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plan

**RECORDS
MANAGEMENT
POLICY**

pirc

Police Investigations &
Review Commissioner

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1. Overview

The purpose of this policy is to describe the records management procedures for the Police Investigations & Review Commissioner (PIRC)

It is a working document which reflects the practices in place within the organisation. As such, it will be regularly updated and reviewed as improved practices are identified.

It is designed to be a practical reference guide, and includes:

- a general commentary
- an overview of key business processes
- references to relevant policies
- underpinning frameworks

2. Introduction

The PIRC holds various records which may be case related or non-case related.

Records provide a verifiable audit of activity which can be used to assess performance, inform future decisions and ensure the accountability of the organisation.

Records management ensures information can be accessed easily, can be destroyed routinely when no longer needed, and enables organisations not only to function on a day to day basis but also to fulfil legal and financial requirements.

The purpose of this Policy is to set out the arrangements for the management, retention and destruction of all data obtained, produced and held by PIRC throughout the course of its business.

General Data Protection Regulation (GDPR) and Freedom of Information (Scotland) Act 2002 (FOISA)

FOISA provides a general legal right of access for anyone to the information held by all public authorities, subject to certain exclusions.

GDPR provides access for data subjects to their personal information held by organisations.

The PIRC has developed this Policy having regard to the GDPR and FOISA. Both Acts have provisions entitling individuals to request information that is held by the PIRC.

GDPR requires that personal data is held for no longer than is necessary to satisfy the purpose for which it was obtained.

Should information be requested under FOISA or GDPR and is withheld by the PIRC, the information requested must not be destroyed until the time allowed for the requestor to request a review and/or appeal has lapsed, irrespective of the fact that the information may become due for destruction during that time.

The Data Protection Officer for the PIRC is the **Information Officer**, who will ensure that GDPR and this Policy is applied to all data held by PIRC, and in particular that personal data processed for any purpose or purposes **shall not be kept longer than is necessary for that purpose or those purposes**. In the absence of prescriptive legislation and regulations, the overriding determinant is what suits the business requirements of the organisation.

The Records Management Officer for PIRC is the **Information Officer**.

3. Scope

All information that is received or generated by the PIRC will be subject to the conditions contained within this policy. For the purposes of this policy, data is classified as either case related or non-case related data.

4. Policy Statement

Having accurate and relevant information is vital to the efficient management of the PIRC and we value records and information as corporate assets. We need to balance our statutory obligations (for example providing the public with information) and our desire to be open and responsive with our duties of confidentiality for personal and sensitive records. We will create and manage all records efficiently, make them accessible when needed, but protect and store them securely and dispose of them safely at the appropriate time.

We review our policies regularly to ensure they continue to be relevant.

The PIRC collects personal data from a number of sources as part of its core functions of complaint handling review and investigations processes.

Section 46(1) of the Police, Public Order and Criminal Justice (Scotland) Act 2006 as amended (“the 2006 Act”) gives the PIRC power to disclose information to any public body or office holder as specified therein.

5. Case Related Material: Reviews

The PIRC may hold two types of files for each complaint handling review (CHR) case:

- (i) Correspondence file – which will contain correspondence between the applicant and the PIRC
- (ii) Police file – which will contain information supplied by the relevant police body for the consideration of the complaint.

The correspondence file is stored in two formats, paper and electronic. The electronic files are stored in the PIRC case management system, Centurion. The police file may be paper or electronic depending on how these materials are presented by the policing body. If electronic, paper copies are prepared for use by staff.

The information is retained by the PIRC for the following purposes:

- Conducting (CHRs) under section 35 of the 2006 Act
- Assisting the PIRC in fulfilling its other obligations under the 2006 Act
- Defending any proceedings for judicial review of decisions made by the PIRC in CHRs
- Research/training
- Public relations

Creating and maintaining review case related files – general rules

Electronic files

- On receipt of an enquiry, a member of the Admin Team will create a new electronic file on Centurion. The record number will be allocated by Centurion.
- All documentation (letters, emails, faxes) will be saved to the Centurion record.

- All documents within the Centurion record should be saved in the format: Surname, Title, First initial ,– yymmdd – description of document.
- It is important that when new documents are created, new versions are named correctly. CHRs should be labelled:
 - First Draft
 - Tracked Version
 - Untracked Version
 - Report

Draft documents must be deleted from Centurion on completion of the final CHR Report

Paper files

- A paper file will only be created once an application form has been received.
- Documents should be filed in chronological order with the most recent paper filed on top.
- Attachments or enclosures to documents should be filed immediately below the document to which they relate.
- Duplicate copies of documents should not be filed.
- Original documents should be photocopied and the originals sent back to the applicant.
- Draft documents should not be filed (superseded drafts should be shredded – see Disposal section on page 8 below). Only final documents should be filed.
- Once a CHR has been issued, draft versions should be removed from the paper file by the Review Officer and deleted from Centurion.
- Working notes should not be filed and must be disposed of securely.

