

Title of meeting:	Communities and Central Services Portfolio Decision Meeting
Date of meeting:	Thursday 24 March 2022
Subject:	Portsmouth City Council Records Management Policy Review
Report by:	Director for Culture, Leisure and Regulatory Services and City Development
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 minor revisions to council's Records Management Policy made as a result of routine review. The revised Policy is attached as Appendix 1.

2. Recommendations

RECOMMENDED that the Cabinet Member for Communities and Central Services approves the revised Records Management Policy which forms Appendix 1 of this report

3. Background

- 3.1 This Policy was adopted by the council in 2017 and is due for routine review. The policy provides basic principles and a framework for records management by the council, its employees and contractors. Such a policy is required to comply with The Lord Chancellor's 'Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000' (revised 2021) and to help meet the requirements of data protection legislation.
- 3.2 Review of the policy has found that in essence it remains fit for purpose in guiding management of the council's records, both paper and digital. Minor amendments to it would be appropriate, however, viz:
1. Updating the list of legislation in Section 1 Introduction and the definition of 'destruction' in Section 5 Definitions, to take the Data Protection Act 2018 into account.

2. Adding a clause delegating authority to make minor amendments to the policy to the Director for Culture, Leisure and Regulatory Services, or whichever director is responsible for the Modern Records Section after any future administrative reorganisations.
3. Updating the list of council policies in Section 7 Related Policies.

4. Reasons for recommendation

4.1 RECOMMENDED that the Cabinet Member for Communities and Central Services approves the revised Records Management 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. Sustained defence against breaching FOI, GDPR and DPA legislation
5. 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.

4.1.2 Failing to manage its records will undoubtedly lead to:

1. Unnecessary expense to defend the Council's interests
2. Increased costs through storing too many copies of records
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

An Integrated Impact Assessment has been completed and approved. It is attached as Appendix 2 of this report.

6. Legal implications

- 6.1 There are no negative legal implications

7. Director of Finance's comments

- 7.1 There are no direct financial implications arising from adopting the Council's Records Management policy set out in this report. Compliance with the policy in meeting existing obligations under current legislation should be met from existing

budget provision. Any additional costs arising from the implementation of the policy or associated new legislation will be reported back to members for consideration.

.....

Signed by:

Stephen Baily

Director for Culture, Leisure and Regulatory Services

Appendices:

1. (amended) modern Records Policy
2. 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
The Lord Chancellor, <i>The Code of Practice on the Management of Records under section 46 of the Freedom of Information Act</i>	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1010395/Freedom_Information_Code_Practice_Web_Accessible.pdf Accessed 2022-03-02
BS 10008:2014 Evidential Weight and Legal Admissibility of Electronic Information - Specification, British Standards Institute	Modern Records Office

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



Signed by:

Cabinet Member for Communities and Central Services