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Comparing parliamentary oversight of retention and disposal schedules

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This briefing paper offers Members of the Communities Committee a comparative analysis of the scrutiny processes for retention and disposal schedules across various legislatures in the UK, Ireland, Canada, and Australia. Additionally, it includes a summary of the reporting requirements for EU-funded activities within retention and disposal schedules.

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Introduction

Northern Ireland has a specific parliamentary mechanism for direct oversight of retention and disposal schedules, including provisions for resolutions preventing disposal. Other jurisdictions rely more on executive or archival bodies with limited direct parliamentary involvement.

This briefing note was requested by Members of the Communities Committee at its [meeting on 16 January 2025](#). The first section provides an overview of the legislative framework in Northern Ireland. The second section includes a comparison of approaches to parliamentary oversight of retention and disposal schedules of different legislatures in the UK, Ireland, Australia and Canada. The last section includes a summary of how EU-funded activities should be reported in retention and disposal schedules.

1.1 What is a retention and disposal schedule?

A retention and disposal schedule is a document in a records management system that outlines the types of records held by an organisation, the minimum period for which these records should be retained, and the actions required when the retention period has been reached. A schedule ensures that records are managed in compliance with legislative requirements and identifies records that should be either destroyed, reviewed, retained permanently, or transferred to the Public Record Office of Northern Ireland (PRONI) for permanent preservation.¹

2 Legislative context in Northern Ireland²

In Northern Ireland, public authorities are required to provide a retention and disposal schedule under specific legislation, including:

- [Public Records Act \(NI\) 1923](#)

¹ [PRONI Guidance on Retention and Disposal](#). 2020. (Accessed 8 April 2025)

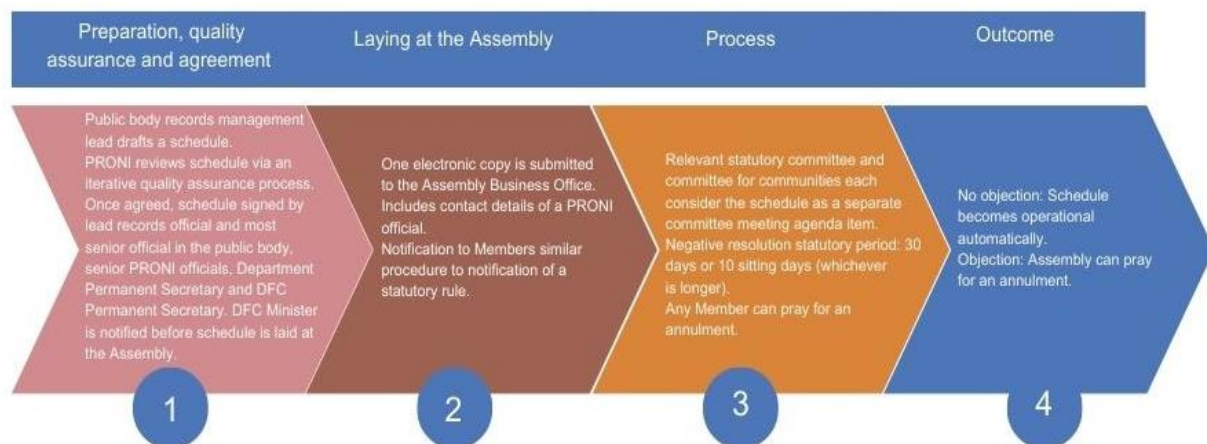
² DFC. [Legislation and access to PRONI](#). (Accessed 14 April 2025)

- [Imperial Records Order \(1925 No. 170\)](#)
- [Disposal of Document Order \(NI\) 1925](#)
- [Freedom of Information Act 2000](#)
- [Data Protection Act 2018](#)

The [Code of Practice on the management of records](#) issued under Section 46 of the Freedom of Information Act 2000 states that: “Authorities should define how long they need to keep particular records, should dispose of them when they are no longer needed and should be able to explain why records are no longer held.”

The legislation outlines the procedures for both the destruction of records deemed to have no long-term value and the preservation and transfer of selected records for permanent preservation to PRONI.

This code of practice means that Northern Ireland public sector bodies must create retention and disposal schedules. As illustrated in Figure 1, PRONI quality assures the retention and disposal schedule submitted by each public body using an iterative quality assurance review and feedback process. Once agreed, the schedule is signed by the most senior official in the public body (e.g. Chief Executive), as well as the most senior official with responsibility for information management. It is also signed by the Permanent Secretary of the public body's Department and the Permanent Secretary of the Department for Communities (DFC), as DFC has responsibility for PRONI. Following a submission to the Minister for Communities, who acts as the Keeper of Records for Northern Ireland, the schedule is laid before the Northern Ireland Assembly on behalf of the Minister for Communities. The schedules are subject to the Assembly's negative resolution procedure, and any member or committee may seek a resolution to pray for an annulment. Once laid, a retention and disposal schedule is subject to a 30-day negative resolution period, or 10 sitting days (whichever is longer), before it becomes legally binding.

