

Instructions and correspondence issued to staff about document management or the arrival of the Freedom of Information Act 2000 (FOIA) since July 2004.

Information made available to staff on document management and the Freedom of Information Act.

Letter from the Secretary of the Cabinet dated 8 July 2004 to the Permanent Secretary of the Department for Constitutional Affairs.

Minute from the Cabinet Office Managing Director dated 30 September 2004 to Heads of Management Units.

Minute from the Cabinet Office Managing Director dated 26 November 2004 to Heads of Management Units.

Extracts from the 'The Weekly' newsletter to staff on various dates.

Guidance on E-Mails

Guidance to staff from the Cabinet Office intranet website on how long to keep records and what to put on the record.

Freedom of Information Guidelines.

The Cabinet Office disposes of records in accordance with over 20 guidance notes produced by The National Archives (TNA), covering disposal schedules, managing records in the electronic environment, as well as the overarching records management guidance. Disposal schedules are drawn up for the various areas of the Cabinet Office based on the guidance. Those records that are retained are kept for business purposes or the need for eventual transfer to TNA. Further details can be found at

<http://www.nationalarchives.gov.uk/recordsmanagement/advice>

The introduction of automatic deletion of e-mails from Inboxes, Sent Items and Deleted items after three months was not about the FOIA or about the destruction of important records, it was about filing important e-mails properly and deleting the remaining ephemeral material and duplicate copies. It is not a new concept to delete e-mails no longer required. As indicated in the Cabinet Office Standards and Best Practice for Government Departments on the Data Protection Act 1998 (issued in July 2003 and available on the Cabinet Office's internet website): "If an e-mail is not required for the corporate record or other reasons it should be deleted, either immediately, or when it has ceased to be of use" (see Annex C, page 9). There is no information held about the number of e-mails that are deleted by the Cabinet Office.



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Sir Hayden Phillips GCB
Department of Constitutional Affairs

08 July 2004

Dec Hoyle

GUIDANCE AND PROTOCOL ON THE HANDLING OF E-MAILS

I should like to thank you and other colleagues for your comments on the draft e-mail guidance I sent out back in February.

-- The inter-departmental working group – whose representatives were drawn from DCA, The National Archives, FCO, MOD, Home Office, DTI and the Cabinet Office – have revised the guidance to take into account the helpful comments that were received. I am grateful to all those who played a part in the working group. The final version of this particular guidance is attached at Annex A.

Most colleagues, while offering helpful drafting changes, greeted the guidance with enthusiasm. Some have noted that they already have or are developing guidance along similar lines, which is good news. Other departments may now wish to adopt the attached guidance or adapt it to their own needs. I should stress, however, that this guidance is not meant to replace existing authoritative and much more detailed guidance put out by The National Archives¹ or even the more detailed guidance that some departments have already introduced. It is meant to deal with the high level issues about content, status etc in a succinct way and many of you have been kind enough to recognise this and to welcome it. One colleague made the point, with which I agree, that in issuing of the guidance departments may use the opportunity to alert staff to the fact that security considerations may dictate that other means of communication may be preferable on some occasions.

On a final point, the guidance recommends that departments consider introducing a limit on the time that e-mails may be kept outside a record keeping system before automatic deletion. As, however, a colleague has commented, there is a balance to be struck between an automatic deletion policy and the need to avoid the destruction of key information that has not been properly archived. I feel sure that this is a risk that could be minimised, if not eliminated, through sensible record management procedures.

¹ "Guidelines on Developing a Policy for Managing Email" produced by, and available from, TNA, Ruskin Avenue, Kew, Surrey TW9 4DU



If anyone really wishes to discuss this at a Wednesday morning meeting we can do so but my view is that this has been dissected sufficiently and we ought now to use it or amend it as suits.

A copy of this letter and attachment goes to Wednesday morning colleagues.

*Yes means
Andrew*

Andrew Turnbull





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30 September 2004

Heads of Managements Units

Guidance and Protocol on the Handling of E-mails

We all now use e-mails to transact our business as a matter of routine. This is a good thing and in keeping with the government's targets for electronic working but I suspect that like other departments there is a degree of confusion within the Cabinet Office on the status of e-mails and how they should be handled. With this in mind earlier this year Sir Andrew Turnbull tasked an inter-departmental working group – whose representatives were drawn from the Department of Constitutional Affairs, The National Archives, Foreign and Commonwealth Office, Ministry of Defence and the Cabinet Office – to draw up guidance that addressed the more important issues in relation to the status, content disclosability, responsibility and storage/destruction of e-mails.

The attached guidance, which has been agreed at Permanent Secretary level is the result of that process. In circulating the guidance Sir Andrew has suggested that Departments may wish to adopt it as part of their own practices and procedures for the handling of e-mails. I support Sir Andrew's suggestion and would therefore be grateful if arrangements could be made for the guidance to be circulated within your respective units with a request that they adhere to the content as part of their normal routine. I should perhaps add that the guidance is intended to supplement and not replace any other e-mail guidance that is already available. I would also add that staff should be aware that security considerations may dictate a means of communication other by e-mail may be preferable on certain occasions.

On a final point, you will see that guidance recommends that departments consider introducing a limit on the time that e-mails may be kept outside a record keeping system before automatic deletion. This is a possibility we are considering in relation to CABNET but it is recognised that there is a balance to be struck between an automatic deletion policy and the need to avoid the destruction of key information that has not been properly archived. Matters will, however, become easier over the next 12 – 18 months with the introduction of an electronic records management system.



If there is anything in the guidance that you wish to pursue, or on which you would like advise, you should contact Tessa Stirling (Head of Histories Openness and Records Unit) on 276 6326.





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26 November 2004

Heads of Management Units

Automatic Deletion of E-mails

In my letter of 30 September 2004 I indicated that we were looking at the possibility of introducing a limit on the time that e-mails on CABNET could be kept outside a record keeping system before automatic deletion. It is accepted there was a balance to be struck between an automatic deletion policy and the need to avoid the loss of key information that had not been properly archived. This letter outlines the arrangements that are being introduced with effect from Monday 20 December 2004 on CABNET for the automatic deletion of e-mails in Inboxes, Sent Items and Deleted Items after three months. We are also looking, in slower time, at extending this policy to include e-mails in personal folders.

Why the need for change?

In line with existing guidance, and the guidance agreed by Permanent Secretaries issued under cover of my letter of 30 September 2004 (copy attached), departments are strongly recommended to consider introducing a limit on the time that e-mails may be kept outside an official record keeping system before automatic deletion. This is on the grounds of good records management practice and the need to retain only what should be kept for business or records purposes.

What do Cabinet Office staff need to do?

Between now and 20 December 2004 CABNET users need to do whatever housekeeping may be necessary to ensure that any e-mails more than three months old in Inboxes, Sent Items and Deleted Items that need to be retained are saved by printing to paper and placing them on registered files in accordance with the current departmental records policy.

What about shared mailboxes?

The same arrangements apply to shared mailboxes as to any other mailboxes. This means that one or other of the users of a shared mailbox will need to do whatever housekeeping that may be necessary before 20 December 2004.



What about personal folders?

E-mails stored in Archived or Personal Folders will not at present be affected by the automatic deletion policy. As indicated above, we will be looking to extend this policy to personal folders early next year but in the meantime, staff should refrain from 'dumping' e-mails from Inboxes, Sent Items and Deleted Items into personal folders as a means of reducing the size of their mailboxes as this undermines the aims and benefits of an automatic deletion policy.

What e-mails should be kept in advance of automatic deletion?

