



**Complying with the Records
Management Code: Evaluation
Workbook and Methodology**

**Risk evaluation and development of mitigation
strategies**

Risk evaluation and development of mitigation strategies

General

- 11.1 Once the questionnaire is complete an assessment can be undertaken to confirm the validity of the accompanying reference comments - the cited policies and procedural documents plus supporting performance measures etc. Where partial or non-compliance is identified this should undergo a full risk assessment to confirm the criticality of the risk the relevance of any proposed mitigation strategy and to determine a timeline for undertaking the required remedial work. The outcome of this work should be validated and approved by a senior management board or committee. These issues are explored further in this chapter.
- 11.2 Users of this work-book are recommended to use the toolkit published by the Office of Government Commerce (OGC) entitled the *Successful Delivery Toolkit*. This provides comprehensive and authoritative guidance on the subject of risk management. It is available on the OGC web-site at
- <http://www.ogc.gov.uk/sdtoolkit/workbooks/risk/>
- 11.3 It states:
- Your process should comply with corporate governance. Governance is concerned with how the organisation is directed and controlled. It covers management structures, roles and responsibilities, policies and standards, and other formal aspects of the organisation.*
- 11.4 Compliance with the Records Management Code will support effective records management, which should underpin corporate information governance.
- 11.5 The aim of this workbook is not to demonstrate absolute conformity across public authorities it is to enable authorities to perform their business objectives, meet their statutory and regulatory obligations whilst being able to demonstrate an appropriate degree of accountability. This workbook will assist public authorities to assess their own performance against the challenging agenda set by the Freedom of Information Act and identify where there is need for change.

Assessing the risk

- 11.6 OGC has identified 9 key stages in the risk management life-cycle, which are examined in their *Successful Delivery Toolkit*. These key stages are:
- Define a framework;
 - Identify the risks;

- Identify probable risk owners;
- Evaluate the risks;
- Set acceptable levels of risk;
- Identify suitable responses to risk;
- Implement responses;
- Gain assurances about effectiveness;
- Embed and review.

11.7 Each key stage is examined and offers a step by step process, Users of this work are recommended to work through each stage identified in the OGC toolkit

Risk assessment criteria

11.8 Most organisations will be familiar with risk assessment and all record management risks should be assessed in the same manner and entered into a risk register. The issue to be remembered is that some instances of non-compliance may given the operating environment be of no significance but where a large number of non-compliances are apparent the risk to the authority could be very real. This is especially true if the non-compliance is high in respect of the records management function, inadequate policy statement, a limited records management or record keeping system and a deficit of defined roles and training mechanisms.

11.9 The following elements can be used when assessing known instances of non –compliance and partial compliance. These elements are only a guide and each organisation will need to consider if alternative or additional criteria are relevant.

Criteria	Element definition
<i>Risk reference</i>	<i>Each risk should have a unique call reference in the authorities risk register</i>
<i>Risk type</i>	<i>A summary or shorthand title to identify the risk</i>
<i>Description of risk</i>	<i>Full explanation of nature of risk</i>
<i>Indicators</i>	<i>Where applicable the evidential markers that characterise the risk has become a real and present danger</i>
<i>Related programme objectives</i>	<i>The organisation's objectives which are in some dependent or linked to the risk occurring</i>
<i>Countermeasures</i>	<i>The mitigation strategies which have either been enacted or are able to for adoption in the event of the risk occurring</i>

Criteria	Element definition
Contingency	<i>The resources that have either been deployed or are able for deployment to support the countermeasures (see above)</i>
Senior officer responsible	<i>Title of role and name of individual currently charged with that role</i>
Monitoring mechanism	<i>The means by which the risk is monitored and regularly assessed to determine if its status has varied or remains unchanged since the last monitoring exercise</i>
Likelihood	<i>An assessment as to whether the risk is likely to become real (e.g. high, medium or low)</i>
Within organisational control	<i>Clarification as to whether this is something the organisation can avoid through its countermeasures or merely mitigate its severity as it cannot control the external circumstance which may trigger the event which causes the risk to become real.</i>
Severity of impact	<i>An assessment of the critical effect an occurrence of the risk will have upon the organisation (e.g. major, medium or slight)</i>
Impact on service/effectiveness	<i>A description or summary of the services which will be affected by the occurrence of the risk</i>
Cost of risk happening	<i>The monetary cost to the authority</i>

Validating the assessment against the Records Management Code

11.10 Completion of a risk assessment for the areas of partial and full non-compliance will enable users of this work-book to cross-check their existing record management processes against the Records Management Code by providing an evidence based assessment.

