

Information Retention

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About This Consultation

Duration	11 September – 31 October 2017
Enquiries	Tel: 0207 271 8827 Email: enquiries@orcl.gov.uk
How to respond	Please send your response by 31 October 2017 to enquiries@orcl.gov.uk or Office of the Registrar of Consultant Lobbyists Room 3.26 1 Horse Guards Road SW1A 2HQ

About Us

The Office of the Registrar of Consultant Lobbyists was set up following the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, in order to create and administer the statutory Register of Consultant Lobbyists. The Government's intention behind the introduction of the Register was to enhance the transparency of those seeking to lobby Ministers and Permanent Secretaries on behalf of a third party.

At its heart, the role of the Office of the Registrar of Consultant Lobbyists is about ensuring there is transparency in the work of consultant lobbyists and their engagement with Ministers and Permanent Secretaries on behalf of clients. For this to happen it is important that the public can access information in a clear and easily understandable way.

In line with our statutory obligations, we have set ourselves the following objectives:

1. Administer an accessible, up-to-date and accurate Register of Consultant Lobbyists;
2. Ensure that all those who are required to register do so, by making potential registrants aware of their obligations under the Act and the process involved in registration;
3. Ensure the registration process provides a service to registrants that is clear and accessible;
4. Monitor and enforce compliance with the Act's legal requirements;
5. Operate the Register and the Office in a cost effective manner that demonstrates value for money.

Information Publications and Retention

Introduction

In my August newsletter, I said that it was my intention to refresh my guidance relating to Information publication and retention. This followed stakeholder feedback about the length of time for which notes (which include details of penalty notices and changes made to the face of the Register, for example after instances of over-declaration) that appear on the face of the Register should continue to be displayed. Currently such notes remain indefinitely.

There are also a number of other areas which merit further consideration, and following my normal practice, I highlight those in this document and seek feedback from stakeholders to inform my review, prior to issuing updated guidance in due course.

Consultation issues

Archive of Register-when my current guidance was issued, it was my intention to archive the registration information of all those registered, at end of each calendar year, and the quarterly return information, at the end of each quarter. In practice, sensible logistics have dictated that content of the Register as it stands on 31 December each year is freeze-framed and archived so it can be accessed via my website for interested parties, and quarterly return information is archived at the end of each quarter.

I said that it was my intention to retain this information for a period of five years and that I would review that period in the light of requests for information received and questions asked.

Is five years an appropriate period to retain archived details of the Register? If not, what do you think the retention period should be?

Information on website-I also said that I would retain information on my website for 12 months, unless it is in the public interest for it to remain. However, currently all information issued still appears on the News section of my website. I am minded to remove all information older than 12 months from the News section (and then delete it), and to retain official publications (such as my business plan and statement of accounts) in the Publications section for two years (to support any requirement for comparisons).

Do you agree with this proposal, and if not, what alternative publication/removals period would you propose?

Periods of data inaccuracy-I previously said that when inaccuracies were identified in Register information, that the correction would be published at the earliest opportunity with the dates during which the information was incorrect. Whilst the date of change is being properly recorded, it has not proved practical to record the dates during which the information was incorrect. I therefore intend to continue with current practice.

Does this present any problems for stakeholders?

Publication of registration information- I previously said that in the event that a registrant ceases the business of consultant lobbying, the whole record will continue to be published for a period of 12 calendar months, from the date that registration ceased. What has actually happened is that those organisations that have left the Register continue to appear on it.

For practical purposes, I propose to remove those organisations from the Register at the next point the Register is archived, after 12 months have elapsed (so on 1 January each year, those organisations that have not conducted the business of consultant lobbying for more than 12 months will be removed from the current Register going forward). In the event that a past registrant resumes the business of consultant lobbying, the past dates of its registration will be shown on the new registration record.

Do you agree with this proposal, and if not, what alternative removals period would you propose?

Publication of quarterly updates-I previously said that client information or nil returns would be published for 12 calendar months from the date the information was first published or when the registrant ceased the business of consultant lobbying, whichever is the latest. What has actually happened is that all client returns since registration continue to appear on the Register. I note however that retention of this information provides useful practical information for stakeholders, and so I now propose to retain client information returns for a maximum of three years. In practical terms, this would mean the removal of client returns each quarter once they reach their third anniversary.

Do you agree with this proposal, and if not, what alternative removals period would you propose?

Offences- I previously said that if I were to impose a civil penalty, as a matter of normal practice, I would intend to publish that decision (including the reasons why the penalty notice was imposed) on my website, as soon as the recipient has decided to accept that penalty or the timescale for appeals has passed, and to annotate the Register accordingly (e.g. record updated on date in accordance with penalty notice reference). I made no proposal about where the information would be published on my website or the appropriate length of time for information to be retained. In practical terms, information about civil penalties is being retained on the Register currently indefinitely, and details of organisations concerned appear in my Statement of Accounts. I make no other public statements or references except where it is in the public interest to do so. I now propose to remove information about civil penalty notices from the Register at the next point the Register is archived, after 12 months have elapsed from the point at which the fine was paid (on 1 January each year). Information will continue to be retained in the archived Registers and Statements of Accounts.

I propose that information regarding criminal convictions would be retained until the conviction is regarded as “spent”. A spent conviction is a conviction which, under the terms of the

Rehabilitation of Offenders Act 1974, can be effectively ignored after a specified amount of time. The amount of time for rehabilitation depends on the sentence imposed, not on the offence.

Do you agree with these proposals, and if not, what alternative removals periods would you propose?

Are there any other matters regarding my guidance on information publication and retention which you think need amending?

Conclusion

This consultation will be issued on Monday 11 September and remain open until Tuesday 31 October. Stakeholders are encouraged to answer the questions as fully as possible, submitting responses to enquiries@orcl.gov.uk.

Office of the Registrar of Consultant Lobbyists

