

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 14th APRIL 2015**

Question

Further to the response given to written question (8706) on 24th March 2015, will the Chief Minister -

- (i) publish the document retention policies of each States Department, highlighting any differences between the departments and the reasons for these;
- (ii) publish the legal obligations of each department with regard to document retention;
- (iii) confirm that he is content that there have been no exceptions to the automatic removal of email from the email archive system;
- (iv) explain whether all internal correspondence between officers, and external correspondence between officers and third parties including e-mails regarding a particular case, complaint or matter, constitute official records and if not, why not;
- (v) define what constitutes an appropriate business records management system with the use of examples; and,
- (vi) explain what oversight or audit system is in place to ensure that Chief Officers and Departments are abiding by the letter and spirit of the Freedom of Information Law and best practice in the UK.

Answer

- (i) I will be seeking advice on which retention schedules can be published. There are currently 148 approved retention schedules and 36 in draft form awaiting approval of the relevant chief officer. Copies of the retention schedules are published on the States intranet and are available on application to the relevant Department, unless the information in the schedule is restricted or sensitive, as, for example, the schedules of uniformed services.

Any differences between retention schedules are due to differences in legislation and functions. Records common to all departments, like Human Resources, Finance, Health and Safety, have the same retention schedules.

- (ii) Copies of all Jersey laws are available online at www.jerseylaw.je. Few of these mention records retention periods but where they are mentioned it is the responsibility of the Department to be aware of its own legal obligations.
- (iii) I am content there have been no exceptions to the automatic removal of email from the email archive system.
- (iv) For the purposes of the Public Records (Jersey) Law 2002, a public record is one that has been created, or received, by a public institution in the performance of its functions and to the possession of which the public institution is entitled. All correspondence, internal or external, may therefore be a public record.

The Law clarifies what is classed as an archival record, which means that it has significant permanent value, whether for the purposes of public administration or as a matter of cultural heritage.

The Law is format neutral and there is no difference between physical and digital records. It is the information contained in each piece of correspondence that determines its retention period. Correspondence may be captured within a case file, for example, and inherit the retention period of that kind of record. Once a case is concluded and the file closed, the standard retention period should apply.

There is no organisation-wide case management system.

- (v) A records management system manages records from creation or receipt through active use to disposition, either by secure destruction or by transfer for permanent preservation. Records management systems are format neutral and based on business requirements.

Such a system could be paper based if that suited the business in question. A system could also cover both physical and electronic records, or could be purely electronic.

- (vi) The Office of the Information Commissioner has regulatory oversight of the Freedom of Information (Jersey) Law 2011.