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Elizabeth Shepherd, Alice Stevenson, Andrew Flinn

Institutions: University College London

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Records Management in English Local Government: the effect of freedom of information

Elizabeth Shepherd, Alice Stevenson and Andrew Flinn

Corresponding author: Elizabeth Shepherd

e.shepherd@ucl.ac.uk

Department of Information Studies, University College London

Abstract

Purpose: University College London (UCL) ran a research project over 12 months in 2008-2009, funded by the UK Arts and Humanities Research Council, which examined what the impact of the UK Freedom of Information (FOI) Act 2000 had been on records management services in local government. This article reports on some of the findings of the study, with a focus on the practical records management issues.

Methodology: The research considered the three perspectives of records managers, institutional FOI policy managers and FOI requestors and user communities. Following an extensive literature review, qualitative research methods were used to gather data, specifically semi-structured interviewing of 27 individuals from 19 different institutions in London and the South East of England and with 11 requestors.

Findings: The findings reported in this paper focus on records services in local government, in particular their organisational location and status, and aspects of the management of current and non-current records, including those in digital formats.

Research implications: This paper is one of the outputs of a grant funded project which documents the results of research in FOI from a records management perspective and makes a contribution to the wider debate about access to information.

It attempts to survey user responses, which has been an overlooked aspect of other FOI and records management research.

Practical implications: There are some implications for good practice in records management policy and systems and in the location of records functions in local government.

Originality: Local government is an under researched field in respect of information management and FOI, when compared with other parts of the public sector, and this is therefore a significant contribution to knowledge in this field.

Keywords: records management; freedom of information; local government; information governance;

Research paper

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Introduction

University College London (UCL) ran a research project over 12 months in 2008-2009, funded by the UK Arts and Humanities Research Council, which examined what the impact of the UK Freedom of Information (FOI) Act 2000 had been on records management services in local government. This article reports on some of the findings of the study, with a focus on practical records management issues. The research investigated how well records management services had prepared for and coped with the first four years of FOI implementation; what contribution records management services make to the ability of public authorities to comply with the FOIA; and how the user experience of FOI is affected by the management of records. The research sought to discover the impact of FOI and its link with records management from the three perspectives of records managers, institutional FOI policy managers and FOI requestors and user communities. Some of the policy findings have been reported in Shepherd, Stevenson and Flinn (2010).

Research Methods

Following an extensive literature review (Shepherd, Stevenson and Flinn, 2009), qualitative research methods were used to investigate the experiences of local authorities, focusing on the south east of England, including London, which provided a study pool of 52 authorities with examples of both small and large organizations, with and without dedicated records management professionals. The local authorities included those with responsibility for all local services ('unitary council' and 'London borough council') and those where some services were delivered to a larger area

(‘county council’) and others to a smaller area (‘district council’). 22 semi-structured interviews with 27 individuals filling records management, information management and freedom of information roles in 19 different institutions provided rich data for an under-studied sector (Mander, 1989, Wright, 1989, Jones, 1994). From this data three main groups of regular requestor communities were identified: journalists, political researchers and campaign groups. Eleven interviews (9 by telephone, 2 in a focus group) were held with journalists, political researchers, campaigners, a business user and private individuals to obtain some requestor views of the FOIA.

Findings

The organisation of FOI and records management functions in local authorities varied considerably. In three of the 19 institutions in our sample, no individual had corporate records management responsibilities nor was records management a recognised corporate programme. Sometimes, whilst there was no formally acknowledged records management function, individuals looked after corporate records management alongside other duties. For example, in two instances, individuals had adopted records management because it was necessary for their role, although it was not officially in their job description. In those cases where records management was identified as a discrete function there were several possible ways it could be organised. In nine cases, records management was linked specifically with FOI and both functions worked from the same directorate, sometimes looked after by a single individual, sometimes as part of a team. In others, the two were placed in separate directorates with varying degrees of interaction and interdependence between them. The designated directorates varied and included ICT, Libraries and Archives, Civic and Legal, and Customers and Communities.

