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| ONR Guidance Document  Managing ONR Investigation Material Storerooms/ Cabinets |



ONR Guidance Document

Managing ONR Investigation Material Storerooms/ Cabinets

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# Introduction

This document is to set out the work instructions for staff who are responsible for managing the ONR material storeroom(s) / cabinets(s) within Redgrave Court, St James House and Windsor House.

Divisional Delivery Support (DDS) staff have full responsibility and control of the arrangements and management of the investigation material store. Inspectors should co-operate with DDS staff to ensure that the management of investigation material meets this guide, other relevant ONR guidance, legislation and associated codes of practice/directions relating to the conduct of ONR investigations.

## Purpose

The purpose and scope of this document is to provide relevant good practice to Material Management responsible persons which will assist them in undertaking their duties.

This guide is to be read in conjunction with the following:

* HSE’s Enforcement Guides (England and Wales, and Scotland) [1]
* [ONR-ENF-GD-005 - Process for Conducting Investigations](https://how2.prod.onr.gov.uk/CtrlWebIsapi.dll/B68EB6E9150541C695FE84B6960E7935.cwl?__id=webFile.save&doc=40A6F24BD2F34C1F83E739D5DFB2CA21&dpt=1&save=1) [2]
* [ONR-ENF-GD-012 - Guide to Collecting and Exhibiting Material as Evidence](https://how2.prod.onr.gov.uk/CtrlWebIsapi.dll/25F52AD919674F10BCBB8BC62F45ABF1.cwl?__id=webFile.save&doc=753E5AB6838547919FC276219390931B&dpt=1&save=1) [3]

Adhering to this guide enables ONR to demonstrate the continuity and integrity of material obtained, or generated during, investigation activities. This is an important aspect of investigation management, particularly in the event of an investigation resulting in court proceedings.

## Definitions

Table 1 – Table of Definitions

| Term/Acronym | Description |
| --- | --- |
| Material | As described by the Code of Practice accompanying the Criminal Procedures and Investigations Act (CPIA) 1996 [4]  Material of any kind, including information and objects, which is obtained or inspected in the course of a criminal investigation, and which may be relevant to the investigation. This includes:   * Not only material coming into the possession of the investigator (such as documents gathered in the course of an investigation) *but also material* generated by the investigator.   In Scotland, the meaning is different; Section 116 of the Criminal Justice and Licensing (Scotland) Act 2010 [5] (CJLA) describes ‘information' as, in relation to an accused, material of any kind given to or obtained by the investigator/prosecutor in connection with the case against the accused. Practically, ‘information’ in Scotland and ‘material’ in England and Wales are the same; throughout the rest of this document the term ‘material’ should be read to be the same in both jurisdictions, and the same processes for gathering material for evidence should be applied.  The status of material can change at any time during an investigation i.e.:   * Non relevant material can become relevant; * Unused material can become used; * Material that does not initially meet the disclosure test may need to be disclosed later in the prosecution process; and, * Used material is evidence forming part of the prosecution case against the accused.   Unused material is material that is relevant to the investigation, but which does not actually form part of the prosecution case against the accused. Unused material falls into two categories:   * Non-sensitive – Material which the Disclosure Officer believes would not pose any risk of serious prejudice to an important public interest. This material will be disclosed to the defence if it meets the Common Law Test or under CPIA. * Sensitive – Material which the Disclosure Officer believes would give rise to a real risk of serious prejudice to an important public interest.   **Note:** The concept of sensitive / non-sensitive material may apply elsewhere in the investigation / prosecution process. |
| Material Store Management Officer | Using the information on Materials above the Materials Store Management Officer is responsible for the management and storage of all investigation material.  Material should be stored securely in, lockable safes in a room with restricted access, using the Access Control Long (Appendix 1) and the Evidence Control Register (Appendix 2) |
| DDS – Investigation Material Officer | Material Officers are DDS staff from the ONR Investigation Core Team who support an investigation team. They are responsible for providing administrative and investigative support to other members of their investigation team. Examples of activities are, liaising with Material Store Management Officer for material management, creating and filling out the Schedule of Material, creation of material working copies, supporting interviews and, if required, liaising with the ONR’s solicitor agent. Working with the relevant ONR investigators in ensuring investigation material is managed in accordance with court and CPIA requirements, including ensuring disclosure requirements are met. |
| Investigator | Any warranted ONR inspector involved in the conduct of a criminal investigation. All investigators must comply with the duties imposed on them under the CPIA code, including in particular pursuance of all reasonable lines of enquiry, whether these point towards or away from a suspect, recording information and retaining records of information and other material. |
| Lead Investigator | The inspector in charge of an investigation. Responsible for directing the investigation and is responsible for ensuring that ONR complies with the relevant administrative legislation (e.g., CPIA), including following ONR procedures for recording information, and retaining records of information and other material, arising during the investigation. |

