National Records of Scotland

Public Records (Scotland) Act 2011

Highland Council and Highland Licensing Board Assessment Report

The Keeper of the Records of Scotland

31 March 2016

Contents

1. Public Records (Scotland) Act 2011

The Public Records (Scotland) Act 2011 (the Act) received Royal assent on 20 April 2011. It is the first new public records legislation in Scotland since 1937 and came fully into force on 1 January 2013. Its primary aim is to promote efficient and accountable record keeping by named Scottish public authorities.

The Act has its origins in *The Historical Abuse Systemic Review: Residential Schools and Children's Homes in Scotland 1950-1995* (The Shaw Report) published in 2007. The Shaw Report recorded how its investigations were hampered by poor record keeping and found that thousands of records had been created, but were then lost due to an inadequate legislative framework and poor records management. Crucially, it demonstrated how former residents of children's homes were denied access to information about their formative years. The Shaw Report demonstrated that management of records in all formats (paper and electronic) is not just a bureaucratic process, but central to good governance and should not be ignored. A follow-up review of public records legislation by the Keeper of the Records of Scotland (the Keeper) found further evidence of poor records management across the public sector. This resulted in the passage of the Act by the Scottish Parliament in March 2011.

The Act requires a named authority to prepare and implement a records management plan (RMP) which must set out proper arrangements for the management of its records. A plan must clearly describe the way the authority cares for the records that it creates, in any format, whilst carrying out its business activities. The RMP must be agreed with the Keeper and regularly reviewed.

2. Executive Summary

This report sets out the findings of the Keeper's assessment of the RMP of Highland Council and Highland Licensing Board by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 31 August 2015.

The assessment considered whether the RMP of Highland Council and Highland Licensing Board was developed with proper regard to the 14 elements of the Keeper's statutory Model Records Management Plan (the Model Plan) under section 8(3) of the Act, and whether in this respect it complies with it and the specific requirements of the Act.

The outcome of the assessment and the Keeper's decision on whether the RMP of Highland Council and Highland Licensing Board complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

Highland is a council area in the Scottish Highlands and is the largest local government area in the United Kingdom. It shares borders with the council areas of Aberdeenshire, Argyll and Bute, Moray and Perth and Kinross. Their councils, and those of Angus and Stirling, also have areas of the Scottish Highlands within their administrative boundaries. The Highland area covers most of the mainland and inner-Hebridean parts of the former counties of Inverness-shire and Ross and Cromarty, all of Caithness, Nairnshire and Sutherland and small parts of Argyll and Moray.

The Highland Council headquarters is located in Inverness with most previous district council offices retained as outstations.

The Highland Council represents 22 wards, of which each elects three or four councillors by the single transferable vote system of election, to produce a form of proportional representation in a council of 80 members.

The remit of the Highland Licensing Board (HLB) is to consider applications in relation to Liquor licensing under the Licensing (Scotland) Act 2005 and Gambling under the Gambling Act 2005.

4. Keeper's Assessment Process

The RMP was assessed by the Public Records (Scotland) Act Assessment Team on behalf of the Keeper. Assessors used the checklist elements listed in section 5, to establish whether Highland Council and Highland Licensing Board's RMP was developed

with proper regard to the elements of the Model Plan and is compliant with the Act. The assessment also considered whether there was sufficient supporting evidence of such compliance.

Key:

G	The Keeper agrees this element of an authority's plan.		A	The Keeper agrees this element of an authority's plan as an 'improvement model'. This means that he is convinced of the authority's commitment to closing a gap in provision. He will request that he is updated as work on this element progresses.		R	There is a serious gap in provision for this element with no clear explanation of how this will be addressed. The Keeper may choose to return the RMP on this basis.