Records Management Policy

Almost half of the institutions we spoke to – nine councils – did not, at the time of interview, have a policy in place, four had only introduced a policy in the previous year (2008–09), and a further two had plans to implement one in the near future. This is in spite of the fact that the Lord Chancellor’s Code of Practice on Records Management recommends that: “6.1. An authority should have in place an overall policy statement, endorsed by top management and made readily available to staff at all levels of the organisation, on how it manages its records, including electronic records” (TNA, 2002, revised TNA and Ministry of Justice, 2009). There was some evidence that the Information Commissioner’s Office (ICO)’s criticism of the lack of policy guidance had encouraged authorities to put policies in place:

“From my point of view it’s the Information Commissioner. He has criticised our handling of requests regarding planning and the first thing he said ‘can I see your records management policy’. We were able to say ‘this is all the stuff that we are doing’, but he said ‘no, we want to see your policy’”

[Interview 11] *Data Protection and FOI officer, London Borough*

This highlights the generally passive approach taken by many councils to the production of a policy, which is often merely an act of compliance rather than a statement of commitment to records management best practice:

“In terms of policies, a policy is good in terms of the audit commission. We’ve got a bit of paper to carry, to hold in the air...”

[Interview 9] *Information Governance Manager, London Borough*

“It looks good. The CPA assessors come round or internal audits ask, it’s great, it’s there. If we do get pinned down at any point we can say we’ve got it.”

[Interview 6] *Records Manager, Unitary Council*

The presence or absence of a policy, however, does not always correlate with good records management practice. For instance, two of the councils without policies had run proactive records management as a corporate function for over fifteen years each. Even in those cases where a policy had been implemented, the general consensus across those interviewed was that staff throughout the council were usually unaware of it and its contents:

“Interviewer: How aware do you think staff are, generally, of that records management policy that [the council] has now done?”

X: I couldn’t say. Pretty minimal I would think. It is still fairly background stuff.”

[Interview 14] *FOIA & Data Protection Consultant, London Borough*

“There’s policies in place but there is not that much awareness of records management”

[Interview 19] *Archivist and Records Manager, London Borough*

Some policy documents were not designed as discrete records management policies, but rather sat within a broader information governance strategy:

“Going back to the records management policy, I would say the records management policy sits within the information governance strategy so I think it needs to be broader than just records management because it’s everything. It’s around the security, it’s round the whole picture, which I don’t think FOI addresses at all.”

[Interview 1] *Corporate Information Manager, London Borough*

“...records management as opposed to information management, it’s a split ... Putting it together as a policy by itself, the ultimate question must be why, when information management would be above that and itself could be a policy statement by the council saying ‘this is how we’ll manage information’.”

[Interview 4] *Senior Information Officer, County Council*

It might be posited, therefore, that the original Code of Practice (TNA, 2002) was too narrow in focus and should have made stronger links with other areas of information and knowledge management.

Human resources

The Code of Practice recommends that “7.1 A designated member of staff of appropriate seniority should have lead responsibility for records management within the authority” and “7.2 Staff responsible for records management should have the appropriate skills and knowledge needed to achieve the aims of the records management programme. Responsibility for all aspects of record keeping should be specifically defined and incorporated in the role descriptions or similar documents” (TNA, 2002). However, our study showed that not all organisations had a designated member of staff for records management responsibility, nor was it recognised in job descriptions at several councils. In eight cases records management responsibilities were given to existing members of staff. For some this proved burdensome, adversely affecting their abilities to carry out their roles including records management: in other cases the workload was distributed to a wider number of existing staff members, which mitigated the pressure.

In two instances the introduction of the FOIA was the impetus for the creation of records management roles where none had existed previously. In another case the existing records manager was promoted:

“Initially it [FOI] had a really beneficial impact because I mean purely from my own professional point of view I was promoted, paid a lot more, and taken seriously”

[Interview 6] *Records Manager, Unitary Council*

Records managers in our sample were more likely to have been appointed to deal with the pressures of FOI after implementation, rather than as a preparatory measure:

“They [the records manager and FOI officer] were appointed in the middle of 2005 whereas I came at the end of 2005... there was a realisation that there needed to be somebody in post certainly to handle the FOI side of it, but also there was appreciation that records management plays quite a large role in that... there needs to be a Corporate Records Manager.”

