

Analysis of responses to consultation on revision of the code of practice issued under section 46 of the FOI act

Topic	Para No	Comment
General comments		Overall, we are content with the Code of Practice as currently drafted
General comment		S46 needs a regular review process to ensure it is kept up to date
General comment		Needs a more rigorous basis for the Information Commissioner for issuing practice recommendations on the basis of the Code of Practice.
General comment		For Local Government the Code of Practice needs to be mandated against CPA.
General comment		Ultimately the Code of Practice needs to be made mandatory and there needs to be a rigorous assessment process to ensure that public bodies are working towards compliance. Without a mandate or appearance in one of the monitoring frameworks which currently exists (for example CPA), then the implementation of the Code of Practice is unlikely to make the transition from existing on local authorities 'wish lists' to existing on their list of priorities. Even practice recommendations would not be sufficiently punitive for many authorities to act with sufficient rigour with regards to the implementation of the Code of Practice. Authorities have much to gain from effectively implementing the Code, but many will simply not do so unless it becomes a mandatory requirement or improves the CPA rating/BVPI returns, etc.
General comment		Cover risk management angle – consider down side risk such as business continuation and also upside risk which is what managers understand, like the risk of keeping staff that may result in contingent liabilities that auditors are increasingly concerned about, and, perhaps more importantly, the risk of not having staff that is needed. The Orange Book Management of Risk - Principles and Concepts produced by HMT and on the web is a very good point of departure and your advice should dovetail with these principles.
General comment		Ideally, revisions to the code need to be expressed in a way that does not become outdated as new or revised legislation is introduced
General comment		Consistency in records management standards is very difficult to achieve in large and diverse organisations such as local authorities. Functional file plans and business classification schemes require expertise and resources. It would be helpful if the Code could highlight these issues.

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Topic	Para No	Comment
General comment		Ensure revised code accords with work of Knowledge Council
General comment		Integrate all formats into one code
General comment		I welcome the recognition of the importance of good records management for freedom of information compliance represented by this Code of Practice. I consider that its existence has served to raise the profile of records management in organisations throughout the UK, highlighting the contribution that good records practice can make, not just for legislative compliance, but also for business efficiency and effectiveness.
General comment		We welcome the recognition of the importance of good records management for freedom of information compliance represented by this Code of Practice. We consider that its existence has served to raise the profile of records management in organisations throughout the UK, highlighting the contribution that good records practice can make, not just for legislative compliance, but also for business efficiency and effectiveness.
General comment – importance of RM		Authorities would be more likely to comply with the Code if other benefits of compliance were more evident. It would therefore be worth highlighting other benefits of records management. These would include improved customer service, information sharing, improved accountability and corporate governance and improved performance through better management of space, unlocking content for staff and customers and reducing time taken by staff to locate information.
General comment – importance of RM		It should be emphasised that Records management is an essential component of an authority's information management strategy and that the records management policy should link in with other related policies (such as information security) and strategies.
General comment – importance of RM		The code might benefit from clearer statements about the importance of records management as essential to information governance. This would be helpful in circumstances where there is general acceptance of records as a corporate asset, but less awareness of why compliance is important, except where there are specific regulations and audit regimes already in place. Reference to the availability of toolkits such as the local Government Information Governance toolkit
General comment – importance of RM		Include something linking RM more explicitly to the business needs of the organisation

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Scope of code		Could I ask for consideration to be given for equal weight to all types of information - paper, film, electronic, hard (rock samples, items used in evidence, samples etc as these are also "information" that needs to be retained and considered under business continuity)
Scope of code		Could it be combined with the Defra code relating to EIR, as was suggested when that code was out for consultation. It would be easier to work from one (or two if you consider the function code as well), but I realise this could be out of the current scope. If so at least more reference to the EIR code, perhaps with cross references and links for the web enabled version.
Scope of code		Development of an idiots guide to understand s46 and where it fits with BS 15489. Also, needs to tie in more with BS 15489
Scope of code		Is this a COP covering what records management is required in order to be fit for purpose for FOI compliance, or a general guide to what could be considered good RM practice? Obviously there is considerable overlap between these two objectives but they are not necessarily one and the same and may well necessitate differing emphasis, terminology and most importantly motive and fitness for purpose.
Scope of code		Cross reference the various parts of the Code to the TNA's Section 46 Compliance scripts (if scripts are still the way compliance is to be monitored) and vice versa. This will make it very clear which bit of the Code is being monitored for compliance in a given script.
Scope of code		It would also be helpful if the Code could include some requirements for the review and transfer of records that are not public records
Scope of code		Put records management in the context of information management – 'records management and the information systems that support good records management'
Records or Information?		Overall I have concluded that with the introduction of FOI and the concept of the release of information, and not documents/records, and seamless flow means that the current C.o.P. falls short of its wish 'to provide guidance to all public authorities With discharge of their functions under the Freedom of Information Act 2000.'
Records or information?		Initial impressions are that 'The Code of Practice' needs to be updated overall to reflect the change in culture of referring to specific records and documents, to the more encompassing term 'information management'.

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		There needs to be a conscious effort to remove the division between electronic and paper records particularly with reference to their seamless flow transfer - often they are two parts of the same story and need to remain together. The same principles and practices need to be applied to documents and records whether paper or electronic.
Records or information?		Can the code be renamed? The Act is Freedom of Information, yet the code refers to records. Could the word information be used instead as when does a record not contain information?
Records or information?		Focus on information management not records management to align with Knowledge Council focus. Put RM in an IM context – make it clear the principles apply to information as well as records
Records or information?		The driver for S46 is the FOIA. However not all recorded information is necessarily held within a records management system. It would be more helpful to describe S46 as applying to information management with records management as a component part of that function. An IM approach rather than an RM approach would encompass information in all its varied forms and reduce the specific type references needed
Records or information?		I have long been concerned at the dichotomy that exists between a freedom of <i>information</i> act and the current stress on <i>records</i> management as part of the necessary pre-requisites for compliance. The difference in terms of coverage between the two terms is obvious and it seems rather nonsensical to focus solely on the small subset of information we define as 'records' and assuming the rest of the information being created by an organisation falls completely out of our scope – given that it is very much in the scope of the act. If this point of view is accepted (and it is hard to see how it couldn't be) it will need to be reflected throughout the whole document, both in terms of terminology and also in terms of specific recommendations.
Records or information?	10	I note your comment about electronic records being inadequately covered. However if the C.o.P. deals with the management of information then there would be no need to distinguish electronic (digital) from paper or any other medium. Advice on the detailed management of such records could remain with TNA's standards and guidance
Status of code		(Covering email) Within the Police Service, records management has been given a more direct focus following a number of high-profile

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		<p>cases involving the mis-management of information. The most significant of these is the Bichard enquiry and the consequent Codes of Practice on the Management of Police Information (MoPI).</p> <p>Having spoken with a number of colleagues across the country the general view is held that the MoPI guidance, which dictates records management practices, is seen as the authoritative document for the Police Service in relation to records management. Section 46(4) makes provision for this and is where I believe our members will seek to operate.</p> <p>The concern, raised by a number of members, was the potential of 'mis-alignment' between the MoPI guidance and the s46 Code of Practice. As you can appreciate, it is important for the Police Service to be consistent in its approach to records management and I expect that we will be seeking a firm directive in support of the Code of Practice that the Police Service UK will be following.</p> <p>(Attached comments) Within the Act section 46(4) provides the following "the code may make different provisions for different relevant authorities", therefore from the outset one major consideration is whether we would be asking for a modified version relevant to the police service as a different authority or otherwise.</p>
Status of code		Also don't know whether or not S46 is now under the shadow of MOPI. I am certainly doing RM under MOPI rather than S46 as far as my force is concerned
Structure of code		Should be two parts the Code of Practice. The first part to include bullet points (quick check-list) stating explicitly what needs to be achieved and the second part to be a more detailed explanation
Structure of code		Needs an Executive Summary at the beginning explaining the aims and objectives of s46
Structure of code		<p>Should the Code be in two parts? If so, given that the focus going forward for most organisations will be on electronic issues, the Code should perhaps reflect this in 2 parts, one for paper and one for electronic. It will depend on how detailed the Code is after revision. Obviously as well as a lot of commonalities, there area lot of differences in the handling review and appraisal for example.</p> <p>If the Code is not divided as above into 2 parts, with full supporting text etc, it should then be one composite part and follow the functional approach, both paper/electronic needs to be</p>

