of Government Departments) and PRONI.

The three possible final actions laid out in retention and disposal schedule are as follows:

- Destroy
- PRONI Appraisal
- Permanent Preservation

NB: Permanent Preservation by PRONI or preserved by Department as a Permanent Living Record.

Classes of records typically identified for destruction after reaching agreed retention period.

- Customer complaints
- Staff travel claims
- Staff team meetings
- Staff Annual leave records
- Records relating to development of IT systems
- Stationary Requisitions
- Departmental Advertising
- State Benefit applications
- Corporate FOIA requests and SARs

General classes of records identified for permanent preservation.

- Ministerial Casework, including diaries, submissions, correspondence
- First day briefs
- Executive Papers
- Minutes of Senior Management meetings
- Policy documents / records of policy development
- Annual reports
- Development of legislation (primary and secondary)