[Interview 8] *Information Compliance Advisor, London Borough*

Another aspect of human resources in the Code of Practice (TNA, 2002) is about approaches to training and raising awareness of records management. In our case studies many different tactics were adopted, depending upon the attitude taken by the council to the relationship between records management and FOI:

“Interviewer: Is there a regular pattern whereby new staff are inducted and is there an aspect of FOI and records management in their own induction?”

X: No. That’s for a couple of reasons. Firstly, there hasn’t been a senior executive appetite for it. At the same time there’s been differences of opinion between this area and the FOI area, about what that training should consist of.”

[Interview 10] *Records Manager, London Borough*

Some councils had a more ad hoc agenda than others, providing training if requested, while others provided more structured, systematic introductions. Some organizations introduce records management procedures at staff inductions, but in other cases records management is not a part of any induction training: the focus is on FOI instead. The level of initial training was sometimes dependent upon the directorate’s perceived needs or upon available resources. Much of the FOI training derives from online training packages but a specific records management one is seemingly not available. In other authorities, training is outsourced, which has its problems:

“me and [a colleague] are aware that the course is there, we fed into the course content but we don’t run it at all, so we don’t have any knowledge of who’s attending or what the requirement for that is.”

[Interview 6] *Records Manager, Unitary Council*

Overall, whilst for a fair number of councils the methods used to raise awareness of FOI had attempted to be wide-reaching, records management training was not often considered a key part of that. In general when the subject of training and awareness was brought up, interviewees were quick to point out several initiatives to training in

preparation for FOI, but admitted that records management training was not as advanced:

“Interviewer: You mentioned training, was there much of a training programme when FOI was being implemented?”

X: Huge. That was down to me and the head of law. We prepared PowerPoint presentations to each directorate to senior manager. We also offered it on a rolling basis to anyone else who wanted it.

Interviewer: Was records management seen to be part of that at that time?

X: It was referred to in the training but it was left to each individual directorate to get their records in order.”

[Interview 18] *Solicitor, London Borough*

In addition to the day-to-day handling of records management issues and FOI compliance, the role of knowledge management in finding information is important. Given the often high staff turn-over rate, identified previously as a potential problem (Shepherd and Ennion, 2007), it is crucial that training is ongoing. Finding the time to address training matters, however, remains problematic:

“The records management team like the FOI team are very much a coal face team, for want of a better phrase. That policy is something that has to be done to an extent but actually the daily job can easily absorb 100% of our time so getting out and advising people in a proactive fashion is difficult.”

[Interview 4] *Senior Information Officer, County Council*

Current records management

All institutions interviewed had the basic records management systems in place necessary for the functioning of different business units and to comply with specific legislation, as paragraphs 8.1-8.3 of the Code of Practice (TNA, 2002) set out. However, these practices largely remain in silos with different departments: there is often no corporate view. This has already been noted with regard to policies and

training. This poses potential problems for those responsible for allocating or dealing directly with FOI requests. The Code of Practice (TNA, 2002) advocates information surveys or records audits as one way of developing effective records management programmes across organisations. Few authorities in our sample, however, undertook such an audit, which is in keeping with the general tendency for councils to take action quite late.

According to the Code of Practice (TNA, 2002), the movement and location of records should be controlled to ensure that a record can be easily retrieved at any time. It is clear that although most authorities had systems in place for controlling this, there was little consistency in systems between departments, meaning that there was the potential for records to be lost if they are shared between departments.

Paragraph 8.8. of the Code of Practice (TNA, 2002) addresses the safe-keeping of records and although this was not asked about in the interviews explicitly, two interviewees showed the researcher around their storage areas and described the problems that they had had with flooding and dampness in their stores. One interviewee mentioned that there had been a flood in the store and that they now had a lot of “smelly records”, whilst another recalled a fire in an off-site records storage facility that several councils shared. There are, therefore, some indications that the safe-keeping of records remains a fundamental issue that is still not being addressed, although data security may ultimately be a better driver for bring about changes to the maintenance of records.

It is in the areas of disposal arrangements and management of electronic records, however, that councils displayed the greatest weaknesses.

Disposal arrangements

Most councils had retention and disposal schedules, some of which were brought in for or had had their profile raised as a result of, the FOIA. For some a ‘bin it campaign’ was part of the preparation for FOI. Whether this is in keeping with the FOI spirit of openness and transparency is debatable. In some councils, retention schedules were not corporately constructed or maintained, but rather were the responsibility of each directorate or department, and in four organisations no such document or guidance existed.

