

GUIDANCE ON PRIVATE OFFICE RECORDS

17 June 2009

Introduction

1. This guidance on the management of Private Office records is drafted in terms of "Ministers" but also includes Permanent Secretaries' offices. The original version was issued in April 2001, and revised in June 2004. It drew on and expanded existing guidance which related to various categories of Private Office records. This guidance is intended to supplement and not replace other guidance that has a bearing on the running of Private Offices.
2. The first guidance in this series concentrated on the handling of records once they had been created. The second version of the guidance was extended to deal with the creation of records, namely what needed to be recorded in order, for example, to ensure accountability, to communicate clear decisions for subsequent action. This latest version clarifies one or two aspects and includes some governance requirements. The guidance clearly needs to go on evolving as departmental electronic systems develop and change, therefore it will be kept under review.
3. It is for the Departmental Records Officer (DRO), in consultation with The National Archives (TNA), to agree with Private Offices a period for which it is necessary to keep Private Office records and to see that this guidance is implemented within their departments.

Scope

4. This guidance applies to all information which is created in any medium. This includes new web-based technologies such as instant messaging, blackberries and texts. In general, records should be created of all meetings/events which take place with Ministers and/or officials present where decisions are taken on departmental or government policy. Private Offices are here defined as comprising Ministers' and Permanent Secretaries' offices. There is, however, no reason why the records management advice outlined here should not be applied in other offices of senior public servants, for example Director Generals, the Chief Medical Officer, the Chief Nursing Officer, the Chief Scientific Adviser, Agency Chief Executives and Regional Directors.
5. The records of Special Advisers require separate consideration (see paragraph 27). Where Special Advisers have a wider role in the department and have an impact on official business the records originated by a Special Adviser should be retained by the department. If their records only mirror those existing elsewhere in the department there is no reason for them to be kept as part of the official record. All papers that are concerned with party or parliamentary business should be kept separately and managed by the

Special Adviser. Where electronic systems are involved it is for departments to decide how this is best achieved and what controls might need to be introduced.

Management of records and information in Private Offices

6. This guidance applies only to records that are created by, held in, or pass through Private Offices and relate to the business activities of the department, in particular those defined as public records under the Public Records Act 1958 (PRA). The PRA places statutory obligations upon departments on the treatment of public records. Other relevant statutory and non-statutory requirements include the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA), Environmental Information Regulations 2004 (EIRs) and the Copyright, Designs and Patents Act 1988. The Code of Practice under Section 46 of FOIA provides guidance as to the practice which it is desirable for public authorities to follow in connection with the discharge of the functions under the FOIA.

7. Private Offices should adhere to the records management policies and practices adopted by their department and such policies and practices should include procedures specific to Private Offices. This includes accreditation regimes giving assurance in relation to the integrity and availability of information. Departments may also prefer to adapt the format of the guidance to better suit their departmental style, for example, by expressing it in key points briefing. Information in records created or held by Private Offices can, like information in other parts of a department, be the subject of access to information requests under the FOIA, DPA and EIRs.

8. The purpose of putting in place good records and information management procedures is to ensure that records are kept in such a way that:

- (i) they can readily be retrieved when required (they do not just exist for immediate business use) and to enable, for example, departments to produce as evidence to Inquiries, including any annotations or comments that Ministers may have made;
- (ii) reduces the risks associated with litigation by making it easier to identify and retrieve relevant information;
- (iii) ensures accountability and provides an audit trail, which relays the views of the Minister to the appropriate policy area;
- (iv) allows records to be identified for historical and research purposes; and
- (v) protects information which is a valuable resource.

