

# **Greater London Authority**

## **Records Management Policy**

### **March 2016**

#### **1 Purpose**

The purpose of the Greater London Authority's (GLA) Records Management Policy is to establish a framework for the creation, maintenance, storage, use and disposal of GLA records, so as to support strong corporate governance processes and to facilitate the Authority's compliance with the Freedom of Information Act 2000, the Data Protection Act 1998 and other relevant pieces of legislation.

#### **2 Scope**

This policy applies to the whole Authority – the Mayor, Assembly Members and staff. It also applies to consultants engaged in GLA work. The policy covers all records created in the course of GLA business and activities. A record is recorded information in any form created or received by the GLA. It may be either in an electronic or a paper form.

#### **3 Policy statement**

The records of the GLA are its corporate memory, and are necessary for good corporate governance, to be accountable, to comply with legal requirements, to provide evidence of decisions and actions, and to provide information for future decision-making. All records created during the course of GLA work are the property of the GLA. Managing and using records effectively will ensure that the GLA gains the maximum benefit from them.

The GLA recognises the importance of this essential resource and undertakes to:

- 3.1 Manage records within a single corporate framework, according to agreed procedures
- 3.2 Comply with legal obligations that apply to its records (see appendix B)
- 3.3 Exercise best practice in the management of records, as outlined in relevant standards
- 3.4 Encourage effective access to and use of records as a corporate source of information
- 3.5 Keep records electronically where appropriate
- 3.6 Store records efficiently, utilising appropriate storage methods at all points in their lifecycle (pedestals, filing cabinets, off-site records store), and disposing of them when they are no longer required (securely destroying or preserving them as part of the GLA's historical archive)
- 3.7 Provide appropriate protection for records from unwanted environmental (fire, flood, infestation) or human (alteration, defacement, theft) impact
- 3.8 Safeguard records necessary for the continuity and regeneration of the GLA in the event of a disastrous occurrence
- 3.9 Identify and make provision for the preservation of records of historical value

## **4 Roles and Responsibilities**

- 4.1 The Head of Governance and the Information Governance Manager are responsible for developing corporate records management policy, procedures and guidance and communicating them to staff.
- 4.2 All GLA staff are responsible for documenting their work and keeping records in line with GLA policies and procedures.
- 4.3 Facilities Management (FM) is responsible for the coordination of off-site storage for non-current records.

## **5 Implementation Methods**

- 5.1 Off-site storage will be used for records that are no longer required on a constant basis but are not yet ready for disposal.
- 5.2 Vital records will be identified and steps taken to ensure their survival in the event of a disastrous occurrence.
- 5.3 Records of historical value will be identified as early as possible and transferred to London Metropolitan Archive when GLA use has ended. Records not required for historical purposes will be destroyed in line with the GLA's retention schedule.

## **6 Policy Review**

The *Records Management Policy* and association documentation will be reviewed by the Governance Steering Group to ensure that it continues to fulfil the needs of the GLA.

## **7 Appendices**

Appendix A – Definitions

Appendix B – GLA Retention & Disposal Schedule

Appendix C – Historical Archiving Policy

Appendix D – Guidance on Mayoral and Assembly Member Recordkeeping

## 1. Appendix A: Definitions

### What is a record?

A record is recorded information, in any form, created or received by the GLA or individual members of staff to support and show evidence of GLA activities. It is important to differentiate between a record and a document. All records are documents, but not all documents are records. In effect, a document becomes a record when it forms part of a business activity.

An example of a document would be a blank form. If somebody completes and submits the form, it becomes a record, because it has participated in a business activity. Some documents will never (and should never) become records, due to their ephemeral nature. Examples include promotional literature received (unless it is relevant to a particular project or initiative ongoing or planned), junk mail (e-mail or otherwise) and other items of no more than passing significance.

Records need to be authentic, reliable, have integrity (be complete or unaltered, except under controlled conditions) and be useable. Records therefore need to be subject to controls that ensure these features are maintained.

### What is records management?

The international standard on records management describes it as:

*"[The] Field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and [disposal] of records, including processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records"*<sup>1</sup>

Effectively, it is about applying the necessary controls to the GLA's records to ensure authenticity, reliability, integrity and usability.