Having a schedule does not guarantee, of course, that advice will be followed. This is a criticism that has already been raised by the Information Commissioner in Decision Notices that describe a lack of consistency in the manner in which retention schedules had been applied e.g. FS50121882 and FS50145067 (ICO, 2007a, 2007b). From the interviews it is clear that there are two main reasons for this. The predominant reason is, like the general policy guidance, lack of awareness in the council of retention requirements:

“...to be honest there isn’t that much evidence that day-to-day individual business units are actually managing their records in compliance with the retention schedule.”

[Interview 10] *County Archivist, County Council*

The second reason is a lack of dedicated resources. It is not enough to create a retention schedule or to raise awareness of it, but responsibility for disposal should be formally delegated to an individual:

“there’s no dedicated roles in a lot of places to sit and weed out paper according to the retention schedules so I think that’s a bit of a problem.”

[Interview 1] *Corporate Information Manager, London Borough*

Whereas most councils had a basic retention schedule, far fewer (only 10) possessed disposals logs recording those records that had been destroyed. There are examples in the Decision Notices which highlight the problems councils face in having to carry

out exhaustive searches for documents that most likely had been disposed of but where no record to that effect existed (e.g. FS50145067, ICO, 2007b). One of the axiomatic statements about FOI asserts that the primary aim of the FOIA is to promote transparency and openness. Yet if information is destroyed without a formal record of that happening then this undermines such claims.

Management of digital records

Every single one of our interviewees noted problems with addressing digital records management and there is still a lack of progress in this area, many years after Barata's studies noted failings (Barata, 2002, 2004).

One major problem is that whilst retention and disposal schedules seem to have been introduced in the last few years in many of our case studies, these rarely extend to digital records. Therefore, even if a hard copy document is disposed of in line with council policy the digital equivalent is very often not attended to, but may exist in an unstructured space, a "dumping ground", on a shared drive or personal computer area, and remains disclosable if located or specifically asked for. Control of e-mails proved to be particularly problematic, with the structure of these described variously as "a nightmare", "an ongoing battle", and "a huge problem". The failure to tackle the digital issue might be attributable to the views such as this that perceive the problems to be insurmountable.

For many organisations emails were saved locally and saving them was the responsibility of individuals, which meant that FOI requests relating to emails often involved having to liaise with multiple people mentioned in an email thread. However, since guidance on email retention is limited or non-existent in most of our case studies, the practice of individuals storing emails would appear to be ad hoc at

best; “either someone has kept them or they haven’t”. In other authorities there were archival areas for the storage of emails, but as one interviewee noted the unstructured nature of these “just makes it a corporate problem rather than an individual one”. In this case email was not deemed ultimately to be too much of a problem as managers were confident that emails that needed to be kept would be printed out and attached to a hard-copy file.

This situation supports the contention that “the benefits of improved records management are not felt by users” because of the “paper-based’ mindset” of authorities (CASC, 2006). This split between paper-based and digital records management was evident in several of our case studies, and was sometimes manifest in tensions between records managers and IT departments. Often those with records management responsibilities have little control over digital records management issues:

“Interviewer: How does that translate then for electronic record equivalents? For example, if the paper comes in what about the electronic versions sitting there on the shared drive or home document file?”

X: That’s pretty much out of my control... we do our bit to do best practice but I can’t imagine that it is very much followed.”

[Interview 12] *Freedom of Information Officer, County Council*

“I don’t have that much contact with IT so I can’t really say for certain, you would have to ask them, but I think the IT they look at records management when there is a problem rather than right at the beginning when they are instigating some sort of electronic system. They won’t look at how we keep this and when we destroy this or that.”

[Interview 19] *Archivist and Records Manager, London Borough*

“The hardest records are electronic because I can’t get a grip on them, I cannot get a grip on them without ICT... it’s just an ongoing battle. I mean for example, I’ve worked now twice on the management of email but no-one seems to want to pick that up and take it forward.”