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		completely integrated and no distinction made between the 2 types.
Structure of code		Overall the current structure of the Code of practice is sufficient although the document would be more readable if bullet points (as in the Code of Practice issued in Scotland) rather than dense paragraphs were used more often
Structure of code		<p>It would be very helpful if the Code could be made more concise to make it easier to use, for example, by replacing some of the Code with a checklist of desired outcomes or by adopting the approach of separating and clearly labelling the requirement and its explanation. To assist with the adoption of such an approach, I recommend that the core requirements of any records management code of practice be the following:</p> <ol style="list-style-type: none"> 1. The Code should apply to records in all formats. 2. Organisations must have arrangements in place to capture its records. 3. Organisations must also capture the contextual metadata needed to interpret information. 4. Records must be accessible and retrievable by more than one person regardless of their format. 5. Organisations must know what information they have and be able to find it. 6. Organisations must know for how long they need to keep their information. 7. Organisations must dispose appropriately of information when it is no longer needed, including making arrangements for records of archival value. 8. Organisations should be able to demonstrate the authenticity and reliability of information. 9. Organisations must be able to read information, particularly electronic information, for as long as it is needed. 10. Organisations should make appropriate organisational, staffing and development arrangements to enable them to implement the Code.
Structure of code		<p>We would find it very helpful if the Code could be made more concise to make it easier to use, for example, by replacing some of the Code with a checklist of desired outcomes or by adopting the approach of separating and clearly labelling the requirement and its explanation. To assist with the adoption of such an approach, we would recommend that the core requirements of any records management code of practice be the following:</p>

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Topic	Para No	Comment
		<p>1 Organisations should make appropriate organisational, staffing and development arrangements to enable them to implement the Code.</p> <p>2 The Code should apply to records in all formats.</p> <p>3 Organisations must have arrangements in place to capture its records.</p> <p>4 Organisations must also capture the contextual metadata needed to interpret information.</p> <p>5 Records must be accessible and retrievable by more than one person regardless of their format.</p> <p>6 Organisations must know what information they have and be able to find it.</p> <p>7 Organisations must know for how long they need to keep their information.</p> <p>8 Organisations must dispose appropriately of information when it is no longer needed, including making arrangements for records of archival value.</p> <p>9 Organisations should be able to demonstrate the authenticity and reliability of information.</p> <p>10 Organisations must be able to read information, particularly electronic information, for as long as it is needed.</p>
Level of detail		The existing Code of Practice contains a certain amount of what I would term 'process' which is covered by TNA publications.
Level of detail		The Code should concentrate on high level outcomes and standards in order to be as relevant as possible to all authorities and should avoid operational instructions (such as the guidance about closing files after 5 years).
Level of detail		The current level of detail about processes makes clear both levels of responsibility and expectations for compliance. At present, this is necessary to ensure everyone involved achieves acceptable standards. If streamlining the code results in less detail, there is a risk of reducing emphasis on what actually needs to be done. The present Code is useful in an environment where the Authority is still working towards a robust and sustainable system of managing its records, both current and legacy, hard copy and electronic.
Level of detail		The current process level of detail provides a clear catalogue of responsibility and expectations to be achieved. I think we need to be realistic and bear in mind the apparent current level of compliance within the service. To change the level of detail in favour of "streamlining the code in order to clarify and simplify its provisions by strengthening the focus on principles and outcomes and reducing process-level detail" seems to be ill conceived if

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		<p>there is to be a reliance on all authorities achieving an acceptable standard which will be subject to eventual compliance</p> <p>The difficulty may be that few police authorities have a robust and clear system of managing current records - by example, the difficulty which will be encountered during the introduction of MoPI within the service. Within this context imposition of a definitive code of practice regarding what is basically EDRMS development without the pre-definition of the impact on development of current record management could become an expensive conversion feature.</p> <p>Before EDRMS can become effective within an organisation there is a clear need for establishing the basic record keeping principles of cataloguing within functional taxonomy, file plan and meta-data, this is then available for uploading its structure onto an EDRMS. It provides the organisational business structure and decision making base for decision making regarding classification, record conversion, linking, resource planning, business processes and appropriate retention/disposal options.</p> <p>Although there is no reason why the Force could not catalogue the matters itself in order to achieve compliance by using the detail as a project template, the removal of the detail from the Code of Practice allows diverse interpretation of standards which inevitably, within the service, leads to disparity of functions, systems, taxonomies etc. At this time of development this might not be an appropriate "best option" for the service as a whole or its constituent forces.</p> <p>Doubtless in the upcoming years we will be presented with some Information Governance Toolkits similar to those currently being "imposed" upon the NHS and Local Authorities. The difficulties being faced currently highlight the need for some legal clarification of strategic level difficulties</p>
Level of detail		<p>Active records management should be reflected in the Seamless Flow guidance such that there is a direct correlation between the two. It would be logical to separate the principle of information management to be contained within the Section 46 Code of Practice and the process with the Seamless Flow guidance and other associated documents such as the BSI document Principles for good practice for Information Management (PD0010).</p>

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Level of detail		The code needs to be streamlined to clarify what needs to be achieved through implementing records management. Process level detail needs to be reduced
Level of detail		(covering letter) Professional experience of working with the Code suggests that it would benefit from streamlining so that it focuses more on suggested outcomes and less on detailed specifications of how to achieve these. If this streamlining can be delivered, we are confident that the Code will continue to play an important role in the public sector and the records management profession
Level of detail		(comments) The support that the Code gives for the key tools and techniques of the profession is invaluable, yet it is sometimes overly-prescriptive, specifying how things should be done in some detail, rather than specifying the required outcome and leaving it to organisations to determine how they will achieve this. The recommended options are often based on a highly centralised model of records management that is not suitable for all organisations. We would support the proposed suggested outcomes approach.
Level of detail		The support that the Code gives for the key tools and techniques of the profession is invaluable, yet it is sometimes overly-prescriptive, specifying how things should be done in some detail, rather than specifying the required outcome and leaving it to organisations to determine how they will achieve this. The recommended options are often based on a highly centralised model of records management that is not suitable for all organisations.
Glossary / language		A glossary would be useful to explain what is meant by information/ record as many of us have our own definitions and it can be difficult explaining to staff.
Glossary / language		S46 is long winded in places and can be difficult to understand for those with no working knowledge of records management. Language needs to be more user friendly so that non-records management professionals can understand what they need to do to comply with the code
Glossary / language		Use "records management" rather than "records keeping" throughout the Code - the latter is too old fashioned within the UK context and significantly limits the scope of work involved, whereas records management is all encompassing. Also, Public Record Office needs to be amended to TNA throughout doc

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Glossary / language		Drop term 'record keeping' at 8 and elsewhere.
Glossary / language		Need to explain terms physical record, as not just paper files, and logical records, which could be used for digital records. Also explain difference between structured and unstructured electronic information.
Glossary / language		A number of the terms within the document may be considered technical or non-explanatory for non records management practitioners therefore the Code would benefit from the inclusion of a terms and definitions section
Glossary / language		Definition of terms, previously mentioned would help to make a distinction between terms such as referencing, titling and indexing
Glossary / language		Might need to explain terms such as taxonomy if we find we have to use them
Glossary / language		Use ISO BS 15489 definition of 'record'.
Glossary / language		Care should be taken with the terms document, information, record (and maybe others). FOI is not limited to 'records' in the formal sense, I would recommend using 'information' wherever possible
Glossary / language	7.2	The BSI prefers the term 'records management' and not 'record keeping'
Foreword		A statement to the effect that the purpose of the Code is to improve access to information by ensuring a strong and sustainable evidence base might also be helpful.
Foreword	i	Distinguish between Foreword and Introduction and do not duplicate content.
Foreword	ii	Add something about diverse audience, acknowledge existence of other codes but make the point that this is aimed primarily at conformance with FOI
Foreword	iii	Refer to sector specific codes (eg MOPI) in the foreword where the purpose of the s 46 code is explained and provide details in the Annex. Could even identify some similarities and dissimilarities but not to the extent of appear to condone practice inconsistent with the s 46 code
Foreword	iv	Para 4 of the forward refers Memoranda of Understanding relating to consultation requirements of s 66 FOIA, which refers to closed records transferred to TNA. Do you know what these MOUs are pl?
Foreword	v	delete 'will promote' and replace with 'promotes'
Foreword	v	Refer to information management assessments – part of the landscape for public record bodies