# Roles and Responsibilities

The role for managing the ONR Material Storeroom(s) / cabinet(s) involves managing all the investigative property held by ONR, including investigation material received from the Lead Investigator, Investigator or Investigation DDS Material Officer to ensure safe storage and documentation.

The Material Store Management Officer (MSMO) will be responsible for maintaining records for all material coming into ONR possession in accordance with current ONR and legislative procedures via managing security, storage and disposal of property. In addition, the MSMO will also be responsible for ensuring evidence checks are carried out on a six-weekly basis. If there is a discrepancy or loss of evidential material, this has to be reported to a member of investigation team and the Investigation Resource Group (IRG).

Any security incidents which may involve the potential loss of sensitive information, including loss of removable media, email transmission of Protectively Marked documents should be reported using the ONR SIFR1 form. You should also report any attempts to compromise ONR information to the ONR’s Departmental Security Unit (DSU).

Independent assurance of these activities is to be carried out by a member of the IRG.

# Material Store Management – Access

Access to the store is restricted to MSMOs within each of the three ONR Offices. There will be at least two MSMOs for each office. Their names can be found in CM9 record **2018/97557** that lists the investigation sub-specialism members, including those who can act as MSMOs.

When access is required, staff must have a valid purpose for entry and an MSMO must accompany them. In an event where nominated personnel are absent; access can still be granted following agreement from a member of the IRG. IRG member details can also be found in CM9 2018/97557. Local arrangements are in place for key/code management to the room and storage facilities and an access control log to record staff entry and exit is used, an example is provided in **Appendix 1**.

A central ONR material control register (CM9: **2019/237796**) details contents within material stores in all the ONR Offices. The MSMOs and selected members of the IRG have access to this register. An example is provided in **Appendix 2**.

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# Material Store management: Placing Material into the Store

The MSMO should only take possession of property if:

* For documentary material, it is bundled, referenced and labelled correctly in accordance with ONR guide [ONR-ENF-GD-012](https://how2.prod.onr.gov.uk/CtrlWebIsapi.dll/25F52AD919674F10BCBB8BC62F45ABF1.cwl?__id=webFile.save&doc=753E5AB6838547919FC276219390931B&dpt=1&save=1), the current operational guidance provided by the Enforcement Guides for England and Wales, and Scotland.
* If an item is within an evidence bag, it has been sealed and correctly labelled. Again, in accordance with [ONR-ENF-GD-012](https://how2.prod.onr.gov.uk/CtrlWebIsapi.dll/25F52AD919674F10BCBB8BC62F45ABF1.cwl?__id=webFile.save&doc=753E5AB6838547919FC276219390931B&dpt=1&save=1), the current operational guidance provided by the Enforcement Guides for England and Wales, and Scotland.

Nominated persons will be adequately trained in evidence collection and management. This will help to support in identifying the correct standard and IRG can provide advice should there be any concerns or queries.

For handling and accounting of Classified Documents, additional control measures are in place. Tables 1 and 2 below provide their storage requirements.

