

Information Governance – Schools Records Management Policy

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Document History

Purpose	
Document Purpose	To provide a policy on Records Management for North Lincolnshire Schools
Document developed by	North Lincolnshire Council Principal Information Governance Officer
Document Location	This document is located in the office

Approvals	
Principal Information Governance Officer	Create the policy and lead the review of the Records Management Policy
Assistant Director Business Support / Assistant Director Education	Oversee the policy through the school's approval process
Schools Approval Group	Approve the policy and changes made as part of a review, recommending adoption to the school governing bodies
School Governing Board	Approve the adoption of the policy for the school

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1. Introduction

Information is a key asset and schools create, receive and handle vast amounts of it. It is vital that the best use is made of this asset through effective policies and procedures, to inform decision making, improve accountability, and enhance services to pupils. This means having a consistent view on how Information is managed, created, stored, retrieved, retained, disposed of and shared.

There can be significant risks in not managing information appropriately. For example, organisations have been fined for not looking after information adequately or have been criticised for not being able to supply information promptly in response to a Freedom of Information request.

The school recognises that by efficiently managing its records, it will be able to comply with its legal and regulatory obligations and to contribute to the effective overall management of the school. This document provides the framework through which this effective management can be achieved and audited.

2. Purpose

The purpose of this policy is to ensure that the school's records are managed appropriately. The key objectives are to:

- Build an information management culture where records are managed consistently;
- Ensure compliance with legislation and standards;
- Manage records so that they can properly support the school's objectives;
- Make better use of physical and electronic storage space;
- Ensure information is accessible when appropriate and required;
- Ensure records are maintained in a safe and secure environment;
- Ensure records are kept for no longer than is necessary in accordance with Retention and Disposal standards and disposed of or retained correctly;
- Ensure the school's vital records are identified and protected (i.e. those required to maintain business continuity in the event of a disaster, and without which the school could not operate);
- Make better use of employee time;
- Ensure employees receive appropriate training in records management.

3. Scope

This policy applies to all records held by or on behalf of the school, where the policy has been adopted by the governing board. This includes information on paper and in electronic formats, including information collected by any CCTV cameras. The scope of this policy extends to:

- Employees, contractors, volunteers, agencies and partner organisations operating on behalf of the school;
- Employees working at home, from home or remotely;
- Governors whilst working on school related business.

4. Legal Framework

The school must comply with all relevant statutory UK and European Union legislation, including the following that have links to Records Management:

- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- Common law duty of confidence
- Copyright, Designs and Patents Act 1988
- Children Act 2004
- Data Protection Act 2018
- Equality Act 2010
- General Data Protection Regulations 2018
- Re-use of Public Sector Information Regulations 2005
- Limitations Act 1980
- Education Act 2010
- Education (Pupil Information) Regulations 2008

More information can be found in Appendix A.

5. Linkages with other policies and procedures

This policy is supported by other policies, standards and procedures, including:

- Schools Request for Information Policy
- Information Security and Confidentiality Policy
- School's Information Complaints Policy
- School's Privacy Notice Parents / Children
- School's Privacy Notice Staff
- Information and Records Management Society (IRMS) Records Management Toolkit for Schools

6. What is a Record?

It is important, to make a distinction between what is and is not a record. According to the ISO 15489 standard for the management of records, a record is:

"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."

Essentially, it is a record of the School's business that requires effective management and preservation. Examples of records include:

- Correspondence.
- Meeting minutes.
- Education Record.

A non-record, by definition, is an item of information that does not require the same rigour of management as that required for records and is of immediate value only. Non-records will be disposed of once they have served their useful purpose. Non-records are still subject to the

requirements of Data Protection and should be protected, used and destroyed within these regulations.

7. Education Record

The governing board of a school is responsible for ensuring that the school maintains an Education Record for each pupil. The Education Record will be the principal record that charts and individual pupil's progress through the Education System and should be managed as set out in this policy, but also as set out in the Pupil Information Regulations 2008 and Information and Records Management Society adapted Records Management Toolkit for Schools.

The Transfer to another School form (IGS02) should be used to transfer the Education Record to another school. The form should also be used to detail the transfer of electronic records. The transfer form should be signed by both the sender and the recipient school.

