



# RCH Group Policy: Records Management

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Approval Body	Audit & Risk Committee
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This policy is available, on request, in different languages and in other formats such as large print, audio format and braille as required.

## 1. Scope

- 1.1 This is a Group policy and therefore applies to Staff, Board and Committee members of The RCH Group of companies. As of September 2023, The RCH Group consists of River Clyde Homes (RCH) and its subsidiary, Home Fix Scotland Ltd (HFS).
- 1.2 This policy covers:
  - all records held by the RCH Group regardless of format or medium, including paper, electronic, data held in RCH Group systems, emails, audio, visual, CCTV and digital images or any other medium used to record data;
  - records held on RCH Group premises or any other location; and
  - records that have been transferred to the RCH Group by external organisations, for the duration of the time that they remain in the care of the RCH Group.

## 2. Introduction

- 2.1 The RCH Group Records Management Policy is intended to provide a framework for the effective management of records within the RCH Group. The Policy is reflective of the good practice guidelines set out in the Code of Practice on Records Management issued under Sections 61 of the Freedom of Information (Scotland) Act 2002 and is also a mandate for action to achieve the standards set out within it.
- 2.2 The RCH Group recognises the value of its information and records as a corporate asset which support service delivery. Effective management of records is critical to:
  - understanding the information and records we hold;
  - ensuring ease of access and retrieval of records;
  - supporting good governance and management;
  - supporting operational and business objectives;
  - providing good customer service;
  - ensuring legal and regulatory compliance; and
  - demonstrating openness and transparency.

Records are a vital resource and must be managed effectively from the point of their creation until their disposal.

- 2.3 In order for an effective records management framework to be successfully embedded, the objectives are to:
  - develop, promote and encourage a records management culture where the value and benefits of effective records management are recognised;
  - set out the RCH Group's commitment to managing records effectively;
  - promote an organisation-wide awareness of good records management;

- ensure that senior management take individual responsibility supporting effective records management across the RCH Group;
  - ensure that roles and responsibilities are clearly defined and effective and that relevant training is provided;
  - ensure that all staff are aware of what they must do to manage records in an effective and efficient way;
  - promote continuous improvement of the effectiveness of records management;
  - ensure that records management is included as part of any new project planning;
  - establish a mechanism for monitoring compliance and reporting on records management; and
  - identify and mitigate corporate business continuity risk.
- 2.4 The management of RCH Group records is carried out in line with statutory and regulatory requirements. This includes, but is not limited to:
- Data Protection Act 2018 and the UK General Data Protection Regulations
  - Freedom of Information (Scotland) Act 2002
  - The Environmental Information (Scotland) Regulations 2004
- 2.5 This policy should be read in conjunction with other group policies, including:
- RCH Group Data Protection Policy
  - RCH Group Freedom of Information Policy
  - RCH Group Information Security & Acceptable Use of ICT Facilities Policy

### 3. Definitions

- 3.1 **Long Term Records:** For the purposes of this policy records are to be regarded information created, received, and maintained:
- in connection with a business-related event or activity;
  - that demonstrate or relate or refer to a business transaction;
  - that identify individuals who participated in a business activity;
  - that support a business-related event, activity or transaction;
  - that relate or apply to customers or former or prospective customers whether or not they are in relation to any existing, past or future business of the RCH Group;
  - that relate or apply to the business, finances, plans or other day-to-day business needs of the RCH Group; or
  - in connection with other legal, business or compliance reasons.
- 3.2 **Short Term Records:** are incidental to the work of the RCH Group and are likely to have no enduring business or operational value. These should be disposed of promptly and not kept longer than is necessary. These may include:
- organisational or departmental announcements, notices or updates that do not relate to customers and which are not intended to be retained;
  - unsolicited offers;

- unsolicited CVs or job applications unless the same shall be followed up or retained by Human Resources to be followed up at a later date;
- routine and general correspondence with only an immediate or short-term value;
- personal notes, files, task reminders, emails or other documents.

#### 4. Policy Statement and Responsibilities

- 4.1 The RCH Group is committed to creating, keeping and managing records which document our principal business activities and ensuring efficient and systematic controls are in place at each stage of a record's lifecycle.
- 4.2 The following standards apply to **long-term records**:
- 4.2.1 Records must be managed in compliance with all relevant legislative and regulatory requirements affecting their use or retention.
  - 4.2.2 Records must contain relevant information and have appropriate context and format.
  - 4.2.3 Records must be accurate, authentic, useable, reliable, timely and well-managed.
  - 4.2.4 Records must directly relate to and/or support a service, function or activity of the organisation and be capable of supporting organisational decision-making.
  - 4.2.5 Records must serve the interests of the organisation, customers, staff and other third parties.
  - 4.2.6 Records must be adequately managed using approved systems and processes in relation to their creation, distribution, use, maintenance and disposal.
  - 4.2.7 Records must be managed and stored in suitable format to retain quality, relevance, accessibility, durability and reliability and should only be transferred to another format with regard for these qualities.
  - 4.2.8 The confidentiality of records should be maintained at all times including in relation to their disposal and should be protected at all times from unauthorised or unlawful disclosure.
  - 4.2.9 Records must be retained or disposed of in accordance with the Records Retention Schedules (Appendix 3).
  - 4.2.10 Records must undergo appropriate destruction when no longer required, in an organised, efficient, timely and, where necessary, confidential manner.
- 4.3 Long Term Records must be managed throughout their lifecycle from creation until ultimate disposal in an effective and efficient way in accordance with the Records Management Protocol (Appendix 1).
- 4.4 The Records Retention Schedules must detail the long term records required by the RCH Group and specify the default retention periods for those records. The Records Retention Schedules must reflect the following:
- any statutory obligations to retain certain types of records;

- the business needs for authoritative information about past actions and decisions for current business purposes;
  - the need to protect legal and other rights of the RCH Group, its staff, customers and other relevant stakeholders;
  - the need to explain, and if necessary justify, past actions in the event of an audit or investigation; and
  - the data protection principle of storage limitation in relation to records containing personal data.
- 4.5 The Records Retention Protocol (Appendix 2) must be followed when a decision is being made about whether to retain or dispose of a document.

### **Responsibilities**

- 4.6 The Group Service Director has responsibility for implementation of this Policy to ensure that the RCH Group complies with its legal and regulatory duties.
- 4.7 Directors have overall responsibility for records management within their directorate. All records will have an identifiable record owner who is responsible for their management whilst in regular use and for appropriate retention and disposal.
- 4.8 All Board and Committee Members, who during the course of their duties, deal with records must comply with this Policy.
- 4.9 Managers have responsibility for:
- the establishment and operation of this policy and any supporting procedures within their team;
  - ensuring the establishment of business practices for record keeping within their department and monitoring compliance with these;
  - ensuring that proper management of records is incorporated into all processes and systems at the earliest possible stage of development; and
  - ensuring that staff members are aware of their responsibilities and have completed any required training.
- 4.10 All teams and individual staff have responsibility to:
- manage records effectively throughout their lifecycle from creation to disposal;
  - familiarise themselves with, and adhere to all relevant records management procedures, practices and guidance;
  - achieve and demonstrate an adequate level of general awareness of records management;
  - file items promptly and accurately;
  - ensure records are complete, accurate and up to date when they create, use or store records;
  - identify final versions and exercise version control of documents;
  - ensure records can be accessed as needed;
  - be familiar with any specific roles or responsibilities assigned to them;

- follow records retention procedures; and
- participate actively in records management training and exercises when required.

4.11 The Business Planning & Compliance Team can provide advice and guidance on the requirements of data protection legislation and information governance queries.

## **5. Equality, Diversity and Inclusion**

5.1 The RCH Group will apply this policy fairly and consistently. In implementing this policy, we will not directly or indirectly discriminate against any person or group of people because of their race, religion or belief, gender, disability, age, sexual orientation, or any other grounds. Our commitment to equality and fairness will apply irrespective of factors such as age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, race, religion or belief, sex, sexual orientation, or other personal attributes.

## **6. Review**

6.1 This policy will be reviewed in its entirety every 3 years, unless an earlier review is required due to major organisational, technological or regulatory changes, or because monitoring and reporting reveals that a change in policy is required sooner.

## Appendix 1: Records Management Protocol – Long Term Records

### 1. Record Creation

- 1.1 Each business division must maintain a record keeping system to document its activities. This must take account of the legislative and regulatory environment in which the RCH Group operates.
- 1.2 The following should be documented when a long-term record is created:
  - record reference;
  - record title;
  - if possible, the anticipated retention period.
- 1.3 Records must not be misleading, defamatory, fraudulent, offensive, discriminatory and they must not violate any law, regulation or internal policies.
- 1.4 All records held by the RCH Group must be complete, up to date and accurate to:
  - provide a true and accurate record of the policies and activities of the RCH Group;
  - facilitate an audit or examination of the business;
  - protect the legal and other rights of the RCH Group, its customers and any other persons affected by its actions; and
  - provide proof of authenticity of a record.

### 2. Record Keeping

- 2.1 Each business division must implement a record keeping system that allows records to be identified, located, retrieved, presented and interpreted.
- 2.2 An index of all records should be maintained.

### 3. Record Maintenance

- 3.1 The record keeping system must be maintained so that records:
  - are properly stored and protected from unauthorised access; and
  - can be easily tracked, located and retrieved.
- 3.2 Current paper records should be stored in clean, tidy and lockable filing cabinets to prevent damage.
- 3.3 A log of all records held off-site for long term storage must be maintained and kept up to date. Short term records and duplicates should not be retained for storage at any off-site location.

- 3.4 Current electronic records must be stored in such a way that they cannot be accessed by anyone other than authorised persons.

#### **4. Record Closure**

- 4.1 Records must be closed as soon as they have ceased to be of active use.
- 4.2 Once a record has been closed a decision must be made about whether it must be retained or disposed of. All decision about whether to retain or dispose of a document must be made in accordance with the Records Retention Protocol (Appendix 2) and the relevant Records Retention Schedules.
- 4.3 When a file is closed, this should be marked on the paper file, electronic file and in the index of records.
- 4.4 The Records Retention Protocol sets out the process that must be followed before a decision can be made about whether to dispose of a document.
- 4.5 The Records Retention Schedules set out the RCH Group's main categories of records together with a minimum or suggested retention period for each. Where there is a minimum retention period the record must not be disposed of before the expiry of that period.

#### **5. Record Disposal**

- 5.1 There are several options for disposal of records and documents:
- secure destruction by our secure destruction provider;
  - hard deletion of electronic records; and
  - secure destruction of records held at storage by our off-site secure storage provider once the retention period has been reached.
- 5.2 All records and documents containing personal, business and confidential information must never be disposed of in an ordinary waste bin. When disposing records and documents, the services of our secure destruction provider must be used. [\[Check arrangements\]](#)
- 5.3 Copies of records may be disposed of according to operational needs as long as the original is maintained in accordance with this policy.
- 5.4 A document must never be disposed of where it is the subject of:
- a live subject access request under the Data Protection Act 2018/ UK GDPR;
  - a live request under the Freedom of Information (Scotland) Act 2002 or the Environmental Information (Scotland) Regulations 2004;
  - an internal audit investigation; and
  - court proceedings including a court order for information.

- 5.5 The RCH Group may retain records for longer than the prescribed retention period in certain specific circumstances, namely:
- destruction requires the contractual consent of a third party and that consent has not yet been provided;
  - the records are relevant to actual or possible legal proceedings, or to an internal investigation; and
  - the records relate to an outstanding debt owed to the RCH Group.

## Appendix 2: Records Retention Protocol – Long Term Records

### 1. Document retention

- 1.1 This must be carried out by an officer who has sufficient operational knowledge of the document and its function and purpose within the RCH Group. An informed decision about whether to retain or dispose of a document should be undertaken in accordance with applicable Retention Schedules.
- 1.2 A document must never be disposed where it is the subject of:
  - a live subject access request under the Data Protection Act 2018/ UK GDPR;
  - a live request under the Freedom of Information (Scotland) Act 2002 or the Environmental Information (Scotland) Regulations 2004;
  - an internal audit investigation; and
  - court proceedings including a court order for information.
- 1.3 If clarification is required, advice should be sought from [Information.Governance@riverclydehomes.org.uk](mailto:Information.Governance@riverclydehomes.org.uk)

### 2. Documents relating to disputes

- 2.1 There are occasions when the RCH Group becomes involved in disputes with third parties. On these occasions it is essential that the RCH Group has access to all documentation and correspondence that is relevant for the dispute. This will assist the RCH Group to assess the merits of the dispute and to progress the dispute as necessary, whether through the court process or by negotiation. If the documentation relevant to the dispute has not been retained this will affect the RCH Group's ability to pursue / defend the case.
- 2.2 However, not all media are admissible as evidence in court. In some cases only hard copy records will be acceptable for this purpose (e.g., contracts or an employer's records of PAYE deductions). In others, computer printouts or even photocopies may be admissible as evidence in court if records are normally kept in that form or if the original is no longer available. For this reason, advice is available from [Legal@riverclydehomes.org.uk](mailto:Legal@riverclydehomes.org.uk) if required.

### 3. Legal requirement for retention

- 3.1 There are some statutory provisions that require records to be retained for a fixed period of time. The RCH Group must comply with legal requirements. These are contained in the Records Retention Schedules.

## Appendix 3: Records Retention Schedules – Long Term Records

To follow – propose to use the current Retention Schedule as a starting point [Connect with Governance - Retention Schedule \(Current\).pdf - All Documents \(sharepoint.com\)](#) and split by department (head of service/ senior manager's area of responsibility) and include records, grouped by function, that don't necessarily contain personal data.

E.g.

Schedule A: General, group wide records

Schedule B: Business Change & Compliance

Schedule C: Finance, ICT & Procurement

Schedule D: Human Resources

Schedule E: Housing Services

Schedule F: Customer Services

Schedule G: Property Services

Schedule H: Home Fix Scotland