RECORDS RETENTION AND DISPOSAL POLICY

Document Control

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1.1	Amendments – removing outdated web information and course updates	M Thomson	08/09/26

Introduction

The principal objective of this policy document is to ensure that the Highland & Western Isles Assessor & Electoral Registration Officer (ERO) adopts best practice for document retention and that records management arrangements are sufficient to comply with Acts. The Board's Records Management Policy supports compliance with the Public Records (Scotland) Act 2011, Local Government (Scotland) Act 1994, the Code of Practice on Records Management under Section 61 of the Freedom of Information (Scotland) Act 2002, and the storage limitation principle under Data Protection Legislation. Effective records management requires the management of records throughout their lifecycle from creation to disposal.

The Records Retention and Disposal Policy sets out the Board's approach to the retention and disposal of its records.

Purpose and Scope

This Records Retention and Disposal Policy supports the Records Management Policy through setting out the roles and responsibilities of all staff. The Policy will support staff in making record retention and disposal decisions based on information held in the Records Retention and Disposal Schedule.

The Policy applies to any person with access to Board records.

Related Policies

This policy should be read in conjunction with the following policies:

- Data Protection Policy
- Records Management Policy
- Special Category Personal Data Policy
- Highland Council's Information Security & Assurance Policy
- Highland Council's Information Management Policy

Policy Statement

The Board will ensure that records and information are not kept for longer than is necessary to carry out its statutory functions, whilst having due regard for legislative and evidential requirements.

The Assessor & ERO retains records that provide evidence of our functions, activities, and transactions for:

Operational Use (Business Requirement)

To serve the purpose for which they were originally created e.g., property records, to support our decision-making processes, to allow us to look back at decisions made previously and learn from previous successes and failures (e.g., minutes of meetings), and to protect the organisation's assets and rights.

Internal & External Accountability

To demonstrate transparency, consistency, and accountability for all actions, to provide evidence of legislative, regulatory, and statutory compliance and to demonstrate that all business is conducted in line with best practice (e.g., policies, guidance, and procedures).

Records Management Processes and Record Keeping Systems

The Board's Records Management Policy sets out the benefits of implementing a records management process and record keeping system. The following commitments are particularly relevant to the Records Retention and Disposal Policy:

- Demonstration of transparency, consistency, and accountability for all actions;
- Ensure the Board's Records Retention and Disposal Schedule processes are observed to ensure records are retained for the appropriate and agreed period of time;
- Ensure records with long-term historical value are transferred to the custody of local authority Archive Services, British Library, National Library of Scotland and National Records of Scotland for permanent preservation;
- Ensure compliance with legal, audit and operational requirements affecting the retention of records, including the Public Records (Scotland) Act 2011, Data Protection Legislation, Local Government (Scotland) Act 1994, Freedom of Information (Scotland) Act and Environmental Information Regulations.

Record Retention and Disposal Schedule

The Record Retention and Disposal Schedule is the mechanism used to ensure the Board is maintaining necessary records for the appropriate length of time. It determines the length of time records are required to be kept and provides the

authority for disposal along with details of responsible persons. This document is subject to continual monitoring and review.

The schedule allows greater control over the Board's records, enabling staff to dispose of records no longer needed, and ensuring the retention of appropriate records consistent with effective service delivery and the Board's legal and regulatory obligations. The retention periods set out in the schedule must be followed by all staff.

Setting Retention Periods

In setting the retention periods for the schedule, the Assessor & ERO will consider the following factors.

Legislation / Regulations

- Is there any legislation or regulation affecting retention of the records?
- Is the type of information likely to be required for conducting legal proceedings in the event of legal action being taken by, or against the Assessor or ERO? (time limits for commencing litigation can be found in the Prescription and Limitation (Scotland) Act 1973)
- Identify any particular regulatory agencies or statutes that may govern the business process generating the records
- Identify any past/anticipated issues facing the Assessor or ERO from a litigation, regulatory or compliance perspective.