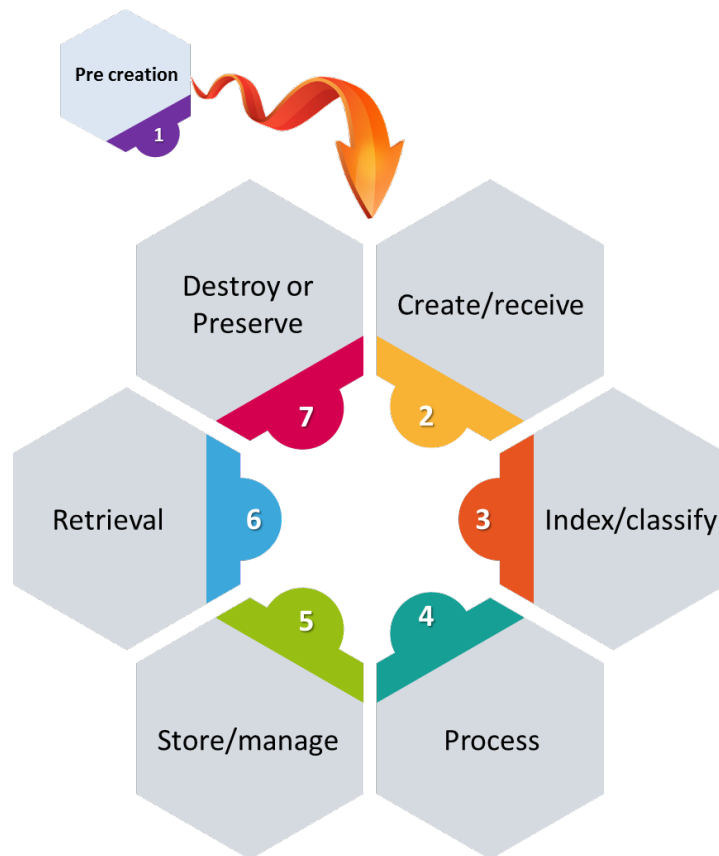
8. Requests for Information

Good records management will enable compliance with requests for information under legislation, most notably the Freedom of Information Act 2000 (FOIA), Environmental Information Regulations 2004 (EIR), Data Protection Act 2018 (DPA) and the General Data Protection Regulations 2018 (GDPR). The production of the School's Publication Scheme is also dependent on records being properly managed and this again will ensure compliance with the FOIA.

The GDPR in article five states the principles of processing personal data and as part of this it is clear that data should only be held or used for the purpose it was obtained and should not be held for longer than is necessary. Whilst held there should be adequate security of personal data and protection against unlawful or unauthorised processing.

9. Records Management Lifecycle

All information goes through a lifecycle, from its creation to its disposal. See below for an example of a typical information lifecycle and explanatory notes:



- **Pre creation** – deciding what information needs to be captured as a record and how.
- **Create/receive** – information that needs to be kept as a record can enter the school in many ways. Some is created within; some comes from external sources.
- **Index/classify** – the addition of descriptive information to records to, for example make them easier to find, manage the different versions, and show the level of protection required and the date on which disposal should be considered.
- **Process** – records may need to be processed at any point (have something done to them) in order to achieve school business aims.
- **Store/manage** – identifying whether records are electronic or physical and how/where they should be stored to preserve integrity and authenticity and so they are secure but can be efficiently accessed by those who need to use them and are authorised to do so.

Active records are those requiring frequent access and they should generally be stored electronically in the immediate workplace. Inactive records requiring infrequent access should generally be stored elsewhere in the school or in another location.

- **Retrieval** - the finding of stored records by those who are entitled to search for them.
- **Destroy or Preserve** – if records do not need to be retained permanently, have outlived any business or statutory requirement to retain further and have reached the disposal date they should be destroyed.

10. Record Management

Each school will have in place a record keeping system (paper or electronic) so that records are managed to an agreed set of standards, as follows:

Inventory of Records and File Plan

An Inventory of Records and a File Plan will be produced to keep a log of what records are held, where, why and how. Also included will be information such as:

- Whether duplicate copies are kept, why and which is the primary record.
- Whether the record is considered 'vital' and where the back-up is kept.
- The retention period that applies.