### What is a Retention and Disposal Schedule?

This is a policy statement setting out what records the GLA holds and how long they will be retained before disposal. It can also be used to set out what needs to happen to records at different stages of their lifecycle to ensure that they are stored efficiently. This guidance reflects the GLA's own corporate requirements for records keeping, and incorporates the applicable legislative and regulatory requirements for record keeping and disposal.

More information about the legislative and regulatory provisions that apply to the records held by the GLA can be found in the *GLA Retention & Disposal Schedule* at Appendix B

### What are vital records?

These are records without which the GLA could not function or be reconstructed in the event of a disaster.

---

<sup>1</sup> BS ISO 15489-1: 2001 Information and documentation – Records Management

## Appendix B

# Greater London Authority Records Retention Schedule v2.0 March 2016

All GLA staff will dispose of records not required for a specific legal, business, operational or historical purpose in a timely and efficient manner, and in accordance with the GLA's retention schedule.

### **What is a retention schedule?**

A retention schedule is a set of rules identifying classes of records and specifying their retention periods and what should happen to them at the end of that period. 'Records class' is the term used for a set of records consisting of individual records which are similar in nature and result from the same activity, either in a particular business unit or throughout the GLA. Aggregating these records into records classes ensures consistency and cuts down on the time and resources needed to make and apply retention and disposal decisions.

### **Benefits of a retention schedule**

- Records of continuing value are identified and can be managed appropriately
- Records which cease to have any value to the GLA can be disposed of efficiently
- Clear instructions on what happens to records when they are no longer needed to support GLA business
- Definitive periods of time for which records should be kept and remain accessible
- Consistency in retention of records across the GLA
- Evidence of compliance with legal and regulatory requirements for the retention of records
- Evidence of what records were created but subsequently destroyed.

### **Retention periods and organisational value**

The retention periods in this schedule have been set according to organisational value and, if applicable, the historical value of the records.

Organisational value focuses on the GLA's needs and obligations and on the records as information assets. It is about value for accountability, legal or reference purposes, and includes protection of the legal and other rights of the GLA and those with whom it deals, and compliance with whatever regulatory framework applies.

In determining organisational value, the following factors are considered:

- The importance of the function that the records support.
- The importance of the records for protecting the interests and legal rights of the organisation and those with whom it deals.
- Any legal or regulatory requirements – even if they do not actually specify the length of time records must be kept, they may include relevant things like liability thresholds.

- The requirements of any body with a right to audit the GLA.
- Any accepted standards or best practice within the public sector.
- The relationship between the records and other related records and the data or evidence they provide.

Often information-rich, cumulative or summary records will be kept in the longer term while more detailed, bulky but ephemeral records can and should be destroyed earlier.

For example, the quarterly accounting reports will be kept in the longer term while the weekly reports that contribute to them can be destroyed once the quarterly report has been compiled.

### **Using the retention schedule**

The retention schedule has been developed to be used in the following ways:

#### When new records are created

The retention schedule should be used as a point of reference in the day-to-day management of records. The most effective point in the lifecycle of any record at which to decide how long it should be retained, and for what reason, is when that record is created.

When opening a new file, creating an electronic record or typing a letter, this retention schedule will act as a guide to the conditions under which that record should be managed, stored and ultimately disposed of.

#### When designing or implementing a new paper filing system

Any new office system intended to improve the efficiency of paper filing should be designed with a clear understanding of the legal and business requirement for record keeping, when they should eventually be destroyed and whether records should be transferred to the London Metropolitan Archives for permanent preservation.

#### When transferring files to off-site storage

Office space is at a premium at City Hall and it is rarely possible to retain files on-site for the length of time for which they have to be retained. The retention schedule should always be consulted when transferring files to the Crown off-site records store.

#### When destroying files

In order to protect itself and minimise risk, the GLA should not maintain records longer than it needs to; nor should it destroy records sooner than is required. The retention schedule provides consistent guidelines on the retention period of all of the GLA's records.