5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer *Compulsory element*	G	G	The Records Management Plan (RMP) names Michelle Morris, the Council's Depute Chief Executive, as the person with senior management responsibility. This is confirmed by a signed letter from Ms Morris (Appendix 01) showing that she accepts this responsibility. Ms Morris is supported in this responsibility by the Information Management Governance Board (IMGB), which is made up of senior representatives from across the Council. The Board is chaired by the Head of Digital Transformation who reports directly to Ms Morris. The individual identified as having senior management responsibility for the Licensing Board is Alaisdair Mackenzie, Clerk to Highland Licensing Board. This is confirmed by a letter from Mr Mackenzie (Appendix 02). Also submitted as evidence is a paper that was presented to the Executive Leadership Team (ELT) on 24 August 2015 (Appendix 03) which recommended that the ELT approved the RMP for submission. The Keeper agrees that appropriate individuals have been identified to take senior responsibility for records management within the Council and Licensing Board.
2. Records Manager *Compulsory element*	G	G	The RMP identifies Trevor Nicol as the records manager for the Council and the Licensing Board. The RMP states that the Council formed High Life Highland (HLH), an arms-length organisation, to carry out its culture and leisure functions. The strategic element of records management remains with the Council but the operational aspect has been transferred to HLH. The relationship between the Council and HLH is governed by a Service Delivery Contract (appendix 04) and the aims and delivery priorities are set out at page 45 of the Contract.

			The specific records management arrangements between the Council and HLH are described in the Service Delivery Schedule (appendix 05). This includes the storage, retrieval and transfer of records. It also lays out the legislative framework, standards and codes of practice to which the records management provisions operate. It also states that the Records Manager reports to the Highland Archivist. A series of performance indicators are included as an appendix to the document. Also submitted as evidence is the records manager's Job Description and Person Specification (Appendix 06). This clearly shows that Mr Nicol has operational responsibility for records management and was also responsible for creating this RMP. The Job Description and Person Specification for the Senior Information and Security Officer (SISO) (Appendix 07) has also been submitted. The Keeper can agree that an appropriate individual has been identified to take day-to-day responsibility for records management.
3. Policy *Compulsory element*	**G**	**G**	The Council's overarching approach to information and records management is set out in their Information Management Strategy 2013-2017 (Appendix 08). This was reviewed and approved by the Resources Committee in February 2015. The document is owned by the Head of Digital Transformation, who chairs the IMGB. This high-level document supports other key Council strategies and is in turn supported by a suite of policies including the Information Management Policy, Records Management Policy and Information Security Policy. The Strategy sets out the structure of Information Management and priorities within the council. These policies are available for staff to consult on the Council's intranet and also the Council's external facing website. The Keeper commends this open approach. The Information Management Policy (Appendix 09) sets out the framework for

ensuring compliance with the policy's requirements based on a set of 7 information management principles. It describes the Information Management structure-with the IMGB responsible for the strategic direction of the Council, supported by a series of Information Asset Owners, Information Asset Managers, System Owners, Information Management Lead Officers and Information Management Link Officers. The Policy states that staff must complete an online training module that highlights the Council's requirements for information and records management and Data Protection. The Keeper commends this commitment to training.

The Records Management Policy, v3.1, reviewed in February 2015 has also been submitted as evidence (Appendix 10). It highlights the principles of good records management, such as accuracy, authenticity, and security. It sets out the responsibilities of Council staff, the legal framework which it operates under, and again, shows a commitment to ensure that staff are appropriately trained in order to meet their record-keeping obligations. It also highlights the importance of ensuring that third parties using Council records and information also undergo training. Information Asset Owners and Managers must also undergo specific training to allow them to carry out their roles. The Keeper commends this commitment to ensuring staff are appropriately trained.

The Records Retention and Disposal Policy (Appendix 11) describes the procedures in place to ensure that the appropriate decisions regarding the disposal of records are taken by following the timescales set out in the retention schedules. The procedure for taking disposal decisions is also described (Section 5.7).

The Information Security Policy (Appendix 12) sets out the Council's high level approach to protecting its information. It is supported on a practical level by the Information Management Security System. The Policy covers areas such as physical security, clear desk policy and passwords.