There is no distinction between information recorded and conveyed in an e-mail and that conveyed by other means. All e-mails originated or received by members of staff are public records and are therefore subject to records management policies and procedures. The fact that e-mails are public records does not, however, mean that they need to be retained in the longer term. Those that do need to be kept include e-mails containing:

- contributions to the development of policy or legislation;
- background information relating to decisions, opinions and advice to Ministers, Senior Management, other organisations or to the public;
- evidence of the department's performance against its objectives;
- information that forms part of an audit trail, eg
 - procedures for selecting external suppliers;
 - changes to contracts;
 - authorisation for payments; and
- actions the department has taken to comply with legal obligations.

How should e-mails be kept that need to be retained?

The installation of an electronic records management (ERM) system on CABNET is planned for 2005-06. Until the full introduction of an ERM system, however, the departmental records policy continues to be that **staff must print to paper all e-mails that need to be retained and place them on the existing registered files.**

Where areas hold e-mails in shared drives or in Archived or Personal Folders this does not negate the requirement for those e-mails that need to be retained for the record and/or business purposes having to be printed off and placed on the relevant paper file.



Way forward

Please ensure that all staff in your Unit are informed of the fact that they have until 20 December 2004 to prepare for this change, including making arrangements for those staff who for whatever reason might not be in the office. We shall be putting instructions to this effect on CabWeb and will put an article in *The Weekly*. But in order to give the maximum notice to staff, you should draw the letter to their attention as soon as possible. If, however, you have any immediate concerns about the automatic deletion of e-mails you should contact Tessa Stirling (Head of Histories, Openness and Records Unit) on 276 6326.



Freedom of Information (Fol) is only four months away

If you've been reading *The Weekly* or the office notices carefully, you should have at least a vague awareness by now that the Freedom of Information Act (Fol) will come fully into force next January. Or maybe you've already been on one of the training courses organised by the Openness Team.

For the benefit of those who know enough to be worried, those who haven't even heard of the Act, and those in between, the Openness Team will provide a regular column in *The Weekly* over the next few months, highlighting what you need to know.

New Year resolutions

From next January, members of the public will (subject to certain exemptions) have a right to information held by government departments. It is vital that all Cabinet Office members of staff are prepared for this. Failure on our part to comply with the Act could mean either that information is incorrectly withheld or released. Either eventuality could lead to legal challenge, ministerial embarrassment, an appearance on the front pages of the newspapers or, in extreme cases, pose a threat to national security.

Not always straightforward

Dealing with requests under the Act may not always be straightforward. If you don't have the training, you won't know how to deal with any request you receive. You may not even recognise a request. Fol liaison officers have already been appointed for each area of the Cabinet



Office and will serve as a first port of call for any queries you may have. Training and awareness sessions for senior staff and for Fol liaison officers have now been running for some time. Over the coming months, sessions will be held for all remaining Cabinet Office people. Details of the courses appeared on Cabweb on 18 August and it is essential that you nominate yourself for a course.

Further information

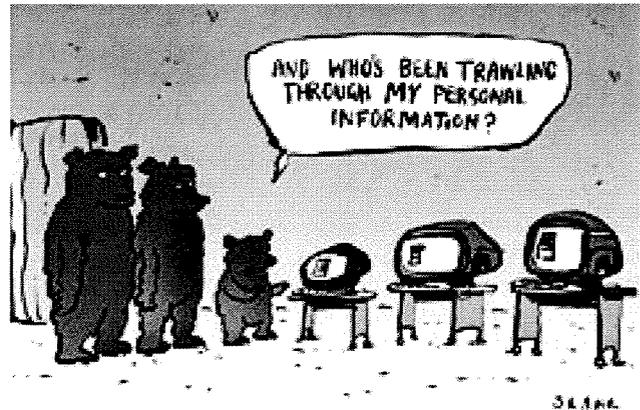
The Openness Team in Histories, Openness and Records Unit have responsibility for freedom of information within the Cabinet Office.

Fol Liaison officers will help you if you need advice. If there's any topic you'd like us to cover in *The Weekly*, please contact a member of the team on GTN 276 6335/ 6334 or 6333.

Freedom of Information (FOI) update

With the imminent arrival of FOI, now might be a good time to consider that clear-out of old e-mails and electronic documents that you've been putting off because there's always something more urgent to do.

Under FOI, any document (whether paper or electronic) held in the department is potentially disclosable. Do you really need to keep that two-year-old e-mail, just in case? Are you ever likely to need again an electronic version of that letter you sent 18 months ago? If a document forms part of the corporate record, print it off and put it on a registered file. If it was ephemeral, or it's already on file, don't clog up your PC with superfluous documents. Get into



the habit of regularly reviewing your electronic documents. If you haven't opened a document in months, you should be asking yourself searching questions about whether you really need to retain it.

It's time to have your say

A note from Colin Balmer

This week we are launching the 2004 People Survey, which aims to give everyone working in the Cabinet Office a chance to say what they think about the department as a place to work and how they would like to see us move forward.

Previous surveys have been invaluable in helping us understand your attitudes and views in taking appropriate action in the light of these.

It has been two years since the last survey and much has changed since then. The Strategy Board has agreed that from now on we will have a survey every year so that we can monitor progress across the Cabinet Office, including how we are doing on specific initiatives aimed at improvements in key areas such as leadership, management, diversity and communication. The survey will also help us to identify new areas of action that are needed as part of the Better Cabinet Office Programme.

It is therefore very important that you tell us how you feel by taking part. The survey should take no longer than 20 minutes to complete and you can do this in work time. The survey will run from this Wednesday, 15 September, until 6 October. We will publish the results of the survey.

ORC International, a company that specialises in employee research, is conducting the survey on our behalf and guarantees to treat your responses in strictest confidence. ORC operates within the Market Research Society code of conduct and will not show any results for groups of fewer than ten people. No individual will be identifiable by the results.

If you need a paper copy of the questionnaire to complete, please contact **Maureen Ellis** in Human Resources.

Please do have your say. Your views are very important.

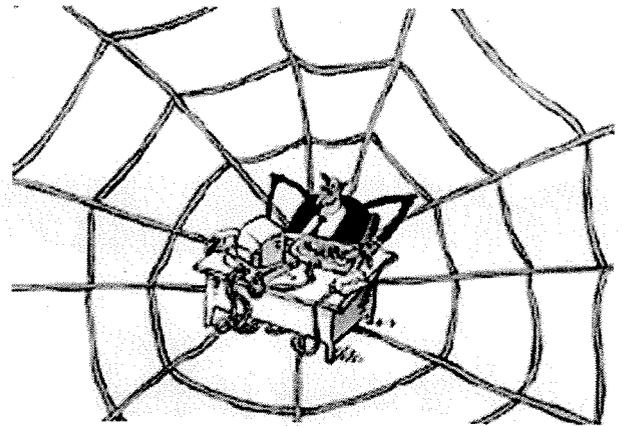
Freedom of Information (Fol) update

When Fol arrives next January, the first port of call for most Cabinet Office staff who have any queries about FOI in general or about a specific request for information will be their unit's FOI liaison officer.

These people will be able to give basic advice on Fol and will also be able to channel any queries to the Openness Team. If you get a request for information and don't know what to do with it – ask your liaison officer.

You can find out who your liaison officer is by going to CabWeb and then clicking on >Managing>Openness>Freedom of Information>FOI Liaison Officers.

As well as details of liaison officers, there is a link to the Freedom of Information Act itself and, rather more usefully for most people, links to the Information Commissioner's website and the FOI section of the Department for Constitutional Affairs website, which explain the Act and its implications. Look out for more information appearing on that page over the coming weeks.