Retention Periods : Reviews

Paper files

After the conclusion of a CHR, the PIRC will retain the correspondence and police files for a period of 12 months from the date the CHR is issued, and no less than 12 months from the date of the last action, correspondence or contact on the file, following which these files will be destroyed. This applies to all contents of the paper files, which may include sensitive intelligence information we have received. The Head of Reviews and Policy will ensure that there are no recommendations or any other matters outstanding before destruction.

Electronic files

After the conclusion of a CHR, the PIRC will retain the electronic file for a period of 3 years from the date the CHR is issued, and no less than 12 months from the date of the last action, correspondence or contact on the file. The Head of Reviews and Policy will ensure that there are no outstanding matters before the file is destroyed.

Any electronic copy of the police files will be deleted 3 years after the case closed date.

The Records Management Officer will instruct a monthly report on Centurion to be extracted to ascertain which files are due for destruction. The Head of Reviews and Policy must authorise the list of files for destruction and ensure an accurate record of all files destroyed is maintained.

Retention of files of interest

In certain cases, either or both of these files (paper & electronic) may be retained in full at the PIRC's discretion, for example for training or research purposes, where the case has set a precedent or any case of public interest. The decision to keep a full file will be noted on the retention form by the Head of Reviews and Policy. Any cases identified for retention beyond the specified timescales above will be archived in a separate area within the filing room and a comprehensive list of all files falling into this category will be maintained and reviewed regularly.

Reports

CHR reports will be kept indefinitely in electronic form as anonymised reports, together with reference number and the name of the applicant. Reports on the PIRC website will be removed after 5 years from the date of publication. Individual reports will remain on the website where the PIRC considers it is in the public interest to do so.

Archiving

Once a CHR has been issued, the paper file will be marked as closed and moved to the archiving area to be stored until its destruction.

Any cases identified for retention beyond the specified timescales above will be archived in a separate area within the archiving area, together with a retention form signed by the Head of Reviews and Policy detailing the business case for further retention.

Disposal

Secure arrangements for the disposal of material are in place. The following processes will be involved:

- Closed files will be added to the Records Management Log of files which will calculate the destruction date based on this policy. This exercise will be carried out monthly. The log is currently stored at G:/pcc/2 – Corporate Services\1 – Admin\3 – Records Management
- Monthly identification of list of eligible records to be disposed according to the PIRC’s Records Management policy, ensuring that all files identified for retention beyond specified periods are removed to the secure storage will be carried out by Admin Officer.
- The list of files identified for destruction will be presented to the Head of Reviews and Policy for authorisation. If a case is to be retained, the reasons for retention will be logged on this form and a review date set, if deemed appropriate.
- Secure disposal of material will then take place
- Records Management Log will then be updated and saved in the specified location

Cases Not Proceeding to CHR

The same timescales apply to cases not proceeding (see above). Records must be identified on a monthly basis to determine which can be deleted, and the list must be approved by the Head of Reviews and Policy, prior to deletion. As with cases concluded, these records must be entered on the Records Management Log.

Whilst the CHR Report is held indefinitely, some basic information must be retained to indicate the outcome of any cases not proceeding to CHR. The purpose of this log is to ensure there is a consistency of approach for each case. A copy of the final outcome letter and any related file note will be retained.

6. Case Related Materials : Investigations

The PIRC holds files relating to the various investigation areas of business

- Criminal Enquiries
- Fatal Accident Enquiries
- Conduct investigations
- Investigation into incidents referred by Police Scotland or other policing bodies
- Assessments
- Public Interest Investigations

The files are stored in two formats , paper and electronic. The electronic files are stored in the Investigations ‘G’ Drive and the databases CLUE 2 and 3.

The information is retained by the PIRC for the following purposes:

- Conducting investigations and assisting PIRC to fulfil its obligations under sections 33A, 41A, 41B & 41C of the 2006 Act
- To inform any legal proceedings involving PIRC
- Management Information
- Research/Training
- Public relations

Retention Periods : Investigations

Both paper and electronic files relating to the respective investigations area of business will be retained in accordance with the following identified periods:

A. Criminal Enquiries

Cases dealt with under summary proceedings – all material will be retained for seven years from disposal of a case.