			The Data Protection Policy (Appendix 13) outlines the responsibilities for complying with the Data Protection Act 1998, describes the 8 principles and again shows a commitment to providing staff with training. Also submitted as evidence is an extract from the meeting of the Resources Committee on 25 February 2015 (Appendix 14) approving the Information Management Strategy and the above associated policies. Appendix 15 is a paper presented to the Council's Executive Leadership Team showing how the IMGB is constituted and its Terms of Reference. Also supplied is a screenshot of the mandatory online training course on Information Management (Appendix 16). The Council has also submitted a paper that was presented to the IMGB on 1 July 2015 on the progress made by the Managing Information Project (Appendix 17). The paper shows some of the improvements in information management that have taken place since the project started and also some of the tangible cost and space savings from disposing of redundant paper records. The Keeper agrees that the Council has an operational records management policy that sets out its corporate approach to records management and that staff have access to the policy and to appropriate training.
4. Business Classification	**A**	**G**	**The Council has adopted and adapted the Scottish Council on Archives Records Retention Schedules (SCARRS) in order to develop their Business Classification Scheme (BCS) (Appendix 18). This BCS has been imposed onto a new electronic store and will be used to provide a structure for previously unstructured information held on shared drives. The Council intends to migrate the vast majority of its unstructured information to this store over the coming years. The Keeper requests that he is kept informed of progress with**

			this project. **The RMP also states that it currently uses SharePoint, albeit not as an EDRMS. It is currently investigating add-ons from various suppliers in order to add records management functionality to SharePoint. The Keeper requests that he is kept informed of these investigations.** **The Keeper can agree this element on an 'improvement model' basis. This means that the Council has identified a gap in provision (a fully rolled-out BCS) and has put measures in place to close this gap. This agreement is conditional upon the Keeper being kept informed of progress.**
5. Retention schedule	**G**	**G**	The Council has adopted the SCARRS model as a basis for developing their retention schedules, but tailoring them to reflect the requirements of the Council. This is confirmed in the minutes of the meeting of the IMGB on 14 January 2014 (Appendix 21). Consultation took place with service areas in order to ensure the retention schedules met their needs. The finalised retention schedules were then approved at a subsequent meeting of the IMGB on 2 October 2014 (Appendix 22). The Keeper commends this involvement of business areas as this will result in a stronger business tool (retention schedules) and also encourages buy-in at a local level. Appendix 20 is a folder containing the retention schedules for each business area. The retention schedule for consumer affairs includes the licensing function of the council and therefore the records created by the Licensing Board. The retention schedules are supported by the Records Retention and Disposal Policy (Appendix 11) which provides a framework for the retention and disposal process. It also highlights roles and responsibilities for carrying out record appraisals and decision taking.

			The RMP also sets out the process for making changes to the retention schedules. Appendix 23 contains a business case presented to the IMGB for altering the retention schedule and also the minutes of the IMGB meeting (16 April 2015) approving the proposed change. This shows that there are clear procedures in place for keeping the retention periods up-to-date as and when there is a requirement to change them. The Keeper agrees that there are appropriate retention schedules in place and welcomes the commitment to ensuring that they are kept up-to-date.
6. Destruction Arrangements *Compulsory element*	G	G	The destruction of records is governed by the Council's Records Retention and Disposal Policy (Appendix 11) and the Records Management Policy (Appendix 10). The RMP itself sets out the process for undertaking the destruction of records. Checks must be made to ensure that records are not required to respond to an FoI or Subject Access request or for any other legal purpose. This responsibility lies with the Information Asset Owner (IAO). The Council maintains a disposal log which details the actions taken at the end of a record's retention period. Disposal forms (a sample has been submitted as Appendix 26) are generated, either by the Records Management Service or by Local Records Officers, and sent to the relevant IAO for authority to either destroy, archive or review a record. A sample destruction certificate has been submitted (Appendix 25) to show that procedures are operational. Once the disposal action has been authorised and actioned it is recorded on the disposal log, which is kept as a permanent record. **Paper** The secure destruction of paper records is governed by the Confidential Paper Waste Procedure (Appendix 27) which was approved by the IMGB in December 2017 (Appendix 28). This guidance document is available to staff on the Intranet.

It states that secure bins are in placed in Council premises and these are emptied by facilities staff and stored securely until uplifted and destroyed by the contractor, Northern Recycling Solutions Ltd. The Framework Agreement governing this arrangement has been submitted as Appendix 29.

Electronic
At present electronic records held on shared drives are deleted manually in accordance with the retention schedules and the appropriate procedures. This method of destruction also applies to emails of a corporate nature. The RMP states that the move to a SharePoint EDRMS will automate the process to some degree.