Remember – it's time to have your say

The People Survey is now available on CabWeb so that everyone can take the opportunity to let the top of the office know what they think about working in the Cabinet Office.

Some people experienced technical difficulties when the survey was first published. These problems have now been overcome so please try again.

The survey should take no longer than 20 minutes to complete and you can do this in work time. The survey will run until 6 October.

We will publish the results of the survey. ORC International, a company that specialises in employee research, is conducting the survey on our behalf and guarantees to treat your responses in strictest confidence. ORC operates within the Market Research Society code of conduct and will not show any results for groups of fewer than ten people. No individual will be identifiable by the results.

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Please do have your say. Your views are very important.

Freedom of Information (Fol) update

You won't be surprised to learn that when the FOI Act comes fully into force next January we'll be required to keep statistics on the requests that we receive.

Any request for information must be recorded as a FOI request. So a letter requesting a leaflet you produce, or an e-mail asking for the full postal address of your unit, would both constitute FOI requests. We wish to keep the burden to a minimum and for straightforward requests, where you can supply the information sought, we'll simply need figures for how many requests were processed and how long this took. These will be collated by the FOI liaison officer in your area. For the remainder, guidance will be issued in due course about what needs to be recorded.



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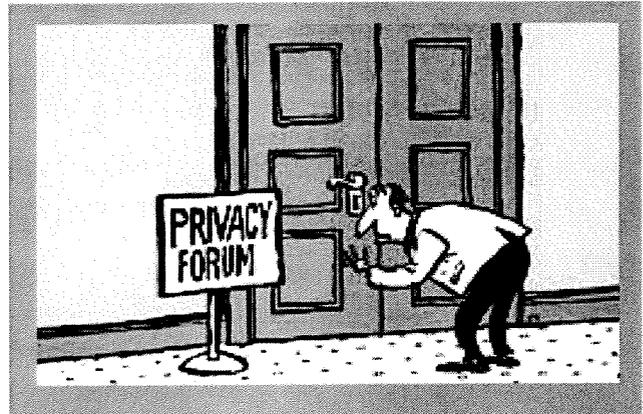
Please do have your say. Your views are very important.

Freedom of Information (Fol) update

Those of you who have already attended FOI awareness sessions will be aware that, although the access provisions of the FOI Act don't come into force till next January, part of the FOI Act is already in operation. This is the provision in the Act that requires public authorities (such as the Cabinet Office) to set up publication schemes.

Publications schemes are, basically, lists of classes of information that an authority undertakes to publish proactively. Classes are not specified in the Act and are created by the authority itself. They might be, for instance, management board minutes, business plans, ministerial speeches, audit reports, manpower statistics, etc. Individual publication schemes are approved by the Information Commissioner and, once a class of information has been included, it cannot be removed from the publication scheme without the Commissioner's consent.

The Cabinet Office publication scheme has been in place since December 2002 and can be viewed on the Cabinet Office internet web site. You can reach it via the home page under Main Links>Publication Scheme. Part



three describes the classes of information that the Cabinet Office publishes proactively and contains direct links to some of the information.

Publication schemes are an opportunity for organisations to promote themselves by including more and more information over time. The Cabinet Office Openness Team would be grateful for any new sources of information that your area can offer. And, remember, the more you publish proactively the fewer time-consuming individual requests for information you're likely to receive.

Remember – three more days to have your say

The People Survey has three days left to run - it closes on Wednesday 6 October. If you haven't responded yet, please have your say - your views are very important to us. It is available on CabWeb so everyone can take the opportunity to let the top of the office know what they think about working in the Cabinet Office.

The survey should take no longer than 20 minutes to complete and you can do this in work time. We will publish the results of the survey, together with the actions we plan to take.

ORC International, a company that specialises in

employee research, is conducting the survey on our behalf and guarantees to treat your responses in strictest confidence. ORC operates within the Market Research Society code of conduct and will not show any results for groups of fewer than ten people. No individual will be identifiable by the results.

If you need a paper copy of the questionnaire to complete, please contact Maureen Ellis in Human Resources.

Please do have your say. Your views are very important.

Freedom of Information (Fol) update

You may well have heard horror stories from other countries with FO legislation of requests for information requiring the full-time commitment of numerous staff for several weeks to identify and collate the material, and then many man hours to photocopy the whole lot before sending it out to the enquirer.

Don't panic. The UK FOI Act does not require us to respond to every request for information, no matter how unreasonable it may be. The Act provides that we don't have to comply with a request if the cost of doing so would exceed 'the appropriate limit', which hasn't been announced yet, but which is unlikely to be significantly out of line with the "disproportionate cost" limit used in answering PQs.

The Act doesn't oblige you to refuse to reply if the limit would be exceeded, it merely gives you the opportunity of doing so. You are at liberty to answer anyway, regardless of the cost, and you would then be allowed to charge for providing the information.

So what's to stop an individual, or a group of individuals, from putting in requests for part of the information, so that each request doesn't exceed the appropriate limit? The drafters of the Act were one step ahead of them there, and have thoughtfully included a provision that allows us to aggregate the cost of the requests where several are made by one person, or by different individuals who appear to be acting in concert. If you think you're dealing with a campaign, get your FOI liaison officer to speak to the Openness team.



STAFF NEWS

Opening up our work to the world

Next January anyone in the world can request information from your computer, filing cabinet, notebook, CDs or tapes, even Post-it notes.

And usually you will have to send it to them within 20 working days. Government from Downing Street to the local council will be far more accountable to the public after the Freedom of Information Act (Fol) takes effect from 1 January.

The change is fundamental. This is Tony Blair in 1996: 'It is not some isolated constitutional reform we are proposing with a Freedom of Information Act. What is needed is a statutory obligation to release information to the people. There is still far too much addiction to secrecy and a wish to conduct government business behind closed doors.'

Fol is an opportunity for the Department to gain a reputation as an open organisation, encouraging people to proactively deal with it. That reinforces voluntary compliance. It is difficult to gauge how much interest there will be – currently the Department processes about 30 requests a year under open government.

But the FBI didn't prepare for a similar act in America and had to pull 70 agents off the front line to sort out the back log. Authorities must have a publication scheme setting out information they routinely make available, how to obtain it and whether a charge applies. The Cabinet Office's scheme is on the internet site.

Authorities must respond in writing within 20 working days to requests for information, so staff should prepare now rather than panicking when the first request arrives.

Kevin Nichols, from the Openness Team, says people shouldn't be frightened by Fol because they are not on their own. If they prepare for it - see the top ten tips opposite - they will be more organised and effective in all their work.

Teams should consider the questions they are likely to receive, what information they will release, and what is covered by exemptions in the act and can be withheld.

But don't hide information. It may be held by another agency that can also be approached, and eventually the department will be caught out. It is a criminal offence to destroy information after a request arrives. Most demands for information will be standard requests like calls from the public or PQs.

However, although a Fol request must be in writing, that includes email, it needn't mention the Act at all. It is immaterial who requests the information, so a journalist or MP doesn't have to reveal their occupation. The Act is retrospective, which is an incentive to prune old records.

Across the whole of government work is being done to delete unnecessary records and set up systems that will enable retained files to be easily accessed, regularly reviewed and weeded.

The Weekly is running a series of short articles provided by the Openness Team in the run-up to the Act becoming law. You can find this week's hints and tips on page 9.

Further information

For up-to-date information on the Freedom of Information Act go to www.foi.gov.uk or www.informationcommissioner.gov.uk
You can also contact Dennis Morns on GTN 276 6333, Kevin Nichols on GTN 276 6334 or Brian Hogan on GTN 276 6335 from the Openness Team.