11.11 The Records Management Code identified seven key areas of activity. These are:

- Records management function;
- Record Management policy statement;
- Roles and responsibilities;
- Training and awareness;
- Records creation and record keeping;
- Records maintenance;
- Records disposal.

- 11.12 This workbook has separated the issue of Access in terms of the management of FOI related enquiries and the attendant processes required to both identify the pertinent records and also to determine whether it is appropriate to disclose the relevant information. In the Code this is part of the Records creation and record keeping area but as it a substantial activity in its own right it is felt that users of this work-book will find it more convenient to review it separately.
- 11.13 The work-book also provides an additional section on performance measurement which will enable record managers to review the overall performance of record management system by end users
- 11.14 To assess conformance with the Records Management Code the responses to the workbooks questions should undergo a risk assessment where negative or partial compliance is identified. Armed with the knowledge gained from this process it should be possible to then assess the organisation's overall conformance with the key areas of activity contained in the Code.
- 11.15 The next section lists the component elements that define each key area within the Records Management Code.

Module 1: Records management function

- 11.16 This key area is primarily concerned with functional responsibility for records management. It requires the following elements to be present:
- Specific corporate programme;
 - Clearly defined responsibilities and objectives;
 - Allocation of appropriate resource;
 - Required level of organisational support to ensure effective delivery;
 - Coordination of responsibilities for records in all formats through life cycle, from planning and creation through to ultimate disposal;
 - Transparent linkage of responsibility for records management with responsibility for freedom of information, data protection and other information management issues.
- 11.17 Questions **Error! Reference source not found.** to **Error! Reference source not found.** in this workbook once answered and analysed will provide the organisation with an evidence based assessment of their compliance with this key area of the Records Management Code

Module 2: Records management policy statement

- 11.18 This key area is primarily concerned with the development and implementation of an appropriate policy. As indicated earlier in this workbook the term policy can refer to one policy document or to a raft

of policies which taken together provide the overall organisational policy. It requires the following elements to be present:

- Existence of an overall policy statement on how records (including electronic records) are to be managed;
- Endorsement of policy by senior management;
- Dissemination of policy to staff at all levels;
- Provision of corporate mandate for the performance of all records and information functions;
- Organisational commitment to create, keep and manage records which document activities;
- Definition of role of records management has in relationship to the organisation's strategy;
- Definition of roles and responsibilities;
- Definition of responsibility of personnel to document actions and decisions in the records and to dispose of obsolete records;
- Provision of framework for supporting appropriate standards, procedures and guidelines;
- Provision of monitoring mechanisms to ascertain compliance with appropriate standards, procedures and guidelines;
- Review of policy at regular intervals (at least once every three years) to facilitate amendment where required.

11.19 Questions **Error! Reference source not found.** to **Error! Reference source not found.** in this workbook once answered and analysed will provide the organisation with an evidence based assessment of their compliance with this key area of the Records Management Code

Module 3: Roles, responsibilities training and awareness

11.20 This key area is primarily concerned with the development and implementation of appropriate human resources to enable the organisation to undertake the range of activities specified in the records management policy. It requires the following elements to be present:

- Appointment of a senior manager with lead responsibility for records management;
- Formal acknowledgment of the lead records management role and dissemination across the organisation;
- Acquisition of appropriate skills and knowledge required to achieve the aims of the record management programme;
- Definition and inclusion of responsibility for all aspect of record keeping in job or role descriptions;
- Amendment of Human Resource policies and practices to recruit and retain good quality personnel for the records management function;

- Allocation of appropriate resources across the organisation to enable the maintenance of the records management function;
- Provision of an appropriate competency framework, to identify the knowledge, skills and corporate competencies required for records and information management;
- Periodic review of selection criteria for records management posts to ensure currency and compliance with best practice;
- Regular review and analysis of training needs;
- Provision of a professional development programme for records management staff;
- Inclusion of records issues and practices in induction training programmes for all new staff.

