

# RECORDS MANAGEMENT POLICY

## 1. Introduction and Context

1.1 This policy outlines the approach adopted by the Financial Services and Pensions Ombudsman (FSPO) to records management. The provisions of this policy, as well as other relevant policies and procedures, seek to protect the privacy rights of individuals whose personal data we hold in accordance with our statutory functions as set out in the FSPO Act 2017, and ensure an appropriate retention of their information, as well as high standards of governance relating to corporate and organisational information.

1.2 In developing this Records Management Policy, the FSPO has considered relevant regulations and guidelines set out in the following:

- Freedom of Information Act 2014 (“FOI”);
- General Data Protection Regulation (EU2016/679)(“GDPR”);
- Data Protection Act 2018;
- Guidance material provided by the Office of the Data Protection Commissioner;
- Guidance material provided by Archives & Government Services, National Archives

1.3 This Policy concerns the management of records from the time they are created up to their eventual disposal. This includes classifying, storing, securing, and deleting (or in some cases, archiving) of records. Records are a vital resource and must be managed as a valuable asset. The FSPO, as an employer and public body, manages its records in a well-structured and systematic manner in order to comply with legal and governance requirements and best practice.

## 2. Purpose of this Policy

2.1 The purpose of this document is to:

- Provide a framework for the FSPO’s records management system;
- Support protection of personal data and compliance with FOI and GDPR legislation, and the Data Protection Act any other legal/regulatory requirements;
- Establish responsibilities for overseeing the effectiveness of records management;
- Ensure the appropriate safeguarding of FSPO records;
- Ensure proper disposal of records when their use has ceased i.e. permanent retention or destruction.

### **3. Scope**

- 3.1 For the purposes of this policy, a record is defined as recorded information, in any form, created or received and maintained by the FSPO in the course of its official business. This policy relates to all records of the FSPO, and applies equally to both records in hardcopy and electronic format. The policy shall operate in conjunction with other operating/administrative policies.

### **4. Categorisation of Records**

- 4.1 In determining a system for the proper organisation, management, retention and disposal of records, the FSPO will adopt the following approach to categorising all records:

#### **Vital Records**

- Vital records are those which are fundamental to the FSPO's delivery of its statutory functions. Such records contain information critical to the continued operation of the FSPO.
- Examples include: Lease of premises and documents with the seal of the FSPO or FSPO Council, Business Continuity documents.

#### **Important Records**

- Important records are those which are required to ensure that the FSPO can meet its legal obligations.
- Examples include: pension records of employees, legally binding decisions, jurisdictional determinations and court orders and judgments.

#### **Current Records**

- Current records are frequently required by staff in order to carry out the functions of their section.
- Examples include: Active complaint files, financial records, recent publications and other work-in-progress.

#### **Non-Current Records**

- Non-current records are those which are needed for only occasional reference or in order to meet legal or financial obligations.
- Examples include: Closed complaint files; financial records not older than 7 years for a financial period which has been previously audited.

#### **Archived**

- Records that are no longer actively required by the FSPO are archived.
- Archived records should only include those records which require permanent preservation as a history of the FSPO or to meet legal requirements.
- Examples include: Annual reports, Overview of Complaints.
- Records may be reclassified over time to make provision for statutory, organisational or other developments.

## 5. Ownership of Records

- 5.1 All FSPO staff create, receive and maintain records in the course of their daily work in relation to the functions and activities of the office. Such records remain the property of the FSPO at all times.

## 6. Summary of Responsibilities

- 6.1 The Ombudsman has responsibility for approving the Records Management Policy and the overall approach to Records Management in the FSPO.

### 6.2 All Staff

All staff are responsible for ensuring that sufficient records are created and maintained to provide evidence of work undertaken. Staff should be aware of and adhere to records management procedures in relation to creation, maintenance and disposal of records in their area.

### 6.3 Directors

Operational responsibility for the implementation of this policy rests with the Director in each area. The Director will be responsible for ensuring the implementation of relevant closure procedures, including in relation to the correct closure code, as the accurate closure of files is an important requirement enabling the operation of this Policy. Destruction of records in accordance with this policy, as set out in the retention schedule, must be authorised in writing by the Director in each area, or by another Director designated by them. Directors are responsible for reviewing proposals for destruction and must sign and date the destruction form/spreadsheet as appropriate. The authorised destruction forms are maintained by the Records Manager, as records of compliance, liable for inspection and audit.