## GLA Retention Periods

Subject to the specific conditions, record-classes and situations listed below, the majority of records held by the GLA should be retained, reviewed and disposed of as follows:

- **GLA records should be retained for the duration of the Mayoral Term in which they were created (i.e. the current Mayoral Term) and for the duration of the subsequent Mayoral Term.**

For the purposes of this guidance, a 'Mayoral Term' lasts from the 1<sup>st</sup> April directly before a mayoral election until the 31<sup>st</sup> March before the GLA enters the succeeding pre-election period. For example:

- the 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2016; or
- the 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2020.

Subject to the conditions, record-classes and situations below, the GLA should only retain records relating to the current Mayoral Term and the preceding Mayoral Term – i.e. a maximum of eight years.

This retention period will cover the vast majority of information created by business areas across the GLA as part of our day-to-day activities, such as work on:

- policies, proposals, strategies and projects;
- matters relating to corporate governance and management of the authority.

This retention period will not apply in the following circumstances:

- **Information subject to the GLA Historical Archiving Policy:** certain records have been identified as having significant historical value and will be transferred to the London Metropolitan Archives for permanent preservation. Please see the *Historical Archiving Policy* at Appendix C
- **Records containing personal data:** any category of information / record / document containing personal should '*..not be kept for longer than necessary*' in order to comply with the fifth data protection principle of the Data Protection Act 1998. Please refer to the *GLA Data Protection Policy* for further information.
- **Potential litigation or regulatory investigation:** the destruction of records should always be suspended if there is existing litigation or regulatory investigation or any possibility of anticipated litigation or regulatory investigation. Deliberate destruction of relevant records in such cases could involve the criminal offence of obstructing or perverting the course of justice. See also the *Limitations Act 1980 (below)*.
- **Mayoral Correspondence:** will be indexed and retained in an electronic format and archived by the GLA.
- **Exceptional Retention Periods:** The following list identifies the specific legislative and regulatory requirements which apply to certain records held by the GLA, and apply regardless of the medium of format in which the records are created or held. Information that falls within the following record-classes, conditions or situations should be kept as specified.

## 1. The Limitations Act 1980

1.1 **Limitation Act 1980** sets time limits within which different types of legal proceedings can be commenced. Consequently, it is necessary to have minimum retention periods for some financial records, contracts, personnel records, etc. that may need to be produced in connection with legal proceedings. Recommended retention periods are set out below:

- Claims and disputes: *settlement of claim/dispute + 6 years (unless signed as a deed – see below)*
- Disciplinary hearings against staff: *settlement of case + 6 years (unless merged with staff personnel file)*
- Staff personnel files, including contracts of employment: *termination of employment + 6 years*
- Reporting and investigation of accidents/dangerous occurrences: *date of accident + 40 years*
- Negligence actions not involving personal injury: *15 years from act/omission*
- Contracts: *termination + 6 years (unless signed as a deed – see below)*
- Deeds: *settlement or termination + 12 years*
- Hiring out of conference facilities: *termination of agreement + 6 years*
- Private hire agreements: *termination of agreement + 6 years*
- Insurance policies: *termination of policy + 6 years*
- Insurance claims: *settlement of claim + 6 years*
- Conduct of testing, maintenance and statutory inspections and any necessary action: *life of plant/equipment + 6 years*
- Maintenance schedules: *creation + 2 years*
- Inspection certificates: *creation + 6 years*
- Repair reports: *life of plant/equipment + 6 years*
- Payroll payments excluding pension and superannuation records: *creation + 6 years*
- Control of disclosure of intellectual property: *disclosure + 6 years*
- Administration of intellectual property agreements: *termination of agreement + 6 years*
- Intellectual property agreements: *termination of agreement + 6 years*
- Claims of infringement of intellectual property rights: *settlement of claim + 6 years*

## 2. Assembly & Secretariat

2.1 **Greater London Authority Act 1999:** Section 58 reflects the *Local Government Act 1972* and requires that agenda papers & minutes be retained for 6 years and all background papers (associated with those agenda reports) are held for 4 years.

