

Meeting the Requirements Management of Records

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WELSH INFORMATION GOVERNANCE TOOLKIT



Introduction

"Records management refers to a set of activities required for systematically controlling the creation, distribution, use, maintenance, and disposition of recorded information maintained as evidence of business activities and transactions" – ISO 15489

Records and Information Management are key elements within the Information Governance Agenda, which steer the design and maintenance of appropriate policies and procedures. Records management will help ensure that we have the right information at the right time to make the right decisions. Organisations are required to create and manage records appropriately as set out in the requirements in the UK General Data Protection Regulation, the Data Protection Act 2018 and the Freedom of Information Act 2000.

Various standards and legislation govern the use of records within an organisation. These can include, but are not limited to administrative records, paper and electronic documents, emails, audio and video recordings, X-rays and CCTV footage.

Records within NHS Wales consist of: a) Business Information and b) Personal Information - Patients and Staff

As well as being a requirement under the UK General Data Protection Regulation (UK GDPR), it is important for organisations to know what information they hold, if it's correct and up to date, who it's shared with and how it's processed. An Information Asset Register is a useful tool to track this information and not only show what information is held where, but to also map out the information flows to ensure there are appropriate security measures and controls in place based on how information moves around. Organisations should consider all personal data it holds when developing a register, therefore business information such as staff details should become part of the register as well as patient data. '[Table One](#)' details the ICO's expectations for developing and maintaining an Information Asset Register,

Keeping the register up to date and effective is just as important as having one. In any new projects which are considered, the information flows should be part of the early planning, together with the completion of a Data Protection Impact Assessment.

Information security also supports good data governance and is itself a legal data protection requirement. Poor information security leaves your systems and services at risk and may cause real harm and distress to individuals; it may even endanger lives in some extreme circumstances.

Standards

There is a varied selection of national standards on the management of records and information, including electronic records management held in the National Archives.

In April 2010, the Welsh Assembly Government released a framework of standards that listed requirements of what was to be expected of all NHS and partner organisations in providing



effective, timely and quality services across all healthcare settings. This is called '[Doing Well, Doing Better - Standards for Health Services in Wales](#)'.

In 2021 [The Code of Practice on the Management of Records issued under section 46 of the Freedom of Information Act 2000](#) was released, replacing the former FOI Code of Practice. The code was updated by the National Archives to provide guidance to relevant authorities that reflects contemporary information management practice and the modern digital working environment.

The newly developed '[Records Management Code of Practice for Health and Social Care 2022](#)' sets out good practice in records management for all public authorities in Wales. Welsh Government have now issued a [Welsh Health Circular – WHC \(2022\) 008](#) notifying all organisations within the NHS in Wales, that with effect from May 2022, they should use the new [Code of Practice](#).

Records Management Documentation

Policies outlining the adoption of retention and disposal schedules and records management policies should be held by all organisations and be made available to all staff. These should provide clear guidance on how long records, including Health Records, should be maintained. The [Records Management Code of Practice for Health and Social Care 2022](#) provides a useful guide for organisations on how to manage records appropriately.

Implementation

Every organisation should establish how records and information are managed within their organisation. It is recommended that an audit should be performed to identify the current state of play with the organisation's records management so that risks can be highlighted, and improvements made. It is the responsibility of the Caldicott Guardian and Information Governance Lead/Team to ensure that local policies and procedures are enforced within their organisation and that all staff members are aware of both their corporate and individual responsibilities regarding the creation and storage of any record which may contain patient identifiable information.

How do we reach Attainment Level 1?

The organisation should identify and assign responsibility for records management to specific individuals, for example, a lead for health records and a lead for corporate records.

The organisation should ensure they have documented records management procedures in place. '[Table Two](#)' describes corporate records and what should be included in corporate and health record procedures. '[Table Three](#)' provides good practice recommendations when dealing with corporate records; forming a sound basis for the Corporate Records Management Procedure. Corporate records are not only concerned with corporate records that may be part of a formal document management structure but also includes any records on network drives and in shared folders. Emails and attachments, and web pages on the internet or intranet sites are also considered corporate records and must also be included within the procedures.



