

GUIDELINE

1

DESTRUCTION OF PUBLIC RECORDS
JUNE 2010

1. Purpose

These guidelines provide advice to public agencies as to how to manage the destruction of public records.

These guidelines should be read in conjunction with the *Create, Maintenance and Disposal Records Management Standard*, which sets out the compliance requirement for the authorised and accountable destruction of public records.

Public agencies should follow minimum retention periods established in **authorised** disposal schedules.

2. Coverage of Records Destruction

Destruction of records refers to an irreversible process of physically destroying paper records, other non-electronic records as well as the deletion of recorded electronic data held in computer systems.

Information on the destruction of records found within these guidelines applies to record in all formats.

3. Notification of Records Destruction

CINA will notify public agencies of records due for destruction.

Agencies must check whether the records can be destroyed, confirming that records are no longer needed for business requirements and/or outstanding audits, litigation, investigations or FOI requests.

Agencies should then complete the *Cayman Islands Government Proof of Destruction* form and other practical arrangements for the actual act of destruction. Where there are copies of records, these copies must also be destroyed.

It is the responsibility of agencies who use RMS to keep their retention information up-to-date.

4. Authority

The destruction of public records is governed by sections 6, 8 and 11 of *The National Archive and Public Records Law (NAPRL), 2007* as follows:

- Each agency shall ensure that public records are created, managed and disposed of in accordance with records management standards and disposal schedules drawn up under this Law.
- Each agency shall in consultation with CINA develop disposal schedules which identifies the projected life of the public records for which it is responsible.
- It is an offence for a person to knowingly, without proper authority, to intentionally dispose or remove a public record from official custody.

The disposal of Government records should also be in accordance with requirements of the *Create, Maintenance and Disposal Records Management Standard*.

5. Roles and Responsibilities

Position	Responsibilities
Cayman Islands National Archive (CINA)	Under section 9 of the <i>NAPRL</i> , CINA may monitor and inspect the records management practices of public agencies.
Public Agency	Develops file plans and disposal schedules under the guidance of CINA in accordance with issued records management guidance and approved disposal schedules.
Records Advisory Committee (RAC)	Under section 5 of the <i>NAPRL</i> , RAC reviews and make recommendations to the Governor-in-Cabinet concerning disposal schedules for public records.

6. Security

Destruction of records should be irreversible, secure and timely. Information must not be able to be retrieved or recovered from the medium on which the record is stored.

Special precautions should be taken when destroying sensitive or confidential information and the same level of security used within your organisation should be maintained. Only authorised personnel from your organisation should be delegated the responsibility of records disposal and should be present when records are being destroyed. A signed

destruction certificate should be obtained to ensure that records have been disposed of securely and completely.

Records being transported for destruction should be moved in containers (bins) and vehicles that are completely enclosed and lockable.

7. Timely

Records should not be destroyed while there is still a need for them yet it is important not to retain records longer than needed.

Agencies should apply the retention decisions assigned to records series in authorised disposal schedules and ensure records are destroyed promptly and securely when their retention has ended.

Timely destruction of records according to authorised disposal schedules assists public agencies as follows:

- reduces storage costs
- reduces time associated with finding and retrieving records
- minimizes risk of unauthorized destruction of records

8. Approved Methods of Destruction

8.1. Paper records

- shredding
- burning

8.2. Electronic records

- reformatting
- rewriting
- degaussing
- electronic shredding (contact Computer Services Department as necessary for more information on this process)

9. Considerations when using Contracted Services

Contractors can be contracted to destroy public records. The onus remains with the public agency to ensure that destruction occurs in accordance with the approved methods of destruction in compliance with the record management standards set by CINA.

9.1. Transporting records for destruction

- A closed truck should be used to transfer records whenever possible.
- Sensitive and confidential records should only be conveyed in a closed and secured vehicle.

9.2. Sensitive and confidential records

- Appropriate oversight of destruction should be arranged with the contractor when records are listed as sensitive and confidential.
- An authorised officer should witness the destruction of sensitive and confidential records.

9.3. Proof of destruction

- A certificate of destruction should be issued by the contractor. If the records slated for destruction are discovered in future and a certificate of destruction was issued, the certificate is evidence that the contractor is liable and not the public agency.
- The certificate should verify the method of destruction used by the contractor.

10. Destruction Prerequisite

Public agencies are responsible for developing internal monitoring procedures for scheduling records eligible for destruction and making this a part of normal business process.

It is the responsibility of each public agency to prepare records for destruction ensuring that the records selected accurately reflect what is listed on the *Cayman Islands Government Proof of Destruction* form.

CINA will verify the form and have a CINA representative present at the time of destruction for non-digital records and as a witness. Once the destruction is finalized, Part 3 of the form will be completed for proof of destruction. Public agencies who wish to destroy records held in the Sister Islands and in overseas offices should contact CINA for further guidance.

It is important that destruction be properly documented and the related records should be managed using the *Information and Technology Management Administrative Schedule*. This documentation serves as proof that records have actually been destroyed in accordance with prescribed methods.

Destruction Checklist – see Destruction prerequisite in CINA Guideline 1

Each record series forms part of an authorised disposal schedule and the final action is “Destroy”.	<input type="checkbox"/>																								
The retention period has expired.	<input type="checkbox"/>																								
There are no outstanding audits, litigation, investigations or FOI requests.	<input type="checkbox"/>																								
<p>Arrangements have been made for the destruction using an approved method.</p> <table border="1"> <thead> <tr> <th>Points to consider:</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>• Do your records have special security requirements?</td> <td></td> <td></td> </tr> <tr> <td>• Has an appropriate contractor been contacted?</td> <td></td> <td></td> </tr> <tr> <td>• Does the contractor use approved methods of destruction?</td> <td></td> <td></td> </tr> <tr> <td>• Does the contractor provide a Proof of Destruction Certificate?</td> <td></td> <td></td> </tr> <tr> <td>• Has it been specified that the records are to be destroyed on the day of collection?</td> <td></td> <td></td> </tr> <tr> <td>• Is the transferring of records secured?</td> <td></td> <td></td> </tr> <tr> <td>• Has arrangements been made for a witness from CINA to be present during destruction?</td> <td></td> <td></td> </tr> </tbody> </table>	Points to consider:	Yes	No	• Do your records have special security requirements?			• Has an appropriate contractor been contacted?			• Does the contractor use approved methods of destruction?			• Does the contractor provide a Proof of Destruction Certificate?			• Has it been specified that the records are to be destroyed on the day of collection?			• Is the transferring of records secured?			• Has arrangements been made for a witness from CINA to be present during destruction?			<input type="checkbox"/>
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Semi-active records stored in the Government Records Centre have been returned to the creating agency prior to disposal date.	<input type="checkbox"/>																								
Parts 1 and 4 of the <i>Cayman Islands Government Proof of Destruction Form</i> are complete and signed by HOD/Senior Officer and have been submitted in duplicate to CINA.	<input type="checkbox"/>																								
The details of the destruction have been documented within the public agency’s recordkeeping system.	<input type="checkbox"/>																								