Cases dealt with under solemn proceedings - all material will be retained for 14 years from disposal of case.

Reported to the Procurator Fiscal where there has been a notification of 'No Proceedings' – all material will be retained for seven years from the date 'No Proceedings' is intimated

B. Fatal accident investigations

All material will be retained for 3 years following the conclusion of the fatal accident inquiry unless exceptions highlighted below apply.

Exemptions: where any of the following apply, the retention date for files is twelve months following completion of the relevant action
<ul style="list-style-type: none">➤ Receipt of a complaint against the PIRC➤ Legal proceedings involving the PIRC➤ Intimation by victims of compensation claims against Police Scotland other policing bodies➤ Receipt of a subject access request➤ Receipt of a Freedom of Information request➤ Notice from the Scottish Criminal Case Review Commission

C. Conduct investigations

Pre-submission of conduct reports to the Scottish Police Authority - all drafts of the report will be deleted

Post-submission of reports - all material will be retained for 3 years following the SPA reaching its determination on the matter (**unless any of the exemptions at B apply**).

D. Investigations into incidents referred by Police Scotland or other policing bodies

Pre-publication – all draft reports will be deleted

Post-publication - all material will be retained for 3 years (**unless any of the exemptions at B apply**)

E. Assessments

All material will be retained for 3 years (**unless any of the exemptions at B apply**).

F. Public Interest Investigations

All material will be retained for 3 years (**unless any of the exemptions at B apply**).

G. Electronic Logs

All documents linked to electronic logs will be retained in line with the above stated retention periods relative to category of investigation or assessment, all management information will be retained indefinitely.

Archiving

Investigation paper files will be weeded and only original statements/documents will be retained and moved to the archiving area to be stored until their destruction.

Disposal Process

The PIRC will advise Police Scotland or other policing bodies as applicable, of the date on which the PIRC intends to dispose of all statements/documents obtained by the PIRC and documents supplied by Police Scotland or other policing bodies. Should Police Scotland or other policing bodies request that the PIRC retain statements/documents for a longer period, the Head of Investigations will consider such requests on a case-by-case basis.

The PIRC will:

- return to Police Scotland or other policing bodies any original documents supplied;
- on the instructions of a Senior / Deputy Senior Investigator request a CLUE administrator to delete all documents held on CLUE 2 and 3; and
- on the instructions of a Senior / Deputy Senior Investigator request admin staff to delete all documents held on the G-drive and destroy paper copy documents.

Secure arrangements for the disposal of materials are in place and an electronic record will be kept logging the details of destruction date.

Productions

Refer to the PIRC Productions/Articles Standard Operating procedures for handling, retention and destruction of productions and digital media cards.

Reports

Reports on our website will be removed after five years from publication. Individual reports will remain on our website where the PIRC considers it is in the public interest to do so. The PIRC will retain all Investigations Reports indefinitely following the submission to the relevant authority.

7. Non-Case Related Material

The PIRC retains non-case related materials in line with conventional statutory retention periods and best practice, under the following key headings:

- Agreements & Related Correspondence
- Property
- Accounts & Finance
- Employee Records
- Health & Safety
- Insurance
- General

A full list of non-case related retention materials is set out in Appendix 1 along with the current retention periods.

The Head of HR & Corporate Services is responsible for ensuring compliance with the Records Management Policy in respect of non-case related data and will undertake an annual review of information retained by the PIRC and instruct disposal of data that has reached its maximum retention period.

Compliance with the Records Management Policy and with statutory data retention periods is independently examined on an ongoing basis by the PIRC's internal auditors.

Disposal

Secure arrangements for the disposal of materials are in place. The following processes will be involved:

- identification of list of eligible records to be disposed according to the PIRC's archiving policy, ensuring precedents and other material for longer term retention are removed for secure storage.
- secure disposal of material in accordance with agreement with contractor
- updating and secure storage of disposal file log by the Admin Team

8. Audit

The Records Management Officer is responsible for conducting regular audit of all records held by the PIRC. These audits will be conducted on a 6 monthly basis and the PIRC will use the audits as an opportunity to learn and improve our records management policy and procedures.

9. Responsibilities

The Heads of Department Group are responsible for approving and promoting compliance with Records Management policies and procedures and supporting the implementation of a Records Management programme throughout the organisation. The main contact is Head of HR & Corporate Services.