Table 1 Physical storage of information – Government Protective Marking Scheme (GPMS)

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Locked Drawer/Tambour** | **Approved security  furniture** | **Secure enclaves** |
| **Not protectively marked** | Yes | Not needed | Not needed |
| **PROTECT** | Yes | Not needed | Not needed |
| **RESTRICTED** | Yes | Only if needed | Where needed |
| **CONFIDENTIAL** | No | Yes (CPNI) | Only ATOMIC |
| **SECRET** | No | Yes (CPNI) | If required but Yes for ATOMIC |
| **TOP SECRET** | No | Yes (CPNI) | Yes |

Table 2 Physical storage of information – Government Security Classifications (GSC)

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Locked Drawer/ Tambour** | **Approved Security Furniture** | **Secure Enclaves** |
| **OFFICIAL  (i.e., not marked)** | Yes | - | - |
| **OFFICIAL - SENSITIVE** | Yes | Yes | Yes, for ATOMIC |
| **SECRET** | No | Yes (CPNI) | Yes |
| **TOP SECRET** | No | Yes (CPNI) | Yes |

In summary:

* Material that is OFFICIAL / OFFICIAL SENSITIVE has to be stored in secure storage.
* Material that is SECRET or TOP SECRET is accountable and must be stored in the safe and registered. It is unlikely that many ONR staff will hold, send or receive TOP SECRET information; should the circumstance arise you must discuss with the ONR DSU and IRG. An appropriate set of procedures for handling material at this level is in place with each ONR Division. A separate log, titled a Document Control Register is used for material of this kind. The Civil Nuclear Security & Safeguards (CNSS) Division have produced a presentation for accounting for Sensitive Nuclear Information and other classified information [7] (CM9 ref: **2019/140563**).
* Large and bulky items can be sent to the Health & Safety Laboratory (HSL). Should items be protectively marked, the ONR guide for Accessing HSL [8] provides further information on the procedures to follow. HSL are compliant with the evidence continuity requirements of the operational guidance provided by the Enforcement Guides for England and Wales, and Scotland. Material has to be correctly dispatched to them with accompanying instructions. The process is described in [ONR-ENF-GD-019](https://how2.prod.onr.gov.uk/CtrlWebIsapi.dll/3353504330544DA6A68AA36C8DEF1371.cwl?__id=webFile.save&doc=678B5875CC664C66BFA66907EE645A6B&dpt=1&save=1).

To ensure accuracy, the details from the labels and evidence bags must be written correctly onto the material control register and checked by another MSMO and also by a member of the IRG for independent assurance. To supplement this, a paper copy of the material control register is used which requires handwritten signatures of items logged in. This is used for continuity purposes.

# Material Store Management: Taking Material out of the Store

When material has to be removed (to create copies, for examination, archiving or destroying etc.), the Investigator must provide a written statement within an email to validate the reasons for taking an item out of the store. This is to substantiate our records for audit and continuity purposes. The material control register must be updated accordingly. Again, to supplement this arrangement, a paper copy of the material control register is used which requires handwritten signatures.

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# Retention and Disposal

## Where a decision is made not to prosecute:

Prior to returning material, Investigators should be mindful that the decisions made by ONR relating to the investigation can be subject to challenge, including judicial review. Therefore, Investigators should be content that persons with sufficient interest are fully aware of the decision not to prosecute and not proposing to challenge the decision. All material should be retained until the time limit for application has expired, after this time material not owned by ONR should be returned.

In England and Wales, this is three months after the grounds to make the judicial review application first arose i.e. three months after the person with sufficient interest was informed of the decision not to prosecute.

In Scotland, there is no time limit for a judicial review application, and therefore inspectors should satisfy themselves that there is unlikely to be such an application before returning any material to its owners.

On completion, the following should be carried out:

* Material weeded to remove duplicates by the investigator.
* Material ONR wish to retain for business purposes in the longer term should be identified at this stage and saved into a relevant CM9 folder. Such material may be useful for future training purposes and OPEX.

## Investigation resulting in prosecution:

ONR should keep all material held in relation to an investigation for six months after a court case has been concluded – to allow for appeals against sentence and/or conviction to be lodged (where relevant).

Material associated with a prosecution should be retained until legal proceedings have been completed and the periods specified in the CPIA Code of Practice and in CJLA have expired. Enforcement Guide (England and Wales, and Scotland) provides relevant advice.

Once that time has passed, investigation material can be weeded – but only to get rid of material such as duplicates or working copies of documents. However, the main body of the investigation material still needs keeping in accordance with ONR’s retention schedule [6] detailed in Table 3 below. A hardcopy is stored in the investigation room for reference.

