

Report to Scrutiny Committee on Information Governance
8th June 2021

The report submitted to Scrutiny Committee showing the improvements the Council has made in relation to its handling of Information Requests and the changes it has made to the Council's e-mail policy are welcome, and are a significant improvement in what has been in place until now.

However, the driver for this issue being brought to the attention of the Scrutiny Committee was the judgement made in response to an issue raised by Mrs Linda Wardlow in relation to a planning information request and specifically identified the following issues:-

- i. Documents falling within the scope of the request had to be prised out of the Council.
- ii. Document retention policies are unclear and appear to be inconsistently applied
- iii. It is surprising that no backups of e-mails were available, 28 days after deletion.

The report presented to you tonight, including the revised e-mail policy have not yet addressed the following key issues:-

- a) Officers of the Council apparently deleted a significant number of their e-mails prior to their leaving the authority. The revised policy does not mention what should happen to e-mails when someone leaves the authority or what someone leaving should or should not do in terms of deletion of their account.

Given the issues that arose and the financial offer the Council had to make to residents because quote *'The incomplete recording keeping and processes of Milton Keynes Council at the time did not reach a standard I would expect from this authority ...'*

This is a gap in the policy I feel should be addressed by stating specifically what happens to e-mails when an officer leaves the authority. A suggestion is that the manager of the member of staff who is leaving, should be given access to the mailbox for a limited period to ensure all appropriate records have been filed appropriately before the mailbox is formally closed. This should be through a traceable logged request for access that is authorised by another officer.

- b) There is no mention in the report about the very specific requirement, stated in Information Governance Acts, that no information should be deleted whilst subject to any formal investigation, whether it has exceeded the normal retention schedules or not.

I believe this is something that should be addressed, given that during the course of the Warehouse issue, e-mails appear to have been deleted, even after an e-mail was sent stating that a disciplinary process may arise from any investigation into the

issue in hand.

- c) This report does not address the backup and recovery processes that must underpin the Council's e-mail system. This is a serious gap, given that in the case this ruling related to, it was apparently impossible to recover e-mails just over a week after they had been deleted.

There should be a statement that clarifies for everyone exactly what the backup and recovery process is for the e-mail system, how far back it is possible to retrieve e-mails from and what the process is for requesting the recovery of any deleted e-mails.

This is important, for all e-mails across the Council as e-mails can be deleted in error as well as deliberately.

- d) The report specifically states that the planning department has retained all records in relation to the cases, but these have not always been stored in such ways as to make it easy to identify and disclose.

This is clearly not the case, otherwise, the Council would not have had to issue the statement apologising for its incomplete record keeping.

It is extremely difficult to ensure that all appropriate records received through the e-mail system are transferred to the appropriate storage system, but this can be mitigated, to a certain extent by having a good, reliable back-up and recovery process for a full 12 months of service delivery. This, however, should also be supported by training for all staff and appropriate disciplinary processes put in place, if it is proven that the appropriate procedures have not been followed and crucial records have not been transferred to the formal records system.

This is another reason that the back-up and recovery process is strengthened and formalised, as evidence of non-conformance must be available for more than one week.

- e) The draft retention schedule published is a good start, but I presume that this will be expanded to cover all information the Council holds and will be published on the Council web site.

Keeping a retention schedule up-to-date is not an easy task. A suggestion is that the policy should also include how and when it will be updated, but should also identify a key officer in each department, whose responsibility it is to liaise with the Council's Information Governance Manager to ensure their own departmental schedule is current, accurate and applied rigorously.