11.21 Questions **Error! Reference source not found.** to **Error! Reference source not found.** in this workbook once answered and analysed will provide the organisation with an evidence based assessment of their compliance with this key area of the Records Management Code

Module 4: Records creation and record keeping

11.22 This key area is primarily concerned with the development and implementation of an effective record keeping or record management system to enable the organisation to undertake the required range of activities specified in the records management policy. It requires the following elements to be present:

Records creation

- An adequate system to document the activities for each business unit
- The system takes account of the legislative and regulatory environment within which the organisation works;
- The records of each business activity are sufficiently complete and accurate enough to allow employees and their successors to take necessary and appropriate action;
- The records of each business activity are sufficiently complete and accurate enough to facilitate audit of any aspect of the business;
- The records of each business activity are sufficiently complete and accurate enough to protect the rights of the organisation and any person affected by its actions, and to authenticate records so that they constitute credible and authoritative evidence;
- The records are arranged in a system to enable the authority to obtain the maximum benefit from the quick and easy retrieval of information;

- The record keeping system, which is used for the management of electronic records, includes the metadata necessary to document business processes.

Record keeping

- The organisation has undertaken a records audit or information survey;
- The organisation knows what records it currently holds;
- The record keeping system for paper records includes descriptive documentation to enable the system to be operated efficiently and the records to be understood in their context (e.g. written procedures, file schemes, tracking records);
- The record keeping system for electronic records contains metadata (descriptive and technical documentation) to enable the system and the records to be understood and to be operated efficiently and to provide an administrative context for effective management of the records;
- The record-keeping system, for both paper or electronic records, includes a set of rules for referencing, titling, indexing and, if appropriate, security marking of records;
- Provision is made for maintenance of cross references and relationships between electronic records and their paper counterparts in a mixed environment;
- Where appropriate electronic records are mapped to a structure of folders within a business classification scheme to reflect logical groupings of records;
- Maintenance of audit trails for the management of electronic information and documents from capture to final disposal;
- Where appropriate conformance to the generic requirements for electronic record management systems as published by TNA for Functional Requirements for Electronic Records Management Systems;
- Where legal admissibility and evidential weight is a key requirement consideration is given when scanning, digitising and storing relevant records to adopting the procedures recommended in the BSi publication *BIP 0008:2004 Code of practice for legal admissibility and evidential weight of information stored electronically*.

11.23 Questions **Error! Reference source not found.** to **Error! Reference source not found.** in this workbook once answered and analysed will provide the organisation with an evidence based assessment of their compliance with this key area of the Records Management Code

Module 5: Records maintenance

11.24 This key area is primarily concerned with the development and implementation of a records maintenance regime which will sustain or

preserve records, along with the means to identify and retrieve them easily, for as long as they are required and to enable the organisation to undertake the required range of activities specified in the records management policy. It requires the following elements to be present:

- Establishment of a tracking system to control the movement and identify the location of records;
- Accurate and effective retrieval mechanisms to ensure access reflects the frequency of use;
- Implementation of notification or “bring forward” systems to prompt required actions for the effective maintenance of records;
- Secure storage for electronic information and documents, while allowing access by authorised personnel;
- Auditable trails of record transactions’
- Where appropriate audits are carried out at predetermined intervals;
- Appropriate storage accommodation for physical records secure from fire, flood and theft;
- Establishment of a system to maintain the integrity of electronic records over time;
- Provision for electronic records to be migrated across systems to ensure their accessibility and use for as long as they are required;
- Where appropriate conformance with the generic requirements for sustaining electronic information over time as set out in TNA published guidance;
- Re-location of physical records into appropriate storage when they are no longer required for the conduct of current business;
- Identification of records considered vital for continuance of the business;
- Implementation of a full and tested contingency or business recovery plan.