[Interview 6] *Records Manager, Unitary Council*

There were, however, some examples where the experience of FOI had pushed for a positive change in digital records management:

“the business case for our corporate EDRM system was the time it took to gather an early FOI request around contacts”

[Interview 9] *Information Governance Manager, London Borough*

So it is clear that the attitude to preparation varied considerably and the picture obtained echoes that of Screene’s (2005) findings with often only superficial, immediate changes implemented rather than longer-term systemic changes. Screene’s study predicted on this basis that public authorities might encounter difficulties as FOI progressed. Several years on we are now in a position to review the changes brought about to records management procedures and processes as a result of dealing with FOI requests.

Implications of FOI for Records Management

Many of the changes noted, such as the introduction of records managers and the production of retention schedules, might appear to have been in response to FOI since many happened after 2005. The picture is not so straightforward, however, given the other drivers for records management, such as data security and data losses, which have become recent concerns for several councils. Untangling the changes brought about as a direct consequence of FOI from these others is therefore not easy. Many interviewees when asked directly what the impact of FOI had been on records management were hard pressed to pinpoint examples of ways in which things had definitively changed as a result of that particular piece of legislation, so that in effect records management remains as a background issue:

“Interviewer: Can you think of an example where records management has been crucial to complying with FOI?”

X: Probably not actually because records management just underpins everything that happens. Nobody would pinpoint that records management meant that we did this right because they were doing the records management right anyway so it would just happen in that respect.”

[Interview 5] *Records Manager, County Council*

In general the majority of interviewees were quick to express the opinion that FOI had had a positive impact upon records management, which is in keeping with the Constitution Unit’s findings (Amos and Holsen, 2007, Amos, Dobias, Holsen and Worthy, 2008). However, the manner in which it has impacted upon records management is fairly limited and when interviewees were further pressed for examples, the primary effect related was that its profile had increased, as mentioned in 13 interviews. In terms of rhetoric, therefore, records management has a more positive presence than it did five years ago, but in practice this did not necessarily lead to observable systemic changes:

“It’s more high profile, but the actual way we do things hasn’t changed”

[Interview 5] *Records Manager, County Council*

“...people realise there’s a need, but it’s just there’s never enough time or money to actually get good records management.”

[Interview 11] *Records Manager, London Borough*

This seems to demonstrate that although FOI may have raised awareness of records management functions it has not necessarily led to records management issues being prioritised by councils. This is in keeping with the findings reported from Scotland by Burt and Taylor (2007, 2008). In part this is due to a lack of senior management support—records management “has got much more of an awareness but what typically happens is it’s got much more of an awareness at a middle management and lower level”— as well as the fact that councils have been able to cope with the volumes and types of FOI requests without necessitating any drastic changes to records management practice.

It is also the case that records management is not a priority because the perceived threat of non-compliance is often minimal in comparison the other frontline issues that councils face. In theory the principal threat derives from the ICO and its powers to investigate complaints against councils. In some councils intervention and criticism from the ICO was considered a driver for the introduction of aspects of records management, including training, producing a policy, bringing in EDRMs, and raising awareness of records management at senior management level. For others, the ICO was not considered to hold much influence, either because the council in question had not yet fallen foul of the complaints procedure, or because any complaints procedure would take so long, or because any upheld complaints over records management were still not considered leverage enough for instigating improvements:

“If you look at it in the sense of risk management what is the risk if we fail to comply with FOI? Slap on the wrist from the Information Commissioner, possibly practice notice, whatever. Now does that mean, therefore, because we are so scared of a slap on the wrist from the Information Commissioner - not that we’ve had one - but does it mean that we are diverting hundreds of thousands of pounds, millions of pounds to improve our information management infrastructure just because we don’t want to upset the Information Commissioner? The answer is we are just not doing it. We’ve got more important things.”

[Interview 10] *County Archivist, County Council*

The other major issue regarding the impact of FOI on records management is on the nature of the record. Views on this were mixed. Three councils reported that there had been no changes to record creating practices, while others noted a limited effect in that staff were generally more careful and “more concise” about what they wrote. Yet whether the people we interviewed would be fully aware of such a change is unclear, as it can be speculated that their roles within the council might be less connected to the activities of higher level policy makers and senior managers. Indeed it is here that a change in record keeping culture is sometimes more perceptible and in three cases

the more significant change of ‘not writing things down’ at senior management level for fear of disclosure was noted, the so-called ‘empty archives’ or ‘chilling effect’ (Flinn and Jones, 2009):

“We’ve got senior managers who just don’t write anything down any more. Without any doubt they have learnt that if they put something in an email that will come back to haunt them so it’s a lot more face-to-face, things jotted down in their own jotter which you never know if it’s held or not. There is definitely this recognition that if you put ... anything else on the system you ostensibly lose ownership of that.”