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Topic	Para No	Comment
		at least
Foreword	v-ix, xiii-xvi	Paras v-ix and xiii-xvi of the foreword overlap with each other. Could they be merged?
Foreword	v-ix, xiii-xvi	Paras v-ix and xiii-xvi of the foreword overlap with each other. Could they be merged?
Foreword	x	Query the continued requirement to retain "Main features of the FOIA..." given that that the access provisions were issued in 2005. If retained suggest they be included as an annex to the COP.
Foreword	x.1	insert 'and transferred' between 'historical' and 'records'.
Foreword	x.3c	remove comma between 'charge' and 'or on'
Foreword	x.4	delete the references to 'new'
Foreword	x-xii	Could paras x-xii of the foreword be omitted? They do not seem entirely relevant, and it would help make the Code more concise.
Foreword	x-xii	Could paras x-xii of the foreword be omitted? They do not seem entirely relevant, and it would help make the Code more concise.
Foreword	xi	Omit text that does not relate to the code
Foreword	Xi, xii, xiii	Under the training section (xi) while all written communications fall under FOIA, it would be useful to have reference to SAR and EIR. (xii) Obviously the date of the EIRs needs to be updated (xiii) Authorities subject to Public Records Act while local government is not, would a list of legislation be useful, or a link/reference to where this can be found?
Foreword	xii	This should refer to the Environmental Information Regulations 2004
Foreword	xiii-xvii	there seems to be a lot of repetition here with proceeding comments in the foreword
Foreword	xiii	delete 'existing' from line 2.
Foreword	xv	Refer to TNA's support and advice to ICO – helping him to promote conformance to the code
Foreword	xvi	the legalese 'shall,' should be replaced with 'will'. This occurs in several places in the Code
Foreword	xviii	Refer to role of Clearing House
Foreword	xviii	remove 'hereafter' and remove the brackets – legalese
General comment on Part 1	Part 1	ISO15489 has gained much wider recognition since the issue of the original Code of Practice. The Code should directly reference and follow

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Topic	Para No	Comment
		ISO15489 in its outline of recommendations to provide a consistent framework of standards for authorities to follow.
General comment on Part 1	Part 1	Providing the key characteristics of a record (authenticity, reliability, integrity and usability) and record management principles as defined by ISO15489 would help define desired outcomes of a records management programme.
Regulatory environment		It would be useful to put FOI within the context of a broader information legislation environment including EIR, DPA. Also highlight that there are other legislative requirements on authorities to manage their records and they should be aware of the regulatory environment in which their authority operates.
Regulatory environment		Perhaps there needs to be mention of compliance with RM legislation and standards relevant to the public body in question (which would then cover things like MoPI and SMART for the police and IPSV for local gov't etc).
Partnership working / data sharing		It would be helpful if the Code recognised the growth in partnership working between and across public and private sector bodies and the implications this has for records management. These are many and various and we will comment on this further at a later date.
Partnership working / data sharing		Data sharing protocols are helpful with established groups/partners, but many community-based partners may have fluid or changing membership. It would be helpful if the Code recognised this as a potential issue with regard to records management compliance.
Partnership working / data sharing	8.4	<p>Re partnerships and data sharing:</p> <p>a. Other Forces and Other Authorities - there is little difficulty as the sharing agreement outlines the reasons for sharing and on receipt the "receiving authority" takes on responsibility of "data owner" in their own right.</p> <p>b. Non Authority partners - Similarly when they receive information they as an entity become responsibility for dealing with it appropriately. We have no right, once shared, to dictate how and what they do with the shared information.</p> <p>c. Ad Hoc Local Group partners - Local groups tend to have transient membership and it is difficult to monitor the actions of poorly structured partnership groups and what use they have made of shared</p>

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		<p>information. All too often misuse comes back on Forces regarding inappropriate disclosure issues. This should include audit trail of possession in particular for ad hoc groups and the "handing back" of information to the ad hoc group when a member leaves.</p> <p>For the purpose of 2 (b) and (c) could there be consideration of including something within the Code of Practice under Section 46 to emphasise the compliance with properly structured and constructed sharing protocols which provides a continuance of responsibility for DP, FOI and disclosure issues on anyone having access to shared information. This would at least offer some protection from inappropriate disclosure. There appears to be no governance of what is included or omitted from these protocols, yet they actually provide a basis for sharing, surely there should be something within the Code of Practice a structure which insists on all parties identifying the appropriate responsibilities transferred by the physical sharing of the information.</p>
Introduction	2	Expand upon importance of records management for reasons other than FOI here, taking bullet points from 8.2 plus additional reasons for good RM
Introduction	2	Clarify scope here, including records/information.
Introduction	2	The appropriateness of the reference to 'records in all formats' goes back to my first general point about scope
Introduction	2	How can 'records' be defined when technology is changing so much and the public are participating in records creations, eg through WIKIs
Functional responsibility	5	Change title 'Functional responsibility' to make the corporate function aspect clearer
Functional responsibility	5.1	Add some information which is missing about local expertise under roles/responsibilities – about the requirement to have access to nominated staff working on information management in business areas as an allocated resource instead of an add-on to staff roles. In larger organisations this would usually be the role of a Local Information Manager but this could be scaled down for smaller organisations.
Functional responsibility	5.1	Part of functional responsibility is getting the culture right. The risks of not getting RM right must be recognised. Specialists need to be part of the culture too – statisticians, scientists etc. Records are held in various parts of an

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		organisation in various information systems, eg databases, workflow systems
Functional responsibility	5.1	RM functions should have input into any initiatives which lead to records being created or information systems being set up. RM needs to be recognised as a strategic function and there should be strategic level recognition that the records management implications of new initiatives or systems must be considered
Functional responsibility	5.1, 7	The points made under these items are closely related and could perhaps follow on from each other.
Functional responsibility	5.1, 7.3	RM should be recognised as a <u>core</u> corporate function, connected to other corporate functions such as IT. Training should be seen as a corporate obligations.
Policy	6	Allied to the above is the question of the value of a RM policy alone. Such policies often tend to reinforce the assumption that records are important, whereas information is not. They are also often founded on the underlying assumption that all records must be hoovered up into a central records management 'system' and dealt with there, which is a model that is becoming less and less feasible given the devolved and voluminous nature of record/information creation in modern organisations. It may be better to focus instead on the notion of 'Information Strategies'. This would specify the management standards and requirements for FOI compliance regardless of where the information is created or stored within the organisation. It would also encourage a broader view of internal and external drivers and would be in tune with other system, process or technical innovations at play in a way that a policy seldom is. Integrating FOI-standard compliance into the organisations information strategy is likely to achieve far more in practice than a policy statement ever will
Policy	6.1	Having a policy on how records and other information are managed is important but perhaps focus on that rather than a having discrete policy statement so as to allow for the policy to be contained within a broader information management policy.
Policy	6.1	I believe the last sentence should simply be how it manages all its records, both paper and electronic (including email)
Policy	6.1	A policy is a mandate but one issue is how much detail it should contain. Should it make explicit provision for aspects identified in the assessment methodologies?

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Policy	6.1	Make it clear that the policy applies to records in all formats – ‘records in any form, eg physical or logical’. Perhaps tease out ‘logical’, or explain in the glossary?
Policy	6.1	It shouldn't be necessary to specify electronic records, policy should cover “Information” generally
Policy	6.1	Suggest the policy statement should refer to how the authority manages its records in <u>all formats</u> .
Policy	6.2	The policy is a top-level statement serving as a mandate for supporting documents. It needs top-level engagement so must not be too long or detailed. A strategy can contain details of how the policy will be translated into action.
Policy	6.2	I feel there should be something more here, but not quite sure what. Possibly an acknowledgement that RM and IM functions often rest with the same person
Policy	6.2	Should the policy mention something about the need to keep information technology current? There should be a policy to ensure obsolescence does not occur
Policy	6.2	A specific link to the organisations Information Security Policy would be good
Policy	6.2	Add a reference to connecting to related policies, eg information security
Policy	6.3	Keep the idea of a regular review but without specifying the interval, giving 3 years as an example of a suitable interval. Also recommend a review whenever there is a major change to the organisation. Is the word ‘review’ associated with a major project? If so, would another word be preferable to convey that this is not necessarily a big deal?
Policy	6.3	Rather than specifying that the policy be regularly reviewed, and even stating the timescales within which this should be done, could the Code simply require that the policy be kept up-to-date? The specified time scales may not be appropriate for all organisations.
Policy	6.3	Can the timescales within which the policy should be reviewed be left for organisations to specify in line with their policies in other areas? The specified time scales may not be appropriate for all organisations.
Policy	6.3	Review the policy every 3 years or earlier if a trigger such as a major change to the organisation makes it necessary. The review need not be a major exercise – it is just a matter of reading it to see whether it still applies