Operational / Business Requirement

- How long are the records likely to be needed to carry out the Assessor or ERO functions?
- How long are the records required for evidential purposes in respect of business processes or decision making?
- How long do the records need to be kept for accountability/internal audit purposes?
- How serious would the consequences be if they were no longer available?

Archival Value

- Do the records have long term historical value?
- Do the records document the Board's policies and processes so that its activities may be understood by future generations?

Risk Assessment / Data Protection and Freedom of Information Legislation

- What are the risks involved in keeping these records?
- Will they be liable for disclosure under the Data Protection or Freedom of Information (Scotland) Acts, incurring costs of processing?
- If they contain personal data, have they served the purpose for which they were created?

Relationship with other records

- Are the records needed in order to understand or use other records? The retention periods of related records should be co-ordinated.

Financial / Resource

- Can the records be retained for a shorter period to achieve savings in storage and management costs, whilst still maintaining compliance with this policy and the Records Management Policy?

Reviewing the Records Retention and Disposal Schedule

Where a member of staff identifies a business or legal reason for a retention period to be changed, this must be brought to the attention of the Records Manager and a review will be carried out in accordance with the process set out below:

1. The Records Manager will review the case for a change and seek further information on the justification for the change

2. If there is a legal basis for a retention period, then this will be checked with relevant legislation
3. If the retention period is based on best practice, then this will be considered by the Records Manager and a recommendation produced for further consideration by the Assessor & ERO.

<u>Retention and Disposal Decisions</u>

Key staff have been identified in the Records Retention and Disposal Schedule as those responsible for disposal of records. Retention and Disposal decisions must follow the retention periods set. If the records under consideration for disposal are not clearly identified in the schedule, then advice must be sought from the Records Manager. No disposal of records must take place unless there is an appropriate entry in the schedule.

The Records Retention and Disposal Schedule sets out the action that must be taken once a retention period has expired. Disposal actions can be:

- Automatic Disposal
- Confidential Waste
- Electronic Disposal
- Historic Archive
- Kept Indefinitely

<u>Disposal Authority Process Prior to any disposal of records</u>

The following steps must be undertaken:

Review of outstanding requests

At the end of a record's retention period the responsible person must ensure that there are no outstanding requests for information involving that record.

In particular, the responsible person must consider whether any of the following requests have been received by the Assessor or ERO:

- FOI request
- Subject Access Request
- Legal Disclosure request

Before any record is destroyed, it must be established if it is the subject of a request under the Freedom of Information Act. Under Section 1(5) of the Act, if a record due for destruction is known to be the subject of a request, destruction will be delayed until disclosure has taken place or, if the authority has decided not to disclose the information, until the review and appeal provisions of the Act have been exhausted.

Once it has been established that a record should be destroyed, in order to comply with the recommendation of the Freedom of Information Code of Practice on Records Management to maintain and preserve "a record of the destruction of records, showing their reference, description, reason for destruction, and date of destruction[1]", destruction should be recorded with a signature and date certifying the reason for destruction. In most cases is likely to be in accordance with the Records Retention and Disposal Schedule. This information will be recorded by the Records Manager in the Disposal log.

Pending Legal Action Review

In addition to the above the responsible person must assess if the documents are expected to be relevant to a pending legal case. In this case advice should be sought from the Assessor & ERO or the Records Manager to ensure that the retention beyond the period set out in the Records Retention & Disposal Schedule is appropriate. All documents that are required for legal proceedings should be kept until the threat of proceedings has passed.

Final Review

The responsible person should consider if there is an overwhelming operational or business requirement to retain the records beyond the retention period identified in the schedule. In this event, advice must be sought from the Records Manager who will seek advice from the Assessor & ERO if necessary.

Disposal

Where there are no such outstanding requests the record(s) can be disposed of with the approval of the Records Manager:

[1] https://webarchive.nrscotland.gov.uk/3000/https://www.gov.scot/Resource/Doc/1066/0003775.pdf

- Where the disposal action is marked “Automatic Disposal”, these records are held within the ERO Portal and are automatically marked for destruction as per the Voter Identification Regulations 2022.

