



Irish Youth Justice Service

Seirbhís na hÉireann um Cheartas i leith an Aosa Óig

Record Management Policy

Draft 10th June 2011

Introduction

The National Youth Justice Strategy 2008-2010 reflects the remit of the Irish Youth Justice Service (IYJS) to provide a coordinated, strategic approach to service delivery for young people in trouble with the law.

High Level Goal 5 of this strategy is

“To strengthen and develop information and data sources in the youth justice system to support more effective policies and services”.

The Irish Youth Justice Service developed and published a Data Protection Guide and a Questions and Answers style Information Booklet in January 2011. This is available to download at www.iyjs.ie¹. The guide was developed to help achieve the High Level Goal above and to set out the general principles of Data Protection Legislation.

This Records Management Policy follows on from the Data Protection Guide and Questions and Answers style Information Booklet. This document sets out the IYJS policy on receipt, retention, disposal and security of records with a view to compliance with the requirements of the National Archives Act 1986; the Freedom of Information Acts 1997 and 2003 and the Data Protection Acts 1988 and 2003. It takes particular account of personal data and our obligations under the Data Protection legislation.

Records Management Policy

Records Management is the application of systematic control over information which is required in the administration and operation of the IYJS activities. By assuring that valuable records are preserved and made available while needless records are disposed of in a timely fashion, records management promotes efficiency within an organisation.

The aim of this Records Management Policy is to standardise and improve the overall effectiveness of the IYJS by determining;

1. What records the IYJS should retain in order to function and carry out its responsibilities;
2. The length of time these records should be retained for, whether for administrative, financial or legal reasons;
3. The appropriate method of sharing information with all stakeholders in the Youth Justice Sector;
4. Who in the organisation is responsible for maintaining the accuracy, security and updating of these records; and

¹ <http://www.iyjs.ie/en/IYJS/Data%20Protection%20YJ%20Guide%20-%20Jan%202011%20Final.pdf/Files/Data%20Protection%20YJ%20Guide%20-%20Jan%202011%20Final.pdf>

5. The final disposition of those records, whether it be destruction, permanent retention or transfer to the IYJS Archives.

Records should be effectively managed i.e. captured, stored and protected against damage, loss or unauthorised access. This is so that records can be

- Efficiently retrieved in response to requests received from the public;
- Preserved in such a way to ensure their ongoing retrievability and readability; and
- Retained for periods of time consistent with regulatory, statutory and legal requirements.

Receipt and retention of documents

The IYJS receives information from a variety of sources. All recorded information, regardless of the format, created and received during the performance of official duties should be documented and filed in accordance with the procedures as laid down by the Department of Justice and Equality. These procedures entitled, "*File Handling and Maintenance*" are available on the Justinfo database². Furthermore all files relevant to the activities of the IYJS begin with the series number 196 and a list of files currently on hand is available on the document library database.

A non exhaustive list of the most common documents with personal data is attached at Schedule 1 and the retention timelines are included at Schedule 2. These record retention schedules provide a mechanism to help ensure the IYJS is maintaining necessary records to ensure that it;

- Meets legal standards;
- Optimises use of space;
- Minimises the administrative burden;
- Minimises the costs of record retention; and
- Destroys outdated and useless records.

The IYJS has no specific timelines in relation to the retention of non personal records and is guided by the policies of the Department of Justice and Equality. IYJS will review this policy document on a biennial basis to evaluate the success of the policy and to ascertain whether the retention timelines are satisfactory.

Sharing of information

The sharing of personal information between relevant stakeholders in the Youth Justice Sector should be in accordance with the eight principles of data protection³. The sharing of personal information between organisations in the Youth Justice Sector will occur in the main with the consent of the young person and/or of the person acting on his/her behalf.⁴

² <http://10.110.5.120/info/JustInfodb.nsf/WeeklyWv4/FE968457038C114C80257853005A0E7A?OpenDocument>

³ See pages 8-24 of the Data Protection (Personal Data) Guide for the Youth Justice Sector

⁴ See page 5 of the Data Protection (Personal Data) Guide for the Youth Justice Sector

Data Protection Requests

The IYJS will handle all data protection requests in accordance with policies and procedures of the Department of Justice and Equality.

Freedom of Information Requests

The IYJS will handle all freedom of information requests via the Department of Justice and Equality's Freedom of Information Unit.