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Human resources	7	The bolstering of Human Resources to provide a competency in records management is a worthwhile objective, but it is expressed in conditional terms. I suspect that even with the current C.o.P the situation has not moved forward to any great extent. With many demands on departmental resources records management does not appear on radar of many departments and is still viewed as a subversive part of the organisation designed to frustrate progress. The staffing and training requirements need to be a demand not a wish.
Human resources	7	Change title – ‘Human Resources’ is associated with a department of this name and the intention is to cover staff resources.
Human resources	7.1	Perhaps clarify to specify that there should be a designated person to act as champion and one to do the work of records manager but in smaller organisations they may be the same person.
Human resources	7.1	again this could be an IM function
Human resources	7.1	Replace “appropriate authority” with a recommended minimum grade. Also mention the role and responsibilities of the DRO.
Human resources	7.1	There is potential confusion to what role the Code is referring to in terms of assigning a lead responsibility for records management – whether this is the person responsible for delivering the records management function or whether it is the role of “champion”. This should be clarified and additionally the need to assign accountability as well as responsibility and leadership made evident
Human resources	7.2	Need to recognise that active records management has been devolved to all staff, including temps.
Human resources	7.2	a qualified Information Manager could be able to do this. Suggest sources of information for a list of courses.
Human resources	7.2	Link development of competencies to the PSG framework
Human resources	7.2	It would be worth emphasising that all staff with record keeping responsibilities should have appropriate skills and knowledge. Currently there is the potential for this to be interpreted as relating only to staff within a records management service
Human resources	7.2	It is not always appropriate to include records management responsibilities in role descriptions. For example, some organisations have a policy that activities that take less than 5% of someone’s time should not appear in role

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Topic	Para No	Comment
		descriptions.
Human resources	7.2	It is not always appropriate to include records management responsibilities in role descriptions. For example, some organisations have a policy that activities that take less than 5% of someone's time should not appear in role descriptions.
Human resources	7.3	Should make allowances for the size of the organisation (e.g. it may not be appropriate to have someone that has appropriate records management skills and knowledge). The section on Human Resources (s7) needs to make more explicit references to include training and development
Human resources	7.3	Provision of appropriate resources is an important point that should not be omitted.
Human resources	7.3	The guidance on HR polices and practice is probably too restrictive and unlikely to be relevant to the high percentage of public authorities who will never have professional RM staff. It might be more useful just to stress the general importance of staff having the appropriate awareness and training in RM matters for the role they perform.
Human resources	7.3	This comment is related more specifically to staffing. Currently NIO (and possibly other organisations) are unable to recruit "specialists" - due to Whitehall requirement to fill posts first by offering them to staff who have been declared surplus. As the need to reduce posts continues this issue is not likely to be resolved. Perhaps the Code could emphasise the unique skills and in particular the professional skills required in selection criteria for RM posts, giving a "legal" argument to counter or amend the Whitehall requirement. If not, there must be some realisation that we can't always get the staff we need or want and this would have to be reflected in the selection criteria for RM posts.
Human resources	7.3	third bullet: This might be rephrased; implies you should review the selection criteria regularly even if the post hasn't become vacant. More important to review job descriptions.
Human resources	7.3	3 rd bullet – keep job descriptions under review
Human resources	7.3	The only one area where we have some doubt is para 7.3 since the responsibility of the majority of "human resource" policies and practices have now been delegated to Line Management – however we consider that the polices are in place for the practices identified to be implemented by LMs. The competency framework and and any professional development programme would more likely be

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Topic	Para No	Comment
		the responsibility of the DRO rather than the remaining HR department. I am afraid that every Department is likely to handle this differently so I think any rewording needs to be as wide as possible as to who is responsible for the bullet points whilst making clear just what should be put in place. Perhaps just leaving out the "Human resources" in front of "policies" would be sufficient?
Human resources	7.3	Many of the bullet points under this item go to an advanced level of detail. However, we are keen to encourage the retention of the requirement that records management be included in induction programmes as specified in the last bullet point as this provides a helpful lever when negotiating for a place on what is often an already crowded programme. Could the other points under 7.3 be edited so as to give the induction programme element greater prominence?
Human resources	7.3	The first bullet point duplicates the requirement set out under 5.1. The second bullet point specifies that competency frameworks should be used, but this is just one model for the management of staff skills. The choice of technique used for this is an issue for organisations to decide on the basis of their overall business needs, rather than something that should be specified in a records management code of practice. The third bullet point is a very detailed requirement and is perhaps unnecessary. Reviewing these requirements is a normal part of most employers' practices when they need to recruit new staff; why is there a need for further, regular review?
Human resources	7.3	The first bullet point duplicates the requirement set out under 5.1.
Human resources	7.3	The first bullet point duplicates the requirement set out under 5.1.
Human resources	7.3	The second bullet point specifies that competency frameworks should be used, but this is just one model for the management of staff skills. The choice of technique used for this is an issue for organisations to decide on the basis of their overall business needs, rather than something that should be specified in a records management code of practice.
Human resources	7.3	The second bullet point specifies that competency frameworks should be used, but this is just one model for the management of staff skills. The choice of technique used for this is an issue for organisations to decide on

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Topic	Para No	Comment
		the basis of their overall business needs, rather than something that should be specified in a records management code of practice.
Human resources	7.3	The third bullet point is a very detailed requirement and is perhaps unnecessary. Reviewing these requirements is a normal part of most employers' practices when they need to recruit new staff; why is there a need for further, regular review?
Human resources	7.3	The third bullet point is a very detailed requirement and is perhaps unnecessary. Reviewing these requirements is a normal part of most employers' practices when they need to recruit new staff; why is there a need for further, regular review?
Human resources	7.3	The fourth and fifth bullet points specify that arrangements should be in place to identify and meet records management training needs of staff, but formal training is not the only way of developing records management skills and knowledge.
Human resources	7.3	The fourth and fifth bullet points specify that arrangements should be in place to identify and meet records management training needs of staff, but formal training is not the only way of developing records management skills and knowledge
Human resources	7.3	Last bullet – rather than referring to induction training refer to all staff being made familiar with the organisation's RM policies and procedures, supported by appropriate training programmes
Human resources	7.3	Everyone should be made aware of records policies and procedures and their personal responsibilities, including temps and agency staff
Human resources	7.3	I am keen to encourage the retention of the requirement that records management be included in induction programmes as specified in the last bullet point as this provides a helpful lever when negotiating for a place on what is often an already crowded programme
Record creation	8	Although the Public Records Acts apply to government records, there also needs to be a recognition that there are legislative, financial and business needs that dictate the management of these records. This may lead to conflict as the primary function of government departments is the business of the day and proof that the rules were observed, not the creation of archival records.
Active records management	8	Revise the order so as to start with having systems in place before identifying what

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Topic	Para No	Comment
		records are needed. Provide specifically for filing, management and secure storage of electronic information. Recognise that different systems may be needed for different types of records.
Active records management	8	Recognise that we are moving towards different media but organisations operating electronically should work towards keeping records electronically
Record creation	8.1	Add something about how record keeping should be an integral part of business operations and corporate systems
Record creation	8.1	Organisations should define what constitutes a record within their organisation and what should be done to safeguard it by filing or some other process
Record creation	8.1-8.2	Move the contents of these paragraphs to wherever the importance of RM and individual responsibility for records creation are covered
Record creation	8.1-8.3	I welcome these recommendations, but could the Code allow plurals as well as singular for recordkeeping systems – some organisations have more than one in operation?
Record creation	8.1-8.3	We welcome these recommendations, but could the Code allow plurals as well as singular for recordkeeping systems – some organisations have more than one in operation?
Record creation	8.2	Provide a link to the characteristics of a record in ISO BS 15489 (s 7.2), ie authenticity, reliability, integrity and usability. Make it clear that the business purpose of information must be served by its attributes
Record creation	8.2	Additional bullet points needed for ensuring continuing access to information about past policies, actions and decisions. Could also include a reference to ensuring personal data is managed in a compliant way
Record creation	8.2	The purpose and benefits of records management should be moved to somewhere earlier in the code.
Record creation	8.2	Mention that the records should be reliable, authentic etc – the characteristics in ISO BS 15489
Record creation	8.3	This goes back to the point I have made regarding 6. i.e. that it is not feasible to insist that all information relevant under FOI will form part of a 'record keeping system'. It might be more appropriate here to list the core good RM functionality that we would like to see considered in the design or purchase of systems and processes.