Records covered by the guidance

9. Records in the following categories are likely to be covered by this

guidance:

- (i) letters/minutes from outside the department, eg from Ministers and officials in other departments and from members of the public;
- (ii) submissions from policy areas;
- (iii) originals or copies of submissions which have been annotated by a Minister; Private Secretaries' e-mails etc conveying Ministers' views/decisions to policy areas and Private Secretaries' notes of Ministers' meetings and telephone conversations;
- (iv) records giving information relating to a subject within a Ministers' area of responsibility and which requires a response or decision;
- (v) copies (and collections) of outgoing correspondence relating to official business (see sub-paragraph 13(viii));
- (vi) any documents which may be received and dealt with exclusively by Private Office (see sub-paragraphs 13(i)-(viii));
- (vii) Cabinet documents, the handling of which are subject to separate guidance;
- (viii) Ministers' official diaries and records of meetings with outside interest groups/lobbyists (see sub-paragraphs 13(i) - (ii));
- (ix) records of discussions using instant messaging;
- (x) Private Secretaries' notebooks held in any medium (see sub-paragraph 13(vi)); and
- (ix) Ministers' notebooks held in any medium (see sub-paragraph 13(vii)).

10. Any constituency and party political records, and those relating to a Minister's personal interests, which are handled by Ministerial Private Offices should be kept separately and are outside the scope of this guidance. Such records should be kept and managed in accordance with Ministers' wishes.

Events which need to be recorded

11. In many instances Private Offices will be dealing with correspondence and submissions which have been created by others and submitted to the Minister for advice, for action or for briefing. It is necessary in these cases for the Private Office to record by some means the Minister's response so that this becomes part of the audit trail. The records that need to be created by the Private Office will largely be concerned with the meetings and telephone conversations relating to official business that take place during the normal

course of a Minister's day. In general records should be created of all meetings/events which take place with Ministers and/or officials present where decisions are taken on departmental or government policy and/or there is follow up action required, or where views are expressed which would be helpful to the work of those not present. Records should be created to cover, among other things:

- (i) ministerial diaries: these should be kept up to date to reflect the actual appointments that took place and this should be the record that is retained;
- (ii) responses to policy areas and others noting the Minister's decisions and/or views, on official business;
- (iii) meetings, concerning substantive issues, between:
 - Ministers and other Ministers;
 - Ministers and officials, including Special Advisers;
 - officials and other officials;
 - other government departments;
 - dignitaries, foreign or otherwise;
 - lobby groups;
 - MPs (other than party political); and
 - private sector organisations; and
- (iv) telephone conversations, instant messaging and text discussions that are of an official nature.

Events which do not need to be recorded

12. In some instances meetings will be purely informal or of a social nature and no record needs to be created. This category will include the following:

- (i) regular management meetings with the Minister's Private Office team;
- (ii) briefing sessions, for example, in relation to Parliamentary Questions and debates, Select Committee appearances, official speeches etc;
- (iii) telephone conversations or meetings that do not constitute a formal discussion on matters of departmental or government policy but which allow Ministers or officials a confidential space within which to develop ideas or respond to fast moving situations;
- (iv) party political meetings and/or telephone conversations;
- (v) meetings and/or telephone conversations to commission work

which is actioned immediately so that, in effect, the result of the action (for example a Press statement) becomes the record;

- (vi) goodwill visits/hospitality where no policy decisions arise and where the fact of the meeting taking place suffices; and
- (vii) presentations/seminars where no policy decisions arise.

Special categories of records

13. There are some categories of records such as Ministers' official diaries, records of formal meetings with outside interest groups/lobbyists, Private Secretaries' notes, exclusively internal Private Office papers, declined invitations, Ministers' and Private Secretaries' notebooks which Private Offices should manage, for example:

(i) **Ministers' official diaries:** Ministers' official diaries are public records. The final version of each day's engagements must be preserved by the relevant Private Office either in electronic or paper form and passed to the DRO for safekeeping at the end of each year, or at other intervals agreed between the Private Office and the DRO. This reflects the guidance issued by Sir Robin Butler in his letter of 27 September 1995 to Sir Terence Burns in respect of Ministers' diaries.

(ii) **Records of formal meetings with outside interest groups/lobbyists:** records should be kept of the basic facts about formal meetings with outside interest groups. This is in accordance with the government's response to recommendations 27 and 28 of the *Sixth Report of the Committee on Standards in Public Life* (Cmd 4817). A retention period for these records should be agreed with the DRO.