On completion of the prosecution, the following should be carried out:

* Material weeded to remove duplicates by the investigator.
* Material ONR wish to retain for business purposes in the longer term should be identified at this stage and saved into a relevant CM9 folder. Such material may be useful for future training purposes and OPEX.
* An initial retention review date should be agreed by IRG and recorded. This is usually six months post sentence, although in prosecutions resulting in a custodial sentence this may be longer.
* As soon as possible after the expiry of the initial review date, original material not owned by ONR should be returned to its owner. Only one copy of ONR owned material is to be retained following expiry of the initial review date; this means that where digital copies of material exist in the CM9 investigation folder/s, the corresponding physical copies can be discarded as per the procedures in **Appendix 3**.
* A further retention review date should be agreed by IRG and recorded, at which date consideration can be given to disposing all material associated with an investigation, unless it is to be retained for possible transfer to The National Archives (TNA) in accordance with ONR Business Classification Scheme and Disposal Schedule.

Original versions are to be kept in their storage facility in accordance with the ONR Business Classification Scheme and Disposal Schedule (BCS).

Material not owned by ONR should be returned to the rightful owner when there is no longer any legal or business need to retain it. Computers/storage devices that held protectively marked data relating to the investigation should not be wiped/destroyed and be returned intact, since the collection process should mean there is no compromising data on it that the owner does not know about.

The Investigator needs to be involved to help with the decision making on what material should be retained. The main body of the investigation material needs to be retained in accordance with the BCS.

Table 3: Relevant sections of the Business Classification and Disposal Schedule

| BCS Function Code, Heading and Scope Note | Disposal Schedule |
| --- | --- |
| 4.7 Investigations  Investigation of incidents/accidents in response to a complaint, by information reported under RIDDOR or other reason, but not designated major (Fast stream reports and Fast 2’s, UK INES). *Use 4.5. “Inspection” for routine workplace inspections Use 4.9. “Enforcement” for actions resulting from non-compliance Use 4.8. “Major incident investigations” for investigation of an accident designated as a major incident by ONR* | **Review 10 years** *(3yrs active, 7yrs archived)*  **\*Exceptions apply** |
| **4.8.1 Incident Investigation Team: Activities** *Use 5.1.1. “Publications and multi-media” for production of ONR reports into results of investigations* | **Review 100 years** *(3yrs active, 97yrs archived)*  **\*Exceptions apply***)* |
| **4.8.2. Internal Inquiries**  Internal inquiries into accidents/incidents which do not result in the official publication of the results of the investigation | **Review 10 years** *(3yrs active, 7yrs archived)* |
| **4.8.3. Public Inquiries**  ONR participation in a public inquiry following a major incident, ONR participation in monitoring progress on recommended actions  *Use 4.2.1. “Planning authorities- Advice” for ONR participation in planning inquiries* | **Review 100 years** *(3yrs active, 97yrs archived)*  **\*Exceptions apply***)* |

Protectively marked waste is a potential source of information and should be correctly disposed. **Appendix 3** provides the arrangements that are in place throughout ONR for the control and destruction of protectively marked waste.

If the material is hazardous or contaminated it should be disposed of via HSL. Individual arrangement to be made, according to what material is

When there is no longer a legal or business requirement for ONR to retain material, a letter is issued asking confirmation whether the duty holder would like any of the material to be returned.

Within HOW2 the following letters are provided:

* [ONR-DOC-TEMP-126 - Initial letter to investigation material owner for returning material to them](https://how2.prod.onr.gov.uk/CtrlWebIsapi.dll/96B21ED4F9A74202ACBCA08F4438EF37.cwl?__id=webFile.save&doc=0819F2587E674EFA81A6E28CAE698F83&dpt=1&save=1); and,
* [ONR-DOC-TEMP-127 - Follow up letter to investigation material owner for returning material to them](https://how2.prod.onr.gov.uk/CtrlWebIsapi.dll/EAED7F01DC3B4BDA9AEC5293C1475728.cwl?__id=webFile.save&doc=83A771CEB4B146C9BA125122141A2E0D&dpt=1&save=1)

# Transportation between Offices

Before transporting any material, it should be secured in a suitably labelled container with appropriate details recorded on the material control register and schedule of material.