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Topic	Para No	Comment
Record creation	8.3	Include reference to file plans but in context – classifying and indexing records in a way that permits retrieval in context, disposal, etc
Record creation	8.3	Separate text about records systems from text about creating records
Record creation	8.3	Records systems should be planned and created to meet the operational needs of the organisation and should be integrated into business processes. Multiple systems should be allowed.
Record creation	8.3	People creating records systems must consider how the information in them can be managed over time. Also, cater for organisational change and gains/losses of functions
Record creation	8.3, 8.5	There appears to be reference to the Corporate File Plan and in particular the fast retrieval of records. The comment on metadata assisting with administration is well made. It would be interesting to know what the expected metadata requirements will be for the Seamless flow initiative and whether we will need to start classifying records according to the Pronom classification of file types
Record creation	8.3	Should there be some reference here to the type of file plan formation and approved EDRM systems? Replace “should be arranged” with reference to a hierarchical classification and possibly that the functional approach is to be recommended.
Record creation	8.3	There should be more explicit reference to the requirements for business classification schemes, especially when using an EDRMS, and the fact that they can be used to provide linkages to provide a complete record, assist in retrieval, determine security and access and determine retention periods and disposition actions.
Record creation	8.3	It should be made explicit that record keeping requirements (including retention and ability to extract or access information) should be considered at the start of designing and implementing record keeping systems – including electronic record keeping systems
Record creation	8.3	Re systems, a file plan or business classification scheme is valuable but focus on what they are intended to achieve and give them as an example of means to an end.
Record creation	8.3	Record systems exist in the context of information systems and ideally would enable cross references between records and related information.
Record keeping	8.4	define information survey or record audit? And/or suggest sources of information e.g.

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Topic	Para No	Comment
		RMS
Record keeping	8.4	Emphasise that an audit should not be a one-off but should be repeated and kept up to date. Add "updating" to "developing and updating records".
Record creation	8.4	Make it clear that you need to have systems in place and you need to know what is in those systems – focus on outcome not means
Record keeping	8.4	Suggest some reference is made to the frequency or regularity of a record audit to maintain the authority knowledge base.
Record keeping	8.4	As the cornerstone of any records management programme the information audit should appear more prominently with more explanation rather than as a sub section within record-keeping
Record creation	8.4	An information audit is not the only way of meeting the need to establish what information an organisation holds – some organisations now rely on business analysis instead. Rather than specifying the need to conduct an information survey, could the Code simply specify that the organisation needs to establish what information it holds using techniques such as business analysis or an information audit.
Record creation	8.4	An information audit is not the only way of meeting the need to establish what information an organisation holds – some organisations now rely on business analysis instead. Rather than specifying the need to conduct an information survey, could the Code simply specify that the organisation needs to establish what information it holds and the business context using techniques such as business analysis or an information audit?
Record keeping	8.4	A survey is a means to an end. Focus on the objective of knowing what you have, why, where it is, who uses it and for how long it is needed, with the survey as one means of achieving this.
Record creation	8.4	The second sentence belongs with creation of records and setting up of systems to hold them
Record keeping	8.4	There should be a method by which the information survey is kept up to date
Record keeping	8.5	Delete "paper and electronic" as there is no need to differentiate.
Record keeping	8.5	The organisation should ensure that all RM systems provide sufficient metadata to enable the system and records to be understood. Explain metadata somewhere and what it is for – to provide context, origin and access controls etc. The characteristics of systems include having metadata. Need to consider

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Topic	Para No	Comment
		interoperability and content moving from one system to another. Also refer to industry, national and international standards.
Record keeping	8.5	Include need to keep details of hardware and software used in records systems
Record keeping	8.5	Need to know what information has been disclosed and when, also provide for keeping records of FOI requests and how handled. Metadata might cover former but not latter – separate ‘access management’ section needed?
Record keeping	8.5	Explain what metadata is in plain English and make it clear that it applies to paper as well as electronic records
Record keeping	8.5	If taking information off-line or passing to another body need to ensure that metadata is fit for purpose
Record keeping	8.5	This is an example of where a clearer focus on FOI compliance as the driver and benchmark might be useful. I.e. an explanation of why metadata is required for FOI compliance, (resource discovery, preservation etc) what level of ‘quality’ would enable this to be achieved etc
Record keeping	8.5	Reference should be made to relevant metadata standards to provider users with further guidance
Record keeping	8.6	Provide for reliable identification of information and consistent use of rules for metadata
Record keeping	8.6	Delete this paragraph and subsume in paragraph about metadata
Record keeping	8.6	the system is likely to be electronic these days or a hybrid system. The important thing to say should be that the electronic system should reference the fact that paper is held and email which could be held separately)
Record keeping	8.6	Rules of this sort are only needed for large systems. In small organisations or those with devolved recordkeeping practices, some systems consist only of one or two filing cabinets maintained by a secretary, and a more elaborate system would be inappropriate. The critical point is that any system should be easy to understand and use.
Record keeping	8.6	Rules of this sort are only needed for large systems. In small organisations or those with devolved recordkeeping practices, some systems consist only of one or two filing cabinets maintained by a secretary, and a more elaborate system would be inappropriate. The critical point is that any system should be easy to understand and use.

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Topic	Para No	Comment
Record keeping	8.7	The ease (and thus speed) by which information can be retrieved should reflect the frequency of access
Record keeping	8.7	Call this section 'storage and preservation' – unless the term 'preservation' is too closely associated with permanence, in which case find an alternative
Record keeping	8.7	Audit trail should be covered under 'system'.
Record keeping	8.7	There needs to be control of access, disposal etc but the code should not be prescriptive about solutions
Record keeping	8.7	All records must be easily retrievable. Provide for audit trail of the movement of records (including in and out of EDRMS), information exchange, data sharing, disclosure. Where things are and where they have been.
Record maintenance	8.7	Insert something about managing access under FOI etc - RM aspects
Record maintenance	8.8	The focus on physical storage should probably be rebalanced in favour of consideration of electronic storage covering things such as appropriate near line/off line storage, limiting use of removable media for storage etc
Record maintenance	8.8	The Code might benefit from more emphasis on information security, especially by means of links to the various standards such as ISO17799. Reference would be welcome to the use of sufficient back-up regimes etc. to ensure the safety of information stored electronically
Record maintenance	8.8	Storage accommodation for electronic files: Needs to mention approved systems, updating of systems and semi-active storage. Ensure records are not lost through systems obsolescence. Virus and other technical issues need to be addressed, also the use of open source or standard file formats to enhance future preservation. (Depends on what TNA do about semi-active storage.)
Record maintenance	8.8	Include something about sustainability – keep records in usable form for as long as they are needed
Record maintenance	8.8	Trigger should be identified for when migration is needed to ensure information continues to be accessible. Check that information remains accessible are needed.
Record maintenance	8.8	Need to refer to management of back-ups as part of business continuity or storage and preservation
Record maintenance	8.8	Need to ensure continued accessibility of information which has been encrypted
Record maintenance	8.8	This gives too much detail about storage

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Topic	Para No	Comment
		requirements – records should be stored to facilitate efficient retrieval and use of resources while preventing damage, loss or unauthorised access. Recommendations as to what this involves could form the subject of supporting guidance, but there is no need for this level of detail in the Code itself.
Record maintenance	8.8	This gives too much detail about storage requirements – records should be stored to facilitate efficient retrieval and use of resources while preventing damage, loss or unauthorised access. Recommendations as to what this involves could form the subject of supporting guidance, but there is no need for this level of detail in the Code itself.
Record maintenance	8.8	Add something about ensuring electronic records remain readable. Regular checks need to ensure they are preserved in usable form.
Record maintenance	8.9	Do you need to define 'vital'?
Record maintenance	8.9	This needs to be expanded to cover the need for back-up copies of paper documents, as well as a reliable system for electronic information backup (including media degradation testing and recoverability testing)
Record maintenance	8.9	Contingency / business recovery plans need linking to risk. They need to be kept under review and tested.
Record maintenance	8.9	Say more about business continuity. Mention the importance of being able to access records in the event of a crisis, eg off-site backups
Disposal arrangements	9	The creation and disposal sections need to address how accession and transfer fit into the release of business content and its integration with seamless flow which would now seem to negate 1 st and 2 nd review processes
Disposal arrangements	9.1	With the introduction of Seamless Flow can we expect this lifecycle to shorten?
Disposal arrangements	9.1	I know we probably don't want to go down to the level of what each public authorities policies on appraisal and disposal should be but again there is a difference between the scope of the formal retention schedule and what the user should do with the pile of information on their desk(top). Much of the information held by the average user falls outside of the organisations retention schedule which gives them no guidance whatsoever.
Record closure	9.2	define active record
Record closure	9.2	Guidance on closing registry files is not relevant to a large percentage of public authorities and is now largely outmoded anyway when dealing with electronic files.