(iii) **Sensitive papers:** some Private Offices have sensitive non-mainstream internal papers on registered or unregistered files, some of which, for a variety of reasons including sensitivity, will be kept within the Private Office. These records should be passed to the DRO at a mutually agreed time. There may also be occasions where it is not appropriate, for instance for reasons of sensitivity, for the Minister's annotations or comments to be given a wide circulation. In these circumstances a Private Secretary note should be sent, electronically or otherwise, to the policy area recording any action that is needed and the original paper kept in the Private Office. These should be passed in due course to the DRO and subsequently destroyed after an agreed period.

(iv) **Registered files:** in some instances Private Offices may need to keep registered files, either electronically or paper format, and if such files are not kept elsewhere in policy areas, for example on subjects which are not directly supported by the department.

(v) **Declined invitations:** declined invitations should be kept for a period agreed with the DRO and then destroyed.

(vi) **Private Secretaries' notebooks:** Private Secretaries' notebooks are not public records and should be destroyed after six months. Any detail from notebooks that should be retained should be transferred to the official record. While notebooks are in existence they may be the subject of access to information requests.

(vii) **Ministers' notebooks:** where Ministers' notebooks exist, in any medium, they should be retained and transferred to the DRO at the end of the Minister's tenure. Ministers should be reminded that their notebooks are public records and they are liable to be given in evidence to an Inquiry if so requested and this reflected in the guidance issued by Sir Richard Wilson in his letter of 16 December 1999 to Sir Andrew Turnbull). They may also be the subject of access to information requests.

(viii) **Copies (and collections) of outgoing correspondence relating to official business:** copies of outgoing correspondence held in Private Offices should be destroyed at a time agreed with the DRO.

BEST PRACTICE IN MANAGING PRIVATE OFFICE RECORDS

14. The following best practice models have worked well in many departments and it is recommended that all Private Offices should ideally follow one of these models. However, it may on occasion be more practical for Private Offices to adapt one of these models to their own business needs. The model adopted in each department should be agreed with the DRO to ensure that the policy story can be adequately reconstructed to demonstrate accountability.

15. With many departments now operating correspondence tracking systems and an Electronic Records Management (ERM) system, a departmental audit trail may comprise both electronic and paper elements. It is important to ensure that whether the information is held in some form of ERM system or on a digital network that all components of the record are retained.

Model 1 - Private Office records kept to support Ministers, and policy areas also required to retain records (see attached Model 1 Handy Hints)

16. This model, which is the recommended approach, relies on Private Offices retaining their own records with policy areas also retaining records. The reason for recommending this model is around risk management and it needs to be clear who is responsible for managing any risk. The reputation of a Minister or Permanent Secretary can be severely damaged if key information is not readily available as evidence of the decision making process. Whilst policy areas need to retain the complete record for evidential

and knowledge management purposes, relying entirely on policy areas to retain all key records poses a major risk to Ministers and senior officials. This model requires both the Private Office and the policy area to ensure that the records are properly captured and stored in the departmental records system.

17. Under this model it is necessary for the Private Offices to ensure that any comments/annotations to submissions and other records are conveyed back to the policy area so that they have a complete picture, whether this information is conveyed electronically or in hard copy will depend on the nature of the original record. Should the Minister examine a submission but make no comment, the Private Office will need to add a note (electronically or in paper as appropriate) to the effect that it has been “seen by the Minister”, unless the Minister has already indicated that it has been seen. Ministers need to be sure that they can account for their actions and this could be assisted if Ministers were encouraged to annotate anything that they have read. It is for Private Offices to determine, in agreement with the DRO, whether the originals of any annotated submissions should be retained in the Private Office or returned to the policy area.