### 6.4 Records Manager

The Records Manager is a staff member of Corporate and Communications Services and is responsible for overseeing the implementation and administration of this Policy. The Records Manager shall:

- Devise, communicate and disseminate FSPO-wide procedures and guidance that reflect records management policy requirements;
- Advise the Senior Management Team on records management issues, and co-ordinate procedures, guidance, training materials and training delivery;
- Coordinate the implementation of the FSPO's record retention schedules (Appendix 1), including disposal of records and transfer to off-site storage/archive where appropriate;
- Maintain a destruction register, as a record of compliance, available for inspection and audit. In the case of in-house destruction, the register should document the date and manner of destruction of records. In the case of third-party destruction,

a certification or docket confirming destruction should be retained as proof of destruction.

- Evaluate practices in the FSPO to determine ongoing adherence to this policy and the effectiveness of all relevant procedures.

Where records are identified as being suitable for reclassification, a proposal will be brought to SMT by the Records Manager.

## 7. Policy Maintenance

<b>Policy update and revision</b>	
<b>Policy number</b>	POL2021_GDPR_01
<b>Revision number</b>	1.1
<b>Date of creation</b>	May 2021
<b>Policy owner</b>	Director of Corporate and Communication Services
<b>Approver:</b>	Financial Services and Pensions Ombudsman
<b>Date of approval</b>	20 May 2021
<b>Approval of revision 1.2</b>	10 February 2022
<b>Date of next review</b>	May 2024

## Appendix 1: RETENTION SCHEDULE

### Record Series 1: Management of Complaints

Record	Retention Period	Categorisation
Active Complaints: Financial Service Complaints and Pension Complaints	For as long as complaint remains active.	Current
Closed Complaints: Financial Service Complaints	Retained during year of closure plus 6 years. Only a minimal skeleton file will be retained beyond this point, including the contents of the CMS Documents folder, which will be retained indefinitely. The CMS Documents folder may contain the following records: <ul style="list-style-type: none"> <li>- Checklists</li> <li>- Summary of Complaint</li> <li>- Preliminary Decisions</li> <li>- Legally Binding Decision</li> <li>- Published Decision</li> <li>- Internal Memoranda</li> <li>- Jurisdictional Assessments</li> <li>- Court orders</li> <li>- Correspondence concerning the non-implementation the Direction of the Ombudsman in a Legally Binding Decision</li> </ul>	Non-current important records
Closed Complaints: Pension Complaints	Retained indefinitely	Non-current important records
Appeals	Retained as part of the complaint file	Current
Concluded High Court Appeals	Retained as part of complaint file, as part of CMS Documents folder.	Non-Current
Legal Advice pertaining to a complaint	Retained as part of complaint file.	Current/Non-current

### Record Series 2: Human Resources

	Current/Former staff	Retention Period	Categorisation
Pension Records including necessary records of service	All staff	Retained indefinitely	Important
Staff Register	All staff	Current year plus 5 years	Current: Year 0 -1  Non-Current:



			Year 2 -5
Employment Contract	All staff	Retained indefinitely	Current: Current staff  Non-Current: Former staff
Pre-employment records	Current staff	Duration of employment	Current: Current staff
	Former Staff	Year of termination plus 6 years	Non-Current: Former staff
Probation records	Current staff	Current year plus 2	Current: Current staff
	Former staff	Year of termination plus 6	Non-Current: Former staff
Signed Operational Policies	Current staff	Duration of Employment	Current
Records of Leave Taken (except parental leave)	All staff	Current year plus 6 years	Current: Year 0 -1  Non-Current: Year 2 -6
Parental leave records	All staff	Current year plus 11 years	Current: Year 0 -1  Non-Current: Year 2 – 11
PMDS	Current staff	Current year plus 3 years	Current
	Former staff	Current year plus 1 year	Non-Current
Training Records to include requests, logs, feedback	All staff	Current year plus 3 years	Current: Year 0 – 1  Non-Current: Year 2-3
Qualification Records	All staff	Duration of employment	Current: Current staff
	Former staff	Current year plus 6	Non-current: Former staff Year 1-6
Health & Safety risk assessments	All staff	Current year plus 6 years	Current: Year 0 – 1  Non-Current: Year 2-6
Occupational Health Assessments	All staff	Current year plus 6 years	Current: Year 0 – 1



