

RECORDS MANAGEMENT CODE OF PRACTICE

Scope

Edinburgh College of Art is an organisation which is dependent on its records for the efficient and effective discharge of its responsibilities. This Code defines a structure for the management of the College's records; it will ensure that the College retains (and increasingly creates) only those essential records which are required to conduct its business. Furthermore, the College will ensure that those records which are created are managed and controlled effectively, consistent with legal, operational and information needs. This Code should be read in conjunction with the accompanying Retention Schedule.

Definitions

Record:- is "recorded information, in any form, created or received and maintained by the institution in the transaction of business or conduct of affairs and kept as evidence of such activity".

Record Management:- is a discipline which uses administrative systems to direct and control the creation, version control, distribution, filing, retention, storage and disposal of records.

Retention Schedule:- Defines the amount of time that the College needs to keep certain types of records. It will apply to records in all formats (paper and electronic information).

Archive:- records selected for permanent preservation as part of the College's corporate memory and as a resource for research.

Aim

The aim of the Code is to define and provide a framework for managing the College's records

Objectives

The specific objectives of the Code are:

- To introduce good practice in record management across the College
- To introduce and implement a cohesive College wide retention schedule best practice
- To manage the college's records so that they can be used as an effective information source
- To ensure that records are managed throughout their life cycle
- To ensure that all records are protected and kept secure in a manner appropriate to their value and retention period
- To ensure that definitive records are the responsibility of those persons designated as the official record holder

Implementation

This policy will be implemented in conjunction with the Freedom of the Information Scotland Act (2002) Policy and in accordance with an retention schedule as detailed below.

Responsibilities

Responsibility for definitive records will lie with those designated as official records holders, and overall responsibility for the Record Management Policy will be the College Secretary.

RETENTION SCHEDULE

Records Life Cycle

A record's life cycle begins with its creation and ends with its disposition. In between, it may be referred to, revised, re-filed, and occasionally re-organised. As records reach the end of their active lives, they are disposed of in some manner: they are destroyed, transferred to inactive storage, or transferred to the Archives.

All records created and maintained within the College will fall broadly into the following categories:

- **Current records** – used regularly and frequently in the day-to-day work of the College. Generally, these records will be referred to at least once a month.
- **Semi-current records** – not in use as frequently as current records, but are needed to be retained for legal or operational reasons. Required for compliance with procedural/statutory/financial requirements.
- **All other records** – records no longer required for the work of the College should be destroyed or, if identified as having a long term historical, cultural or educational significance, archived (eg all core student registration details will be held permanently).

Retention Periods

The term "Retention Period" defines the minimum and maximum periods for keeping a record and the term "Retention Schedule" defines a matrix listing classes of documents and their Retention Period. An indicative Retention Schedule is detailed below which the College intends to use, add to and refine in the light of operational experience.

Type of Record	Suggested Retention Period	Reason for Length of Period
Personnel files including training records and notes of disciplinary and grievance hearings	6 years from the end of employment	References and potential litigation.
Application forms/interview notes	At least 6 months from the date of the interviews	Time limits on litigation
Facts relating to redundancies where less than 20 redundancies	6 years from the date of redundancy	As above
Facts relating to redundancies where 20 or more redundancies	12 years from the date of the redundancies	
Income Tax and NI Returns, including correspondence with tax office	At least 3 years after the end of the financial year to which the records related	Income Tax (Employment) Regulations 1993
Statutory Maternity Pay records and	As above	Statutory Maternity Pay (General)

calculations		Regulations 1986
Statutory Sick Pay records and calculations	As above	Statutory Sick Pay (General) Regulations 1982
Wages and salary records	6 years	Taxes Management Act 1970
Accident books, and records and reports of accidents	3 years after the date of the last entry	Social Security (Claims and Payments) Regulations 1979; RIDDOR 1985
Health Records	During employment	Management of Health and Safety at Work Regulations
Health Records where reason for termination of employment is connected with health, including stress related illness	3 years	Limitation period for personal injury claims
Medical records kept by reason of the Control of Substances Hazardous to Health Regulations 1999	40 years	Control of Substances Hazardous to Health Regulations 1999
Ionising Radiation Records	At least 50 years after last entry	Ionising Radiations Regulations 1985
Student records, including academic achievements and conduct	Core records to be held permanently. Complete student files to be retained for at least 6 years from the date that the student leaves the institution, in case of litigation for negligence	Archival purposes. Alumni Database. Limitation period for negligence.
	At least 10 years for personal and academic references	Permits institution to provide references for a reasonable length of time.
	Certain personal data may be held in perpetuity.	While personal and academic references may become 'stale', some data e.g. transcripts of student marks may be required throughout the student's future career. Upon the death of the data subject, data relating to him/her ceases to be personal data.