18. Private Offices will need to keep a record of any action flowing from, or any comments about, submissions received electronically together with any copies of paper submissions. They also need to transmit electronically a Private Secretary note (or in the case of paper, a copy of the annotated submission) to the policy area recording the response to the submission and any action that is needed. It will be for the policy area to ensure that the whole record is brought together in the electronic corporate file plan.

19. Any records not captured in the departmental records system which are kept in Private Office should be passed into the keeping of the DRO at an agreed time; in the case of Ministerial Private Offices, on a change of Administration.

20. It is important to note that under this model it is not appropriate for Private Offices to weed/dispose of their records, as important documents may be lost. The DRO will conduct any weeding or disposal of records.

Model 2 - Reliance on policy areas to retain full and accurate records (see attached Model 2 Handy Hints)

21. This model relies upon the departmental policy areas to ensure that the records are stored in the departmental record system and that where the record includes both electronic and paper elements the whole record is brought together in the corporate filing system by the policy areas. The Private Office, under Model 2, does not need to be concerned about capturing the records that they handle into the departmental records system; rather they delegate this requirement to the responsible policy area. Under this model, however, Private Offices need to have a high degree of confidence that the record management procedures in the relevant policy areas, both within the department and in other departments where there is cross-department working, are sufficiently high. There is the potential for major reputational

damage if records are not available to justify the decision making process. Relying on Model 2 in effect delegates the risk management to the policy areas but the risk remains to be handled and again it needs to be clear who is responsible for managing that risk.

22. The Private Office may decide to retain copies of the records for administrative convenience. As they are copies they should be deleted in an appropriate manner or weeded and destroyed after a period agreed with the DRO, or be sent to the DRO to delete/weed/dispose of as appropriate. For this purpose the DRO may draw up what is known as a 'Disposal Schedule' (see example below). In the case of Ministerial Private Offices, for example, the disposal arrangements agreed with the DRO could be for records to be deleted in an appropriate manner or destroyed on a change of Administration. It should be noted that TNA are taking forward work on developing standard retention periods for Private Office records. Disposal Schedules are different to, and do not replace, such measures as the automatic deletion of e-mails after a given period.

23. The Private Office will, however, need to convey any comments made by the Minister, written or oral, to the relevant policy area to complete the record. This may be done by scanning annotations and returning them electronically to the policy area or, in the case of a paper record, returning the annotated paper copy to the policy area. Should the Minister examine a submission but make no comment, an electronic note (or in the case of paper, a manuscript note) should be added that it has been 'seen by the Minister' unless the Minister has marked the document to indicate that the document has been seen. Ministers need to be sure that they can account for their actions and this may be assisted if Ministers are encouraged to annotate anything that they have read.

24. There may be some subjects which are dealt with solely by the Minister. In these cases it will be necessary for Private Offices to keep their own registered files. These should be passed to the DRO after an agreed time.

Governance Arrangements

25. Private Offices need to ensure, in consultation with their DRO, that proper records management procedures are in place, by using one of the models of good practice outlined above. In recognition of the fast turnover of staff within Private Offices, this guidance needs to be included in the induction notes for Private Office staff. In addition the DRO will need to include within their records management audit procedures, checks to ensure that the guidance is being followed in their department and it is for individual departments to determine the most efficient and effective manner this can be achieved. One possible method is for the DRO to undertake an annual assessment of the procedures in each Private Office. Where Model 2 is adopted it is strongly advised that such an assessment is undertaken.

Conclusion and Further Guidance

26. If any further advice is required about matters covered in this guidance, this may be obtained from TNA. The guidance will be updated at regular intervals.