The **Records Management Officer** is responsible for delivering the operational activities of a Records Management programme and for the development and implementation of related procedures and guidance. The Records Management Officer is responsible for monitoring compliance through regular audits.

The **Information Officer** is the designated **Records Management Officer** and oversees compliance with this policy in relation to maintaining accurate records. The Information Officer instructs disposal of data which has reached its maximum retention period.

The **Records Management Officer** also reviews retention periods on an annual basis as part of the renewal of the annual Data Protection Registration. This review is undertaken in order to ensure that data is only being held by PIRC for registered purposes and retained in accordance with the Data Protection legislation.

Individual members of staff are responsible for creating and maintaining records in accordance with best practice.

10. Administration of the Policy

This policy is supported by detailed data retention and destruction procedures, which set out in detail how this policy is applied in practice.

11. Non Compliance

Employees who do not believe that the principles set out in this records management policy have been correctly applied may appeal directly to the Head of HR & Corporate Services who will investigate and respond in writing within 21 days.

12. Communication & Contacts

This policy will be shared with all employees within PIRC and will be published for public access on our web site.

Queries should be addressed to:

Head of HR & Corporate Services
Hamilton House
Hamilton Business Park
Hamilton
ML3 0QA

Phone: 01698 542900

Email: enquiries@pirc.gov.scot

13. Benchmarks Used in Policy Formulation

- Previous PIRC version
- Scottish Information Commissioner
- National Archives of Scotland
- Scottish Public Services Ombudsman

This Policy is a formal PIRC policy and will be reviewed by the Information Governance Group, with amendments approved by the PIRC Heads of Department Group represented therein on an annual basis.

Version Control Data

Title:	Records Management Policy
Author:	Janice Carter, Information Officer
Approver:	Information Governance Steering Group
Version Number:	Version 7
Date of Approval:	July 2019
Summary of last modification:	Update to reflect data protection changes
Modified by:	Janice Carter
Next review date:	July 2020

Appendix 1 Non-Case Related Retention Periods

Document	Period of Retention
Agreements and related correspondence	
<ul style="list-style-type: none"> • Contracts with Suppliers, including all tender documentation • Licensing Agreements • Rental Agreements 	<p>6 years after expiry or termination of contract</p> <p>6 years after expiry or termination of contract</p> <p>6 years after expiry or termination of contract</p>
Property	
<ul style="list-style-type: none"> • Leases 	15 years after expiry or termination of Lease agreement
Accounts and Finance	
<ul style="list-style-type: none"> • Accounts and supporting documentation • Payroll and PAYE records • Inventory – invoices and delivery notes • PIRC Vehicles • Monthly Mileage Returns • Time Logs • Toil and Overtime 	<p>6 years following financial year</p>
Employee Records/HR	
<ul style="list-style-type: none"> • Advertising • Applications for jobs where the candidate was unsuccessful • Successful applicant • Staff personal records • Disciplinary Records • Grievance Records • Payroll records and expenses • Sickness Records • Accident Book • Pension records • Personal Development Plans • Appraisals • Learning Log • Training Presentations 	<p>2 years after filling vacancy</p> <p>2 years after filling vacancy – unless a reserve list is maintained</p> <p>Transfer to staff records file</p> <p>6 years after employment ceases</p> <p>As Policy</p> <p>As Policy</p> <p>6 years following year end</p> <p>6 years after tax year</p> <p>40 years from the date of each entry</p> <p>72 years or 5 years from last action</p> <p>6 years after employment ceases</p>

<ul style="list-style-type: none"> • Trainee Portfolios • Staff Induction Programme • LEOBAB Documents • Certificates of Designation • Job Descriptions 	<p>6 years after employment ceases</p>
Health & Safety	
<ul style="list-style-type: none"> • Risk assessment • Accident book 	<p>6 years following review</p> <p>6 years after book completed</p>
Insurance	
<ul style="list-style-type: none"> • Policies • Claims correspondence • Employer's liability certificate • Fleet Insurance Policy 	<p>6 years after termination</p> <p>6 years after settlement</p> <p>40 years</p> <p>6 years after termination</p>
Communications	
<ul style="list-style-type: none"> • Annual Reports • Business Plans • Annual Accounts • Media Releases • Strategic Plans • Contacts List 	<p>Indefinitely</p> <p>Indefinitely</p> <p>Indefinitely</p> <p>Indefinitely</p> <p>Indefinitely</p> <p>Indefinitely (updated with use)</p>
General	
<ul style="list-style-type: none"> • DPA Subject Access Requests • FOISA requests • Complaints about PIRC • Policy documents • CCTV Images • Correspondence from the Public • Security Pass Requirements 	<p>As for case related material</p> <p>As for case related material</p> <p>As for case related material</p> <p>3 years</p> <p>Retained for 1 month</p> <p>As for case related material</p> <p>As for case related material</p>
Management	
<ul style="list-style-type: none"> • Capability and Capacity Documents • Sponsor Team Meetings • Audit and Accountability Team Meetings • Legal Advice 	<p>6 years following financial year</p> <p>Indefinitely</p> <p>Indefinitely</p> <p>3 years</p>

