

## **General Advice to Staff on Records including Minutes**

The Freedom of Information (FOI) Act 1997 as amended is designed amongst other things, to provide the public with the right to access to the greatest extent possible, consistent with the public interest and the right to privacy, to records held by public bodies. St Patrick's College became a prescribed public body under the FOI Act on 1 October, 2001.

### **The following records come within the scope of the Act:**

#### **Records containing personnel data**

Personnel records of serving staff created from 21 April, 1995, and those created prior to this date where they are being used or proposed to be used in a way which adversely affects or may affect the person involved.

#### **Personal Information**

All records relating to personal information held by the College irrespective of when created.

#### **Other records**

Subject to a limited number of exceptions, all other records created in the College from the commencement of the Act (21 April 1998) are available on request. However where records created after 21 April 1998 cannot be understood without access to records created before this date, then there is a right to access to earlier records.

#### **What is a Record ?**

'any memorandum, book, plan, map, drawing diagram, pictorial or graphic work or other document, any photograph, film or recording (whether of sound or images or both), any form in which data (within the meaning of the Data Protection Act 1988 as amended) are held, any other form (including machine-readable form) or thing in which information is held or stored manually, mechanically or electronically and anything that is a part or a copy, in any form, of any of the foregoing or is a combination of two or more of the foregoing...'

**Diaries:** A diary either conventional or otherwise, which is whole or in part for carrying out the functions in College is accessible under FOI. Personal information may be withheld from release. It is recommended from an FOI perspective to keep official and personal diaries separately.

**Email:** Electronic mail is accessible under FOI whether it is recorded on paper or electronically.

**Files:** Any files created in the course of carrying out College duties are accessible under FOI. There is no such thing as 'private' files for College business.

## Minutes

**Minutes:** When recording an item it is recommended to record all necessary information and no more; i.e. the relevant business considered, facts noted, the decision taken and its rationale. Minutes should be read easily by an external reader with no misunderstandings.

### Minute Headings

- Name, Place and date of meeting
- List of members, of those in attendance and of those who tendered apologies for non- attendance
- Agreement of previous minutes
- Matters arising from previous minutes
- Correspondence
- Presentation of reports
- Items discussed
- Decisions taken
- Any other business and date of next meeting

Chairperson's signature and date (the signed copy of the minutes should be held in the Office of overall Responsibility – see St Patrick College Records Retention Schedule)

Minutes should clearly reflect the decision-making process and should contain an accurate account of decisions taken. Minutes should reflect the nature and content of all discussions that feed into decisions.

When recording an item, discussion should be recorded in a manner that gives precise account of the proceedings of the meeting.

Record **only** relevant business considered, facts noted, the decision taken and its rationale. Individual contributions at a meeting should **only** be attributed, when an individual expressly requests it and the meeting agrees that the contribution should be part of the minutes of the meeting.

Initial Draft of minutes should not be retained. Supporting documentation circulated with minutes is part of the record of the meeting and should be retained.

Following approval of the minutes at a subsequent meeting, minutes should be signed and dated by the chairperson and stored in the office of overall responsibility. All previous drafts should be destroyed.

**Committee members should note:**

Approval of the meeting must take place if they want a particular contribution to be made to them.

Access may be given to all minutes and associated documents under the FOI Acts. Occasionally, information can be withheld by the College under various exemptions under the Acts, but the withholding of Information under the Act **cannot** be guaranteed.

Therefore:

- All minutes could potentially enter the public domain
- Individuals may request access to their own personal information contained in minutes
- Minutes are permanent records and may be relied upon in the future as an historical record of important decisions and events of the College.

**Notes, notebooks and aide memoires:** Care should be taken when writing notes designed for one's own use, as these too are accessible under FOI.

**Post-its and similar temporary or removable 'records'** are still records for the purposes of the FOI Act. They should not be used for purposes of recording information.

**Records of reasons for decisions:** The FOI Acts require that a person who is affected by a decision of the College be given a written statement of the reasons for the decision, if he or she requests, therefore when creating a record of a decision it is important to record the reasons for that decision.

**References:** When writing a reference it must be assumed that the subject of the Reference may ultimately receive it. Under the FOI Acts records relating to an individual are the personal information of that individual, including all assessments and

referees' reports. The College can make a decision to withhold or to release a reference or report in certain cases and at certain times, however this decision may be overturned by the Information Commissioner, who is external to the College and whose decision is final and binding.

**Research:** Records concerning current or anticipated research, the disclosure of which would lead to serious disadvantage to the College or the researcher can be withheld under the FOI Acts in most cases.

**WWW pages:** Websites should be kept up to date and redundant pages deleted. It is advisable to record former pages in electronic format.