Adapted from article first published in *Portcullis*, staff magazine for Customs staff in HM Revenue and Customs, by kind permission of the Editor.

continued on page 5>

>continued from page 4

MPs and media to ask most

Journalists and MPs are major users of freedom of information legislation introduced in other countries. The UK is likely to be similar, according to Sebastian Nokes from BT openaccess.

In New Zealand MPs use the legislation to obtain background information to devise more penetrating parliamentary questions for the department to answer. Although New Zealand civil servants found the Act challenging to work under, it meant they made better decisions.

In Ireland about half the requests for information come from journalists. One third of all Irish requests are declined and a fifth of all requests go to appeal.

The Act is more than just granting access to information. The Lord Chancellor stated in November 2002 that: 'Freedom of information requires a fundamental re-examination of the ways in which authorities carry out their work and communicate what

they do. The cultural change required to reverse the traditional premise that everything is secret unless otherwise stated will take time.'

The potential for ministers and public bodies to be embarrassed is high. Public comment is likely where the subject area or the advice is controversial, and the information released reveals differences of opinion between ministers or departments.

Sebastian said the FoI Act has two powerful enforcement mechanisms, embarrassment, and a commissioner with teeth. The experience elsewhere is the public and others will use FoI more each year and insist on removing from office public servants who get it wrong.

Sebastian added that the Hutton inquiry showed FoI in action, top secret didn't mean the information could always be withheld. The inquiry operated under FoI rules so published more raw information than usual, including extracts from Alastair Campbell's personal diary.

Ten top tips

Top ten tips on how to deal with the Freedom of Information Act.

1. Don't wait to be asked. Decide before January, and when starting any new project, how you will disclose information and get your systems in place.

2. Draft with disclosure in mind. Think about what exemptions may apply and what will have to be released. Remember there is no exemption for embarrassment.

3. Publish before you're asked. The Department has a publication scheme to make available information to the public. This information does not have to be provided separately.

4. Be open. The first question is not: 'how can I avoid releasing this?', but, 'what harm would it do to release it?' The public has a right to understand the decisions the Department makes and how it spends their money.

5. Manage records effectively. Keep reliable electronic and paper records that you, your colleagues,

and manager all know how to retrieve and regularly weed information.

6. Record requests and deal with them promptly. The Department only has 20 working days to respond. Keep records of all requests for information and if you propose to withhold any information, consult the Openness Team.

7. Make it a priority. Managers should ensure everyone knows how to find out about the Act and how it affects them. They won't comply with rules they don't understand.

8. Inform others. Tell the Openness Team and any other teams affected by the request, if you think it could be a round robin or could set a precedent, inform the Openness Team.

9. Use the Act. Make requests under the Act to find out about issues that concern you – why can't the hospital admit your mother for surgery, why is a new supermarket opening at the end of the road, etc.

10. If you don't know, ask. See the contact details at the end of the main article.

Freedom of Information (Fol) update

When you respond to a request for information, the Fol Act says that you must respond 'promptly'. But the Act also sets down an absolute limit of 20 working days to reply. So if you take longer than 20 days to reply, you've put the Department in breach of the law.

In practice, many requests will be for the sort of information that you routinely give out anyway – copies of publications, reports, leaflets and simple requests that can be answered in a short letter. Where the request is more complicated, you'll be surprised how long it takes to pull the information together, read it, consult people, convene meetings and obtain opinions. Those 20 days will just fly by – so don't hang about.

A point to bear in mind is that the 20 days start when the request is received in the Department – not in your in-tray. So the request could have easily spent a week or more already doing the rounds of the Department, or sitting in someone's pending tray while they wondered who to pass it on to.

However, if you have to write to the enquirer to clarify their request and to find out exactly what information they require, the 20 days start again from when you receive the clarification. But if you're not sure what's being asked for, don't wait 19 days before writing to find out.

The only circumstances in which the 20 day deadline can be extended are where the information has been identified and a decision has been taken to withhold some of the material. Extra time is then allowed while a public interest test is carried out (which is necessary in most cases) which involves making a judgement as to



whether the public interest lies in withholding or disclosing the information.

The Act says that we can take 'such time as is reasonable in the circumstances'. Our working assumption will be that that means about an additional 20 days. By the time any case gets to that stage, it will probably have been taken over by the Openness Team and it won't be your responsibility any more. But don't hang on to it for too long before passing it on to us; the more complicated it is the longer we'll need to sort it out.

Freedom of Information (Fol) update

Those of you who were carefully paying attention to the Fol training sessions will have noticed that at the same time that the Fol Act comes into force next January, another piece of legislation called the Environmental Information Regulations (EIR) will also take effect. This will have a similar effect to the Fol Act, but will give the public rights of access to information on the environment.

'Surely this only concerns DEFRA', you may think. 'The Cabinet Office doesn't hold environmental information.' But 'environmental' will be interpreted widely, to cover anything to do with the air, water, soil, land, landscape, flora, fauna, state of human health, the food chain, cultural sites, energy, noise, radiation, waste, emissions etc. So if you receive a request for information such as:

- what wood are the doors in the Cabinet Office made from?
- what fuel does the government's car fleet use?
- what measures does the Cabinet Office take to control the pigeons on its roof?
- how much asbestos is there in Admiralty Arch?
- what's the state of the drinking water in 70 Whitehall?
- what assessment has the Cabinet Office made of the number of toads resident on Treasury Green and what steps has it taken to encourage their successful breeding?

you'd have to consider answering the question under the EIR. The provisions of the regulations are broadly in line with those in the Fol Act. They also contain provisions under which information need not be disclosed, which are similar, but not identical, to those in the Fol Act.



A significant difference is that requests under the EIR need not be in writing. So if you receive a request for environmental information over the telephone, and the caller refuses to put it in writing, make a careful note of the request and pass it to your Fol liaison officer. It might well be a request from a journalist or a pressure group testing our knowledge of the new legislation.

One final thought which may help allay any fears you may have over this. A version of the EIR has been in force for the past dozen years, but no member of the Openness Team is able to recall a single request having been made under them.

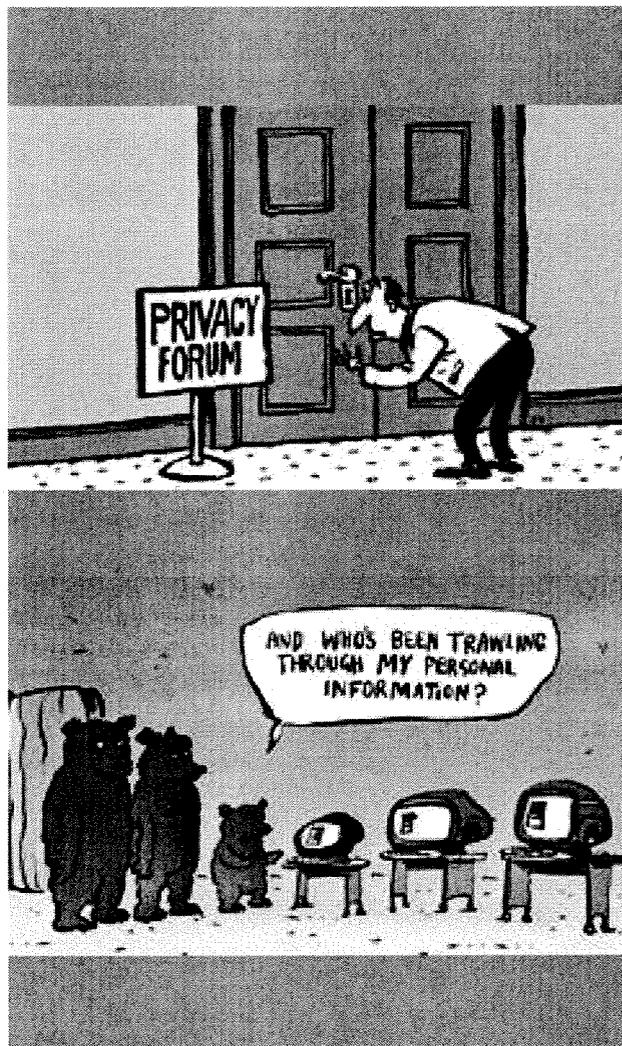
Freedom of Information (Fol) update

When we talk in the Cabinet Office about FOI, we tend to only think about its impact on Whitehall. It's easy to forget that it'll be affecting about 100,000 other public authorities (give or take a few thousand).