Appendix 2 Reviews Documentation

Document	Period of Retention
Reviews Case Related Materials	
<p>Cases Proceeding to CHR</p> <ul style="list-style-type: none"> • Paper Files • Electronic Files <p>Stakeholder Engagement</p> <p>Policy Body Audits Decision Letters Discretionary Letters CHR Report</p> <p>Advice and Guidance</p> <p>Policing Body SOPs</p>	<p>12 months from date case is closed, and no less than 6 months of last action, contact or correspondence</p> <p>3 years after date case is closed</p> <p>Indefinitely Indefinitely Indefinitely Indefinitely</p> <p>Indefinitely</p>

Appendix 3 Investigations Documentation

Document	Period of Retention
Investigation Records	
<ul style="list-style-type: none"> • Actions • Briefing Notes • Correspondence • Data Protection Enquiries • Disclosure • E-Mails • House to House Enquiries • Media • Other Documents • Schedule 8 Certificates • SFIU Documents • Statements • Surveillance Applications • Telecomms Enquiries • PIRC Notebooks 	Retained as specified at section 4 Policy Statement <i>Retention Periods - Investigations</i>
Investigation Referrals Logs	
<ul style="list-style-type: none"> • Firearms Referrals and Incident Log • Serious Incidents Referrals and Log • SPA Referrals 	All documents linked to electronic logs retained as specified at section 4 Policy Statement <i>Retention Periods - Investigations</i> All management information will be retained indefinitely
Stakeholder Engagement	
<ul style="list-style-type: none"> • MOUs • Public Facing Reports • Final Reports 	Until superseded Reports on our website will be removed after five years from publication. Individual reports will remain on our website where the PIRC considers it is in the public interest to do so.
Advice and Guidance	
<ul style="list-style-type: none"> • PIRC Standard Operating Procedures • ACPO / ACPOS Guidance Documents • NPIA Guidance Documents • RIPSAs Guidance • COPFS Guidance 	Until Superseded

Appendix 4 Investigations Archiving Aide Memoire

All investigation electronic and paper files will be archived and retained in accordance with the instructions given at section 4 of this policy document.

The trigger point for archiving will be the conclusion of the operation and final report either being submitted to the relevant policing body or COPFS .

- On the conclusion of an operation the Lead Investigator will ensure that paper files are weeded and filed in an archiving box labelled with the operation name and ref number label and a disposal due date label. An orange Document Archive Form should be completed and placed in the box. The archiving box will be placed in the archive store.
- G drive electronic operation files should be reviewed and weeded, information that is held elsewhere (i.e in hard copy or on CLUE 2 & 3 systems) and therefore duplicated should be deleted from the G drive files.
- The Investigations Record Management Log V2 which is found at: *G:\pcc\2 - Corporate Services\1 - Admin\3 - Records Management* – should be updated with the relevant information.
- The Investigations Record Management log will be monitored by admin staff and 14 days prior to the due disposal date admin staff will alert the Lead Investigator for the operation that the paper and electronic files are due for disposal. If there is a reason for further retention as per this policy then the Investigations Record Management Log should be updated.
- The Lead investigator or designated investigator will write to Police Scotland/ appropriate policing body /SPA informing them of the intention to dispose of files and giving them the opportunity to request that files are retained. On receipt of such request the Head of Investigations will give instructions regarding further retention of files.
- On being informed that files are due for disposal the Investigator in charge of an operation will at this time review all productions/ articles lodged and arrange for their disposal / return to owner/policing body/SPA in accordance with the PIRC Productions/Articles SOP. The production/article register should be updated on disposal/return.
- ** Investigators should ensure that all original documents seized/removed from Police Scotland/policing body/SPA are returned to the relevant organisation as they may have to be retained by them for a further period in accordance with the organisations own record management policy**
- On confirmation that files can be disposed of the Lead investigator or designated investigator will delete G drive electronic files, request a Clue administrator to delete Clue files and securely dispose of paper files.
- On disposal admin staff will update the Investigations Record Management Log.