To ensure continuity of material is maintained, the movement of all investigation material that may be used in court proceedings should be witnessed and recorded by appropriate members of staff on vacating the office and upon arrival at the new dedicated storage facility.

The transportation of protectively marked documents should be treated according to their marking. The ONR DSU and IRG can provide further advice.

# Transportation of Material to and from Iron Mountain

For documentary material, the registered CM9 hard file(s) can be sent to Iron Mountain. There is no ONR guidance for Iron Mountain since it is only the Information Management Team (IMT) that can send and request files to/from the Iron Mountain archive. Only files classed up to Official Sensitive can be stored in Iron Mountain; should material have a higher classification then it should be stored within the ONR investigation material room as per the physical storage requirements for GPMS/GSC detailed in Tables 1 and 2.

The procedure is to send the file to the IMT who will then forward it to Iron Mountain, IMT and DDS will need to sign for the transfer and receipt of material. DDS can then update this handover of investigation material onto the electronic schedule.

To retrieve files from Iron Mountain, speak to the IMT

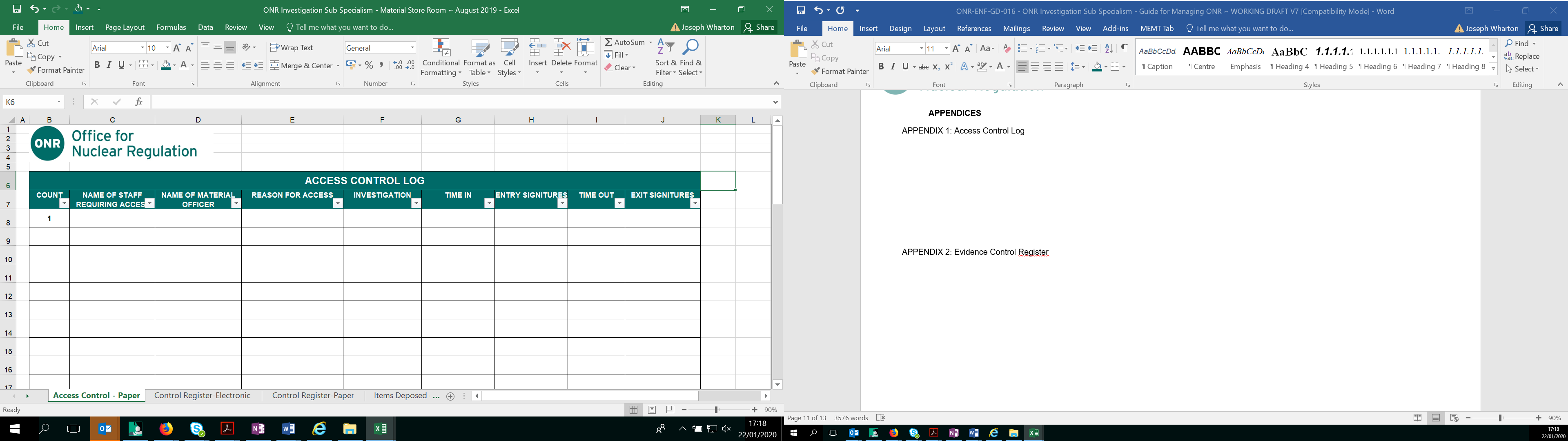
The IMT can be contacted on [information.management@onr.gov.uk](mailto:information.management@onr.gov.uk) for further advice.