Hardware
The Council employs a contractor, Fujitsu Ltd, to provide its ICT services and hardware. Built into the contract is the requirement for the contractor to securely dispose of or redeploy obsolete hardware. Hardware is wiped by the contractor to HMG Infosec5 standards. This arrangement is set out in the Asset Disposal Work Instruction (Appendix 30). A sample list of servers (Appendix 31) which have been destroyed and a destruction certificate (Appendix 32) have been supplied as evidence that the procedures are operational.

Back-ups
The Council has submitted evidence (evidence document 33 - SD27 Backup Services) from its supplier of ICT services which details the back-up schedules for the business systems used by the Council. Evidence document 34 is an email from the ICT suppliers confirms that back-up tapes are overwritten as per the schedules outlined in evidence 33.

The Keeper agrees that the Council has appropriate processes in place to ensure that records are securely destroyed.

7. Archiving and Transfer *Compulsory element*	G	G	Highland Council has its own archive service which is managed by HLH. Highland Archive Centre, based in Inverness, is the main administrative centre with localised archive services in Wick, Fort William and Portree. This arrangement is covered by the service delivery contract (Appendix 4).
			The Council has created a series of 'Gatekeepers' to act as local points of contact for records management and archive transfers and to answer queries from staff. These will have deputies in order to cover for absence. They will receive training from the Records Management Service and their duties have been set out in Appendix 35. The Keeper commends the use of local representatives in order to provide a consistent service across the Council.
			Gatekeepers are supported by a series of Local Records Officers (LROs). Each service must designate an individual who is responsible for retrieving and transferring records. A list of LROs is maintained by the Records Management System so that permissions for accessing the Records Management Portal can be managed. Their duties are described in Appendix 36.
			The management of the Council's archival collections is governed at a high level by a Collections Agreement (Appendix 37, version 7).
			The Council has submitted its Archive Collecting and Appraisal Policy (Appendix 38). This sets out the criteria upon which it collects records of historical interest, either from the Council or from other bodies. A sample transfer list has also been submitted as Appendix 39, which can be used to show the type of records to be transferred to the Archive Service. An Archive Deposit Agreement Form is completed by Archive Service staff when records are deposited for permanent preservation. A sample form has been submitted as Appendix 40.
			The Keeper agrees that procedures are in place to allow the transfer of records

			selected for permanent preservation to an appropriate archive.
8. Information Security *Compulsory element*	**G**	**G**	The Council has submitted its Information Security Policy (Appendix 12). It was updated and approved in February 2015. Appendix 14, which consists of extracts of minutes from the Resources Committee, shows that the Policy has been approved. The Policy outlines the Council's commitment to information security and contains statements on its approach to physical security, passwords, removable media and data sharing amongst others. The Policy is available to staff on the Intranet. The Policy is supported by an ICT Acceptable Use Policy and an ICT Security Policy for Mobile and Flexible Working. The Council has adopted an Information Security Management System based on ISOs 27001 and 27002. This approach is intended to set out how the policies around information security should be implemented in order to manage potential information security risks. Appendix 41 sets out in full what kind of information security framework the Council is aiming to implement and how it intends to measure compliance. The Keeper commends the adoption of international standards as a way of improving the management of information security risks. Also submitted as evidence is the Council's ICT Acceptable Use Policy (appendix 42). This sets out the guidelines that all staff are obliged to abide by when using ICT equipment. Paper records stored in the Council's Records Centre can only be accessed by Records Management staff using a secure key fob system. Records stored in other sites are kept in locked areas with access restricted to Records Management staff and Gatekeepers. The RMP states that access to electronic records stored on shared drives, SharePoint and bespoke systems is controlled by password.

			The Keeper agrees that robust procedures are in place to ensure that information created and maintained by the Council is held securely.
9. Data Protection	**G**	**G**	Both Highland Council (Z5442561) and Highland Licensing Board (ZA069120) are registered as Data Controllers with the Information Commissioner's Office.

Submitted as evidence is the Data Protection Policy (Appendix 13) which sets out the Council's commitment to complying with the provisions of the Data Protection Act 1998. It was reviewed and approved in February 2015. It describes the scope of the policy (it applies to third parties), outlines the responsibilities for adhering to the Policy and the approach taken with regards to Data Sharing. The Policy is available to staff on the Intranet.