Figure 1: Steps involved in the scrutiny of retention and disposal schedules

2.1 Legislation elsewhere

At a Communities Committee meeting on 16 January 2025, Members requested a RaISe briefing paper comparing how retention and disposal schedules are handled by different legislatures. Relevant legislation for each legislature in the UK and Ireland is included in the blue box below.

Northern Ireland Assembly: The scrutiny process is guided by the [Public Records Act \(NI\) 1923](#) and the [Disposal of Documents Order \(S.R. & O. 1925 No 167\)](#). These laws establish specific requirements for records management and the role of the [Public Record Office of Northern Ireland](#) (PRONI).

UK Houses of Parliament: The process is governed by the [Public Records Act 1958](#). This act sets out the framework for records management and the role of the National Archives in preserving records.

Houses of the Oireachtas: [The National Archives Act 1986](#) and [Regulations, 1988](#), provides the legislative framework for records management and the role of the [National Archives of Ireland](#).

Scottish Parliament: The [Public Records \(Scotland\) Act 2011](#) governs records management and the role of the [National Records of Scotland](#).

Senedd: The [Public Records Act 1958](#) also applies to Wales, with the [National Library of Wales](#) playing a key role in records preservation.

In other parts of the UK and Ireland, the individual retention and disposal schedules of public bodies do not undergo a parliamentary laying process. Table 1 provides a summary of different approaches based on relevant legislation for each jurisdiction.

Table 1 Comparison of parliamentary oversight of retention and disposal schedules

Legislature	Parliamentary oversight of retention and disposal schedules
Northern Ireland Assembly	<p>Under the Public Records Act (NI) 1923 and related orders, NI public sector bodies must create retention and disposal schedules.</p> <p>Retention and disposal schedules are subject to the Assembly's negative resolution procedure. Any Member or Committee can table a question to PRONI to seek clarification about a retention and disposal schedule.</p> <p>Once laid, retention and disposal schedules are sent by the Assembly Business Office to both the relevant statutory committee and the Committee for Communities.</p> <p>If there is an objection to a schedule, a prayer of annulment must be tabled in the Business Office within the statutory period (10 Assembly sitting days or 30 working days, whichever is longer).</p> <p>If no prayer of annulment is made within this period, the scheduled disposals are implemented.</p> <p>Committees are responsible for monitoring the end of the statutory period, which may change based on Assembly sittings.</p> <p>PRONI provides contact details of a relevant official with each schedule to facilitate scrutiny.</p> <p>Upon receipt of a schedule, the Business Office informs the relevant committee and the Committee for Communities that either may pray for an annulment and states the end date of the statutory period.</p>

Legislature	Parliamentary oversight of retention and disposal schedules
	<p>The Committee for Communities records the schedule as correspondence until they receive a response from the relevant statutory committee.</p> <p>The relevant statutory committee should aim to include the schedule as a separate agenda item at its next meeting.</p> <p>Once considered, the relevant committee must notify the Committee for Communities of the outcome, which should be recorded in their minutes.</p> <p>The Committee for Communities then considers the outcome, records it in their minutes, and emails the Business Office with the result.</p> <p>If either committee wishes to pray against the schedule, they notify the Business Office as soon as possible.</p>
UK Houses of Parliament	<p>The Secretary of State for Culture, Media and Sport has general responsibility for the National Archives and lays an annual report on its work before both Houses of Parliament, including any report from the Advisory Council on Public Records.</p> <p>Orders in Council directing that certain records be treated as public records require a draft to be laid before Parliament and approved by a resolution of each House.</p> <p>The Secretary of State's decisions on whether records are public records are included in the annual report to Parliament.</p> <p>Clause 6 of the Public Records Act (1958) states: Destruction of public records in Public Record Office or other place of deposit. If as respects any public records in the Public Record Office or any place of deposit appointed under this Act it appears to the Keeper of Public Records that they are duplicated by other public records which have been selected for permanent preservation or that there is some other special reason why they should not be permanently preserved, he may, with the approval</p>