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Topic	Para No	Comment
Record closure	9.2	5 years is focussed on physical paper files - this should be re-worded to explain continuation files and that new continuation or part files need to be opened regularly.
Record closure	9.2	It may be difficult to mark 'all records' with their closed status – particularly with electronic records (I wonder how MoReq2 will handle this?)
Record closure	9.2	This requirement is currently too detailed. It would be more helpful to explain the underlying requirement, omit the five year requirement and the information on how to index closed information and leave it to public authorities to decide how to implement this. Does the requirement only affect public records bodies in any case?
Record closure	9.2	This requirement is currently too detailed. It would be more helpful to explain the underlying requirement, omit the information on how to index closed information and allow greater flexibility as to when to close files while at the same time requiring that files are not left open for excessively long periods. A five year closure period is not appropriate for some types of files, such as HR files
Record closure	9.2	Keep concept of closure of records – because FOIA s 63 depends on it – but accommodate non-file records. Recognise particular difficulty of applying the concept to electronic records, both EDRMS and dynamic systems such as workflow. Triggers should be identified, eg migration, or an event, or a time period
Record closure	9.2	Move this from disposal to System. Make it format neutral with examples to cover particularly difficult record types, and mention trigger events such as, for electronic records, migration
Record closure	9.3	reference the relevant standard. Although this is a code of practice it would be good if it was more helpful rather than expecting users to spend time researching information alluded to in it
Record closure	9.3	“Accepted standards” is too vague - should give examples of appropriate standards. Reference to BS5454 and cross reference this to guidance in 9.2.
Record closure	9.3, 9.8, 10.4	These paragraph relate very much to the <u>process</u> of storage and disposal e.g. do we need to keep records of disposals and are they records in their own right?
Record closure	9.3	This requirement duplicates 8.8.
Record closure	9.3	This requirement duplicates 8.8.

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Topic	Para No	Comment
Appraisal planning and documentation	9.4	my basic experience of electronic systems suggests that appraisal and disposal is not so easy especially if there is a single instance of a record which has different retention periods depending on the department using it. I am referring mainly to personal data, but this could be caught by FOI instead.
Appraisal planning and documentation	9.4	Re documenting disposal – each authority should assess its need of information about what records have been destroyed and the risks of not having it
Appraisal planning and documentation	9.4	This is too vague; suggest deleting it but including reference to risks in 9.5.
Appraisal planning and documentation	9.4	it isn't very clear who 'those' refers to.
Appraisal planning and documentation	9.4-9.6	The basic requirement is to know how long information is needed and what should be done with it and to implement the decision. Could these provisions be drafted more concisely to reflect this? There is currently overlap between 9.4, 9.5, 9.8 and that part of 9.6 that deals with disposal schedules.
Appraisal planning and documentation	9.4-9.6	The basic requirement is to know how long information is needed and what should be done with it and to implement the decision. Could these provisions be drafted more concisely to reflect this? There is currently overlap between 9.4, 9.5, 9.8 and that part of 9.6 that deals with disposal schedules.
Appraisal planning and documentation	9.5	This is about selection and too focussed on physical paper files. Reference to e-Appraisal should be made here. State that Information Managers along with relevant business areas will be asked to undertake e-appraisal (which is functional not macro appraisal, the latter can only be done by archival institutions after they have functional appraisal reports from specific organisations) and document it just like the disposal processes described. E-appraisal could vary in smaller and larger organisations.
Record selection	9.6	Also delete "disposal schedules should be arranged per series", re-word this to state that "a report on disposal per series" as a lot of EDRM systems don't allow you to build disposal schedules per series but rather per retention value.
Record selection	9.6	Keep records for as long as needed for business, audit and legal purposes. Keep them longer only if needed for archival purposes
Record selection	9.6	Refer to a policy in more general terms rather than as a discrete document, leaving it open how the policy is documented – unless ICO very much wants a discrete document. But

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Topic	Para No	Comment
		definitely refer to schedules
Record selection	9.6	my previous comment [9.4] applies
Record selection	9.6	Guidance on series level appraisal now needs updating to reflect shift towards the macro-appraisal of electronic record sets and systems
Record selection	9.6	The code should make more explicit reference to retention schedules and their importance in managing the disposition process. Currently the disposal section concentrates on archival selection and appraisal. The inclusion of retention schedules in this section places the emphasis on archival selection rather than the operation of business rules which has the potential to obscure the importance of undertaking disposal as a business process. It should be emphasised that retention schedules apply to records in all media.
Record selection	9.6-9.9	This assumes that the public authority already has arrangements in place for its records of archival value – many don't. Could the first step be to make arrangements for permanent preservation of records of long-term research value, followed by establishing an overview policy on what should be selected for permanent preservation?
Record selection	9.6-9.9	This assumes that the public authority already has arrangements in place for its records of archival value – many don't. Could the first step be to make arrangements for permanent preservation of records of long-term research value, followed by establishing an overview policy on what should be selected for permanent preservation?
Record selection	9.7	"As soon as possible"; change this to detail that a transfer or submission agreement should be agreed between Department/Body and the responsible Archives and this agreement will outline all security and access requirements.
Record selection	9.7	Needs to reflect the importance of identifying electronic records requiring preservation at the earliest possible opportunity. We also need to consider what approaches to preservation we are advocating.
Record selection	9.7	Add something about providing information about sensitivity of information (access issue) when transferring records to an archives service
Record selection	9.7	After transfer to the archival institution, no copies should be retained by the authority
Record selection	9.7	Should allow for a review of the storage media (including where paper is used) to ensure that the storage media is appropriate to permanent

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Topic	Para No	Comment
		preservation
Record selection	9.7-9.8	Put destruction at 9.8 before transfer at 9.7
Record selection	9.8	Refer to log of destruction not a record of destruction to avoid confusion. Take account of the fact that it might be in metadata or the audit log. As for how long it should be kept, this is a risk-based decision. Perhaps could hold information about destroyed records off-line if storage space is an issue?
Record selection	9.8	See 9.3 comment
Record selection	9.8	Include something about the business need to dispose of records. Also cover getting rid of ephemera as soon as possible, and email archiving systems.
Record selection	9.8	Ensure back-up data is destroyed also. Also cover when back-ups have been restored because of loss of data and possible need to re-run disposal schedule.
Record selection	9.8	Needs to include guidance on what counts as destroyed for FOI recovery purposes, particularly with regards to the deletion of electronic data
Record selection	9.8	Delete last sentence or reword – if you're keeping documentation about the records management process of disposal the overall schedule(s) should cover these records. This information needs to be kept indefinitely - no timescale indicated in existing text.
Record selection	9.8	That the destruction of records should take place in accordance with set procedures should be included more clearly in Disposal Arrangements rather than [under] Selection which may be viewed as the preserve of the Archives function
Record selection	9.8	Disposal arrangements – issues here of ensuring that <u>all copies</u> of information are closed, disposed of, etc.
Record selection	9.8	Any indication of the retention period for destruction certificates
Record selection	9.8	The records manager will not be involved in all destructions; many records are destroyed by local users, particularly in a devolved recordkeeping system.
Record selection	9.8	The records manager will not be involved in all destructions; many records are destroyed by local users, particularly in a devolved recordkeeping system.
Record selection	9.8	Disposal cannot be automated to the point where you do not know it has happened – verification needed
Record selection	9.8	Although we understand the reasons underlying the requirement that a record be