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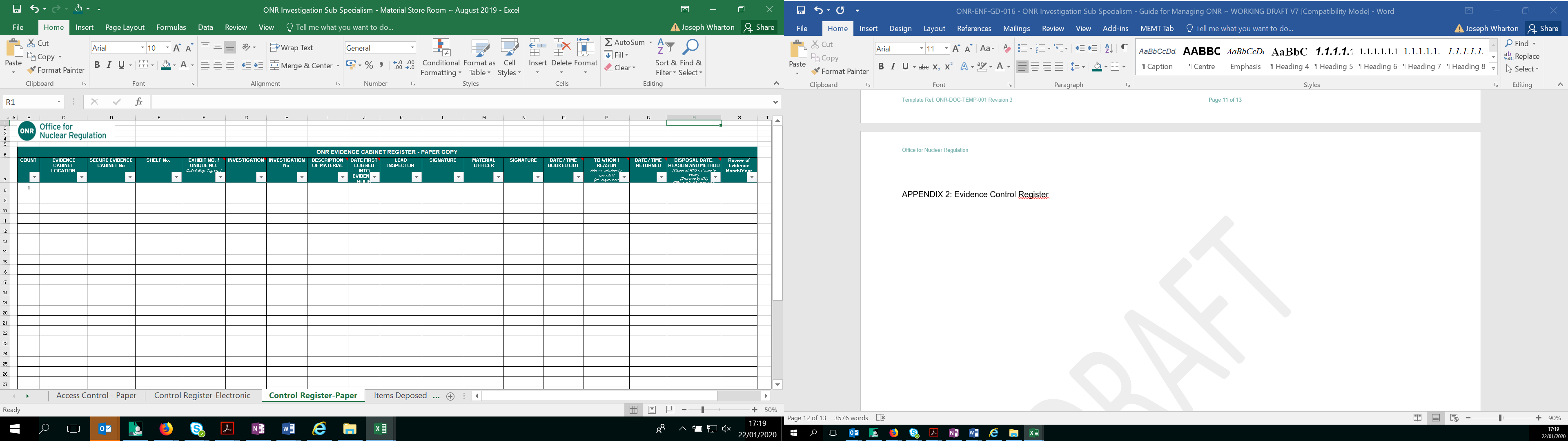
# References

1. Enforcement Guides for England and Wales, and Scotland
2. ONR-ENF-GD-005 - Process for Conducting Investigations -
3. ONR-ENF-GD-012 - Guide to Collecting and Exhibiting Material as Evidence
4. Criminal Procedures and Investigation Act 1996
5. Criminal Justice and Licensing (Scotland) Act 2010
6. Business Classification and Disposal Schedule
7. Accounting for Sensitive Nuclear Information (SNI) and other classified information
8. The Health and Safety Laboratory (‘HSL’) – Using their services as part of an investigation

# Appendix 1 - Access Control Log



# Appendix 2 - Evidence Control Register



# Appendix 3 - Destruction of Protectively Marked Information

Source – ONR DSU

**OFFICIAL**

* Papers should be unstapled, and disposed of in such a way as to make retrieval and reconstitution unlikely. OFFICIAL papers, including those classified OFFICIAL-SENSITIVE can be put into the office confidential waste bins that were previously used for paper documents up to RESTRICTED level. Such papers must never be placed in the ordinary waste bins.

**SECRET**

* By certified shredder only. Original protectively marked documents no longer required must be destroyed by the originator, successor or an individual duly authorised to do so. A record of destruction must be made to include the date and authorisation for destruction and kept with the file index sheet or in the document register for at least 5 years after destruction date.

**TOP SECRET**

* As for secret, but the destruction of top secret documents and files must be overseen by a witness who identifies each document being destroyed, verifies that each page of a multi-page document is present and signs a certificate of destruction.

**Memory sticks/CDs/DVDs :**

* In Redgrave Court:
  + Contact the Help Desk by email to request destruction in their approved shredder. Inform the Help Desk if you need to supervise destruction e.g. sensitive information is involved you will need to keep records of destruction as shown above for paper destruction.
* Other ONR offices
  + If possible, send to a colleague in Redgrave Court for disposal as above (further guidance on sending information by post is available) otherwise:

**OFFICIAL-SENSITIVE/Protect and restricted**

* Floppy disks should first be removed from their outer plastic casing, centre spindle removed, shredded and disposed of in non-protectively marked waste.
* CD ROMs should be cut into four or more pieces and disposed of with non-protectively marked waste (NB: CD ROMs should not be 'snapped' into pieces as flying fragments could result in personal injury).

**SECRET/Confidential and higher**

* Should be sent to ONR's security officer for disposal.