11.25 Questions **Error! Reference source not found.** to **Error! Reference source not found.** in this workbook once answered and analysed will provide the organisation with an evidence based assessment of their compliance with this key area of the Records Management Code

Module 6: Records disposal

11.26 This key area is primarily concerned with the development and implementation of a records disposal regime which will provide clearly defined policies and procedures for identifying how long records should be kept, for disposing of those no longer required for business purposes, (either by destruction or transfer to an archive) and for documenting the decisions and their implementation. This is to enable the organisation to undertake the required range of activities specified

in the records management policy. It requires the following elements to be present:

- Closure of records as soon as they have ceased to be of active use other than for reference purposes;
- Where appropriate an indication that a file of paper records or folder of electronic records has been closed should be displayed on the record itself as well as noted in the index or database of the files/folders;
- Inclusion of information on the intended disposal of electronic records within the metadata when the record is created;
- Storage of closed records awaiting disposal should follow accepted standards relating to environment, security and physical organisation;
- Establishment of a system for managing appraisal and for recording the disposal decisions;
- Capability of the record keeping system to support disposal and archiving procedures for electronic records;
- Appropriate resource planning to take account of the volume and nature of the records due for appraisal;
- Assessment of the risks associated with destruction of obsolete records or any delay in appraising them;
- Maintenance of background information which will inform appraisal decisions such as legislative provisions, functional context and physical arrangement;
- A selection or disposition policy which states in broad terms, where appropriate, the functions from which records are likely to be selected for permanent preservation and the periods for which other records should be retained;
- Development of disposal schedules which cover all records, including electronic records to support the disposition policy mentioned above;
- Maintenance of disposal schedules which indicate appropriate disposal/retention periods for each type or series of records and provide a mechanism for authorised destruction;
- Where applicable records selected for permanent preservation which are no longer in regular use should be transferred to the custody of an archival institution which has adequate storage and public access facilities;
- Records which are earmarked for destruction are destroyed promptly in as secure a manner as is necessary for the level of confidentiality or security markings they bear;
- Maintenance of a log of those records which have been destroyed showing their reference, description and date of destruction;
- Records known to be the subject of a request for information, are so marked and withdrawn from the destruction programme

until disclosure has taken place or until the complaint and appeal provisions of the FOIA have been exhausted.

- 11.27 Questions **Error! Reference source not found.** to **Error! Reference source not found.** in this workbook once answered and analysed will provide the organisation with an evidence-based assessment of their compliance with this key area of the Records Management Code.

Module 7: Access regimes for managing FOI requests

- 11.28 As stated previously this workbook has separated the issue of Access which in the Code is part of the Records creation and record keeping area as it a substantial activity in its own right and it is felt that users of this work-book will find it more convenient to review it separately.
- 11.29 Access in this context deals with the need to establish an appropriate access regime to manage requests for information under the Freedom of Information Act 2000 effective and to document the reasons why information cannot be disclosed and which exemptions have been invoked as part of that decision making process. In short public authorities must have in place clearly defined arrangements for documenting exemption and disclosure decisions.
- 11.30 Users of the workbook are also advised to look at the guidance published by the Department of Constitutional Affairs to various resources which users may find useful in successfully implementing Freedom of Information legislation within their organisation This guidance is available at:
<http://www.dca.gov.uk/foi/implement.htm>
- 11.31 Questions **Error! Reference source not found.** to **Error! Reference source not found.** in this workbook once answered and analysed will support the organisation to provide an evidence-based assessment of their ability of their record management system and procedures to support the access requirements placed upon them by the FOIA.

Module 8: Performance measurement

- 11.32 Performance measures are required to ensure the records management system established by the authority is being used and managed effectively by the end users. Note that the Records Management Code makes no mention of performance measurement. However it does include the following requirements which need to be used when considering the effectiveness of performance measurements
- The presence of reliable records, which fully document an organisations activities, to ensure FOIA obligations can be met;
 - Records should be arranged in a record keeping system that will enable the authority to obtain the maximum benefit from the quick and easy retrieval of information;

- The record-keeping system should include a set of rules for referencing, titling, indexing and, if appropriate, security marking of records;
- These rules should be easily understood and should enable the efficient retrieval of information.