All staff are required to complete an online training module in Information Management. This training includes Data Protection. Third parties who use Council information are also required to undertake this training. The Keeper commends this commitment to training.

Also submitted is an information leaflet entitled 'Requesting Information About Yourself' (Appendix 43). This outlines people's rights about the information held about them by the Council and how they can access it. This leaflet is available on the Council's website and in Council offices and enables people to submit Subject Access Requests.

Appendix 44 shows that the Council is currently implementing a Security Classification Scheme which will allow staff to easier identify the sensitivity of information they are dealing with. This is tied in with the adoption of the Public Services Network (PSN).

Data Protection is also included in the ICT Acceptable Use Policy (Appendix 42). |

			The Keeper agrees that the Council is aware of its responsibilities under the Data Protection Act 1998 and has procedures in place to protect the personal and sensitive information it holds.
10. Business Continuity and Vital Records	**A**	**G**	The Council has submitted its general Business Continuity Plan (BCP) (Appendix 45). This is intended to provide a high level framework into which the individual Services would feed their own area specific BCPs. It outlines the roles and responsibilities for relevant staff when responding to an interruption of normal business and also identifies the critical business areas which would have a significant impact if they were interrupted for any length of time. The BCP indicates that Service BCPs should be tested at least every 12 months. Appendix 46, extracts of minutes from a meeting of the Executive Leadership Team dated 19 January 2015, shows that the BCP has been approved. The RMP states that ICT Services will develop their own BCP and will provide ICT advice to other Services in relation to their BCPs. This advice will include electronic records and the potential for data loss. Highland Archive Service has developed a Disaster Plan Guidance document (Appendix 47) which covers the procedures to be followed in the event of a disaster affecting paper records in any of the Council's sites. **The Council is currently in the process of identifying its vital records using its Information Asset Register (Appendix 48). This will be done by using a RAG status system to identify records which, if lost, would have a significant impact on the business of the Council. Once these vital records have been identified they will be added as a separate column in the Retention Schedules. The Keeper requests that he is supplied with updated copies of the retention schedules to show that appropriate consideration has been given to vital records.**

			The Keeper can agree this element on an 'improvement model' basis. This means that the Council has identified a gap in provision (identification of vital records) and has shown a commitment to closing this gap. This agreement is dependent upon the Keeper being updated as work on closing the gap progresses.
11. Audit trail	**A**	**G**	The Council has outlined its procedures for tracking records. Paper records held in the central records store are requested by using the Records Management Portal. Services, through their Local Records Officers, can use the Portal to request records from the records store. A screenshot of a retrieval request on the Portal has been submitted as evidence (Appendix 49). The duties of Local Records Officers are described in Appendix 34. Once a record has been requested a return date will be allocated to the request and once the date is reached the record can either be returned or the loan extended. A system of paper slips further tracks the movement of records. A scanned copy of the retrieval request slips has been supplied (Appendix 50). The movement of paper records still in the custody of services is monitored using retrieval logs which track the retrieval and return of records. A sample of the Service retrieval log has been submitted (Appendix 51). **The Council uses a number of bespoke electronic systems which have varying records management functionality. It is thought that the use of an add-on to SharePoint will improve provision in this area. The Keeper requests that he is kept informed of the results of the Proof of Concept that the Council is undertaking.** The Council is currently in the process of migrating much of its structured and unstructured electronic information into a new electronic store in its shared drives based on the structure of the BCS. This store will be controlled by the Records

			Management Service ensuring that audit trail functionality is applied.

Guidance on naming conventions is available to staff on the intranet to allow them to name documents consistently. This also contains a brief section on version control. This has been submitted as Appendix 52.

The Council's Internal Audit Team carries out audits of different aspects of its records management service on an annual basis. The Terms of Reference for the auditing of the Highland Archive Centre have been submitted (Appendix 53). The Keeper commends the use of internal auditors as a method of monitoring levels of provision within an authority.