## 3. Corporate Governance & Management

3.1 **Openness of Local Government Bodies Regulations 2014:** S.8 specifies a requirement to create, keep and make available for inspection a record of certain kinds of decisions for 6 years after the decision was taken, as well as 4 years for background information

3.2 **Internal Audit reports and audits:** retain for 6 years after the publication

## 4. **Employment and Pensions**

**4.1 Data Protection Act 1998:** gives individuals the right to access any personal information about them that is held by organisations. The Data Protection Principles also specify mandatory record keeping standards for personal data as follows:

- data must be processed fairly and lawfully.
- data must be processed only for specified and lawful purposes.
- data must be adequate, relevant and not excessive.
- data must be accurate and, where necessary, kept up to date.
- data must not be kept longer than necessary.
- data must be processed in accordance with an individual's rights under the Act.
- data must be kept secure.
- data must be not transferred to non-EEA (European Economic Area) countries without adequate protection.

Disposal provisions for personal data as currently recommended by the National Archives to ensure compliance include:

- Personnel files:
  - contracts and particulars of employment: until age 100\*
  - job history: until age 100
  - current address details: termination of employment + 6 years
- Sickness record: until age 72\*
- Disciplinary records which result in changes to terms and conditions of employment: until age 72
- Pensions documentation:
  - personal payroll history: until age 100
  - pensions estimates and awards: until age 100
- Ethnic monitoring questionnaire/reports: creation + 5 years
- Advertising of vacancies: filling of vacancy + 6 months
- Job applications:
  - Successful (transfer to staff personnel file)
  - Unsuccessful (filling of vacancy + 6 months)

\* A destruction date of 6 years after termination of employment as per the Limitation Act is an acceptable alternative option.

**4.2 Employers' Liability (Compulsory Insurance) Act 1969** and subsequent Regulations (1998) stipulate that employers' liability insurance certificates dating from 31 December 1998 must be kept for 40 years after the date on which the insurance to which the certificate relates commences or is renewed

**4.3 Equality Act 2010:** states that discrimination claims must be brought within 3-9 months of the alleged act (depending on the category of the claim).

**4.4 Limitation Act 1980** (See above)

**4.5 Pensions Act 2008:** S60 stipulates that certain records relating to compliance and information sharing should be retained for a period not exceeding 6 years.

**4.6 Social Security (Contributions) Regulations 2001** stipulate that records of National Insurance contributions must be kept for 3 years following the end of the tax year to which they relate.

**4.7 Statutory Maternity Pay (General) Regulations 1986** stipulate that maternity medical certificates (or a copy thereof) and a record of maternity leave and payments must be kept for 3 years following the end of tax year in which the benefit was made.

## **5. Finance, Contracts & Procurement**

**5.1 Companies Act 2006:** stipulates statutory minimum retention periods for: Company accounts (in the case of a private company, creation + 3 years; in the case of a public company, creation + 6 years).

**5.2 Finance Act 1998:** companies which are required to deliver a tax return must keep relevant records for 6 years following the tax period to which the return relates.

**5.3 Income Tax (Pay as You Earn) Regulations 2003** PAYE income tax records must be kept for three years following the end of the tax year to which they relate.

**5.4 Limitation Act 1980** (See above)

## **6. Health & Safety**

**6.1 Health and Safety at Work etc Act 1974** and its associated Regulations stipulate minimum retention periods for records relating to:

- Accident books (completion of book + 3 years)
- Accident/dangerous occurrence report forms (date of occurrence + 3 years)
- Categorising and disposal of waste (creation + 3 years)
- Monitoring of employees' health (creation + 40 years)
- New buildings health and safety file (retain until asset disposed of then pass to new asset owner)
- Record of testing of environmental controls and protective equipment (creation + 5 years)
- Monitoring of working environments (creation + 40 years)
- Risk assessment (review + 3-5 years)

**6.2 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995:** stipulates that a record of deaths, injuries at work or disease shall be kept for at least 3 years from the date on which the record was made.

**6.3 Taxes Management Act 1970:** provisions make it advisable to retain payroll (i.e. wages or salaries) records relating to a tax assessment for 6 years from the end of the year to which the assessment relates.