The reason for the inexactness of the numbers is because the FOI Act also applies to categories of bodies, such as local authorities, schools, hospitals, museums, doctors, dentists, police forces, universities and a whole host of others whose existence you never suspected. A random sample includes:

- the Advisory Committee on Borderline Substances;
- an Agricultural Dwelling House Advisory Committee;
- the Committee on Chemicals and Materials of Construction For Use in Public Water Supply and Swimming Pools;
- the Government Hospitality Advisory Committee for the Purchase of Wine;
- The Marshall Aid Commemoration Commission,
- the Place Names Advisory Committee;
- the Subsidence Adviser appointed under section 46 of the Coal Industry Act 1994;
- the Treasure Valuation Committee; and
- the Unlinked Anonymous Serosurveys Steering Group.

But don't forget, *you're* a citizen, the Act is for your benefit as well. So if you've got any concerns about your child's school, ask to see, for example, their statistics about truancy; if you're not happy with a decision made by your local council, ask to see the papers which were put to the relevant committee; if you wonder



whether it's safe to be admitted to your local hospital, ask about the success rate of their operations.

But don't send all your requests in on the first of January. Have some concern for the hard-pressed bureaucrats who'll have to reply to all of these requests.

Freedom of Information (Fol) update

We started running Fol awareness courses for all Cabinet Office staff in May. Although we've publicised the sessions extensively and chivvied people relentlessly to attend, there are still many members of staff, at all levels, who've managed to slip through the net – no doubt for perfectly valid reasons.

For those who have missed their training we have arranged a total of 18 additional courses over the next four weeks. These will give you a basic overview of the implications of the new legislation and, to make them as attractive as possible, each course will last no longer than one hour.

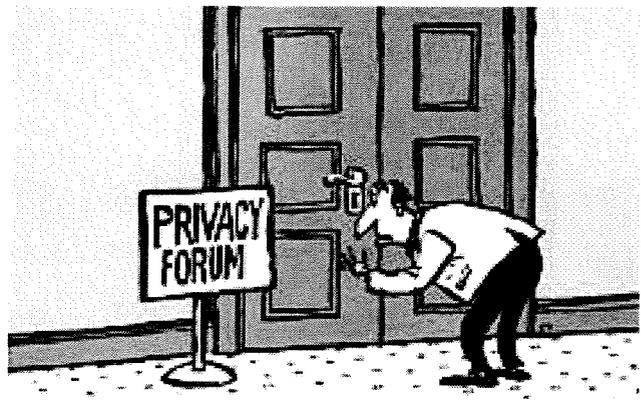
The courses will be held in 9 Whitehall and will run at 10.00, 11.30 and 2.30 on:

- 15 November;
- 17 November;
- 26 November;
- 30 November;
- 1 December; and
- 9 December.

To book yourself onto one of the courses,

e-mail Pat Airey or Brian Hogan, or phone them on GTN 276 6336/6335. Please bear in mind that we have to pay for the courses, which are being provided by BT openaccess, whether or not staff turn up – so please let's make sure we get value for money by ensuring that those who have missed their training attend one or other of the courses.

It is essential that all staff are trained, as ignorance of the legislation will be no excuse if you mishandle a request for information or fail to understand the implications of doing so.



Public Servants of the Year Awards 2005

We're seeking nominations for the Public Servants of the Year Awards 2005. The awards recognise success in public services and celebrate the achievements of exceptional individuals and teams who have made an outstanding contribution to customers and communities.

You can nominate individuals and teams working in the public sector at all levels and in all organisations.

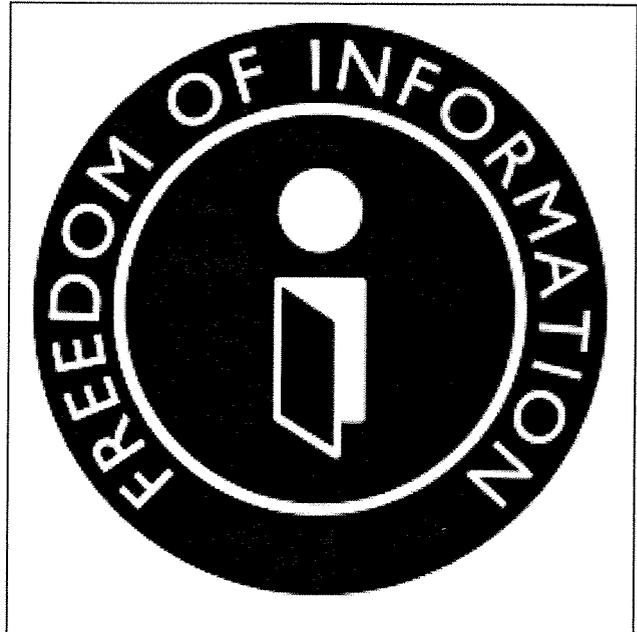
The deadline for entering your nominations is the Friday, 26 November 2004.

You can find out more about the Public Servants of the Year Awards and how to make a nomination at www.publicservants.org.uk.

Freedom of Information (Fol) update – records management

The Department has a responsibility to keep records that are needed to run the business of the Cabinet Office so that they remain identifiable, accessible and secure, and with the introduction of the Freedom of Information Act it may also have to make the records available if they are asked for by a member of the public. The records are also a valuable information resource for the Cabinet Office and, like any other resource, records need to be managed properly in order to get the most out of them.

To meet these responsibilities and to ensure our records are managed properly a programme of records management activities is carried out in the Cabinet Office, the main components of which are the running of registries, the storing and retrieving of records, and the reviewing of records to determine which to destroy and which to retain. The Departmental Records Officer is responsible for running the programme which everyone in the Cabinet Office is involved with to varying degrees (we all are responsible for ensuring information that needs to be kept is passed to our local registry for filing) but those with responsibilities for running registries and for providing review recommendations on closed files are most closely involved.



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By ensuring our records are managed well we can be certain that records throughout the department are being treated in a consistent way from the time they are created or received to the time they are disposed of. Without well managed records it will be difficult, or impossible, to meet the demands of the Freedom of Information Act, or of our other statutory requirements.

Payroll closedown dates 2004

All payroll claims need to be with FST Pay (Basingstoke) by the dates listed below.

Please allow at least two days for your claim to arrive.

Closedown

The next closedown date is 6 December.

All dates are subject to change, but any changes will be notified in *The Weekly* and on CabWeb.

Further information

Please contact Nicole Ellis, Pay Manager on GTN 1439 6462.

Freedom of Information (Fol) update – records management *FEES*

In an earlier update (see *The Weekly* of 11 October) it was mentioned that the Openness Team was still awaiting details of the cost limit, above which we won't have to respond to requests for information.