			Non-Current: Year 2-6
Accident Report	All staff	Current year plus 6 years	Current: Year 0 – 1  Non-Current: Year 2-6
Records of disciplinary actions	All staff	Retained during year of action plus 2 years	Current: Year of action plus 2 years  Archive older records.
Records of grievances/labour relations records	All staff	Retained during year of action plus 2 years	Current: Year of action plus 2 years  Archive older records.
Unsolicited Applications	Deleted on receipt		Current
Recruitment Applications – not shortlisted for interview	Current year plus 2 years		Current
Recruitment Applications – shortlisted for interview	Current year plus 2 years		Current
Recruitment competition outcome records	Current year plus 2 years		Current
Garda Vetting Forms	Current year plus 1 year		Current: Year 0 – 1  Archive older records
Occupational Health Assessments (other than staff, as set out above)	Current year plus 6 years		Current: Year 0 – 1  Non-Current: Year 2-6

### Record Series 3: Financial Management

Record	Retention Period	Categorisation
Levy Regulations	Retain indefinitely	Vital: Year 0, year 1  Non-current: >=2 years
Payroll Records	Current year plus 6 years	Current: Year 0, and Year 1

		Non-current: Year 2-6
Procurement Documentation	Year of procurement process plus 5 years	Current: Year 0, Year 1  Non-Current: Year 2 – 5
Contracts for Services	Retained during year of expiry, plus 5 years	Current: Year 0 Year 1  Non-Current: Year 2 - 5
Financial Records	Retain current year, plus 6 years.	Current: Year 0, and Year 1  Non-current: Year 2-6

#### Record Series 4: Other Corporate Records

<b>Record</b>	<b>Retention Period</b>	<b>Categorisation</b>
General Legal Advice	Indefinitely	Current: Year 0, and Year 1  Non-current: >=2 years
Customer Service Complaints	Closed customer service complaints are retained during year of closure, plus 6 years.	Current: Open complaints  Non-current: Retained during year of closure plus 6 years.
Correspondence with Regulatory bodies	Indefinitely	Current: Year 0, and Year 1  Non-current: Year 2-6
FOI Requests & responses	Current year, plus 6 years.	Current: Year 0  Non-current: Year 1-6
Parliamentary Questions & responses	Current year, plus 6 years.	Current: Year 0  None-Current: Year 1-6
Data Access Requests & responses	Current year, plus 6 years.	Current: Year 0  Non-current: Year 1-6



Data Breach Reports	Current year, plus 6 years.	Current: Year 0, and Year 1  Non-current: Year 2-6
Correspondence with Government Departments	Current year, plus 6 years.	Current: Year 0, and Year 1  Non-current: Year 2-6
Documentation Submitted to Council	Current year, plus 5 years.	Current: Year 0, and Year 1  Non-current: Year 2-5
Publications	Retain indefinitely.	Vital
Policies and procedures	Retained while active, plus 6 years.	Current: Active policies  Non-current: Expired policies, 6 years from replacement/expiration
Lease of Premises	Retain indefinitely.	Vital
Insurance policy documents	Current year, plus 1 year.	Vital
Business Continuity Plan and Policy	Retain indefinitely	Vital
Visitor Book	Current year plus 1 year.	Current

**Record Series 5: Information Security; IT**

<b>Record</b>	<b>Retention Period</b>	<b>Categorisation</b>
Security and Back-up	Retain for 1 year	Current
Online complaints	Retained as part of complaint file. Also retained in cloud for 1 year.	Current
PCs & Equipment	Equipment is wiped or destroyed once no longer required.	Current
Printers	72 hour print queue (deleted after 72 hours)	Current
Laptops & mobile phones	For life of device	Current
CCTV	30 days	Current
Voicemail	Email retention schedule applies, unless retained as part of complaint file.	Current
Emails Includes voicemails, emails to group mailboxes and individual mailboxes.	Emails and associated attachments are retained for a 6 year period with Mimecast	Current