

Filing, Data Protection and Freedom of Information

Background

1. The council has a number of filing cabinets and cupboards located in its offices. There is no clearly understood hierarchy of document security, and no consistent attempt appears to have been made to ensure confidentiality of personal data or to control access to files.
2. Although there is no evidence of a breach of the Data Protection Act (DPA), neither is there evidence of a clear understanding of the need to secure personal data that would enable the council to provide assurance that it fulfils its duties under the act in respect of physical documents.
3. This is in contrast to the well managed regime for backing up the officer server, which is supported by remote backups. This regime is managed by an individual member of staff but provides confidence that the council could recover from the loss of its file server.
4. In some cases files have been stored on individual pc's or laptops rather than the server, and work has been commissioned to recover and store those files. Expenditure on this work has been authorised as a matter of urgency by the Interim Town Clerk, and, provisionally, amounts to a cost of £100 which will be charged to the general office administration budget.
5. In order to fulfil its duties under the DPA the council needs to be able to demonstrate that it stores personal data securely, and understands the difference between personal data to which access should be restricted and its general documentation.
6. Lockable file cabinets which are robust enough to resist both brute force attempts to enter them and which provide some degree of reassurance against fire or accidental damage should be a minimum standard for a well run office. The current cabinets appear to be domestic in origin, and provide no reassurance either that they are robust enough, or that they could survive even moderate force. The file cupboard in the clerk's office cannot be locked, and many of the council's main financial documents are stored on open bookshelves.
7. In addition there appears to be no system for identifying and storing more securely high value items such as documents relating to the council's assets, land holdings or insurances. These documents should, for reassurance, be stored in a 30 minute fireproof cabinet.
8. A number of filing systems appear to have been used, including attempts to store files online by default.
9. Noe of these systems appear to have been fully implemented and documented. The forms of storage chosen (e.g. box files or suspensions slings) provide no way of preventing correspondence from being removed or lost, or of identifying when a document has been removed. Council has, as a result, very little chance of identifying whether it holds information (for the purposes of the Freedom of Information Act) or of providing it to an inquirer, other than by relying on the memory of the officers involved or a brute force search of all of its files. This is very unsatisfactory and should be resolved, if at all possible, in the future, by re-filing and indexing existing documents.
10. It is noted that council does not appear to have a coherent document retention policy, and work to develop one should be undertaken in quarter one 2017.

Recommendations

1. Since council needs to be able to identify how and why it has made a decision in order to support any financial expenditure, an appropriate filing system is part of your financial procedures. It is therefore proposed that the Interim Town Clerk write an appropriate filing system to be implemented as soon as possible for new files, and that council approve a document retention policy by March 31 2017.
2. It is proposed that the council spend up to £3000 from its reserves on the purchase of two tambour fronted metal filing cabinets, a four drawer metal filing cabinet for the general office and a thirty minute fire resistant two drawer cabinet for the clerk's office, and on media for use within these cabinets, delegating responsibility for obtaining three quotes and deciding between them to the Interim Town Clerk in consultation with the mayor.
3. It is further proposed that council include, within it 2017-18 budget, provision of £10,000 for either
 - a. An apprentice to support the general work of the office and the process of filing and indexing past documents, or
 - b. Temporary part time administration support to deliver the process of filing and indexing past documents.