

RECORDS MANAGEMENT POLICY

Cabinet Member: Cllr Clive Eginton
Responsible Officer: Lisa Lewis, Corporate Manager Business Transformation and Customer Engagement

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.

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.

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

Impact on Climate Change: There are no implications relating to Climate Change with this policy.

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 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 is based on best practice.

3.0 Staff Changes and Activities

3.1 We have recently recruited a new Information Management Team who commenced work with MDDC on 4 July 2022.

- Data Protection Officer - Giovanni Wallace
- Information Management Officer – Ewan Girling

3.2 The Record of Processing Activities (RoPA) for the authority is currently under review.

4.0 Conclusion

4.1 That Cabinet approves the revised Records Management Policy.

Contact for more Information: Lisa Lewis, Corporate Manager Business Transformation and Customer Engagement (llewis@middevon.gov.uk)

Circulation of the Report: Cabinet Member, Leadership Team