Data Accuracy

The IYJS should ensure that files and records are kept up to date and accurate. This can be achieved by reviewing files kept on site periodically. This will be in accordance with the procedures as laid down by the Department of Justice and Equality. These procedures entitled, "*File Handling and Maintenance*" are available on the Justinfo database. The Data Protection Guide published by the IYJS takes account of the CMOD document '*Protecting the confidentiality of Personal Data*⁵'.

Data Security

The IYJS will comply with all procedures as laid down by the Department of Justice and Equality and will ensure compliance with the principles of Data Protection legislation and the provisions of the Youth Justice Data Protection Guide.

Destruction

The IYJS will destroy data which is no longer necessary to be retained in accordance with the procedure currently followed by the Department of Justice and Equality. The destruction of records should only occur when the statistical and historical value of the records has been taken into account.

These procedures entitled "*Guidelines for the Disposal of Confidential and Other Waste in the Department*" are available on the Justinfo database.

Duplicate or multiple copies of the records should be disposed of when they are outdated and no longer useful. Records whose retention periods have expired should be destroyed promptly.

The Data Protection Administrator should approve any destruction of personal records and this decision should be recorded.

Data Protection Administrator

As stated in the Guide, each organisation in the Youth Justice Sector will have a Data Protection Administrator⁶ who will have responsibility for ensuring the

⁵ <http://www.dataprotection.ie/documents/guidance/GuidanceFinance.pdf>

⁶ This should be at Higher Executive Officer level or equivalent

compliance of each employee with the Data Protection Acts⁷. This administrator will also have responsibility for ensuring the

A) Disposal of the data in a secure fashion, including shredding of paper documents, deleting automated data from any computer systems and/or back up computer systems if appropriate and

B) Anonymising of data that may be retained for statistical purposes, to aid in the making of policy and in conducting a review of policy decisions generally.

⁷ Pg 28-29 Data Protection (Personal Data) Guide for the Youth Justice Sector

SCHEDULE 1

RETENTION PURPOSES

1. Litigation Files

Data Concerned: Litigation files often contain detailed background material on a child, including psychological and educational assessments.

Basis for Detention:

- (i) Closed cases often provide useful precedent in dealing with ongoing litigation in terms of steps taken and lessons to be learned.
- (ii) Claims brought by young persons are often brought years after detention, and may involve multiple appeals and various courts over long periods of time, including subsequent appeals brought to the European Court of Human Rights. As such, it would be very difficult for the IYJS to ascertain which files are permanently closed.
- (iii) Litigation records aid in the making of appropriate policy decisions, and are necessary for the protection of the integrity of children detention schools, the IYJS and the Department of Justice and Equality.

2. Advices from the Attorney General and Chief State Solicitor's Office

Data concerned: Advices received from the Attorney General or the Chief State Solicitor's Office may contain the names of children, and/or dates of conviction, and the due date of discharge for a particular child.

Basis for Retention:

- (i) These types of legal advice are required in order to maintain compliance with the law in day to day operations;
- (ii) These advices are often essential in ensuring that a child's detention is lawful and provide a guide for subsequent concerns;
- (iii) Writing to the AGs or CSSO for advice can take several weeks or longer. If the IYJS does not have legal advices at hand, this may cause delay in providing services to the child in question, or error where the IYJS may need to make a decision urgently; and
- (iv) It may also result in a duplication of requests for advices where advices sought earlier are no longer to hand.

3. Notifiable incidents log/database

Data Concerned: Whenever a notifiable incident occurs in relation to a child, a report is filed with the IYJS and details the particulars of the incident, as well as steps taken to remedy the situation at the time.

Basis for Retention:

- (i) Records of notifiable incidents are necessary for the making of appropriate policy. Notifiable incident reports have been used to inform decisions on behavioural management, arrangements for mobility trips, the purchase of appropriate furniture and materials for children detention schools, and are used on an ongoing basis.
- (ii) The occurrence of a notifiable incident may require the IYJS advising the relevant detention school or taking a certain course of action.
- (iii) Where a complaint or case is brought in relation to mistreatment or abuse, these documents are the first point of reference and may prove essential in the course of litigation, for the purposes of mounting a strong defence, as they have in the past.
- (iv) The notifiable incidents log may also be used for the purposes of disciplinary proceedings against staff.

4. Daily Rolls/Admissions Spreadsheets

Data Concerned: Children detention schools submit daily rolls containing the names of all children currently on remand or committal in each school every week from Monday to Friday. The rolls also contain: DOB, county of residence, arrival date, residential status, period of remand or period of detention, offence group, offence, sentencing court, next court date and court location, and due date of discharge.