Easy to operate

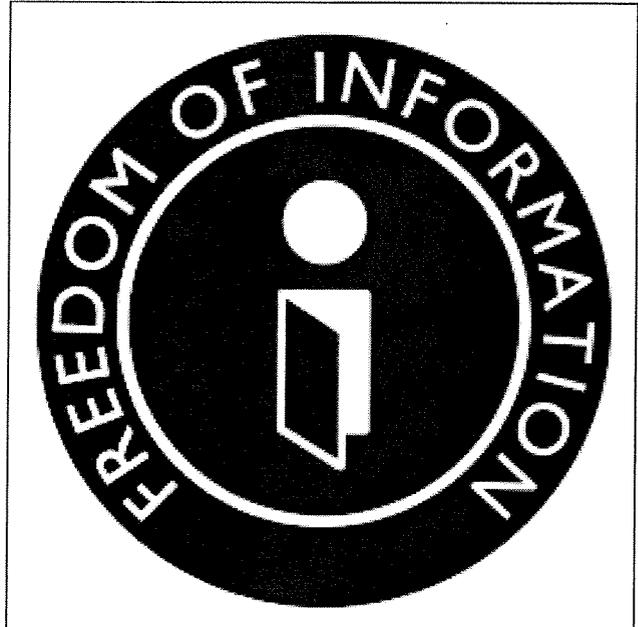
Lord Falconer, Secretary of State at the Department for Constitutional Affairs, has now made the official announcement, and you'll be pleased to hear that he's gone for the easy to operate option. If a request for information to a central government department would cost more than £600 in staff time to locate, we needn't respond, although if some of the information requested could be provided within that cost, we should consider giving whatever we can.

Speak to the Openness Team

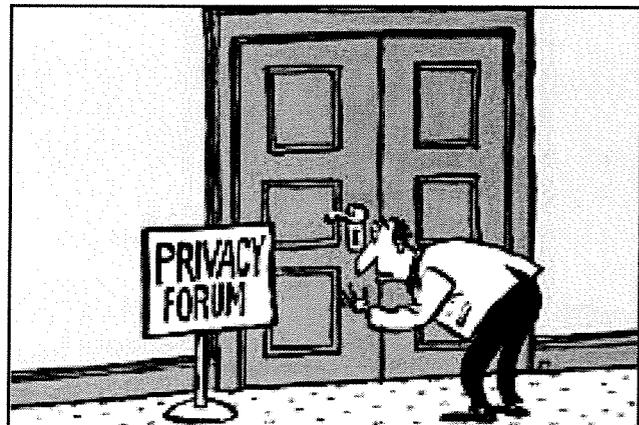
Should you choose to provide the information, even if it would cost more than £600 to do so, you can make a charge, but speak to the Openness Team before doing so. It should be stressed that the time to be counted when calculating staff costs includes the time taken in locating, retrieving and extracting information.

£25 hourly rate

It does not include time taken in deciding whether to disclose the information, or whether any exemptions apply – which is usually the more time-consuming element. In order to achieve consistency, an hourly rate of £25 should be used, regardless of grade.



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Copies of past Freedom of Information Updates can now be viewed on the Histories, Openness and Records Unit page on CabWeb at

Managing>Openness>Freedom of Information>Freedom of Information Updates

Fol update

How long do we need to keep information?

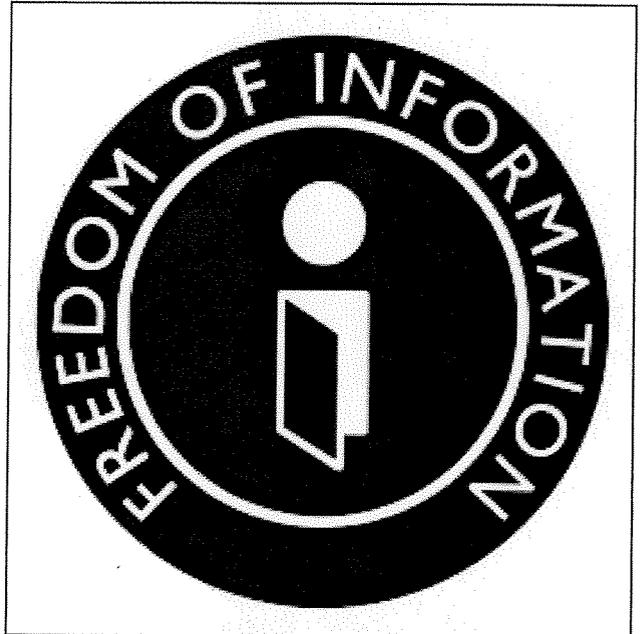
The answer to this question is 'as long as you need it' – but, of course, it is not as straightforward as that.

Registries throughout the Department use disposal scheduling as a tool for disposing of records, either by destroying them or by sending them for long-term storage in Histories, Openness and Records Unit (HORU). This prevents records being disposed of in an *ad hoc* way and ensures consistency throughout the Department.

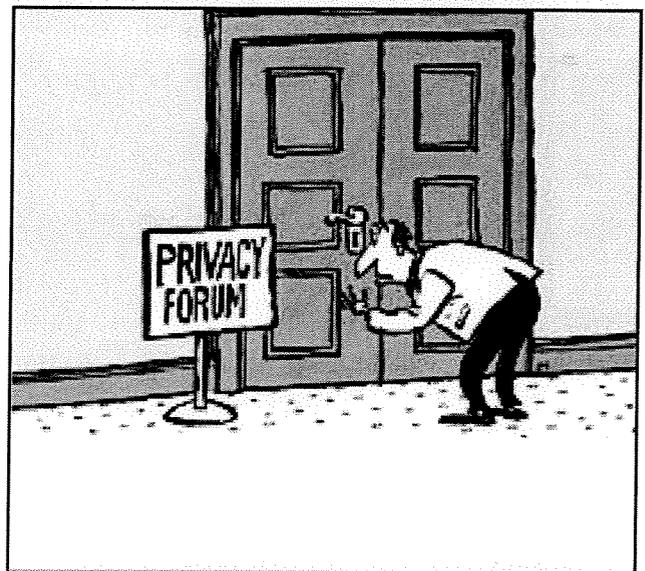
The schedules identify the types of records held in each area. They include details of action to be taken to dispose of the records and show who is responsible for their custody. They may also include the need for the records to be reviewed before determining their final disposal. All records should be covered by a disposal schedule and, wherever possible, they should be scheduled for destruction without review. Information about the retention periods for different categories of records can be found on Cabweb at: **Managing>Records>How long to keep records**

Destruction must be authorised

Records should not be destroyed without the agreement of HORU. Material that is protectively marked 'Confidential' or below can be destroyed locally, in line with the Department's security instructions, and the waste disposed of through the Ecovert service. Records that are marked 'Secret' or 'Top Secret' can be transferred to HORU for shredding. It is important that the destruction of material is well documented by the area concerned and that details of file references, titles and dates of destruction are recorded. All this information may be needed in the event of a Fol request.



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Copies of past Freedom of Information Updates can now be viewed on the Histories, Openness and Records Unit page on CabWeb at **Managing>Openness>Freedom of Information>Freedom of Information Updates**

Freedom of Information (Fol) update – Cabinet Office is open for business

Only three weeks to go until the FOI Act comes into force and the Openness Team is pulling out all the stops to put the final touches in place to ensure that the Cabinet Office is ready.