[Interview 11] *Data Protection and FOI officer, London Borough*

A more positive effect of FOI on recording practices was its role in highlighting records that would be beneficial for the council to record and administer:

“You can actually think ‘well do we need to collect this data’. Should we be suggesting to HR ‘yes they do collect the data’, so there is a feedback on that as well. It can affect the kind of record keeping...It’s also identifying for me things that we should be creating.”

[Interview 17] *Information Management Officer, County Council*

Of course, FOI generates new record making responsibilities for records of requests, the progress of requests and the responses supplied. This is particularly crucial if the ethos of openness through a good working relationship is to be established between a council and a requestor. As the requestors explained in the focus group, being kept apprised of the progress of their request, even if there are delays, is important.

In terms of the responses supplied, some authorities created online disclosure logs to record these, although the majority of the organizations we spoke to did not. Reasons for not producing one included: they were not deemed to be worthwhile, there was a lack of senior management support, it was not necessary for compliance, and a lack of resources. Although many have some form of internal disclosure log, these are mainly held for the purposes of reporting performance indicators such as number of requests received and how quickly these were responded to.

Most requests relate to current information and statistics and not to older records. However, one case reported a lot of requests for older records. In this organisation, corporate FOI and records management are co-located with the archives, and it may be that business-as-usual requests for archives (ie older records) were logged and recorded indistinguishably from FOI requests. Nevertheless, there may be some distortion in the perception of this problem as there is some question as to whether requests for older records are made via the FOI route or whether a more traditional direct request approach is made to an archives service and thus may never enter the system as an FOI request. The relationship between current records and archives within records systems may therefore be an issue worth investigating further. For example, two of the requestors that we spoke to described problems obtaining information from older records, but noted that the problem was not simply one of inaccessibility of older records, but with the individual dealing with the request who was maybe not familiar with their council's systems for older records and archives:

“I had a planning enforcement case where there was allegedly corruption and this thing had happened in 1989. It was twenty years ago and when I did FOI they came back and said that they couldn't find the files. Then I pointed out to them they needed to go back into the archive and then they came up with a lot of files.”

[Focus Group] *Political Researcher*

Conclusion

We can draw certain conclusions and perhaps offer some advice for good practice from the study. The first issue is that our findings strongly suggest that the best scenario is when FOI and records management work together corporately from the same directorate, but with separate individuals holding corporate responsibility for each. In this arrangement, work can often be situated within the broader frame of

information management and governance for more dynamic, sustained, coherent approaches to information as the overlaps between records management, knowledge and information management and information governance are considerable. Secondly, the research emphasises the importance of senior management leadership both for effective FOI and for records and information management. If records management is to have a corporate outlook it needs the backing of the most senior officers in the councils, not only to raise the profile but to embed the FOI/records management relationship and to provide resources. Thirdly, the research highlights the importance of the role of the audit and performance measurement, whether by internal teams or external bodies, in spite of previous weaknesses in ICO sanctions. Audits are not merely a means to an end, but the process itself is invaluable for simultaneously raising awareness of records management issues, personnel and resources and the roles they play in enabling the authority to fulfil its FOI obligations.

In terms of records management practice, the research highlights the need to have policies and records of the systems in place, in particular, the importance of keeping disposal records and ensuring that disposal schedules cover records in all formats including digital records. If the FOI ethos of openness, access to information and transparency is to be reconciled with records management principles of controlled records disposal then what is crucial is that records be kept of the destruction process. This can in turn make it clearer to authorities themselves what information is and is not held, so that better and more complete responses to requests can be provided and the authority can exercise better control over the management of FOI responses. Resourcing records management continues to be a problem, especially for the appointment of dedicated staff and also for awareness raising and training of all council staff in records management practices. Overall, the message of this research is

the need for much improved corporate (as opposed to local or departmental) records management. Most councils in the study are failing to deal adequately with digital records in spite of the expertise and IT systems in place in many: this may be attributed in part to the continuing paper-based mindset in many staff.

