

CORPORATE RETENTION AND DESTRUCTION SCHEDULE

1. RECOMMENDATIONS

- 1.1 That the Overview and Scrutiny Panel note the adoption of the Corporate Retention and Destruction Schedule.

2. INTRODUCTION

- 2.1 The purpose of this report is to provide an update and overview on a piece of work undertaken over the past year which has resulted in the creation and adoption of the Council's Corporate Retention and Destruction Schedule ('the Schedule'), following its approval by EMT on 11 July 2023.
- 2.2 The Schedule is viewable online at <https://newforest.gov.uk/RDSchedule>.

3. BACKGROUND

- 3.1 It was identified in 2022 that the Council would benefit from some improvements to its Retention and Destruction ('R&D') practices.
- 3.2 It is important that records are retained for as long as they are needed to ensure that:
- 3.2.1 Regulatory and statutory retention requirements are met;
 - 3.2.2 The Council's legal rights and interests are protected;
 - 3.2.3 The Council's storage and electronic storage systems are efficiently utilised; and
 - 3.2.4 Importantly, where records contain personal data, that personal data is not kept for longer than is necessary (in accordance with the storage limitation data protection principle as set out in the UK General Data Protection Regulation ('UK GDPR') and the Data Protection Act 2018).
- 3.3 As the Council is a public authority, and subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004, all records and information that are held are potentially disclosable. Similarly, as the Council processes personal data, individuals can exercise their information right of access and ask to receive copies of the personal data that the Council holds about them.
- 3.4 The Information Commissioner's Office ('ICO') guidance states that '*information can become a liability if it is not properly managed. You should know what information you hold, why you hold it, how sensitive it is, and how it should be managed. You should keep information for as long as you need it and dispose of it when you no longer have a reason to keep it*'. The ICO also states that disposal of records should be undertaken in accordance with clearly established policies. Disposal schedules form a key part of this process.
- 3.5 An informal R&D Board comprising the Strategic Director of Housing, Communities and Governance, the Strategic Director of Corporate Resources and Transformation,

the ICT Service Manager (and more recently the Data Development and Delivery Manager) and the Information Governance and Complaints Manager, was established in June 2022 to oversee the development of the Schedule.

- 3.6 The migration from Meridio to SharePoint as the Council's central content management platform also raised the priority of this piece of work to ensure that records added to SharePoint are managed effectively and the R&D labels and functions within SharePoint can be utilised.

4. PROCESS

- 4.1 The Information Governance and Complaints Team has led on the development of the Schedule, working with Data Protection Leads ('DPLs') across the Council to document all record types held by each Business Area and the appropriate retention periods to be applied to them.
- 4.2 DPLs are required to have good knowledge of the practices of their Business Areas/ Services, personal data processed, and records held. The process of working collaboratively with the DPLs in the development of the schedules has meant that each one is an accurate reflection of records held and working practices.
- 4.3 Each completed section of the Schedule was passed to the relevant Service Manager for their review. It was then taken to the R&D Board for interim approval.
- 4.4 The Schedule ultimately was taken to EMT on 11 July 2023 for approval as an operational business policy. However, as the Schedule is subject to change to reflect updates to legislation and/or best practice, it is also included within the Policy that updates going forward will be approved by the Information Governance and Complaints Manager.

5. THE SCHEDULE (AND THE POLICY)

- 5.1 The Schedule is underpinned by an initial policy document ('the Policy') which explains the purpose of the Schedule, its structure, how it should be complied with and the roles and responsibilities of officers.
- 5.2 The initial section of the Schedule covers 'Corporate and Common' records. These are records that are either held by all (or multiple) Services across the Council or records where a particular Service or Business Area is the corporate 'owner' of these records, but other areas may also retain duplicate copies of these records. The Corporate and Common section of the Schedule aims to promote consistency in the way these records are dealt with.
- 5.3 The Schedule is divided into the Council's Directorates and then sub-divided into Services and Business Areas. The Schedule can be navigated using the contents page and hyperlinks.

6. ROLL OUT

- 6.1 Section 6 of the Policy sets out the roles and responsibilities for R&D. This particularly states that, it will be the responsibility of each Service Manager (with the assistance of their DPLs) to ensure records are retained and destroyed, in accordance with the Schedule, in their Service.

- 6.2 It is important that compliance with the Schedule is embedded within Services' work processes and becomes a business as usual task. This will ensure that the Council is meeting its responsibilities for information management and its statutory obligation, as a Data Controller, to not retain personal data for longer than is necessary.
- 6.3 Southern Internal Audit Partnership will have R&D added to their work programme, as another method of monitoring compliance.

7. CONCLUSION

- 7.1 The creation of the Schedule has been a large piece of work which has involved collaboration with many officers across the Council. Its implementation is important for the Council's proper management of its records.

8. DATA PROTECTION IMPLICATIONS

- 8.1 In accordance with the storage limitation data protection principle as set out in the Data Protection Act 2018 and the UK GDPR, the Council should not keep personal data for longer than is necessary. The Schedule supports the Council's compliance with this principle.
- 8.2 The Schedule also forms part of the documentation which demonstrates that the Council is complying with the data protection principles as part of its obligation to be accountable.

9. FINANCIAL IMPLICATIONS

- 9.1 The improper management of records can lead to additional storage costs.
- 9.2 The ICO's power to issue fines to Data Controllers is not limited to personal data breaches. It is possible for fines to be issued where there are other areas of non-compliance with the UK GDPR. This includes failing to comply with the data protection principles, which may be subject to the highest permitted fine.

10. CRIME & DISORDER/ ENVIRONMENTAL/ EQUALITY AND DIVERSITY IMPLICATIONS

- 10.1 There are none directly arising from the report.

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Background Papers:

Published Documents