Legislative Framework

The following Acts of Parliament have provisions that are relevant to record keeping and records disposal. With this in mind Edinburgh College of Art will adopt the following code of practice regarding records retention.

The Health and Safety at Work Act 1974 and its associated Regulations

Statutory minimum retention periods for records relating to:

- Risk assessment (review + 3 years)
- Monitoring of working environments (creation + 40 years)
- Control of and use of hazardous substances (file closure + 40 years)
- Monitoring of employees' health (creation + 40 years)
- Accident books (completion of book + 3 years)
- Accident/dangerous occurrence report forms (date of occurrence + 3 years)
- Categorizing and disposal of waste (creation + 3 years)

The Sex Discrimination Acts 1975 and 1986 - For records relating to:

- Advertising of vacancies (filling of vacancy + 6 months)
- Job applications:
 - o successful (transfer to staff personnel file)
 - o unsuccessful (filling of vacancy + 6 months)

The Race Relations Act 1976:

- Advertising of vacancies (filling of vacancy + 6 months)
- Job applications:
 - o Successful (transfer to staff personnel file)
 - o Unsuccessful (filling of vacancy + 6 months)
 - o Ethnic monitoring questionnaire/reports (creation + 5 years)

The Limitation Act 1980:

Recommends minimum retention periods for some financial records, contracts, product liability, some court actions, and personnel records:

- Complaints (date of settlement + 6 years)
- Appeals (date of settlement + 6 years)
- Disciplinary hearings against staff (date of settlement + 6 years unless merged with staff personnel file)
- Staff personnel files (termination of employment + 6 years)
- Reporting and investigation of accidents and dangerous occurrences (date of accident + 40 years)
- Procurement records (e.g. tenders):
 - o successful: termination of supply contract + 6 years
 - o unsuccessful: creation + 1 year
- Lettings' of student accommodation (termination of agreement + 6 years)
- Hiring out of conference facilities (termination of agreement + 6 years)
- Private hire agreements (termination of agreement + 6 years)
- Insurance policies (termination of policy + 6 years)
- Insurance claims (date of settlement + 6 years)
- Conduct of testing, maintenance and statutory inspections and any necessary action (life of plant/equipment + 6 years)
- Maintenance schedules (creation + 2 years)
- Inspection certificates (creation + 6 years)

- Repair reports (life of plant/equipment + 6 years)
- Payroll payments (creation + 6 years)
- Share certificates (disposal of shares + 6 years)
- Investment portfolio reports (permanent)
- Control of disclosure of intellectual property (disclosure + 6 years)
- Administration of intellectual property agreements (termination of agreement + 6 years)
- Intellectual property agreements (termination of agreement + 6 years)
- Claims of infringement of intellectual property rights (date of settlement + 6 years)

The Companies Acts 1985 and 1989

Stipulates a statutory minimum retention period for:

- Company accounts (creation + 6 years)
- Records of dissolved companies (dissolution + 10 years)

The Financial Services Act 1986

Stipulates a statutory minimum retention period for:

- Salary advices (current financial year + 3 years)

The Copyright, Designs and Patents Act 1988

Requires clear knowledge of the ownership of copyright in records before any outside person may copy any part of the record. In respect of electronic records the software itself as well as the content of the records may be subject to copyright and, in some cases, the two may be owned by different parties.

The Value Added Tax Act 1994

Stipulates a statutory minimum retention period for:

- Purchase orders (creation + 6 years)
- Delivery and goods received notes (creation + 6 years)
- Income and expenditure accounts (creation + 6 years)
- Management of bank accounts (creation + 6 years)
- Assessment of tax liabilities (current tax year + 6 years)
- Submission of tax returns (current tax year + 6 years)

The Disability Discrimination Act 1995

Recommends minimum retention periods for records relating to:

- Advertising of vacancies (from filling of vacancy + 6 months)
- Job applications:
 - o successful (transfer to staff personnel file)
 - o unsuccessful (filling of vacancy + 6 months)

The Civil Evidence Act 1995

The Act resolves some of the problems of the legal admissibility of evidence generated by or held on computers. It shifts the argument away from admissibility itself to the evidential value or weight of evidence possessed by a record. A court will still need to be satisfied however as to the authenticity of the record, and procedures need to be in place to prove this.

The Electronic Communications Act 2000

Provides for the legal recognition of electronic signatures and the process under which they are generated, communicated or verified.

The Data Protection Act 1998 and Freedom of Information Scotland (2002) Act

- The Data Protection Act gives individuals the right of access to personal information held about them.
- The Freedom of Information Scotland (2002) Act gives access to all other information and is more wide-ranging.