**6.4 Value Added Tax Act 1994** provides a retention period of 6 years for VAT records eg:

- Purchase orders
- Delivery and goods received notes
- Income and expenditure accounts
- Management of bank accounts
- Assessment of tax liabilities
- Submission of tax returns

## **7. Property and Assets**

**7.1 Limitation Act 1980** (See above)

## Appendix C:

# Greater London Authority Historical Archiving Policy

## 1. Purpose

- 1.1. The purpose of the Historical Archiving Policy is to establish the GLA's approach to the archiving of records that are of historical value, including details of the selection policy, the procedure for transferring records to London Metropolitan Archives (LMA) and responsibilities of GLA staff and LMA.

## 2. Scope

- 2.1. This policy applies to the whole Authority – the Mayor, members of the Assembly and all staff of the Authority. It will also apply to all consultants engaged to work within the Authority.
- 2.2. The policy covers all records created in the course of GLA business and activities. A record is recorded information, in any form (it may be an electronic file or e-mail, or a paper document), created or received by the GLA to support and show evidence of GLA activities.

## 3. Background

- 3.1. The GLA signed an agreement with LMA in 2006 for the transfer of GLA records of historical interest to LMA on a planned basis, generally once a year. The records are transferred to LMA as a long term deposit, ownership remaining with the GLA but other rights and responsibilities, detailed in the agreement, passing to LMA.
- 3.2. LMA is the archive repository for many London-wide organisations. The archives of the City of London Corporation (COL) and the former Greater London Council (GLC), London County Council (LCC), Middlesex County Council (MCC) and their predecessors are held at LMA. They have over 100 km of shelving holding documents, plans, audio-visual and printed material about London and its people.

## 4. Policy statement

- 4.1. The GLA will provide a permanent historical record of the activities of the GLA by transferring records of significance to LMA on an annual basis, once those records are no longer required.
- 4.2. This will provide protection for significant material relating to the GLA that might otherwise be lost or destroyed, for the purposes of bibliographic reference and further study by historians and members of the public.

## 5. Selection policy

- 5.1. The types of records that have been identified as suitable for historical preservation at LMA include, but are not limited to:
  - 5.1.1. Final bound and signed copies of committee minutes
  - 5.1.2. Mayoral Decisions and associated key decision-making documents
  - 5.1.3. Items relating to major or pan-London events and incidents such as 7/7 (eg books of condolence)
  - 5.1.4. Key strategy documents relating to core GLA business and our of historical interest (e.g. The London Plan)

- 5.1.5. Publications produced by the GLA regarding major pan-London events – official reports, brochures, newsletters, leaflets, event flyers and posters, promotional items
- 5.2. Material not for consideration includes, but is not limited to:
  - 5.2.1. 'Business as usual' records (e.g. financial records)
  - 5.2.2. Working copies or 'live' documents currently in use
  - 5.2.3. Draft, unsigned or incomplete documents (unless identified as being of significant importance)
  - 5.2.4. Non-GLA records provided by other organisations

## **6. Roles and responsibilities**

- 6.1. The Information Governance Manager is responsible for the implementation and updating of this policy.
- 6.2. GLA officers should familiarise themselves with the selection policy and the GLA Records Retention Schedule so they are aware of records suitable for historical preservation.
- 6.3. Arrangements for the annual collection of records for transfer will be made once the invoice for the previous financial year has been paid by the GLA. The Information Governance team will seek suitable contributions for transfers – via the Intranet and London@Work – at least four weeks in advance.
- 6.4. GLA officers with relevant records to be transferred will collate items into storage boxes ready for collection. Officers must complete a transmittal form (available on the Intranet) detailing the contents of the box and send a copy of the form to the Information Governance team electronically.
- 6.5. The Information Governance team will liaise with LMA on the collection of relevant material from City Hall.

## **7. Policy Review**

- 7.1. The Historical Archiving Policy will be reviewed every two years by the Governance Steering Group to ensure that it continues to fulfil the needs of the GLA.

## **Greater London Authority**

### **Guidance on Mayoral and Members' recordkeeping**

This guidance note aims to define the status of records created, received and held by the Mayor and London Assembly Members, and how these records are affected by the Data Protection and Freedom of Information Acts.

All Authority records should be managed in accordance with the GLA Records Management Policy previously adopted by the Mayor, which will facilitate compliance with legislation and good practice.

