

Records Management Policy

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Alternative Formats

This documentation can be made available in alternative formats such as large print, Braille, disk, audio tape or in an ethnic-minority language upon request. Requests for alternative formats can be made to the Probation Board using the following contact information:

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1. Rationale

1.1 In the course of delivering services, the Probation Board for Northern Ireland (PBNI) collects information from: service users who are subject to Court Orders or Licences; unadjudicated service users through a number of PBNI initiatives; victims registered with the Victim Information Scheme; partner organisations; staff; and Board members. The purpose of this policy is to define the framework by which PBNI governs records, information management and retention management. The supporting procedures set out the process for managing paper and electronic 'digital' records with particular reference to creation, retention and disposal. This policy and the supporting procedures applies to all staff, Board members, contractors, consultants and third parties who may be given access to our records.

1.2 Retaining records for the right length of time is necessary to support business requirements, to comply with legislation, including the Freedom of Information Act 2000 (FOIA), Data Protection Act 2018 (DPA) and General Data Protection Regulation (GDPR), Public Records Act (NI) 1923, Disposal of Records Order (S.R&O 1925 No.167) and the Lord Chancellor's Code of Practice for Records Management. The principal legislation governing the management of records is stipulated in Section 46 of the FOIA. This directs organisations under the Act to have records management systems which will help them to conduct their statutory function compliance. PBNI has a Retention and Disposal Schedule in place whereby Information Asset Owners (Senior Leadership Team) set out how long records in their business areas are retained.

1.3 The DPA 2018 sets out which information about living people may be legally used and handled. The fundamental principles of data protection specify that personal data must:

- Be processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency');
- Be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('purpose limitation');
- Be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
- Be accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate,

having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');

- Be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals ('storage limitation');
- Be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality'). The Controller shall be responsible for and able to demonstrate compliance with bullet point 1 ('accountability').

1.4 All PBNI records are Public Records under the Public Records Act. PBNI will take actions as necessary to comply with the legal and professional obligations set out in the Code of Practice for Records Management.

1.5 There are potential risks associated with retaining records for too long or not long enough. If records are disposed of too soon, PBNI may not have the evidence it requires to protect itself in the event of litigation, whilst premature destruction can also be seen as an attempt to prevent necessary disclosure leading to miscarriages of justice and / or reputational damage. If records are retained for too long, this may hinder the retrieval of information for evidential purposes, Subject Access Requests under the DPA and for FOI requests.

2. Aim

This policy aims to provide an applicable framework to guide all areas managing corporate records and operational records.

3. Objectives

To ensure:

- Records are identified and classified to enable appropriate treatment.
- Records are retained for the right length of time.
- Records are regularly reviewed to identify retention and disposal actions.

- Destruction of records is properly documented as required.
- Corporate and operational records are physically and digitally transported between functions in accordance with the appropriate jurisdiction and protecting both the individuals' and organisation's confidentiality and integrity.
- Historical records are preserved and transferred to the appropriate repository.

4. Responsibilities

All line managers throughout PBNI must make sure that staff apply all statutory legislation in support of keeping PBNI records safe. There are particular roles and responsibilities that apply. They are:

Accounting Officer

The Accounting Officer has overall responsibility for ensuring that all information risks, including those of poor records management, are assessed and mitigated to an acceptable level. Information risks should be handled in a similar manner to other major risks such as financial, legal and reputational risks. Responsibilities of the Accounting Officer include:

- Leading and fostering a culture that values, protects and uses information for the public good.
- Having relevant staff in place who are skilled, focused on the issues, and supported.
- Reviewing Records Management breaches and "near misses", to learn lessons and share best practice.
- Receiving regular assessments of information risk performance information asset owners and specialists.
- Publishing summary material in the annual report.

Senior Information Risk Owner (SIRO)

The SIRO is a senior executive well versed in governance and information risk. In PBNI the SIRO is also the Accounting Officer.

Head of Communications

This senior manager is responsible for the development of the Records Management Policy and Procedures and compliance with the policy. They are also responsible for:

- Reviewing the Records Management Policy and Procedures for PBNI and reporting to the SIRO and Board where necessary and escalating any issues of concern.
- Endorsing records management systems to allow the effective and efficient discharge of functions while meeting the statutory duty of records management.

- Briefing the SIRO on any issues of concern and providing regular updates.

Directors/Assistant Directors/Heads of Department (Information Asset Owners)

These managers are accountable for their staff's compliance with PBNI's records management throughout the organisation and have a duty to ensure that the arrangements for safekeeping and eventual disposal of PBNI records are adhered to.