27. Other related guidance on matters which are covered in these notes can be found in the:

Ministerial Code -

http://www.cabinetoffice.gov.uk/media/cabinetoffice/propriety_and_ethics/assets/ministerial_code.pdf

General Election Guidance -

http://www.cabinetoffice.gov.uk/media/cabinetoffice/propriety_and_ethics/assets/electguide.pdf

Directory of Civil Service Guidance -

http://www.cabinetoffice.gov.uk/media/cabinetoffice/propriety_and_ethics/assets/csg%20vol1.pdf

http://www.cabinetoffice.gov.uk/media/cabinetoffice/propriety_and_ethics/assets/csg%20vol2.pdf

Code of Conduct for Special Advisers -

http://www.cabinetoffice.gov.uk/propriety_and_ethics/special_advisers/code/code.aspx

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EXAMPLE PRIVATE OFFICE RECORDS MANAGEMENT DISPOSAL SCHEDULE

TYPE OF RECORD	FORMAT/MEDIA	ACTION FOR PRIVATE OFFICE	DISPOSAL <i>(Already outlined in the main body of the current guidance – could be set to change*)</i>
Minister's Notebooks	<ul style="list-style-type: none"> Paper volumes Email (plus attachments) 		<i>*Pass to the DRO at the end of the Minister's tenure in office.</i>
Private Secretaries' Notebooks	<ul style="list-style-type: none"> Paper volumes Email (plus attachments) 		Destroy after 6 months.
Engagement Diaries	<ul style="list-style-type: none"> Paper volumes Electronic diary, eg MS Outlook, Lotus Notes (including attachments to appointments) Bespoke diary databases 		<i>*Pass to the DRO at the end of each year (or other agreed interval), and again at the end of the Minister's tenure in office.</i>
Files of correspondence - including drafts for approval of wikis, blogs, other published web content (see separate wiki/blog section for on final versions)	<ul style="list-style-type: none"> Paper Electronic versions (held on ERM, shared drives, personal drives, email, USB sticks and palm-top) 	<ul style="list-style-type: none"> Close ERM folders at the end of the Minister's tenure in office Capture material at regular intervals from all portable media and pass to DRO 	<ul style="list-style-type: none"> Registered files to be kept as appropriate Pass to the DRO for permanent preservation or destruction, as agreed
Outgoing material - invitations (declined/accepted), official letters	<ul style="list-style-type: none"> Paper Email (plus attachments) 		<i>*Retention period to be agreed with the DRO.</i>
Incoming material -	<ul style="list-style-type: none"> Paper 		<ul style="list-style-type: none"> Pass to the DRO at agreed

TYPE OF RECORD	FORMAT/MEDIA	ACTION FOR PRIVATE OFFICE	DISPOSAL <i>(Already outlined in the main body of the current guidance – could be set to change*)</i>
invitations; official letters	<ul style="list-style-type: none"> Electronic versions (held on ERM, shared drives, personal drives, email, USB sticks and palm-top) 		intervals (6-12 months) for destruction
Submissions	<ul style="list-style-type: none"> Paper Electronic versions (held on ERM, shared drives, personal drives, email, USB sticks and palm-top) 	<ul style="list-style-type: none"> Close ERM folders at the end of tenure Regular downloads from all portable media 	<ul style="list-style-type: none"> Pass to the DRO at agreed intervals (6-12 months)
Speeches	<ul style="list-style-type: none"> Paper Electronic versions (held on ERM, shared drives, personal drives, email, USB sticks and palm-top) Film/audio/photographs etc 	<ul style="list-style-type: none"> Regular gathering of all published web content - including content from non-departmental sites, eg Flickr and YouTube . 	<ul style="list-style-type: none"> Pass to the DRO at agreed intervals (6-12 months)
Briefings - events (media, meetings, visits)	<ul style="list-style-type: none"> Paper Electronic versions (held on ERM, shared drives, personal drives, email, USB sticks and palm-top) 		<ul style="list-style-type: none"> Destroy after 6 months
Briefings - Ministerial	<ul style="list-style-type: none"> Paper Electronic versions (held on ERM, 		<ul style="list-style-type: none"> Registered files to be kept as appropriate