#### **Records held by the Mayor**

In most cases, records of GLA business conducted by the Mayor are held within the directorates of the Authority (e.g. Mayoral Approval Forms together with any appendices, planning reports and decisions, Mayoral reports to the London Assembly, directorate files for particular projects, MMB papers). It is advisable that the Mayor should ensure that either original correspondence and other records, or suitable copies, relating directly to the Mayor's functions and actions are passed on to an appropriate GLA officer for filing.

Records or information held by the Mayor which have been collected by virtue of his office, using the resources of the Authority and relating directly to its functions and powers are the property of the Authority, and will be regulated in accordance with the Data Protection Act and subject to requests under the Freedom of Information Act.

Information held by the Mayor that has been collected by virtue of being chair of a functional body can be sought from the Authority or the functional body under data protection or freedom of information legislation.

Records held by the Mayor solely for his/her own personal purposes are his/her own responsibility; they are records which do not relate to the functions of the Authority. These records will not be subject to freedom of information legislation, as they will be considered the Mayor's own records.

If a request for information is received by the GLA which relates to the Mayor's own records, the Authority would explain to applicant how that request fell outside the GLA's data protection and freedom of information responsibilities. It would then be up to the Mayor to decide how best to respond.

#### **Records held by Assembly Members**

A central record of GLA business enacted by Assembly Members is held by the Secretariat (e.g. minutes of committee meetings, scrutiny reports). Members have a responsibility to support the maintenance of this central record by ensuring that any relevant correspondence and other records relating directly to the Authority's functions and powers passed to them by virtue of their role on any committee or other group, and not already held by Secretariat, are passed on to the committee administrator or equivalent for filing.

Records or information held by an Assembly Member that have been collected by virtue of membership of the Authority, using the resources of the Authority and relating directly to its functions and powers, such as committee reports, are the property of the Authority, will be regulated in accordance with the Data Protection Act and subject to requests under the Freedom of Information Act.

Similarly, information held by an Assembly Member that has been collected by virtue of a position on a Functional Body, to which the Member has been appointed as an Assembly Member, and which relates to the functions and powers of the Functional Body can be sought from the Authority or the Functional Body under the Freedom of Information Act. A failure to produce it on request may give rise to a criminal offence.

All Assembly Members' records concerning constituency business are their own responsibility, as they are records associated with the Member's role as an elected representative rather than as a member of the Authority. These records will not be subject to a request under the Freedom of Information legislation, as they will be considered the Member's own records (i.e. they are hosted by the GLA on behalf of the Member and not 'held' for the purposes of FoIA). They will however remain subject to data protection legislation.

The Authority will register all Assembly Members with the Information Commissioner as data controllers with regard to their administration of constituency business (separate guidance is available).

Assembly Members and party groups may also hold records relating to party group discussions. Records relating solely to party group discussions may not be subject to freedom of information legislation, as they will not be considered to be records held for GLA purposes. However, as with constituency records, these records are subject to data protection legislation.

Also, where any such records do relate to information held by an Assembly Member that has been collected by virtue of membership of the Authority and relating directly to its functions and powers, those records would become subject to the Freedom of Information Act.

If a request for information is received by the GLA which is considered to relate to an Assembly Member's own records or records of party group discussions, the Authority would explain to applicant how that request fell outside the GLA's data protection and freedom of information responsibilities. It would then be up to the Assembly Member or party group concerned to decide how best to respond.

### **Elections and termination of office**

Prior to a Mayoral election or each London Assembly election, the Mayor and/or Assembly Members should review their records. In particular, they should identify any records relating to ongoing projects or correspondence and take action in accordance with the separate guidance available.

The Greater London Authority will not accept responsibility for information retained or processed by a former Mayor or Member after a Data Protection notification has lapsed, or for records left in its buildings or archives without authority.

It is left to a former Mayor's discretion to decide what should happen to their own personal records after he or she has left office, but this could include offering them to a record office of their choice to facilitate future historical research.

### **Deputy Mayor**

When the statutory Deputy Mayor is carrying out Mayoral business, this protocol will apply to information in his or her possession. When they are acting as an Assembly Member, the protocol on Assembly Members' recordkeeping will apply.