

## **Legal Obligations**

### **Records Management**

There are legal obligations to protect records and manage information effectively. Public Bodies have a requirement to manage records as set out in the Public Records Act (NI) 1923 and in the Disposal of Documents Order (NO 167) 1925.

For Education Boards, there is also an obligation under Section 75 of the Northern Ireland Act 1998 to ensure that due regard to the promotion of equality of opportunity between persons, defined within the act, is identified in any policy adopted for access to records.

There is a statutory duty for public bodies to comply with the Freedom of Information Act 2000. The act has a code of practice that advises that adopting a corporate policy on records management will, "be a significant element in compliance with the Freedom of Information Act 2000. "

All organisations who keep personal information about identifiable living persons are required to comply with the Data Protection Act 1998, which regulates the process of handling information by setting out rules about good information handling in the form of eight enforceable data protection principles.

All of this legalisation has increased the need for us have in place a records management policy to enable us to meet our legal obligations and to ensure records are protected and kept in a manner proportionate to their value and in support of operation and business continuity.

### **Freedom of information Act 2000**

The Freedom of Information Act applies to all public bodies with effect from January 2005. The purpose of the Act is to make it easier for the public to obtain information held by public authorities. There are two main responsibilities.

1. To adopt and maintain a publication scheme, which is essentially a guide to the information it makes available.
2. To respond to requests for information, subject to certain conditions and exemptions. Information must be made available within 20 working days and it is therefore essential to develop and maintain effective information retrieval systems which facilitate access to individual records and information.

### **Data Protection Act (amended 1998)**

In order to operate most organisations need to collect and use certain types of information about people with whom it deals. Public bodies may be required by law to collect and use certain types of information to comply with statutory schemes.

This personal information must be dealt with properly and the Data Protection Act contains safeguards to ensure this is done. The Act contains eight enforceable principles of good practice in information handling.

We need to ensure that everyone handling personal information understands that they are responsible for following good data protection practice and it is important that advice and training is provided. Organisations must register with the office of the information commissioner- this is often referred to as 'Notification'. Once you notify, you are required to renew your notification annually and pay an annual fee of £35.



FOI/LJ/BELB05