- Where the disposal action is “Confidential Waste or Electronic Disposal”: the records, regardless of format must be destroyed or deleted. Any destruction must be done securely and follow the Highland Council’s Information Security Policy and staff guidance on confidential waste destruction. Paper records can be destroyed in-house if a crosscut shredder is available, otherwise the Highland Council’s confidential waste contract should be utilised. In Western Isles, disposal is arranged via a locally sourced contractor. A disposal log must be maintained for all paper records destroyed or deleted.

- Where the disposal action is to “Historic Archive”, the Records Manager must arrange for local authority Archivists to review the record.

- Where the disposal action is “Kept Indefinitely”, these records should not be destroyed unless permission has been given by the Assessor or ERO.

Recording the Disposal

The disposal action must be recorded in the Disposal Log.

Roles and responsibilities

This section sets out the responsibilities for Records Retention and Disposal. A copy of the Board's Retention and Disposal arrangements for staff can be found at Appendix 1.

It is a requirement of this policy that:

1. A named individual in senior management is identified to be responsible for management of the organisation's records, and

2. A named individual is identified to be responsible for ensuring compliance with the policy and for having day-to-day operational responsibility for records management within in the organisation.

For the purposes of this policy the following individuals have been identified:

1. The named individual in senior management who is responsible for management of the organisation's records is Frank W Finlayson, Assessor & ERO

2. The named individual who is responsible for ensuring compliance with the policy and for having day-to-day operational responsibility for records management within the organisation is Mandy Thomson, Depute ERO/Business Manager

Records Management is everybody's responsibility and is something that should be considered as part of normal everyday working practice. Staff and those handling Board information should understand the information that they create, receive, and use and be able to identify information that is or may become a record. Documents that no longer have any value should be destroyed, rather than retained for the sake of it.

Records management processes that are in place must be followed and record keeping systems should be used in accordance with provided instructions and guidance.

Any person handling Board information must ensure that the records for which they are responsible are accurate and are created, maintained, and disposed of in accordance with this policy, the Records Management Policy and the Records Retention and Disposal Schedule.

Records must not be disposed of unless this has been approved by the senior management team and is in accordance with the retention period as set out in the current Records Retention and Disposal Schedule.

The inappropriate destruction or deletion of records may result in the Board being unable to prove that it has or has not acted in a particular way. This may, for example, have financial repercussions or leave the Board unable to prove its case in a court of law. The destruction of a record that is the subject of an ongoing request for

information is likely to result in the loss of trust in the Board, and leave it open to criticism from members of the public and the media.

Furthermore, under Section 65 of the Freedom of Information (Scotland) Act 2002, any member of staff who alters, erases, or conceals records with the intention of preventing them from being disclosed, could be found guilty of a criminal offence which carries a maximum fine of £5,000.

The Management Team is responsible for approving a corporate approach to the management of records as defined in this policy, promoting a culture of best practice in recordkeeping principles and practices to improve business efficiency and for supporting records management through commitment and the provision of resources.

Managers and supervisors are responsible for information held within their area (both paper and electronic). Managers and supervisors must ensure that their staff have understood their obligations under this Policy and other information management policies. Managers should support their staff in this regard by highlighting relevant parts of policies that apply to the roles being performed by a member of staff. Managers and supervisors must ensure that Records are not disposed of unless this has been approved by the Senior Management Team, follows the Disposal Authority Process and is in accordance with the retention period as set out in the Records Retention and Disposal Schedule.

Throughout the Assessor & ERO's offices it is important that retained records, regardless of their age, are maintained in such a way that they are easy to locate and can be retrieved efficiently. It is therefore essential that records are registered in a logical manner as soon as possible after they are created or received, by placing them into a recognised filing structure which allows related records to be grouped together.

Adequate storage for all documents needs to be available, to ensure that records are safe from unauthorised access and not in undue danger from fire, flood, theft, or damage due to factors such as unsuitable temperatures, poor equipment, or over full storage space, and that the staff using them are safe from injury.