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Topic	Para No	Comment
		kept of all record destructions, we are not convinced this is feasible or sustainable, nor is the staff time involved justified by the benefits. Large organisations create a significant quantity of paper and electronic information. Except in highly centralised systems, much of this will be destroyed by local users with no involvement by the records manager. Users will not keep a record of their routine deletions of emails, nor would there be much business benefit from them doing so
Record selection	9.8	Although we understand the reasons underlying the requirement that a record be kept of all record destructions, we are not convinced this is feasible or sustainable, nor is the staff time involved justified by the benefits. Large organisations create a significant quantity of paper and electronic information. Except in highly centralised systems, much of this will be destroyed by local users with no involvement by the records manager. Users will not keep a record of their routine deletions of emails, nor would there be much business benefit from them doing so. Although it is important to document the destruction process, the extent of documentation may depend on the type of record.
Disposal arrangements - destruction	9.9	Para 9.9 I find vague. Either a record is the subject of a request or it is not - 'known to be' – suggests a Chinese whisper approach.
Disposal arrangements - destruction	9.9	"Exhausted" is too vague - there are no set timelines for the appeals process in FOI so this is not helpful to organisations. Also add something here about legal proceedings and having to put a hold on records (not just for FOI purposes as this is too narrow a focus).
Disposal arrangements - destruction	9.9	Is this needed? Is it not an example of continuing administrative need which could be included as an example at 9.6?
Disposal arrangements - destruction	9.9	Destruction also needs to be delayed if litigation is in progress
Electronic records - general	10	we agree that the content relating to electronic records needs updating and we think it would be better to write from the perspective that most organisations have (or will soon have) either a full EDRM or else a hybrid system of paper and electronic records. In practical terms, we thought this meant summarising the information in some sections, which focus on physical storage of paper records (e.g. section 8.8 and section 9.2) and referring throughout simply to records (rather than to files, file movements etc).
Electronic records - general	10	My only real comments on the FoI CoP on RM would be that I don't see the need to separate out electronic records (the comments on

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Topic	Para No	Comment
		electronic records should be integrated in the preceding paragraphs)
Electronic records - general	10	Make the point somewhere in the code that records should have the characteristics of authenticity and reliability
Electronic records - general	10	May need to distinguish between physical and logical records when slightly different provisions and a different understanding by those concerned might apply
Electronic records - general	10	I believe this section should be completely re written to refer generally to records. More specifics may be needed on paper and email.
Electronic records - general	10	The section at the end on EDRM needs to be subsumed into the main body of the text.
Electronic records - general	10	Content on electronic records needs to be included in all areas of s46 due to the widespread nature of electronic records having a separate section implies they should be treated differently –which isn't the case; they still need to be managed
Electronic records - general	10	The whole section on electronic records needs subsuming into the main document and removing as a separate section
Electronic records – general	10	The revised Code should be issued once TNA's plans for semi-active storage of Electronic records are agreed.
Electronic records – general	10	Some of the text here should be added into the functional approach of Sections 8 and 9 rather than separating it out.
Electronic records – general	10	This section is currently uneven in its coverage, providing a high-level summary of the requirements for managing electronic records, followed by a more detailed requirement about audit. Can this be smoothed out
Electronic records – general	10	This section is currently uneven in its coverage, providing a high-level summary of the requirements for managing electronic records, followed by a more detailed requirement about audit. Can this be smoothed out?
Electronic records - general	10.1	It should be more evident that the basic principles of records management are the same regardless of format or medium and that reference should be made to electronic records throughout the Code rather than treating electronic records as a distinct section at the end of the document
Electronic records - contents	10	there needs to be some reference to some of the key issues for electronic records: - macro-appraisal and applying it within an EDRM, digital preservation / IT sustainability, Seamless Flow / electronic transfer of records to TNA.

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Topic	Para No	Comment
Electronic records - contents	10	<p>Suggest this section of the COP needs to make reference in some form to important matters such as:</p> <ul style="list-style-type: none"> • Means to address the cultural change of electronic record management • Means to address the change management aspect • Means to ensure widespread user community take-up of electronic records and records keeping • Means to develop and introduce appropriate protocols (e.g. naming conventions)
Electronic records - contents	10	Much of the guidance in ISO 15489 is applicable
Electronic records - contents	10	Issues such as the longevity of electronic formats needs to be included (a recommendation for PDF/A?)
Electronic records - contents	10	What about guidance on email and SMS systems – these may hold important (vital?) information?
Electronic records - contents	10	It may be helpful to re-phrase the section on electronic records to take into account recent developments, notably the introduction of edrm systems and a widespread concern about digital preservation. It is clear from the present Code that records, whether physical or electronic, should be managed to the same standards, but more detailed advice may be necessary to address a range of issues concerning practical management and security arrangements. Without this, there is a risk that edrms may be seen as solving all records management problems per se, without an adequate infrastructure or arrangements for long term preservation.
Electronic records - contents	10	The Code could make more use of methodologies developed for ISO15489 and DIRKS including the development of a Business Classification Scheme. It may also be helpful to make reference to model classification schemes such as the LGCS
Electronic records - contents		What provision is there for scanning documents and the potential to dispose of originals
Electronic records - contents		With the increasing dependence on electronic rather than hard copy record keeping systems, there is a risk that back-scanning of legacy data is seen as an easy option. The Code should address issues of quality assurance, cost effectiveness and long-term management of scanned material in a wider context than that of BP0008

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Topic	Para No	Comment
Electronic records - contents	10.1	Delete 10.1 – it is redundant. Already stated earlier.
Electronic records – contents	10.1	It may be worth providing examples of electronic records to emphasise that this covers unstructured information (such as emails, word documents etc.) and structured information (such as an authority's business systems and databases).
Electronic records – contents	10.2	Amendments are needed here as there is no longer a regime to test and approve EDRM systems.
Electronic records – contents	10.2	It may be helpful for the Code to include reference to basic electronic records management requirements, such as file naming conventions, version control, etc.
Electronic records – contents	10.2	We are sure that the phrase in the present Code about 'a clear understanding of the nature of electronic records' will be expanded following the review
Electronic records – contents	10.2	Authorities require more knowledge of what metadata capture is required. The Code might therefore benefit from links to additional guidance such as government Metadata Standard.
Electronic records – contents	10.2	Digital preservation for the long-term is a major issue which needs to be flagged as such in the Code of Practice. It may be inappropriate to include advice at any level of detail, but general principles and advice on what is currently accepted as best practice should be included.
Electronic records – contents	10.2	It would also be helpful if the Code could address issues about where responsibility lies for the long-term preservation of and access to archival electronic records
Electronic records – contents	10.2	There should be more reference to the long term preservation issues surrounding electronic records (such as degradation of the media such as CD-ROM or software obsolescence) and the need to have a strategy in place to guarantee records remain accessible and usable for as long as they are required to be kept
Electronic records – contents	10.2	<p>A clarification within section 46 of the extent of acceptance of deletion could be crucial to decisions regarding retention/disposal schedules. To avoid replication of files an inclusion that deletion of a strand link to a file is sufficient to comply with being a disposal would be valuable.</p> <p>This would mean, for example, where an officer had been assaulted and there were different reports all relevant to differing aspects, which combined as a whole file e.g.</p>

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Topic	Para No	Comment
		crime report, injury on duty, prosecution file that the separate retention/disposal schedules for each of the batches would be independent. Deletion of a link to say the crime file from the crime system would be a deletion in terms of the crime record but yet it would remain as an integral part of the personal file of the officer because that link would remain. Similarly it may remain as an intelligence reference item regarding an offender or offence. The "crime report" is not physically deleted just the link from appropriate indices to comply with appropriate retention and disposal schedules
Electronic records – contents	10.2	3 rd bullet – This can also be achieved by the appropriate use of metadata (e.g. getting away from the need for an electronic folder structure)
Electronic records – contents	10.3	Mostly covered in previous sections apart from last bullet re. Hybrid filing - cover in more detail in sections 7 to 9. Should also mention something about access permissions, retention schedules specific e-record training, working with IT helpdesk and support staff, review, appraisal and redaction.
Electronic records – contents	10.3	the generic requirements need to be updated
Electronic records – contents	10.3	Functional requirements (2002 version) are still valid
Electronic records – contents	10.3	This is out of date – delete. Include a new section on relevant guidance to consult, inter alia MoReq2, BS 5454, ISO 15489 and other related BS guides, PD 0008, ISO 17799 and Information Management Security Standards, TNA toolkit.
Electronic records – contents	10.3	The requirements also need to apply to organisations without an EDRMS.
Electronic records – contents	10.3	The requirements also need to apply to organisations without an EDRMS.
Electronic records – contents	10.4	See 9.3 comments
Electronic records – contents	10.4	Audit – include this earlier somewhere in sections 7 to 9.
Electronic records – contents	10.4	This belongs in the ERMS
Electronic records – contents	10.4	The level of audit trail required under the Code of Practice to show compliance through management and deletion has a fundamental effect on organisational procedures - could inclusions within the protocol agreements for imposition of a maximum retention period and / or audit trails of the use of the shared information be considered within Section 46. The use of Information Governance Toolkits

