

Title of meeting:	Communities and Central Services Portfolio Decision Meeting
Date of meeting:	Friday 12 February 2021
Subject:	Portsmouth City Council Digital Preservation Policy and procedures
Report by:	Director for Culture, Leisure and Regulatory Services
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

The purpose of this report is to seek the Cabinet Member's approval of the Policy attached as Appendix 1.

2. Recommendations

RECOMMENDED that the Cabinet Member for Communities and Central Services approves the Digital Preservation Policy which forms Appendix 1 of this report

3. Background

- 3.1 This Policy outlines actions PCC should take to ensure that its storage of records enables it to serve its citizens effectively and efficiently in the future. In particular, it states how the Council will maintain continuity of access to, and legal admissibility of, digital records that need to be kept for more than 10 years in the face of rapid technical change and obsolescence of IT hardware and software, and organisational change.
- 3.1.1 This work is especially important in the light of the introduction of Office 365 and SharePoint, and forthcoming transfer of PCC digital records to the Cloud. Already, often the digital document is the formal record, rather than paper copies - and increasingly there are no paper copies. Without action it will become impossible to access these digital records when they are needed.

3.2 *The Modern Records Section*

- 3.2.1 The Modern Records Section provides managed storage for the Council's non-current paper records, that is records which are no longer accessed frequently but cannot yet be passed to the historic archives or destroyed. The section is staffed by 1.2 FTE 'Modern Records Officers' plus a 0.5 FTE 'Records Manager' who maintains the Council's records retention schedule. These officers 'ingest' records being sent to MRS (cataloguing and shelving them), retrieve and refile them for users, and destroy the records at the end of their retention periods. Since spring 2017 the section has been managed through Library & Archive Services. It is proposed that the section's role is extended to manage the long-term storage of digital records.
- 3.2.2 In response to the changed responsibilities to be delivered by Modern Records, a staff review undertaken with Historic Records/Archives will identify and implement the changes needed for this section also to run a digital archive. This will include an evaluation of roles and competences, staff training and an exploration of a restructure or amalgamation of services.

3.3 *Addressing the digital preservation threat*

- 3.3.1 The Council creates almost all its records electronically. The volume of digital records is increasing rapidly: between 2016 and 2020 the number of files on the Council's principal drive grew from almost 12 million to nearly 16 million. Outside the electronic document management systems used by some departments, however, there is no systematic control of their storage or deletion when due. As a result they cannot be found quickly and are being kept longer than they need to be, risking breaches of the General Data Protection Regulation 2016 and Data Protection Act 2018, and demanding extra resources to store them.¹
- 3.3.2 Many of these records are critical and have to be kept for long periods or permanently. They include, for example, Council minutes, property files, and records of adopted or looked-after children. Without them PCC will be unable to defend the interests of its citizens, be unable to meet its moral and legal obligations and will face loss of reputation and financial costs.

¹ See, for a fuller explanation of the problems, Appendix 2, Report, *Meeting the threat to Portsmouth City Council's digital records*, John Stedman, Records Manager & Archivist, & Mike Greenslade, Information Security Officer, Dec 2017

3.3.3 Digital records have a number of weaknesses which need to be managed, however, known by the term 'digital preservation'.

- Electronic documents are vulnerable to loss and damage - more so than paper.
- As hardware and software is updated not all critical records will remain readable.
- As staff change responsibilities or leave the Council the knowledge of what records are where can easily be lost.
- The evidential value of digital records is dependent on proof that they have not been unofficially amended since their creation.

PCC has already experienced obsolescence of electronic records when switching from the Polo e-mail system and the Amipro word-processing package. The Digital Preservation Coalition (DPC)² estimates that electronic records will be under threat after existing for only 10 years unless steps are taken to address these weaknesses. The risks to the Council are identified as an Exception in recent Audit reports on Modern Records.

3.3.4 The solution is twofold: 1) to extend the role of Modern Records to manage electronic records as well as paper, and 2) to acquire digital preservation software to automate the processes where possible. MRS and IT staff have assessed these digital preservation packages available³ against

- the IT Strategy of 'first reuse, then buy, then build',
- the Council and government's preferred strategy of using the cloud instead of local servers,
- whether the Council can move the data elsewhere easily if it chooses to change supplier,
- and price.

² "The Digital Preservation Coalition exists to secure our digital legacy. Our Mission: We enable our members to deliver resilient long-term access to digital content and services, helping them to derive enduring value from digital assets and raising awareness of the strategic, cultural and technological challenges they face." [Link to the Digital Preservation Coalition website](#), accessed 2018-09-13

³ These digital preservation programs can be found at [Link to The National Archives website listing digital preservation software](#) accessed 2020-09-07

The software and cost of storage in the cloud will be met within existing revenue budgets.