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briefing papers	shared drives, personal drives, email, USB sticks and palm-top)		<ul style="list-style-type: none"> • Pass to the DRO at agreed intervals
Wikis, blogs (Minister, Permanent Secretary, Chief Executive etc), internal updates	<ul style="list-style-type: none"> • Paper (transcripts) • Web 2.0 content on official <u>and</u> unofficial government sites, eg YouTube video, discussion forums, social networking sites and instant messaging etc. 	<ul style="list-style-type: none"> • This type of record can be in published format (eg on departmental website or intranet) <u>or</u> official internal communications, blogs etc. • Capture material from official/unofficial sites at regular intervals and pass to DRO • See also 'files of correspondence' for drafts of the published content 	<ul style="list-style-type: none"> • All Minister/Permanent Secretary/Chief Executive content to be passed to the DRO for permanent preservation
Minutes of meetings - policy	<ul style="list-style-type: none"> • Paper • Electronic versions (held on ERM, shared drives, personal drives, email, USB sticks and palm-top) 		<ul style="list-style-type: none"> • Pass to the DRO after 1 year

TYPE OF RECORD	FORMAT/MEDIA	ACTION FOR PRIVATE OFFICE	DISPOSAL (Already outlined in the main body of the current guidance – could be set to change*)
Formal meetings - outside interest groups/lobbyists	<ul style="list-style-type: none"> Paper Electronic versions (held on ERM, shared drives, personal drives, email, USB sticks and palm-top) 		<i>*Retention period to be agreed with the DRO.</i>
Non-fixed information exchange methods - telephone calls (official business), live web feeds, web chats with Minister etc.	<ul style="list-style-type: none"> Paper (transcripts) Email (plus attachments) Film/audio files 	<ul style="list-style-type: none"> Active gathering is required – advanced preparation, recording etc. 	<ul style="list-style-type: none"> Record of discussion including significant phone calls to be kept on a registered file Retention period to be agreed with the DRO
Float copies of correspondence (where these are still in existence)	<ul style="list-style-type: none"> Paper Electronic versions (held on ERM, shared drives, personal drives, email, USB sticks and palm-top) 		<i>* Retention period to be agreed with the DRO</i>

PRIVATE OFFICE - MODEL 1 HANDY HINTS

Model 1 requires the Private Office and the policy area to ensure that records are stored in the departmental records system. Records kept outside of the records system should be passed to the Departmental Records Officer at an agreed time.

MATERIAL COMING INTO PRIVATE OFFICES

Correspondence - from outside the department

Submissions - from policy areas

Documents

- relating to a Minister's area of responsibility that require a response or decision
- dealt with exclusively by a Private Office
- Cabinet

Meetings - concerning substantive issues

Telephone conversations - concerning substantive issues

Instant Messaging - discussions undertaken

Oral briefings

Minister's official diaries

Discussions on web forums

MATERIAL BEING SENT FROM PRIVATE OFFICES

Correspondence - outgoing

Submissions

- that have been annotated by a Minister
- note of where seen by a Minister but no comment made

Documents

- response or decision relating to a Minister's area of responsibility
- safekeeping of those dealt with exclusively within Private Office
- Cabinet - handled in accordance with instructions

Meetings - notes made concerning substantive issues

Telephone conversations - records of conversations concerning substantive issues

Instant Messaging - record discussions

Oral briefings - notes where required

Minister's official diaries - corrected to reflect actual appointments that took place

Records of discussions on web forums

Good records management is needed to ensure that the policy story can be adequately reconstructed to demonstrate accountability. These handy hints are intended to supplement and not replace other guidance that has a bearing on the running of Private Offices.

PRIVATE OFFICE - MODEL 2 HANDY HINTS

Model 2 requires the policy area to ensure that records are stored in the departmental records system. Copies of records retained for administrative convenience should be sent to the Departmental Records Officer (DRO) or destroyed after a period agreed with the DRO. Records kept outside of the records system should be passed to the DRO at an agreed time

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Correspondence - from outside the department

Submissions - from policy areas

Documents

- relating to a Minister's area of responsibility that require a response or decision
- dealt with exclusively by a Private Office
- Cabinet

Meetings - concerning substantive issues

Telephone conversations - concerning substantive issues

Instant Messaging - discussions undertaken

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- that have been annotated by a Minister
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