



File Retention and Disposals Policy

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You may also be interested in the following policies:

[Records Management](#)

1. Introduction

- 1.1. This document sets out the Commission for Victims and Survivors Northern Ireland (the Commission) policy on the retention and disposal of files. This document also relates to the Commission's **Records Management Policy** and both should be referred to and implemented for the effective management of the records within the Commission's Records Management System.
- 1.2. Records Management is the term used to describe an administrative system by which the Commission seeks to control the creation, retrieval, storage, preservation or disposal of its records.
- 1.3. A record can be described as recorded information, in any format or media, created or received and maintained as evidence by the Commission in the transaction or pursuance of business.
- 1.4. The Commission is an information-based organisation. The service that the Commission delivers to its stakeholders depends on its efficiency in creating, using and storing information. Records must meet legislative, operational and archival requirements and support accountability in decisions taken by the organisation.
- 1.5. It is therefore vital that management of this information is prioritised as an administrative discipline, which controls all aspects of the record from creation through to disposal in an appropriate manner.

2. Statutory and Regulatory Environment

- 2.1. Records Management does not exist in isolation; it is a vital component which underpins functions such as the management of personal information for compliance with the Data Protection Act, Information Security and Information Assurance.
- 2.2. There are a number of pieces of legislation which impose the need for effective management of all Commission records, both paper and electronic.
 - As a Non-departmental Public Body (NDPB) of the Office of the First Minister and deputy First Minister (OFMDFM), the records of the Commission are deemed public records under the terms of the Public Records Act (NI) 1923. It is therefore a legislative requirement for the Commission to implement records management as set out in this Act and in the Disposal of Records Order (S.R. & O. 1925 No.167). The legislation lays down the procedures both for the destruction of records deemed to have no long-term value and for the preservation and transfer to PRONI of records selected for permanent preservation.
 - Freedom of Information Act 2000 (FOIA) provides a statutory right of access to information held by public authorities (subject to exemptions). Public authorities are obliged to comply with The Lord Chancellor's Code of Practice on the management of records, Section 46 of FOIA, which is

intended to support the objectives of the FOI legislation by outlining the management practices that should be followed by public authorities in relation to the creating, keeping, managing and disposal of their records. All information held by the Commission is subject to FOIA. Staff should ensure that they are familiar with the content and requirements of the Commission's ***Freedom of Information Policy***.

- The Data Protection Act 1998 ("the DPA") entitles individuals to access their personal information, which is being processed by another, on request. The Commission is committed to managing records and applying appropriate security measures in compliance with the principles of data protection and in line with the Commission's ***Data Protection Policy***.

3. Retention of Files

Client Files

- 3.1. The Commission will retain all relevant files for a period of 8 years. This timescale is based upon the expected maximum term that any Commissioner can serve.
- 3.2. At the end of the 8 year period, all client files relative to the work of a Commissioner that have been determined as closed will be archived.

Financial Records

- 3.3. In light of recent record keeping recommendations issued by the Northern Ireland Audit Office and the Northern Ireland Public Accounts Committee, PRONI advises that publicly funded bodies which have been subject to an investigation that resulted in significant criticism or public prosecution should retain the relevant financial records for a period of 10 years from the date of the conclusion of the investigation.
- 3.4. In a case, where the public body ceases to exist, the funding department is to take the necessary steps to secure all relevant documents and ensure they are preserved.
- 3.5. Otherwise the retention period of 8 years will also apply to those files marked as '**OFFICIAL-SENSITIVE [PERSONAL]**' and '**OFFICIAL-SENSITIVE [COMMERCIAL]**' which includes files containing financial or other sensitive information
- 3.6. A file should be closed and a new one created if necessary when one of the following conditions are met:
 - The file exceeds a thickness of 2.5 cm;
 - No papers have been added for two years;
 - The contents of the file span more than five years.

- 3.7. In addition, some files should be closed at:
- The end of the financial year;
 - The end of a project;
 - The end of a mandate.
- 3.8. When a file is due to be closed the appropriate member of staff should consult the retention and disposal schedule and indicate on the file the date on which it can be destroyed, transferred to the Public Record Office of Northern Ireland, or whether it should be subject to the normal review procedures.
- 3.9. Once records are selected for disposal in accordance with the schedule and any guidelines, the method of disposal should be appropriate to any security markings. Where documents are destroyed it should be done in a secure manner and a record kept, containing the reference, a description and the date of disposal.
- 3.10. Disposal does not necessarily mean “destroy”; rather it refers to the disposition of records. Where the disposal action is “destroy” the file should be kept for the period stated and then destroyed in accordance with retention and disposal schedule.
- 3.11. Where a record due for destruction becomes the subject of a request for information, the destruction will be delayed until the request has been satisfied or, in the case of a refusal, until any complaint and appeal mechanisms have been exhausted.

