



FREEDOM OF INFORMATION AND DATA PROTECTION – RECORD MANAGEMENT POLICY

The status of e-mails

East Meon Parish Council recognise that E-mails are regarded as written documents for the purposes of production, use, retention and disclosure. They are not to be treated as different from paper documents. All emails between Councillors on matters relating to Parish Council issues should be copied into the Proper Officer or archive facility and therefore form part of the public record.

Production and use: Guidelines for Councillors agreed as follows:

Members and officers should:

Use personal and professional courtesy and considerations in e-mail. Always use appropriate language, remembering that misunderstandings frequently arise through the use of e-mail which offends others without intending to.

Comply, not only with any specific policies on e-mail or any Member/Officer protocol or any local instructions about external or internal communications, but also with the rules of common courtesy and the law when using e-mail. (If offended by the content or tone of an incoming message get a second opinion to check out its interpretation and make sure the response is objective.)

Always respect the privacy of others, remembering that e-mail can be just as intrusive as unsolicited 'phone calls or letters.

Respect the confidentiality of information encountered inadvertently in e-mail or other records.

Check with the sender if there is any doubt about the authenticity of a message.

Only copy correspondence between an individual Member and an officer to other Members when appropriate and necessary.

Make explicit where correspondence has been copied to others.

Ensure that e-mails which create obligations or give instructions on behalf of the Council are never sent out under the name of a Member.

Be aware of the Code of Members' Conduct especially with regard to treating others with respect.

Members and officers should not:

Send unnecessary e-mails, remembering someone else will have to read and respond.

Include anything in an e-mail that would not be put in a letter.

Use code or jargon which might be misunderstood or unknown to the receiver.

Use e-mail which breaches codes of common courtesy or decency (such as harassment, copyright violations, unsolicited e-mails or other material).

Seek out, use, or disclose personal or confidential information unless specifically authorised to do so.

Knowingly restrict or interfere with others' access to and use of email.

Send "Junk e-mail" or chain messages.

Use e-mail to give the impression that the sender represents the Council (unless authorised to do so).

Record Keeping and Document Management

The following principles agreed relate to the creation, retention, identification, and retrieval of records and apply equally to both electronic and paper records. East Meon Parish Council recognises that there is a need to manage business records in electronic form, and detail and monitor procedures for e-mail, documents and other information held on shared and personal hard drives.

East Meon Parish Council will engage the services of a bespoke IT company to ensure that all information stored on the Parish Council laptop is backed and stored appropriately. This policy will be reviewed bi-annually to ensure that appropriate measures are in place.

Information located in desktop recycle bins is clearly subject to the FOIA as this continues to be held and is easily accessible. Once deleted from the recycle bin the information will also continue to be held unless the electronic record is completely erased from the computer system.

Information in a deleted file or in a back-up, whether a server, disc or tape, may be regarded as being held by a public authority for the purposes of the FOIA depending on the particular circumstances of the individual case.

If the information is contained within a record that is, as a result of retention and destruction policies, due to be destroyed within 20 days of receiving a Freedom of Information request, a Council does not have to release the information. However, as a matter of good practice, the Parish Council may consider delaying destruction until the Council has disclosed the information or, if not disclosed, until the complaint and appeal provisions of the FOIA are exhausted.

If a Council cannot delay the destruction, under the duty to offer advice and assistance the Council will identify whether another authority holds the information and inform the applicant of this or offer to provide similar or related information if this is appropriate.

All recorded information held by a public authority is subject to the FOIA. No distinction is made between information held by an authority in its main office, in other locations, or on its behalf by an off-site storage firm. This means that the procedures and policies on location and retrieval of information will apply in the same way. Similar procedures should also be in place between the authority and its information systems provider for information kept electronically that is not easily accessible directly by staff of the authority.

Retention

E-mails like other documents and files to which they might be attached are retained in accordance with the East Meon Parish Council documents and records retention policy. (See below) Any paper documents that require disposal will be sent to BOXIT to be disposed of appropriately. Documents in Archive are housed at a purpose built storage facility at Whitewool Farm, East Meon. Legal documents are held in the strong room at MacDonald Oats, Petersfield. The length of time documents are retainable is governed by the time during which legal proceedings may be brought, statutory requirements or sound management. Most legal proceedings are governed by 'the

Limitation Acts'. The Acts (notably the Limitation Act 1980) state that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question. The table below sets out the limitation periods for the different categories of claim. The reference to 'category' in the table refers to claims brought in respect of that category.

Category	Limitation Period
Negligence (and other 'Torts')	6 years
Defamation	1 year
Contract	6 years (12 years if under seal)
Leases	Throughout the terms plus 12 years
Sums recoverable by statute	6 years
Personal Injury	3 years
To Recover Land	12 years
Rent	6 years
Breach of Trust	None

East Meon Parish Council have agreed the following criteria in relation to the retention of documents for certain periods as follows:

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Minute Books	Indefinite	Historical Interest
Scales of Fees and Charges	5 Years	Management
Receipt and payment account(s)	6 Years	Limitation
Bank statements	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Quotations and tenders	12 years/indefinite	Limitation
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation
VAT records	6 years	VAT
Petty cash, postage and telephone books	6 years	Tax, VAT,
Wages books	12 years	Pensions
Insurance policies	While valid	Management
Certificates for Ins :		
liability for employees	40 years	Employers' Liability (CI) 1998
Investments	Indefinite	Audit/ Management
Title deeds, leases,	Indefinite	Audit/ Management
Agreements, contracts	Indefinite	Audit/ Management
For Recreation Grounds		
Accounts	As above	
For Allotments		
Register and plans	10 years	Audit, Management

The retention of personal information is subject to the Data Protection Act 1998's data protection principles.

The retention of certain non personal data may be regulated by the Council's Publication Scheme under the Freedom of Information Act 2000.

The Retention Policy must also include the criteria for and the arrangements for the disposal of documents e.g. by destruction or transfer to an archive. The nature of disposal will depend on the sensitivity of the material.

Disclosure

Documents generally and e-mails in particular are publicly disclosable under and in accordance with the Freedom of Information Act 2000 (and the Council's Publication Scheme), the Data Protection Act 1998, Environmental Information Regulations 2004/3391 and access to information. Information held (and this includes e-mails) should always be regarded as disclosable unless there are sound legal reasons in the statutory framework which justify their withholding, e.g. that it is properly exempt under the Freedom of Information Act 2000, or it is personal data not disclosable other than to a data subject under the Data Protection Act 1998 or it is subject to an obligation of confidentiality.

So far as access to information is concerned, a Council's policy on sharing or giving information to Members should be as open as possible.

Members may request the Proper Officer to provide them with such information, explanation and advice about the Council's functions as they may reasonably need to assist them in discharging their role as Members. This may range from a request for general information about some aspect of a service's activities to a request for specific information on behalf of a parishioner.

Where such information is requested on behalf of a third party, it shall only be requested if it is capable of being in the public domain: i.e. it is not confidential, data protected or subject to exemptions from disclosure under the Local Government Act 1972 Part 5A (access to information) and equivalent legislation, the Freedom of Information Act 2000 or the Environmental Information Regulations 2004.

Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council.