Basis for Retention:

- (i) Daily Rolls are essential for bed management purposes, especially where children come in and out of the detention schools on remand or committal, go to various courts for trial, and/or receive home leave.
- (ii) The Rolls are used to track bed usage, provide data for future provision of bed spaces as well as statistical purposes.
- (ii) The Rolls are used also to ensure that the due date of discharge is adhered to by the children detention schools and that no unlawful detention of a child occurs.

5. Case notes for internal use

Data Concerned: Case notes of particular children in detention are used internally by IYJS. This will include personal information relating to the criminal activity, welfare, detention and possible future of the child.

Basis for Retention:

- (i) To ensure services are being provided to children appropriately.
- (ii) To ensure no unlawful detention of a child occurs.

6. Anonymised Case notes

Data Concerned: Anonymised case notes are used in meetings amongst statutory bodies to ensure services are being provided to children appropriately from all relevant agencies, and aid in the development of further policy.

Basis for Retention:

- (i) All case notes are compiled on an anonymous basis from the outset.
- (ii) Case notes and the minutes of the relevant meetings where they are discussed provide background to policy development, as well as a point of reference for reviewing policy decisions.

7. Placement Forms

Data Concerned: Placement forms contain the name of the child, DOB, date of conviction, offence, sentencing court, home address, suggested detention school, requested detention school and possible vulnerability of the young person. The data is received from members of the Garda Síochána, court clerks or probation officers.

Basis for Retention:

- (i) Placement forms are often consulted where a young person re-offends, in order to determine the most suitable school for detention, as well as basic details in relation to any previous detention. If a child re-offends and receives a custodial sentence, information on the child such as medication/ailments, family contacts, behavioural traits, may not be available to the school immediately. Past information may be useful to the schools acting in loco parentis and for the welfare of the child until more up-to-date information can be gathered.
- (ii) Children under 18 may re-enter the juvenile justice system. If this occurs, any data provided earlier is re-checked to ensure that the children detention school to which the child is being sent has complete data.
- (iii) Placement forms are also used to compile anonymous statistics in relation to bed management.
- (iv) Very little research is undertaken in the area of young offenders in Ireland. What is available points to factors such as geographic location, parental influence/upbringing, IQ/EQ, developmental disorders, criminalised families, etc. all being factors leading to a higher likelihood of children ending up in detention. If information is lost/anonymised it would be more difficult to identify or research factors/traits/actions/interventions that can be taken to lessen the numbers of children ending up in detention.

8. Staff returns

Data concerned: The schools send monthly returns to IYJS in order that we can monitor staff numbers and trends for management information reports and also from a finance perspective. They contain the name of each employee, status of employee, hours per week, appointment date, point on salary scale and pension status. A summary sheet is also provided.

Basis for Retention:

- i) Comparisons are made each month with the previous month and with the previous year's numbers;
- (ii) Staff numbers and categories of employee are monitored from a finance perspective;
- (iii) Policy decisions made relating to staffing, based on raw data.

9. Personnel and Pension files

Data Concerned: These can include files relating to pensions/pension service, retirement, ill-health, incentivised schemes etc. in relation to staff from the Children Detention Schools.

Basis for retention:

IYJS deals with certain pension matters. Some of these are of a legacy nature such as former Finglas Staff or pension files. Many are Department of Education and Skills files for persons with basic pension contribution details/enrolment etc. In some cases these are the only source of service details for staff or details of service transferred from other sources. These entitle people to preserved benefits at 60 years of age generally. These may be the only records or evidence of a person's entitlement.

We also deal with persons retiring on ill health grounds. In both cases, IYJS will open a pension file having gathered the relevant information and liaised with the schools. Information of a medical nature is held by IYJS in case of any change in medical circumstances and a re-examination of a case is needed.

Transfers of service in/out are held in case of historical queries.

For the most part, schools deal directly with Pension Section in Killarney in relation to current staff on pension issues. We do not routinely retain pension files or open files for new employees. Enrolment forms are held for staff from March 2007 to end December 2010.

10. Personal Information required for ESF claims

Data Concerned: This could contain P60 certificates, payslips, bank statements, salary details, date of birth and address.

Basis for retention:

The IYJS is bound by the European Union regulations and the procedure manual in relation to the retention periods necessary for these documents. This means that certain documentation must be held for nine years after the end of the funding period i.e. 31st of December 2022 for the current financial framework.

11. Garda Vetting Forms

Data concerned: IYJS practice garda vetting to meet our obligations in line with the Children First Guidelines 2010 (section 4.4) and CDS Garda Vetting Policy. This includes personal information regarding the criminal convictions of employees and volunteers who have access to children.