11.33 Questions **Error! Reference source not found.** to **Error! Reference source not found.** in this workbook once answered and analysed will provide an evidence based assessment of end users daily application and interpretation of the organisation's own record management policies and procedures which in turn will demonstrate how effective the organisation is in complying with the Records Management Code.

Conclusion

11.34 The guidance and questions provided in this workbook represent what is considered to be current best practice in the delivery and evaluation of effective records and information management. It must be stressed that meaningful evaluation is not about the presence or omission of a purely mechanistic quantitative measurement (e.g. is there a records management policy?) these must be supported by appropriate qualitative measures (e.g. is the policy appropriate, comprehensive and its implications understood and acted upon?) and a fitness for purpose (is it realistic for end users to work in the manner prescribed?). The outcome of said assessment has also to take account of the size, nature and complexity of the organisation being assessed.

11.35 In some instances, for example where information is captured and managed in line of business systems, the regulatory requirement and business objectives are sufficiently arduous that the system functionality has to be very robust and records management is effected by the system design and security specifications. However it is very unlikely that all an authority's information flows will be captured and managed by such systems and it is the interface of such systems with other less structured record creation systems, which needs to be addressed by management initiatives along with the management of the related information, which sits outside such systems. For example it is quite possible that a database system which formally records the award and payment of benefits is very robust in terms of its record management requirements but the related and separate records contained in e-mail in-boxes or personal paper files which determine why an award should be given, amended or withheld may be unmanaged and are effectively invisible to the corporate organisation.

11.36 Authorities cannot rely on the existence of a management policy as being sufficient evidence for the presence of a compliant records management regime. For example some organisations may still depend primarily on paper records held on manila folders as the formal evidential record of business. In those cases there may still be a

dependence on a print to paper policy to ensure electronic communications (especially e-mail) are captured on to the filing system. Where an organisation still places reliance on such an instruction this needs to be backed up by a compliance testing and inspection regime to ensure it is being routinely applied across the organisation, as it is possible that it is being evaded. This represents a major overhead and may not in any case be entirely satisfactory.

- 11.37 Other solutions need to be explored in such cases and where resources do not permit investment in full electronic record management (ERM) solutions, as has been adopted as the preferred policy in central government, adherence to best practice using existing technology will be one avenue to explore but care needs to be taken that the solution is also qualitative one as opposed to a purely quantitative one. For example keeping all the data in a giant store and relying on a search engine to search on content will probably not suffice to ensure an authority can adequately respond to a request for information contained in the records as it is almost impossible to guarantee that all the relevant records have been found in a timely manner using such an approach. The organisation needs to be able to demonstrate that when responding to requests for information that it can demonstrate its potential to locate and retrieve all relevant records connected to an enquiry.
- 11.38 One method of testing if a solution is adequate is to undertake test searches where the results are already known. Those involved in assessing solution should consider undertaking test scenarios of the record management system using an agreed script to confirm the information provided from the questionnaires actually works in reality.
- 11.39 Having identified an issue of non-compliance or partial compliance and then assessed the risk there needs to be an ongoing management process where these risks are regularly reassessed to see if they remain valid or whether a variation is required or indeed whether the risk has ultimately provide groundless and can be formally remove from the register.
- 11.40 In all cases a degree of subjectivity will be involved depending on the nature, size and infrastructure of the organisation. Public authorities which have invested in electronic record management systems will need to ensure the benefits identified in the original business are real and are achieved and where they are not to identify why these anticipated benefits did not emerge as expected. This workbook will not of itself provide all the answers it is intended to provides a tool which will help records and information managers identify what has been achieved what has not and what are the consequences that flow from both.
- 11.41 Realistically many public authorities will only be able to achieve partial compliance with the Records Management Code in the short-term – it is the effective management of the non compliant issues which will be

crucial if an organisation is to be confident that it is in control of its corporate information assets. Ultimately many institutions will need to introduce a measure of electronic records management to increase their level of compliance but such compliance only works if the technical solutions are underpinned by effective policies, training and processes. This workbook is intended to help public authorities highlight where the deficits exist to provide for a proper consideration of the options to address those deficiencies.