The inventory will be updated when records are created or received and when they are moved to somewhere different or disposed. The reason for movement or disposal will be recorded.

If a record is part electronic and part paper how the two will be cross referenced will be included.

Record Creation

When records are created or received, so that they can be properly managed the school will consider adding the following information to records:

- A reference number if the record is part of a series of records.
- A front file cover for paper records stating the contents of the file.
- A standard way of naming records.
- Page numbering to show the page number and number of pages.
- Version control.
- A means of showing that the record contains restricted / personal or Confidential / special category material.
- Who is permitted to access the record.
- Name of creator.
- Creation date or receipt date.
- Whether the record is classified as 'vital'.
- Retention period, the date on which disposal and the action that should be taken.
- Storage location.

Record maintenance and storage

The record keeping system will provide suitable storage with the necessary protection and it will be kept up to date. This will include:

- Ensuring that appropriate physical or electronic storage space is provided.
- Monitoring the movement and location of records and keeping an audit trail of movements.
- Ensuring that records are filed promptly and correctly as set out in the File Plan and that any records that need to be temporarily moved from the usual storage place are returned as soon as possible.
- Controlling access to records.

- Ensuring authenticity so that records retain their legal integrity by taking into account the principles of the BS BIP 0008 for Legal Admissibility standard.
- Ensuring future access by considering the preservation of digital records, how paper records are printed and the standard of the facilities used to store paper records.
- Identifying 'vital' records and applying the appropriate protection.

Security and Access

The record keeping system will provide the appropriate level of security for records, whilst ensuring they are accessible when they need to be. This requires controls including:

- Procedures to document access to personal or confidential records.
- Employees being aware of the types of information they can access for their roles.
- An annual review of who has access to personal and confidential records with amendments to access where necessary.
- Employees not accessing or creating personal or confidential records on mobile devices, unless these devices are approved by the council and are either encrypted or have a secure workspace.

Retention and disposal

The Records Retention Schedule for schools sets out the **minimum time** records should be kept for and the action that should be taken at the end of the retention period. This is based on Local Government Association and Information and Records Management Society (IRMS) guidelines.

Retention periods specify the minimum time a record should be kept and what action should be taken at the end of that period. This is called a review. The retention period will commence from a trigger event (such as the closure of a file).

Reaching the end of the minimum retention period does not always mean the record should be destroyed. In some cases, the record may be retained longer or transferred to permanent archive. Records being retained longer by the school must be assigned a further review date and this should be updated at each future review.

All records will be disposed of in accordance with the School's Records Retention Schedule. Any errors in the scheme or requests for addition should be highlighted to the Local Authority's Information Governance function. Any records being considered for disposal outside of the schedule disposal date must be discussed with the Local Authority prior to destruction.

The disposal of records containing personal information that should no longer be kept is necessary to comply with the GDPR, in that article 5 requires that records are only kept for as long as is necessary. It is also required for the efficient management of other records so that the school can function properly, to keep physical or electronic storage to a minimum and so as not to hinder access to information. The Code of Practice in section 46 of the Freedom of Information Act 2000 recommends how general records should be managed. The code is not a legislative requirement but complying with the FOIA is and not following the Code is likely to result in non-compliance with the FOIA.

The aim of the retention and disposal process is to ensure that:

- The review date at the end of the retention period is captured when creating records or receiving records.
- Records reaching the end of the minimum retention period are reviewed and a decision made about whether to dispose of the record or keep it longer.
- The Inventory of Records is kept updated to reflect disposal or further retention decisions taken.
- Disposal of records documentation is completed, signed by the Headteacher or deputy and retained whenever a record is disposed of. (This may be necessary to provide evidence that a record is no longer held, for example in response to a Freedom of Information request). Destruction Form IGS01 should be used.
- If records are transferred to official archives for permanent preservation transfer of records documentation is completed, signed by the Headteacher or Deputy and retained. Transfer Form IGS02 should be used.
- Records subject to an outstanding request for information or legal proceedings will not be destroyed until after the request has been answered and/or the legal proceedings are completed.
- Destruction will be carried out in accordance with its level of sensitivity and in line with the Information Security and Confidentiality Policy.