Basis for Retention:

- i) We are obliged under National Policy to have safe recruitment practices for volunteers who have access to children.

- ii) Records must be retained as proof that the policy is adhered to.

12. Board of Management

Data concerned: Board of Management members' personal details including names, addresses and payments given and due.

Basis for Retention: For contact purposes, to establish eligibility for payments and that rates are altered in keeping with D/Finance Sanctions

13. Ministerial Orders / Warrants

Data concerned: From time to time the Minister makes an order which directly relates on a young person. These include Transfer Orders, compassionate leave orders etc.

14. Other documents including but not limited to:

- Tenders and Contracts
- Letters to Court relating to Young People
- Director and Deputy Files
- FCAC Young Person Files
- FCAC Staff Files
- Service Development Days
- Conferences etc.
- CPI – training database

Basis of retention:

A variety of different reasons to retain including training needs, details of participants, comments and feedback on courses, analysis of the information, it is standard practice to hold Personnel files and such files in case of redress board claims etc.

Schedule 2

Retention periods

Listed below is each type of file containing personal data held in relation to young persons by the Irish Youth Justice Service and the relevant retention period.

1. Litigation Files

Litigation files relating to young persons shall be retained indefinitely in their original format.

Anonymising data would reduce the precedent value of the documentation.

2. Advices from Attorney General and Chief State Solicitor's Office

Legal advices received from the Attorney General and the Chief State Solicitor's Office, containing information relating to young persons, shall be retained indefinitely in their original format.

Anonymising data would reduce the precedent value of the documentation.

3. Notifiable incidents log/database

All Notifiable incident log/database shall be retained for a period of 10 years after the young persons 18th birthday to take account of possible litigation that may ensue and the corresponding limitation periods to bring an action. They shall be deleted or shredded thereafter.

This log/database is recorded as the Notifiable Incident Log.

Monthly logs will be reviewed by the IYJS and analysed on a 6 monthly basis to identify trends, recurring problems, and difficulties responding to incidents or systemic failures including resource, training or policy deficiencies.

This analysis will be presented for discussion at the Directors' Forum so that any system wide improvements in policy and procedures can be identified and implemented.

The outcome of any individual investigations conducted by individual schools, and/or by an investigator appointed under section 186A of the Children Act 2001 will be discussed at the 6 monthly Directors Forum meeting [reports may be anonymised]. (Anonymising these reports could diminish their value during litigation.)

4. Daily Rolls/Admissions Spreadsheets

Daily Rolls/Admissions Spreadsheets shall be retained in their original format for a period of ten years on a rolling basis. For example, in January 2017, daily rolls from January 2007, shall be disposed off and so on. The following procedures shall then be followed:

- (i) All paper copies of the relevant daily rolls shall be shredded.
- (ii) All relevant Daily Rolls shall be deleted from the Document Library, individual H-Drives, back up systems, and any relevant e-mails.

5 and 6. Case notes (Anonymised and for internal use)

Case notes shall be retained indefinitely on an anonymous basis. (They are retained from the outset on an anonymous basis only.)

7. Placement Forms

Placement forms shall be retained in their original format until the child reaches the age of 18.

When the child attains the age of 18:

- (i) All paper copies of placement forms shall be deleted.
- (ii) Placement forms shall be deleted from the Document Library, individual H-Drives, back up systems, and any relevant e-mails.

8. Staff returns

Staff returns shall be retained in their original format for a period of 10 years. For example, in January 2010, staff returns from January 2000, shall be disposed of and so on. The following procedures shall then be followed:

- (i) All paper copies of the relevant staff returns shall be shredded.
- (ii) All relevant staff returns shall be deleted from the Document Library, individual H-Drives, back up systems, and any relevant e-mails.

9. Personnel and Pension Files

These shall be retained indefinitely.

10. Personal Information required for ESF claims

The IYJS is bound by the European Union regulations and the procedure manual in relation to the retention periods necessary for these documents. This means that certain documentation must be held for nine years after the end of the funding period i.e. 31st of December 2022 for the current financial framework.

11. Garda Vetting Forms

IYJS is obliged to meet the obligations of the Children First Guidelines 2010 and these records shall be retained indefinitely.

12. Board of Management files

These shall be retained indefinitely.

13. Ministerial Orders/Warrants

These shall be retained in accordance with the Department of Justice and Equality procedures.

14. Other documents

These shall be retained indefinitely.