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Topic	Para No	Comment
		has highlighted some intransient ability to provide a reasonable estimate of organisational effectiveness and compliance in some areas for both NHS and Local Authorities. Certainly some ad hoc local groups "hang on" to information when it is dated etc and it can become an embarrassment to the Force when it is the focus of inappropriate disclosure
Electronic records – contents	10.4	The Code might benefit from more emphasis on BIP0008. Audit trails are a vital part of records management to ensure that documents have not been altered and therefore the expansion of this aspect would assist Local Authorities in developing and implement relevant policies and procedures
Electronic records – contents	10.4	Identify which audit log data is needed in the long-term and which can be discarded early. This contributes to system efficiency (a business benefit) as well as focusing on transactions relevant to legal admissibility.
Electronic records – contents	10.5	Update reference, and consider referencing BIP 0008-2 and -3 (-2 is applicable to the transfer of electronic records to archives)
Electronic records – contents	10.5	Refer to legal admissibility earlier
Electronic records – contents	10.5	This is a very high and costly standard to meet. Is it really necessary to meet it for all records?
Electronic records – contents	10.5	This is a very high and costly standard to meet. Is it really necessary to meet it for all records?
Transfer of records	11	Could Part II be prefaced by a scope note to make it immediately obvious that it only applies to public records bodies? Non-records managers looking at the Code do not always read 11.1 before proceeding and the term 'public records' can be confusing to the uninitiated.
Transfer of records	11	It would also be helpful if the Code could include some requirements for the review and transfer of records that are not public records.
Transfer of e-records	11	There will be a need for comprehensive guidance from TNA/PRONI on how appraisal/transfer of e-records is carried out from EDM systems. Provide links from Code.
Transfer of e-records	11	What about sensitivity e-appraisal prior to transfer either to semi active storage or to be open on transfer? [sent as para 9.5]
Transfer of e-records	11	Macro or micro level appraisal? NIO will not transfer anything prior to review. At Macro level we could agree the destruction of ephemera [?MOVE TO APPRAISAL]
Transfer of e-records		Procedures for TNA to view electronic material

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Topic	Para No	Comment
		which has to be redacted to agree LCI will need to be explained in the Code.
Transfer of e-records	11.4	Consideration must be given to the review and redaction of electronic information. Appraisal prior to semi-active storage, will SAS be compulsory? Need to consider redaction tools and Dept's will need a policy on appraisal of electronic info.
Transfer to TNA	11.3	observation - Aren't public records constantly available under FOI and restricted on a case by case method?
Transfer to TNA	11.6	The existing COP does not make clear reference to the relevant FOIA sections (if any) that define the opportunities for the department to apply for continued closure of deposited records.
Transfer to TNA	11.6	Suggest more detail is provided for clear interpretation of FOIA sections 62 to 66 (inclusive). For example if 30 year exemptions cannot be extended this needs to be made clear in the COP.
Transfer to TNA	11.7	Clarify the restrictions on withholding records for extended periods - i.e. clarify FOIA section 63.
Transfer to TNA	11.9	Suggest the COP provides clear guidance and definition of "Responsible Authority" and "Appropriate Authority" and the precise circumstances when this applies.
Transfer to PRONI	11.2	No comment re existing text although it might be appropriate to include reference to the Public Records Act NI 1923, authorising PRONI to acquire Northern Ireland records, ie ...'all records of any court, Government department, authority or office in Northern Ireland with respect to which the Parliament of Northern Ireland has power to make laws', as well as UK records relating to Northern Ireland where any such arrangement is agreed with both the relevant Department and with TNA.
Transfer to PRONI	11.3	In the past, records generally transferred to PRONI at age 20 years, but were not available until age 30 (and sensitivity review under 30 year rule). Records currently transfer to PRONI at age 20 years and in all cases must have an access decision (ie they are potentially 'open forthwith'). However, they are still not made available to the public because of the 10 year 'gap' between the old (transfer at 20, hold until sensitivity reviewed at 30) and current (transfer at 20 with access decision) systems. This cannot be remedied in the short to medium term because of resource requirements needed by PRONI to catalogue and by Departments/

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Topic	Para No	Comment
		public authorities to sensitivity review.
Transfer to PRONI	11.4	PRONI addresses sub-para (a) by disposal and retention schedules and reviewing where required PRONI addresses sub-para (b) by completion of PR14s and by the Annual Sensitivity Review exercise
Transfer to PRONI	11.5.1	Addressed – records must transfer to PRONI by the time they are 30 years old. This was re-enforced with departments after the Executive Minutes turned up late following a major press ‘exposé’. By arrangement with PRONI, Departments may retain records under s.3 (d) of the 1923 Act and any such arrangement must be renewed annually.
Transfer to PRONI	11.5.3	Check: are PRONI still taking in records at 20 years old? Will they be having semi-active storage? Will systems be inter-operable? Will NIO be able to transfer e-records more suited to PRONI in the same way it will to TNA? (Depends on what NI Dept’s and PRONI will do regarding appraisal, transfer and semi active storage)
Transfer to PRONI	11.5.3	Agreed, although some records transfer at earlier than 20 years, by arrangement eg Coroners’ inquests, wills, divorce records etc
Transfer to PRONI	11.6	Bullet point 1 Open forthwith Bullet point 2 Where records become ‘historical’ at age 30 Bullet point 3 Application of Public Interest Test Bullet point 4 Application of exemptions as recommended by public authorities
Transfer to PRONI	11.7	At present, PRONI relies on the completion of the PR14 form by Departments to record the specific information to be closed, with the relevant section(s) of the specific legislation. A schedule (in the form of a spreadsheet) would be useful and would allow collation of information across departments eg how many cases of a particular exemption apply. In the past, records were transferred without access decisions. This is no longer acceptable practice. Use of redaction is encouraged where feasible – eg difficult to apply to bound volumes. Note that redaction has a resource implication for PRONI – averaging 6 hours per file for redaction to be applied, plus quality assurance time
Transfer to PRONI	11.7	The Sensitivity Review Group exists to deal with records brought forward for sensitivity review at age 30 years. Chaired by the Department with responsibility for records

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Topic	Para No	Comment
		(Department for Culture, Arts and Leisure) the SRG considers recommendations for extended closure beyond 30 years. It delivers the functions outlined at 11.8 a-c.
Transfer to PRONI	11.10	Where files are designated 'open' by transferring body, PRONI will <u>not</u> review or check the decision. Departments must get the open decisions right.
Transfer to PRONI	11.11	In Northern Ireland, where a file has been designated an extended closure under an exemption, the file and PR14 will be returned to the functional body for consideration prior to release. Any further extension of period during which the information is to be withheld is brought before PRONI and the Sensitivity Review Group for consideration. [ie Ministers are not involved other than for Ministerial certificates].
Transfer to PRONI	11.12	In Northern Ireland by arrangement with PRONI, Departments may retain records under s.3 (d) of the 1923 Act and any such arrangement must be renewed annually
Transfer - retention	11.12	Is it still necessary to refer to the White Paper which proceeded the Open Government Code?
Relevant sources and guidance	Annex A	Annex A could do with bolstering. I appreciate that standards change, etc but the scope of those standards could be described generically
Relevant sources and guidance	Annex A	The section [Part 1] is too general overall and perhaps a new section should be created to replace section 10 to refer to other relevant guidance and standards (instead of splitting out electronic records).
Relevant sources and guidance	Annex A	Reference should be made to the TNA workbook to evaluate compliance with the Code.
Performance//compliance assessment		There needs to be a method of assessing compliance with the Code (maybe a 'Workbook')
Performance//compliance assessment		It would be beneficial if the Code could address what level of audit trail is required to show compliance with best practice in records management and disposition
Performance//compliance assessment		Include something about performance measurement and provision of a self-assessment methodology, identifying elements to be monitored