Staff Communication & Training

This policy will be made available to staff via the electronic library. As part of mandatory core training, staff are provided with an online learning module that introduces the expectations that the Board places on those handling information.

This includes the records management as well as the information security and data protection issues of which all staff should be aware. All staff must complete the information management online learning module available through the Highland Council's e-learning platform. Managers must ensure that this has been completed by their staff and is part of employee review and development plans. All results should be provided to the Central Admin Team who will record when the course was completed and the pass rate achieved by each member of staff.

Further online learning modules related to records management may be provided to staff and these must be completed where they are relevant to their role. Staff will be informed when they must complete these additional training modules.

An online learning module, Information Asset Management, is provided through the e-learning platform and is mandatory for the Management Team. It provides specific and useful information on managing records, highlighting Emphasis is placed on the importance of managing and protecting the information used by staff in their day-to-day work, particularly for those staff handling personal and sensitive information.

Review

This policy will be reviewed on a regular basis and adapted appropriately to ensure that it continues to meet the business and service delivery requirements of the Valuation Joint Board.

2 November 2026

APPENDIX 1

RETENTION SCHEDULE AND DISPOSAL ARRANGEMENTS

1.0 GENERAL

1.1 The retention guidelines have been drafted in order to comply with the requirements for records management under the Freedom of Information and Data Protection legislation; Local Government (Scotland) Act 1994 and reviewed to ensure its adequacy with respect to the Public Records (Scotland) Act 2011.

1.2 The guidelines cover all records and information from creation through to destruction, retention, or transfer to the relevant Archivist.

1.3 Records selected for destruction under the guidelines may be destroyed in accordance with the guidelines. Backup copies stored on alterative media (server/microfilm/paper) should also be destroyed. This is most important to ensure compliance with the requirements of Freedom of Information and Data Protection legislation.

1.4 Documentation confirming destruction of records shall be retained.

1.5 Where appropriate, advice shall be drafted so that existing records can be cleared of data which is no longer relevant. This will allow them to comply and be maintained in accordance with the guidelines contained in this document.

2.0 OBJECTIVES OF THE RETENTION GUIDELINES

2.1 The aims of the guidelines are to:

- Assist in identifying records that may be worth preserving permanently;
- Prevent the premature destruction of records that need to be retained to satisfy legal, financial and business requirements of the Board;
- Provide consistency for the destruction of those records not required permanently after specified periods;
- Promote improved records management practices within the Board.

3.0 RETENTION & DESTRUCTION OF RECORDS

3.1 The Records Retention and Disposal Schedule sets out minimum and permanent retention periods for the various categories of information held. However, where there is the continuing possibility of substantive use, the records and information that are likely to be required should not be amended or disposed of until the possibility no longer exists.

3.2 A procedure for recoding disposal of records is established. Records may be disposed of in accordance with advice drafted under Section 1.5 and the Schedule.

4.0 MISCELLANEOUS INFORMATION

4.1 There are some records that do not need to be kept at all. These records generally have a limited useful life and staff may destroy such information routinely in the normal course of business. There is no need to retain a record of disposal in respect of such information.

4.2 For the purposes of the guidelines, examples of the unimportant records or information which may be destroyed routinely are as follows:

- "with compliments" slips;
- catalogues and trade journals;
- telephone message slips;
- trivial e-mail messages and correspondence not related to Board business;
- out-of-date distribution lists;
- working papers that lead to a final report;
- Duplicated and superseded material such as stationery, manuals, drafts and forms;
- Copies of documents which have been e-mailed where a hard copy has been printed and filed.

This is not an exhaustive list of all such records. However, any similar records may be destroyed when no longer of use.

4.3 No such records or information which are useful in the longer term should be destroyed. If you are in doubt, consult with your line manager, Records Manager or Assessor & ERO, where appropriate.

5.0 REVIEW OF THE SCHEDULE

5.1 The schedules will be reviewed annually. Should it become apparent review is required at any other time, consideration shall be given to amendment, as appropriate.