Tessa Stirling, head of Histories, Openness and Records Unit says, 'We've been living with the preparations for the Act for so long that it's difficult to believe that it's now about to happen. Over recent months the rest of the Department may have felt that the barrage of publicity has been inescapable but time spent in preparation is never wasted, and we believe that the Cabinet Office is in a strong position to respond to any requests for information. Everyone in the Department has been offered a place on a training course, and the Openness Team is just concluding a series of visits to our outstations all over the country to spread the message.

We are also holding discussion sessions with individual management units. Extensive guidance has been issued, and a network of FOI liaison officers has been established across the Department to help staff. There's also a lot of work which has gone on behind the scenes to make sure we're ready, and we will soon be joined by two additional Band As, Bill Brooke and Rory Munro.

Tessa goes on to add, 'Although the implications of the Act may seem challenging, don't forget that we've been operating an openness regime, in the form of the Code of Practice on Access to Government Information, for the past dozen years, so we've plenty of experience in handling the sort of requests we're likely to get. But we're here to help you, so if you've any problems or queries, please get in touch with one of the Team.'



In a rare break from their labours the Openness Team are pictured above: back row left to right, Tessa Stirling and Pat Airey; front row left to right Kevin Nichols, Brian Hogan and Dennis Morris.



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Copies of past Freedom of Information Updates can now be viewed on the Histories, Openness and Records Unit page on CabWeb at **Managing>Openness>Freedom of Information**

8/1/21

Countdown to FOI

With the Freedom of Information Act coming into force in less than two weeks, the Histories and Records Unit takes a light-hearted look at a serious issue. With apologies to *Yes Minister*

M. Well Humphrey, less than two weeks to go to the great day. On the first of January 2005 a new day dawns. The Freedom of Information Act comes into force, bringing open government and a new spirit of trust between the public and their government.

H. Minister, with respect, I'm appalled at your attitude over this. I've repeatedly pointed out to you that open government is a contradiction in terms. You can be open or you can have government. You can't have both. Do you really want the public to know everything you've been doing?

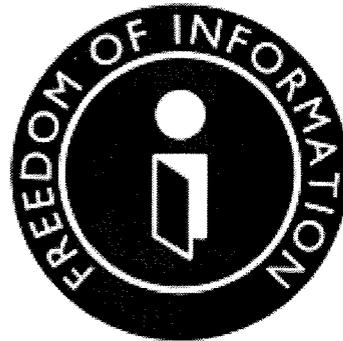
M. Humphrey, you're too cynical. We will be open. My mind is made up.

H. Minister, do you fully understand the implications? What about that visit you made to the Seychelles with the Select Committee on North Sea Cod, to study the breeding habits of tropical fish? Would you want the public to see all the papers on that?

M. But Humphrey, you above all people know that it's essential that when taking important decisions MPs must fully briefed on the problem. That's why the Committee also had to make that visit to the West Indies. But I see your point. An ill informed journalist could easily jump to the wrong conclusions.

H. And what about that problem with the Department's new computer system? Ten million pounds of taxpayers' money and nothing to show for it except a basement full of computer kit which is incompatible with the rest of the Department's system. Should we publish all the papers on that?

M. But Humphrey, I read classics at Oxford. How could I be expected to understand those technical matters?



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H. Of course not Minister. But what if some ill-disposed journalist were to obtain the papers and twist the facts to his own purposes? The whole matter could be portrayed in an unflattering light.

M. Do you really think so? It seems difficult to believe that even the British journalist could sink to such depths. - But no, no. You're tempting me with seductive arguments. We will be open. The British public deserves no less.

H. Very well Minister. And may I congratulate you on taking such a principled and courageous decision.

M. Courageous!! You don't think it's that risky do you? - But no, no. You don't get round me that way, trying to frighten me into changing my mind. My mind is made up. Openness is a good thing and it's here to stay.

H. Yes Minister.

Copies of past Freedom of Information updates can now be viewed on the Histories, Openness and Records Unit page on CabWeb at **Managing>Openness>Freedom of Information**



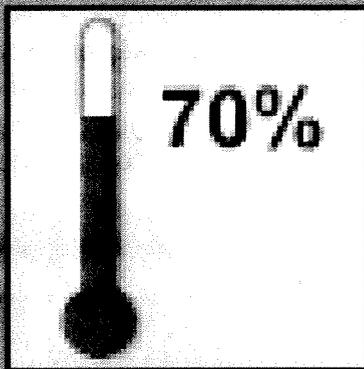
The Weekly

News for Cabinet Office staff

Issue 358

6 December 2004

2004 People Survey results



The 2004 People Survey closed on 6 October. Please see page 2 for a detailed account of what you said.

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Old e-mails to be deleted

All e-mails older than three months are to be deleted automatically from Cabinet Office inboxes, sent items, and deleted items mail boxes from 20 December.

Between now and then, everyone working in the Cabinet Office is being encouraged to ensure that any e-mails more than three months old that need to be retained are saved by printing to paper and placing them on registered files in accordance with the current Departmental records policy.

In his letter to heads of management units, explaining the policy, Managing Director Colin Balmer said: 'Departments are strongly recommended to consider introducing a limit on the time that e-mails may be kept outside an official record keeping system before automatic deletion. This is on the grounds of good records management practice and the need to retain only what should be kept for business or records purposes.'

The same arrangements apply to shared mailboxes as to any other mailboxes. This

continued on page 5>

Tell us your news

The Weekly is keen to get your stories. The deadline for articles is 12 noon on Wednesdays. If you miss this, we cannot guarantee that we will be able to get your story in the next issue. All contributions to Mick Davies at internal.communications@cabinet-office.x.gsi.gov.uk, or ring GTN 276 5591.

Payroll closedown dates 2004 and 2005

All payroll claims must be with FST Pay (Basingstoke) by the dates listed below, these include:

- Overtime;
- Travel time;
- Temporary Payments;
- Season tickets;
- Fee paid claims; and
- Any other type of claims not listed above must be with FST pay within the same closedown dates.

Close down dates

6 December 2004;
7 January 2005;

7 February 2005; and
7 March 2005.

FST Pay will not be in a position to process advances for claims that have missed the deadline. Please allow at least two days for your claim to arrive. All dates can be subject to change, any changes will be notified in *The Weekly*.

Further information

Please contact Nicole Ellis, Pay Manager on GTN 1439 6462.

You can also find the closedown dates on CabWeb at: [Managing > Finances > Dates > Last dates for claims](#)

> continued from page 1

Old e-mails to be deleted

means that one or other of the users of a shared mailbox will need to do whatever housekeeping is necessary before 20 December.

Personal folders

E-mails stored in archived or personal folders will **not** be affected by the automatic deletion policy. However, this does not mean that these should be used for unnecessary storage, as this would undermine the aims and benefits of the automatic deletion policy.

e-mails that must be kept

All e-mails originated or received by members of staff are public records and are therefore subject to records management policies and procedures. The fact that e-mails are public records does not, however, mean that they need to be retained in the longer term. Those that do need to be kept include e-mails containing:

- contributions to the development of policy or legislation;
- background information relating to decisions, opinions and advice to

ministers, senior management, other organisations or the public;

- evidence of the Department's performance against its objectives;
- information that forms part of an 'audit trail'; and
- actions the Department has taken to comply with legal obligations.

Introduction of an electronic records management (ERM) system on CABNET is planned for 2005-06. Until then, however, the Departmental records policy continues to be that everyone must print to paper all e-mails that need to be retained and place them on the existing registered files.

Further information

More information about the automatic deletion of e-mails can be obtained. You should contact Tessa Stirling (Head of Histories, Openness and Records Unit) on GTN 276 6326.