4. Disposal of Files

- 4.1. This guidance is taken from the Northern Ireland Records Management Standard (NIRMS) - Disposal scheduling and provides advice and guidance on the scheduling of public records for disposal, whether this is by destruction or by transfer to the Public Record Office of Northern Ireland for permanent preservation.
- 4.2. It applies to all records – paper, microform, film, videotape, sound recordings, etc, – except electronic records, which are the subject of a separate standard.

Responsibilities

- 4.3. The preparation of Disposal Schedules is authorized by the Public Records Act (NI) 1923 and by the Disposal of Records Order (S.R. & O. 1925 No. 167). This Act and Order sets out the records management responsibilities of every Public Body in Northern Ireland.
- 4.4. Departmental Record Officers (DROs)/Information Managers (IMs) or their public authority equivalents and Operation Managers (an individual responsible for a particular operation or function within a government department or agency) are responsible for examining the records of their organisation to determine the disposal action to be taken. Such action may be a destruction date or a review date. This should be done in accordance with

the records' use and value to the organisation's operations and/or legal obligations.

- 4.5. The DRO/IM is also responsible for ensuring that disposal action specified in the schedule is undertaken and that the schedules are regularly monitored so that they are kept up to date.
- 4.6. PRONI staff in the Records Management, Cataloguing and Access Team are responsible for giving advice to Public Bodies on the make-up and operation of disposal schedules and for quality assuring and agreeing such schedules put before them by the DRO/IM.

Coverage

- 4.7. Each Public Body's disposal schedule must include all the records generated or held by that department or agency.
- 4.8. Separate disposal schedules should be drawn up for each operational area.

Format

- 4.9. A disposal schedule should contain all the following elements:
 - name of the operational area creating or holding the records, described in the schedule
 - schedule reference and version number
 - reference numbers (where applicable) of the records
 - descriptions of the records
 - retention period and/or disposal action
 - signatures as follows:
 - DRO/IM or equivalent
 - Head of RMCAT, PRONI
 - Director, PRONI
 - Permanent Secretary of relevant Department (or equivalent)
 - Permanent Secretary, DCAL
 - date on which the schedule was agreed and signed
 - date of implementation of the schedule

Description of the Records

- 4.10. Disposal schedules should identify and describe each record collection, series or system (defunct or alternative names should also be supplied), not individual records. By taking into account the physical organization of records or the filing system in this way, disposal can be handled in blocks. A 'simple' numeric filing system undermines against this method of disposal scheduling.

Disposal of the Records

- 4.11. There should be three elements to the disposal instructions:
 - Disposal action, for which there are three possibilities:
 - a) Review
 - b) Preserve permanently

- c) Destroy
 - Timing of disposal – a minimum period for which the records should be retained before disposal is undertaken
 - Event which triggers the disposal action
- 4.12. The DRO/IM is responsible for ensuring that disposal action is undertaken in accordance with the prescribed periods and in a manner commensurate with the sensitivity of the material.

Records Documentation (Metadata)

- 4.13. Records which document records series, such as registers, databases, indexes, docket books, etc, require special attention. They should be kept at least until all the registered or indexed records have been disposed of, whether this is by destruction or by transfer to PRONI.
- 4.14. Thereafter some of these records may themselves be transferred to PRONI with the records they document, or may be retained for a further period for business needs of the organisation.
- 4.15. The documentation records should also be marked with any action that takes place on the records they document. This can usually be limited to the main item (normally the docket book or database). Indexes need not be annotated.

Monitoring

- 4.16. It is the responsibility of the DRO/IM to monitor disposal schedules regularly and preferably review once a year, to see that:
- retention periods and disposal actions are still appropriate in the light of experience
 - records no longer generated are removed from the schedule after disposal on them is complete
 - newly-created categories of records are added to the schedules
 - records which are on the schedules as requiring retention are still in existence
- 4.17. Amendments and additions should be discussed and agreed with the Operational Manager and PRONI before updated versions of the schedule are issued.

Distribution

- 4.18. The DRO/IM should maintain a master set of departmental and agency disposal schedules. Copies should be provided for the Operational Managers to whose areas each schedule relates. PRONI will also hold a master set.
- 4.19. Disposal schedules should form an integral part of the records management strategy or information systems strategy of a Public Body.