The Keeper can agree this element on an 'improvement model' basis. This means that the authority has identified a gap in provision (audit trail functionality in some electronic systems) and has identified a potential solution. As part of this agreement, the Keeper requests that he is kept informed of progress in closing this gap in provision. |
| 12. Competency Framework for records management staff | **G** | **G** | The job descriptions and person specifications for the Records Manager, Highland Archivist, Senior Archivist, Archivists (includes the area archivists based in Wick, Fort William and Portree), and assistant archivists (Appendices 6 and 54-57). These all show a requirement for professional qualifications and, when necessary, to provide records management guidance to colleagues.

All staff are required to complete information management training. Specific areas for staff development are identified through the Council's annual appraisal system. Examples of some of the documents used in this process are supplied as Appendices 58 and 59.

The Keeper agrees that the importance of information and records management is reflected in the formal job descriptions of relevant staff and that they have access to |

	G	G	training when required.
13. Assessment and Review	G	G	The RMP states that the wider Information Management Strategy and Policy Framework is reviewed on an annual basis and this is reported to the Resources Committee.

The Records Manager will regularly report any progress made on any improvements required as a result of the Keeper's assessment to the IMGB as a standing item on the Board's agenda. A report updating the IMGB on progress with the RMP and requesting a standing item on the agenda has been submitted as evidence (Appendix 60).

The RMP text describes the procedures in place to ensure that it is reviewed and updated. As part of their regular meetings the records manager and the SISO will discuss aspects of the RMP. This will result in an evidence based progress report which will be submitted to the IMGB. The SISO and records manager will also be responsible for an annual review of the RMP which will involve consolidation of the progress reports into an overall summary of progress. This review will be presented to IMGB for approval and sent to the Keeper as evidence of compliance with the provisions set out in the RMP.

The Keeper agrees that appropriate procedures are in place to ensure that the RMP is kept up to date. |
| 14. Shared Information | G | A | The Council is a partner in the Highland Data Sharing Partnership, which also includes Argyll and Bute Council, NHS Highland and the Fire and Police Services. The Partnership has created an Information Sharing Policy (Appendix 64) which provides a framework which will allow information to be securely shared between the partners where there is a need to do so. **The text of the RMP (section 14.10) states that review of the Policy was due to take place in March 2015 but hasn't yet due to restructuring of Police Scotland and the Scottish Fire and Rescue** |

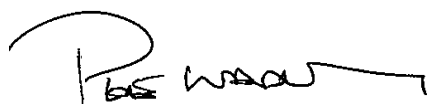|			
			Service and also the impact of the changes in provision of health and social care between NHS Highland and Argyll and Bute Council. The Keeper accepts this and requests that he is sent an updated copy of the policy once it has been reviewed so that he can keep the submission up-to-date. The Council has created a template Data Sharing Agreement (Appendix 61) for use when such an agreement is required. This is available to staff on the intranet. It covers what information is to be shared and how, and how it will be used. This is supported by a document Instructions to Staff on Information Sharing (Appendix 62). The Council is currently creating a register of Data Sharing Agreements in which it is involved. This will be published on the IMGB SharePoint site once completed. The minutes of the IMGB meeting on 24 March 2015 (Appendix 63) confirm this. **The Keeper can agree this Element on an 'improvement model' basis. This means that the Council have identified the need to review and update one of their key evidence documents (the Highland Data Sharing Partnership Information Sharing Policy) and will provide the Keeper with a copy of the Policy once reviewed.**

6. Keeper's Summary

Elements 1-14 that the Keeper considers should be in a public authority records management plan have been properly considered by Highland Council and Highland Licensing Board. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of Highland Council and Highland Licensing Board.

The Keeper recommends that Highland Council and Highland Licensing Board should publish its agreed RMP as an example of good practice within the authority and the sector.

This report follows the Keeper's assessment carried out by,

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Pete Wadley   **Robert Fotheringham**
Public Records Officer   Public Records Officer

8. Endorsement of Report by the Keeper of the Records of Scotland

The report has been examined and is endorsed under the signature of the Keeper of the Records of Scotland as proof of compliance under section 1 of the Public Records (Scotland) Act 2011, and confirms formal agreement by the Keeper of the RMP as submitted by Highland Council and Highland Licensing Board. In agreeing this RMP, the Keeper expects Highland Council and Highland Licensing Board to fully implement the agreed RMP and meet its obligations under the Act.

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Tim Ellis
Keeper of the Records of Scotland