Legislature	Parliamentary oversight of retention and disposal schedules
	<p>of the Lord Chancellor and of the Minister or other person, if any, who appears to the Lord Chancellor to be primarily concerned with public records of the class in question, authorise the destruction of those records or, with that approval, their disposal in any other way.</p> <p>The legislation therefore, does not explicitly detail a process for parliamentary oversight of specific retention and disposal schedules in the same way as for Northern Ireland.</p> <p>The House of Commons Administration Committee reviews the retention and disposal schedules for parliamentary records. This includes ensuring compliance with the Public Records Act 1958 and the Freedom of Information Act 2000. The committee examines how records are managed, retained, and disposed of, and makes recommendations for improvements.</p>
Scottish Parliament	<p>The Keeper of the Records must prepare an annual report on the carrying out of their functions under the Public Records (Scotland) Act 2011 and submit it to Scottish Ministers.</p> <p>This report must include information about agreed records management plans and any action notices issued.</p> <p>The Scottish Ministers must lay this report before the Scottish Parliament.</p> <p>The Keeper must then publish the report.</p> <p>Legislation does not describe a direct parliamentary approval process for retention and disposal schedules. The oversight is primarily through the laying of an annual report.</p>
Senedd	<p>Welsh public records are initially governed by the Public Records Act 1958.</p> <p>Orders made by the Secretary of State under section 147 of the Government of Wales Act 2006 could confer functions regarding</p>

Legislature	Parliamentary oversight of retention and disposal schedules
	<p>Welsh public records and require a draft to be laid before and approved by a resolution of each House of UK Parliament if they amend or repeal enactments in an Act. Other orders under this section are subject to annulment by resolution of either House.</p> <p>Orders specifying other descriptions of records as Welsh public records under section 148(1)(f) are also subject to annulment by resolution of either House.</p> <p>The Public Records Act grants the Keeper of Public Records the authority to destroy or dispose of records with the necessary approvals.</p> <p>Relevant legislation does not outline a specific mechanism for Senedd parliamentary oversight of a Welsh public body's retention and disposal schedule for Welsh public records.</p>
Houses of the Oireachtas	<p>Section 7 of the National Archives Act, 1986 in Ireland primarily outlines the process for disposing of Departmental records. It allows for the disposal of records after a certificate is issued by the Director of the National Archives, and specifies that the disposal must be done in a manner that preserves confidentiality. Additionally, Section 7(7) allows for the inspection and examination of records by the Director or a designated officer when disposal is under consideration.</p> <p>The Taoiseach can make regulations regarding the disposal of Departmental records. Regulations made by the Taoiseach or the Minister for the Public Service under the National Archives Act 1986 must be laid before each House of the Oireachtas. If either House passes a resolution annulling the regulation within 21 sitting days, the regulation is annulled.</p> <p>The Director of the National Archives and the Council of the National Archives each submit annual reports to the Taoiseach,</p>

Legislature	Parliamentary oversight of retention and disposal schedules
	<p>and the Taoiseach lays copies of these reports before each House of the Oireachtas.</p> <p>The National Archives (Amendment) Act, 2018 extended the remit of the National Archives to take in departmental records 20 years and older which relate to Anglo-Irish matters. This was to align with changes to UK law which brought in a 20-year rule.</p> <p>There is no explicit information in the legislation about direct parliamentary approval of an individual public body's retention and disposal schedules. Oversight is through the laying of regulations and annual reports. Guidance for public bodies can be found here.</p>
Australia	<p>The Joint Committee of Public Accounts and Audit (JCPAA) oversees the retention and disposal schedules of government records.</p> <p>The committee reviews the National Archives of Australia's policies and practices, ensuring that records are preserved according to legal and historical requirements.</p> <p>The JCPAA can also conduct inquiries and report on the effectiveness of records management across government agencies.</p>
Canada	<p>The Standing Committee on Access to Information, Privacy and Ethics scrutinises the retention and disposal schedules of federal government records.</p> <p>The committee reviews policies to ensure they comply with the Access to Information Act and the Privacy Act.</p> <p>The Standing Committee can hold hearings and make recommendations to improve records management practices.</p>

3 Retention and disposal of EU funding records

In Northern Ireland, the rules for the retention and disposal of documents related to EU-funded programmes and projects are primarily governed by the [Common Provisions Regulation \(CPR\), specifically Article 140](#). Here are the key points:

3.1 Retention period

All documents related to the implementation and financing of each operation must be [retained until 31 December 2030](#). This includes timesheets, evidence of work documentation, calendars, emails, minutes, and any other records confirming staff activities.

3.2 Document types

The required documents include, but are not limited to:

- Claims processing records
- Timesheets
- Evidence of work documentation (e.g., calendars, emails, minutes).

3.3 Data minimisation

While retaining necessary documents, organisations must also adhere to the GDPR principle of data minimisation. This means only retaining personal data that is relevant and necessary to meet the requirements of Article 140 of the CPR.

3.4 Closure of organisations

If an organisation involved in an EU-funded project ceases to exist, all relevant documentation must be returned to the [Managing Authority](#) or the relevant [Intermediate Body](#). These documents should be converted to electronic versions for easy storage and retrieval.

3.5 Audit and verification

Projects must ensure that appropriate records are securely retained and accessible for verification and audit purposes. This includes having processes in place to retain records for staff who have left the project.

These rules ensure that all necessary documentation is preserved for accountability, transparency, and compliance with EU regulations.