GUIDANCE ON E-MAILS

This guidance is intended to address issues, common to most departments, which have arisen through the dramatic growth in the use of e-mails in conducting departmental business. It applies to all e-mails from any source for any purpose that are held on the departmental system. It applies equally to internal and external communications and relates to all e-mails while they are held on departmental systems whether they are held in a managed electronic environment (an electronic records management system) on shared drives or on individuals' personal drives.

Increasingly e-mails are taking the place of 'loose minutes' and decisions are frequently relayed via e-mail messages, often in just a few words. The apparent informality of this means of communication does not alter the status of the information being conveyed. Such e-mail messages are clearly part of the corporate record of a department and there is no distinction between information recorded in an e-mail and that conveyed by any other means.

This guidance does not represent a change from established practice and procedure. It is aimed at dispelling some of the confusion that exists over the status of e-mails and other non IT-related issues and should be read in conjunction with any existing departmental guidance.

In summary, e-mails should be drafted with care and attention, filed in a department's records management system or otherwise deleted. The guidance covers: status; content; disclosability; responsibility; and storage/destruction

Status

There is no distinction between data recorded and conveyed in an e-mail and that conveyed by other means such as loose minutes, submissions and letters. All e-mails generated, or received, by members of a department, including any attachments, are public records and therefore are subject to departmental records management policies and procedures. The fact that they are public records does not mean that they will be kept for ever. Most will be destroyed; some after a very short period, in accordance with standard record keeping procedures. But if the sender or recipient of the e-mail, including copy addressees, decides it needs to be kept for more than a very short period it must be put into the departmental official record keeping system. Where an electronic records system has yet to be introduced the e-mail will need to be captured by some other means, for example printing it out and putting it on the relevant paper file.

E-mails and their attachments may be subject to copyright laws, intellectual property rights and other statutory or non statutory obligations and due care must be taken when publishing them, for example by making a copy available on a website. Where there is any doubt the author should first be consulted.

Content

E-mails are a convenient and immediate means of communication but should be constructed with care and with regard to the uses to which they could be put. The content should be kept short, polite and factual. They should be read over before being sent. E-mails with lots of mistakes are unprofessional. Long messages may be better conveyed by documents which are either attached to e-mails or, for internal e-mails, by links to the document in a department's electronic record keeping system. Care must be taken to draw attention to any sensitivity or protective markings attaching to the information. Care also needs to be taken over distribution lists to avoid unnecessary copies being circulated. The sender has no

control over the future use of data conveyed in an e-mail and so must exercise care in deciding how widely to distribute the message. Personal comments and judgements should only be included where these are germane to the issue in hand. Above all, nothing should be written in an e-mail that cannot be justified.

Disclosability

As e-mails which are kept are part of the public record, they are liable for disclosure in response to information access requests under, for example, the Data Protection Act (DPA), the Code of Practice on Access to Government Information and, from January 2005, the Freedom of Information Act. or to Public Inquiries and other government enquiries. Internal and external e-mails are liable to be disclosed in civil litigation and criminal proceedings and, as such, should not contain statements which are unlawful, libellous, defamatory, inflammatory or are otherwise likely to embarrass a Department should they be made public. A department may be liable for negligent advice by e-mail just as through other means of communication. Therefore, any advice given by e-mail should be subject to the same rigorous controls as it would be by any other method of communication. It should also be noted that an internal e-mail in one department may have to be disclosed in proceedings involving another.

Incoming and outgoing e-mails are covered by the DPA so that e-mails in personal mailboxes and deleted items boxes are potentially disclosable, in part or as a whole, in response to a subject access request if they contain relevant personal data, just as much as e-mails saved into an electronic records management system. Copies on back-up systems may also be liable for disclosure.

Responsibility

Within the framework of departmental records management and information policies and procedures, responsibility lies with the e-mail originator and recipient for deciding whether an e-mail is to be retained as being of business interest and as part of the corporate record; or, alternatively, whether it is of short term interest and therefore can be deleted immediately. Individuals who breach departmental rules can make themselves personally liable.

Destruction of E-mails

If the message conveyed contributes to full understanding of a decision; results in action being taken; or forms a significant part of the 'story, it must be kept. If not, it should be deleted. Those e-mails not required 'for the record' should be deleted as soon as they have ceased to be of use. E-mails that are added to the department's electronic record management system must be deleted from inboxes or other storage areas immediately they successfully have been added to the official record. Personal, ephemeral and other e-mails not added to the official record keeping system should be deleted as soon as they have ceased to be of use. Individual members of staff are responsible for doing this.

In accordance with existing guidance it is strongly recommended that departments consider introducing a limit on the time that e-mails may be kept outside an official record keeping system before automatic deletion (some departments, for example, delete e-mails after three months).

[HOME](#) > [Managing](#) > [Records](#) > [How long to keep records](#)

How long to keep records

As a general rule, it is good practice to dispose of records as soon as you no longer need them. This helps the Department to meet the requirements of the Freedom of Information Act, the Data Protection Act and the Public Records Act, as well as reducing overhead costs. However, it is important that you follow the Cabinet Office policy when you dispose of records. You also need permission to dispose of them from the Departmental Records Officer (DRO).

The National Archives (TNA) has published guidance on keeping the different types of record commonly used in government departments. This guidance explains how long departments need to keep certain types of business information. Based on this guidance, heads of management units and the DRO have agreed standard schedules for disposing of records in the Cabinet Office. If the guidance does not cover a particular type of information that you are working with, you will need to review the individual files. For more information on reviewing individual files, see [Review procedures for Cabinet Office registries - notes for guidance](#). (PDF)

For detailed advice on specific types of records, see these TNA guidance papers.

- [Health and safety records](#) (PDF)
- [Capital expenditure records](#) (PDF)
- [Parliamentary papers](#) (PDF)
- [Buildings records](#) (Word)
- [Personnel records](#) (Word)
- [Financial records](#) (PDF)
- [Internal audit records](#) (PDF)
- [Contractual records](#) (Word)
- [Project records](#) (Word)
- [Complaints records](#) (Word)
- [Press and public relations records](#) (PDF)
- [Information management records](#) (PDF)

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Keywords: Record Archive Data Protection Freedom Information

Security classification: Unclassified

[HOME](#) > [Managing](#) > [Records](#) > [How long to keep records](#)

What to put on the record

You must keep records of:

- significant contributions to the development of policy or legislation. This may include factual evidence and proposals based on this evidence;
- background information relating to decisions, rulings, opinions and advice issued to other organisations or to the public;
- evidence of the Department's performance against its objectives;
- procedures for selecting external suppliers;
- contracts and changes to contracts;
- authorisation for payments; and
- measures the Department has taken to comply with legal obligations, such as the Health and Safety at Work Act or the Data Protection Act.

What not to put on the record

You must make sure that every document you put on the record contains useful information. Examples of documents you do not need to keep are:

- initial drafts, that do not reflect significant changes;
- invitations to presentations or events which do not affect the your management unit's business;
- external and internal circulars, unless your unit created them or they are directly related to your work;
- communications with internal suppliers;
- communications arranging meetings; or
- documents you receive for information rather than action, unless they are directly related to your work.

You may need to keep some of these documents for your personal reference. As good practice, you should regularly review your personal records and not keep any documents longer than you need to.

Cabinet committees

The secretariat for each committee keeps a record set of any documents which the committee receives. Cabinet, You must not put Cabinet Ministerial Committee documents or extracts from them on registered files. However, you may put Cabinet Official Committee documents on registered files.

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Keywords: Record Archive File

Security classification: Unclassified

[HOME](#) > [Managing](#) > [Records](#) > [Putting it on the record](#) > [What to put on the record](#)