How do we reach Attainment Level 2?

Staff should be effectively informed of the procedures and their responsibilities. Staff members may be informed through team meetings, awareness sessions, staff briefings, or they may be provided with their own copy of the procedures. It is good practice to have staff sign to say that they have read and understand the procedures.

The organisation should assign responsibility for developing guidance and supporting procedures to an individual or group. In some organisations, responsibility may be assigned to a different individual/group for each of the modules; corporate, acute, community and mental health records.

How do we reach Attainment Level 3?

Providing staff with written procedures and training does not provide sufficient assurance that the procedures have been understood and are being followed. Therefore, compliance spot checks and routine monitoring should be conducted.

The organisation should ensure the management of each module, corporate, acute, community and mental health records, is regularly reported to the relevant Board/Committee/Management Team to ensure appropriate oversight.

Supporting Resources

Template Information Asset Register for GMPs - *The UK GDPR contains explicit provisions that internal records of your processing activities are maintained. Among other things, records must be kept on processing purposes, data sharing and retention. This register will help you document your information processing and replaces the requirement to register your specific processing activities with the ICO. It will also support you in demonstrating your compliance with the UK GDPR.*

ICO: Records Management PowerPoint

ICO: Guide to the UK General Data Protection Regulation (GDPR)

ICO: Introduction to data protection

ICO: The Accountability Framework - *Accountability is one of the key principles in data protection law*

The National Archives: How to manage your information - *Includes guidance and standards for information and records management*

The National Archives: Approved Places of Deposit - *Those records that are of historical interest, and are no longer needed for operational reasons, must be transferred to an approved place of deposit before 20 years*



The National Archives: Information Management - A guide (including legislation) from the National Archives on information and records management

Records Management Code of Practice for Health and Social Care 2022 - The Code of Practice 2022 sets out what people working with or in NHS organisations in Wales need to do to manage records correctly. It's based on current legal requirements and professional best practice.

GOV.UK: Secretary of State for Constitutional Affairs: Code of Practice on the Discharge of Public Authorities' Functions under Part I of the Freedom of Information Act 2000 - The Code covers such issues as public authorities' duties in providing advice and assistance to applicants, charging fees, timeliness in answering requests, and transferring requests to other public authorities

GOV.UK: Retention Schedules for varying record types

Code of Practice for the Management of Records under section 46 of the Freedom of Information Act 2000 - The Code sets out the practices that organisations should follow in relation to the creation, keeping, management and destruction of their records, including those selected for historical preservation.

WHC (1999) 7 - Preservation, Retention and Destruction of GP General Medical Records Relating to Patients

Welsh Health Circular – WHC (2022) 008: New Records Management Code of Practice for Health and Care 2022

British Standards Institute: Standards and Publications - Records management standards and guidance, amongst others, are available from BSI but may incur a cost for purchase. For further information see the BSI website. - BS-ISO 15489: Information and documentation – Records management - BIP 0025:1 to 3 – guides to BS-ISO 15489 - BS 5454:2000 - recommendations for the storage and exhibition of archival documents - PD 0024:2001 - A guide to the interpretation of BS 5454:2000 - BIP 008:2004 Code of practice for the legal admissibility and evidential weight of information stored electronically

Public Records Act 1958

Summary Requirement

Attainment Level	Summary Requirement
1	There are a set of documented and approved records management procedures which incorporate the creation, filing, tracking, appraisal, retention and destruction of all records within the Practice; including corporate, staff and patient records. The Practice should develop and regularly maintain an Information Asset Register (IAR)



2	Procedures have been embedded within the organisation and all staff have been informed. The Information Asset Register (IAR) is referred to on a regular basis
3	Procedures are regularly reviewed and maintained and where available spot checks are made to ensure the procedures are enforced across the organisation. The Information Asset Register (IAR) is a working document and the reporting procedure is regularly reviewed to ensure it remains effective and up to date