Assessing the Value of Records

- 4.20. The destruction of records cannot be reversed. However, the cost of preserving records, which are not worthy of permanent preservation, is high. Thus the process of identifying and selecting records of permanent value is a very important task
- 4.21. When Commission staff are assessing records for destruction/retention, they need only consider administrative requirements. In assessing these requirements, 'the reviewing officer', who should normally be at DP level or above, should ask the following questions:
- Is there a continuing need to retain this record for the conduct of day-to-day business?
 - Is there a clear need of a further constant reference to this record?
 - Will it be needed to deal with enquiries in the future?
 - How many enquiries are likely?
 - Is the information needed for statistical analysis within the organisation? Are there bodies of statistical information upon which future policies and forecasts may be based?
 - Is the information required for conducting legal proceedings in the event of a legal action being taken by, or against, the organisation?
 - Is there a legal requirement to retain these records (for example, health and safety regulations)?
 - Is there a financial need to retain these records (for example, for audit purposes)?
 - Is the information significant because it provides precedents or is required for authorisation purposes?
 - Is the information otherwise available, whether within the NIAO or elsewhere, or in published form?

Review

- 4.22. Where the retention and disposal schedule indicates that the appropriate action in relation to any file is review, this will be carried out systematically, so as to eliminate redundant information and reduce the bulk of records held, while ensuring that no papers likely to be required for business continuity reasons and/or permanent preservation are destroyed. A file may be reviewed a number of times:

On Closure	A file should be reviewed immediately on being closed. The long term value may be quite clear at this stage and staff should indicate their decision on the file's retention / disposal when it is being closed, if not already specified in the retention and disposal schedule.
First Review	Review five years after the file was closed. Procedures

	shall be put in place to ensure that these records are reviewed at the appropriate stage.
Second Review	There may be occasions when it proves impossible to reach a decision on a file at first review. Such files may be put away for examination at a later stage, no more than 20 years after the file was opened. If this is the case systems shall be put in place to ensure that the second review takes place.

4.23. **See Appendix A for a template File Retention and Disposals Schedule**

5. Security of records

- 5.1. The Commission’s Records Management System will be used to store records with a security level up to, and including, ‘**OFFICIAL-SENSITIVE [DESCRIPTOR]**’. The Commission adheres to the Government Security Classifications issued by the Cabinet Office in October 2013 and which came into effect from 2 April 2014.
- 5.2. The Commission will not normally ever possess information deemed to be ‘**SECRET**’ or ‘**TOP SECRET**’ in the course of its business however guidance around how to treat these types of files can be found in the aforementioned guidance issued by the Cabinet Office.
- 5.3. Staff should be aware of the Commission’s **Information Security Policy**. Records management procedures will be designed so that records can be maintained securely with appropriate audit trails and access controls in place. Staff will be trained to use the systems to optimise efficiency for the Commission.

6. Policy Review

- 6.1. This Policy will be reviewed on an annual basis and will be provided to the Board for approval.

7. Variation

- 7.1. The Commission reserves the right to vary this Policy as it deems appropriate to include compliance with any legal requirements.

APPENDIX A Retention and Disposal Schedule

Commission Business & Proceedings

Record	Trigger (event that prompts start of retention period)	Retention Period	Final Action	Notes
Papers and Minutes of Accountability Meetings	End of Financial Year	6 years	Determined on review	
Papers and Minutes of Board Meetings	End of Financial Year	6 years	Determined on review	
Papers and Minutes of Audit & Risk Assurance Committee Meetings	End of Financial Year	6 years	Determined on review	
Papers and Minutes of SMT Meetings	End of Financial Year	6 years	Determined on review	
Official Correspondence	End of Financial Year	6 years	Determined on review	
Accepted Meetings and Engagements	End of Financial Year	6 years	Determined on review	Includes speeches.

Declined meeting and engagement invitations	Date of event	3 months	Destroy	
Hospitality/Gifts Register	End of Financial Year	6 years	Determined on review	
Record of policy advise/submissions to Ministers	End of Financial Year	6 years	Determined on review	
Register of interests	End of Financial Year	6 years	Determined on review	
Financial documents, payments and invoices	End of Financial Year	8 years	Determined on review	
Internal Audit Reports	Final agreement by Audit & Risk Assurance Committee (ARAC)	6 years	Determined on review	

Report papers used in the course of a fraud investigation	After legal proceedings have been completed	6 years after legal proceedings have been completed	Destroy	An investigation is a piece of internal audit work which falls outside regular planned internal audit work. Audit report papers used in the course of a fraud investigation should be kept 6 years after legal proceedings have been completed.
Strategic & business Planning	Publication of plan	6 years	Determined on review	
Corporate Plan	Close end of financial year	6 years	Determined on review	
Corporate Risk Register	On approval	10 years	Determined on review	
Assurance Statement	On approval	6 years	Determined on review	

Personnel Files	On production	6 years after leaving	Destroy	
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