A final issue is the importance of engaging in a dialogue with the requestor. Users are often satisfied with simple information, but they appreciate an open dialogue, and may need help to understand how to use the Act effectively.

This article has focused on the records management implications of this study. Other aspects of the findings of this research have been reported elsewhere and have not been repeated here. The literature is covered in detail in Shepherd, Stevenson and Flinn (2009); the broader FOI and good governance issues are discussed in Shepherd, Stevenson and Flinn (2010); and some of the issues around users and requestors are reported particularly in Shepherd, E., A. Stevenson and A. Flinn (2011).

There are many other questions which are raised but not answered in this research, including the impact of FOI on local government archive services which seem largely untouched by FOI and, more generally, issues around the awareness of records management across councils and of attitudes to records creation among senior officers, which could be explored by more detailed interviewing of senior portfolio holders and senior managers, and of record creators across different council functions. However, this research does reveal some aspects of the relationship between records management and FOI in local government and makes a contribution to the wider debate about access to information in English public authorities.

References

- Amos, J., J. Dobias, Holsen, S., & Worthy, B. (2008). FOIA 2000 and local government in 2007: The experience of local authorities in England. London, Constitution Unit, UCL.
- Amos, J. and S. Holsen (2007). FOIA 2000 and local government in 2006. The experience of authorities in England, Northern Ireland and Wales. London, The Constitution Unit, UCL.
- Barata, K. (2002). Archives in the Digital Age. A study for Resource. London, Resource.
- Barata, K. (2004). "Archives in the digital age." Journal of the Society of Archivists **25**(1): 63-70.
- Burt, E. and J. Taylor (2007). The Freedom of Information (Scotland) Act 2002. New Modes of Information Management in Scottish Public Bodies? Report to the Scottish Information Commissioner. St Andrews, Scottish Information Commissioner.
- Burt, E. and J. Taylor (2008). "Managing Freedom of Information in Scottish public bodies: administrative imperatives and political settings." Open Government **4**(1).
- CASC (2006). Seventh Report: Freedom of Information: One Year On. London, Constitutional Affairs Select Committee.
- Flinn, A. and H. Jones (2009). Open access or empty archives?: contemporary history and freedom of information. London, Routledge.
- ICO (2007a). Decision Notice FS50121882. Wilmslow, Cheshire, Information Commissioner's Office.

- ICO (2007b). Decision Notice FS501145067. Wilmslow, Cheshire, Information Commissioner's Office.
- Jones, P. (1994). "Records management renaissance: the U.K. local government perspective." Records Management Journal **4**(1): 13-19.
- Mander, D. (1989). "Records management in London local authorities." Journal of the Society of Archivists **10**(1).
- Screene, L. (2005). "How prepared are public bodies for the implementation of the UK Freedom of Information Act, in January 2005?" Records Management Journal **15**(1): 34-42.
- Shepherd, E. and E. Ennion (2007). "How has the implementation of the UK Freedom of Information Act 2000 affected archives and records management services?" Records Management Journal **17**(1): 32-51.
- Shepherd, E., A. Stevenson and A. Flinn (2009). "The impact of Freedom of Information on records management and record use in local government: a literature review" Journal of the Society of Archivists **30** (2): 227-248.
- Shepherd, E., A. Stevenson and A. Flinn (2010). "Information governance, records management and freedom of information: a study of local government authorities in England" *Government Information Quarterly* **27** (4): 337-345.
- Shepherd, E., A. Stevenson and A. Flinn (2011). "Freedom of Information and records management in local government: help or hindrance?" *Information Polity: the International Journal of Governance and Democracy in the Information Age* (forthcoming)
- TNA (2002). *Lord Chancellor's Code of Practice on the Management of Records, issued under Section 46 of the Freedom of Information Act 2000*.

TNA and Ministry of Justice (2009). Lord Chancellor's Code of Practice on the Management of Records, issued under Section 46 of the Freedom of Information Act 2000. London, The National Archives.

Wright, C. (1989). "Records management and local government in the United Kingdom: The way forward?" Records Management Journal 1(3): 121-127.