4. Reasons for recommendation

4.1 RECOMMENDED that the Cabinet Member for Communities and Central Services approves the Digital Preservation Policy which forms Appendix 1 of this report

4.1.1 Adopting the recommendation will benefit the Council in the following ways:

1. Assured access to critical records for the period the Council needs or wishes to keep them
2. A sustained reputation as trustworthy and efficient
3. More efficient and better decision making and service delivery
4. Long-term savings by storing only the necessary electronic records rather than multiple copies
5. Sustained defence against breaching FOI, GDPR and DPA legislation
6. Ensuring staffing competences and capacity can support changing service need
7. Achieving best value for existing budget
8. It will also demonstrate to the public and outside bodies, such as the Information Commissioner's Office, The National Archives and the courts, that it is taking seriously its obligations under the GDPR and other records legislation, and that through application of British Standard 10008:2014⁴, its records have good evidential weight and legal admissibility.

4.1.2 Failing to manage digital records with long retention periods will undoubtedly lead to:

1. Unnecessary expense to defend the Council's interests
2. Increased costs through storing too many copies of digital records in more expensive 'fast access' cloud storage
3. Increased costs 'reconstructing' lost records, where that is even possible
4. Fines for breaching data protection and FOI legislation
5. Loss of reputation
6. General inefficiency in finding records

5. Integrated impact assessment

⁴ BS 10008:2014, *Evidential weight and legal admissibility of electronic information - Specification*

An Integrated Impact Assessment has been completed and approved. It is attached as Appendix 3 of this report. A Data Protection Impact Assessment has also been completed.

6. Legal implications

- 6.1 The benefits of moving into a more centralised and digital system of managing records are many and undeniable by reference to the legislative compliance issues and operational imperatives which are described in the body of this report. The principal legal implications to be taken into account arising from the recommendations in this report are as follows:
- 6.1.1 **Procurement considerations.** It is advised that, within the procurement process and the specification of the Council's requirements for software services to support the implementation of the proposed Digital Preservation Policy, provision is made for sufficient measures to be in place in respect of ease of migration of the digital services to an alternative provider if and when this becomes appropriate.
- 6.1.2 **GDPR, Data Protection Act 2018 and other legal considerations.** It is important that, in any proposed way forward in relation to archiving and records management, the Data Protection legislation is taken fully into consideration and that the legal requirements are incorporated within the new processes. This effectively includes the EU GDPR, which has been retained in UK domestic law following the end of the Brexit transition period. Consultation with the Council's Information Governance team (supported as necessary by Legal Services) on how this can be achieved in practical terms may be necessary in consultation and in liaison with any appointed software provider who will be incorporating these requirements within its software. Further, it is essential that, where prescribed by law, original paper files and documents such as Deeds, Leases and High Value Contracts executed under seal are retained and securely preserved in a hard copy format and not destroyed in error in any transition period.
- 6.1.3 **Security/Confidentiality Considerations.** It will be important that, as part of the overall contractual arrangements, the appointed software provider enters into a Data Processing Agreement with the Council under PCC terms so as to ensure that the required security, insurance cover and confidentiality/indemnity provisions are in place.
- 6.1.4 At this stage the above assessment is an overview of the main legal implications arising from the report. However, it is advised that Legal Services are kept



appraised of developments going forward and further advice on implementation sought as appropriate.

7. Director of Finance's comments

Provision is included in existing revenue budgets for this expenditure.

Provision has been earmarked as a spend-to-save in the portfolio reserve for the cost of additional resource which may be required to implement the recommendation of this report. Once the financial impact has been identified, the release of funds from the reserve will be subject to approval of Cabinet in conjunction with S151 Officer.

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Signed by:

Stephen Baily

Director for Culture, Leisure and Regulatory Services

Appendices:

1. (draft) Digital Preservation Policy
2. Report: *Meeting the threat to Portsmouth City Council's digital records*
John Stedman, Records Manager & Archivist, & Mike Greenslade,
Information Security Officer, Dec 2017
3. Integrated Impact Assessment

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
IS_RM_002 Portsmouth City Council Records Management Policy, 2017	Policy Hub

BS 10008:2014 Evidential Weight And Legal Admissibility Of Electronic Information - Specification, British Standards Institute	Modern Records Office
The Lord Chancellor, <i>The Code of Practice on the Management of Records under section 46 of the Freedom of Information Act</i>	https://www.nationalarchives.gov.uk/documents/foi-section-46-code-of-practice.pdf
Internal Audit Report PCC1819-011 CDC - Modern Records, Final Report, 2018 and follow ups	Audit & Modern Records files

The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

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Signed by: