

## **RECORDS MANAGEMENT POLICY**

**Cabinet Member:** Cllr Clive Eginton

**Responsible Officer:** Catherine Yandle, Group Manager for Performance, Governance and Data Security

**Reason for Report:** Good records management is a key factor in achieving compliance with the retention requirements of the Data Protection Act (DPA) 2018 and GDPR.

**RECOMMENDATION(S):** That Cabinet approves the revised Records Management Policy.

**Relationship to Corporate Plan:** This policy supports good governance arrangements enabling confidence in delivery of the Corporate Plan.

**Financial Implications:** The Records Management Policy does not have any financial implications itself rather the contrary if the DPA 2018 and GDPR are not complied with.

**Legal Implications:** Not complying with the DPA 2018 and GDPR would expose MDDC to enforcement action by the Information Commissioner's Office (ICO).

**Risk Assessment:** Approving the Records Management Policy reduces the risk of enforcement action by the ICO.

**Equality Impact Assessment:** No equality issues identified for this report.

### **1.0 Introduction**

1.1 One of the 6 basic principles of GDPR Article 5 (1) is that Personal data shall be:

*e) Kept in a form that permits identification of data subjects no longer than is necessary for the purposes for which the personal data are processed.*

1.2 A new requirement of the DPA 2018 is that of logging; Section 62:

*(1) A controller (or, where personal data is processed on behalf of the controller by a processor, the processor) must keep logs for at least the following processing operations in automated processing systems—*

- (a) collection;*
- (b) alteration;*
- (c) consultation;*
- (d) disclosure (including transfers);*
- (e) combination;*
- (f) erasure.*

- (2) *The logs of consultation must make it possible to establish—*
- (a) the justification for, and date and time of, the consultation, and*
  - (b) so far as possible, the identity of the person who consulted the data.*
- (3) *The logs of disclosure must make it possible to establish—*
- (a) the justification for, and date and time of, the disclosure, and*
  - (b) so far as possible—*
    - (i) the identity of the person who disclosed the data, and*
    - (ii) the identity of the recipients of the data.*
- (4) *The logs kept under subsection (1) may be used only for one or more of the following purposes—*
- (a) to verify the lawfulness of processing;*
  - (b) to assist with self-monitoring by the controller or (as the case may be) the processor, including the conduct of internal disciplinary proceedings;*
  - (c) to ensure the integrity and security of personal data;*
  - (d) the purposes of criminal proceedings.*
- (5) *The controller or (as the case may be) the processor must make the logs available to the Commissioner on request.*

## **2.0 The Policy**

- 2.1 In accordance with current Data Protection legislation it is vital that records handling happens as part of a managed process and is logged. This is a new and significant requirement.
- 2.2 The existing policy was already based on best practice which has meant the revised policy is not a complete re-write but recognition of the fact that additional requirements are now reflected in legislation.

## **3.0 Conclusion**

- 3.1 That Cabinet approves the revised Records Management Policy.

**Contact for more Information:** Catherine Yandle, Group Manager for Performance, Governance and Data Security

**Circulation of the Report:** Cabinet Members, Cllr Eginton, Leadership Team