These managers are *Information Asset Owners*. They will have overall responsibility for the management of the records generated by their Business Areas. They are responsible for making sure that a complete record of the business undertaken by their area is captured, and that records management systems (electronic or otherwise) and procedures are used appropriately. Information Asset Owners are responsible for ensuring the organisation's Information Asset Register is kept up to date with the appropriate retention and disposal arrangements clearly stated.

The Data Protection Officer

The Data Protection Officer has responsibilities that include informing and advising PBNI of its data protection obligations and monitoring its compliance with legislative requirements. The Data Protection Officer reports directly to the Head of Communications and acts as a direct contact both for data subjects and the Information Commissioner.

Records Manager

The Records Manager will provide guidance and assistance to key staff in PBNI who will have responsibility for the day-to-day management of records in their own teams/departments. The Records Manager is responsible for the development of systems that facilitate the effective and appropriate management of information produced and received by PBNI. The Records Manager plays a key role working with staff administering the ECMS (electronic operational case management system) and Content Manager (Electronic Document and Records management System (EDRMS) for corporate records). It is also the responsibility of the Records Manager to:

- Ensure that Procedures exist regarding the statutory requirements laid down in the Disposal of Documents (Northern Ireland) Order 1925 (made under the Public Records Act (Northern Ireland) 1923 for the destruction and preservation of records) and that adherence to the Procedures are monitored.
- Provide updates to Senior Managers of compliance with records management legislation and guidance.

- Co-ordinate the development and maintenance of the organisation's Retention and Disposal Schedule.
- Remind staff of their responsibility to destroy records in accordance with the Retention and Disposal Schedule.
- Give guidance to staff reviewing records to ensure consistency in the decisions made.
- Maintain proper records management procedures to help ensure consistency in the management of records.
- Monitor the effectiveness of the records management procedures and adherence to the procedures.
- Arrange for the training and awareness of staff in records management.
- Provide the central co-ordination point for all off-site storage of records.
- Provide the single co-ordination point for liaison with PRONI.

Area Middle Managers

Area/ Middle managers have a key role in records management throughout PBNI and are responsible for effectively operating administrative systems in support of the work of the organisation. These staff include Area Managers, Business Support Managers and other departmental managers across corporate functions (DP and Staff Officer grade). Their purpose is to work with the Records Manager to ensure consistency and application of procedures in respect of corporate and operational records management objectives. Area Managers are responsible for the management of operational files in liaison with Business Support Managers. In particular area/ middle managers are responsible for:

- Liaising with the Records Manager to develop and maintain our Retention and Disposal Schedule. In most cases area/middle managers are the 'relevant manager' as set out in the Retention and Disposal Schedule.
- Provide advice to staff on records management procedures (including security and maintenance of records).
- Maintaining team/department storage facilities.
- Closing electronic files in line with organisational procedures.
- Ensuring that PBNI's Retention and Disposal Schedule is used when disposing of manual files or deleting electronic files.
- Compliance with statutory and regulatory requirement.

Individual Members of Staff

Every member of staff employed within PBNI is responsible for maintaining records in accordance with the PBNI's Records Management Policy and Procedures. In particular, they are responsible for:

- Following the procedures for the creation of new files.
- Applying PBNI's Retention and Disposal Schedule and not retaining files

beyond the specified periods.

- Adhering to the Data Protection Policy and supporting guidance including ensuring they securely store, transmit and share information appropriately.
- Adherence with relevant information security elements of the Records Management Policy.
- Documenting and recording their work in accordance with PBNI's Records Management Procedures.
- Ensuring the integrity and security of all records while on PBNI premises or when being transported between PBNI premises or outside PBNI.
- Accessing only the information they have a business need or authorisation to.

5. Definitions within this Policy and Procedures

The following terms are used throughout this policy and supporting procedures, 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), Content Manager (EDRMS), Electronic Case Management System (ECMS) 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 PBNI 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 PBNI's deletion of records procedures.

6. Communications

Information on Records Management will be regularly included in Probation News and on the intranet.

7. Monitoring and Evaluation

Regular audits will be carried out by the Records Manager in conjunction with Business Support Managers to ensure compliance with this policy.

8. Linkages

This policy also links to the following:

- Records Management Procedures.
- Data Protection Policy.
- Internet and Email Usage Policy.
- Risk Management Policy.
- Disciplinary Policy.

9. Review

This policy will be reviewed four years from the date of approval. Interim reviews may also be prompted by feedback, and or identified changes in practice.

10. Non compliance

Breach of PBNI's Policy by employees may merit consideration under PBNI's Disciplinary Policy.