11. Management of electronic and/or email records

The principles that apply to the management of electronic records are generally the same as those for the management of paper records, but how the principles are put into practice may differ. Effective electronic record keeping requires:

- The rules around the retention and disposal of records in IT systems and email systems are the same as those for other records in that these records should be disposed of when they should no longer be kept.
- Audit trails should be used to show who have accessed, moved or deleted records in IT systems and these should be kept securely.
- Emails can sometimes be records and can be disclosable in response to requests for information.

Sometimes other people will have been copied into emails and therefore care is needed to ensure all copies are disposed of when the record should no longer be kept.

Sometimes emails should be removed from the email system and stored in another electronic or paper filing system. The File Plan should provide rules for employees to follow.

If the email has an attachment and the text of the email adds to the record care needs to be taken to ensure both part of the record are kept together. Technical advice will be sought on the most appropriate means of retaining electronic copies of emails.

12. Roles and Responsibilities

The Data Controllers are the Headteacher and appointed deputy are responsible for the following:

- Creating a Records Management process to comply with this policy.

- Promoting compliance with this policy.
- Initial investigations of non-compliance with this policy.
- Making decisions about and approving retention and disposal or transfer to permanent archive.

The Local Authority's Information Governance function is responsible for providing support as set out in the Service's to School annual Information and IT Security offer.

Data Processors can be any school staff who are responsible for the following:

- Using personal data for the use it was gathered
- Complying with information management policies by not sharing information unless there is a legitimate reason and securing data when not in use.

The Data Protection Officer is the Business Manager who is responsible for the following:

- Overseeing the approach, strategy and implementation for Data Protection.
- Advise management and staff on Data Protection, including erasure or destruction of data.

13. Audit

Records Management policy, standards and procedures will be audited periodically by the Data Protection Officer as part of the annual internal audit work plan, to ensure compliance.

14. Monitoring and Review

The current version of this policy and any supporting information can be found in the school office
This policy and all supporting procedures will be reviewed as it is deemed appropriate but no less frequently than every 12 months, and re-approved every 3 years.

Appendix A – Standards and Compliance

Data Protection Act 2018 and General Data Protection Regulations 2018

Principles setting out how the council must deal with personal information and the right for individuals to gain access to the personal data that is held about them.

Freedom of Information Act 2000

Public access rights to all information held by a public authority, other than that which is exempt. In addition, the Section 46 Code of Practice gives guidance on good practice in records management.

Environmental Information Regulations 2002

Public access rights to environmental information.

Local Government Act 1972

Section 224 of the Act requires local authorities to make proper arrangements in respect of the records they create.

Public Records Acts of 1958 and 1967

All public bodies have a statutory obligation to keep records in accordance with the Public Records Act. This places the responsibility on government departments and other organisations within the scope of the Act for making arrangements for selecting those of their records, which ought to be permanently preserved, and for keeping them in proper conditions. Parts of this Act have been superseded – particularly by the FOIA.

Limitation Act 1980

Has particular relevance to applying appropriate retention periods. For example, in regard to financial records, the Act “provides that an action to recover any sum recoverable by any enactment shall not be brought after the expiration of six years from the date on which the cause of the action accrued”.

Health and Safety at Work Act 1974

Influences how long records relating to Health and Safety incidents should be retained.

Human Rights Act 1998

Particular relevance in relation to an individual’s right to privacy.

Information Security Management System requirements: ISO 27001

This is complementary to ISO 17799 and defines the requirements for an Information Security Management System (ISMS). This, effectively, describes the process for creating an ISMS, implementing and managing the governance and controls described in ISO 17799.

Code of practice for Legal Admissibility: BIP 0008

Provides a framework and code of good practice for the implementation and operation of information storage systems, whether or not any information held therein is ever required as evidence in event of a dispute.

Retention Guidelines for Schools - Records Management Society

Guidance for schools on the retention and disposal of records.

Education Act 2011

Sets out educational policy.

Education (Pupil Information) Regulations 2008

Sets out how a pupil's Education Record must be maintained and who it can be disclosed to.