National
Records of
Scotland

Public Records (Scotland) Act 2011

Public Authority
National Library of Scotland

The Keeper of the Records of Scotland

17th January 2017

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 the **National Library of Scotland** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 17th May 2016*.*

The assessment considered whether the RMP of the National Library of Scotland 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 the National Library of Scotland complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

The National Library of Scotland was formally constituted by Act of Parliament in 1925. The National Library of Scotland Act 2012 confirmed the Library's general function as 'a national resource for reference, study, research and bibliography, having particular regard to Scotland'. The Act also modernised the make-up and responsibilities of the Board. There 12 members plus an appointed Chair on the Library's Board. All Board members are appointed by the Scottish Ministers, and follow the Nolan procedures on public appointment. Any vacancies are advertised by the Scottish Government.

The Library is a copyright and reference library. It is Scotland's largest library and one of the major research libraries in Europe. Its stated mission is: "To make a significant and lasting contribution to global knowledge and the memory of the world" and its stated vision: "To be recognised as one of the leading national libraries in Europe by using our collections and spaces to generate opportunities for learning and research while improving understanding and participation in Scotland's rich cultural life".

http://www.nls.uk/

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 the National Library of Scotland'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

National Library of Scotland

Element	Present	Evidence	Notes
1. Senior Officer *Compulsory element*	**G**	**G**	The National Library of Scotland have identified Dr John Scally, Chief Executive, as the individual with overall responsibility for records management in the authority. This is confirmed by a *Covering Statement* by Dr Scally which introduces the *Records Management Plan* (the *Plan*) and by the *Records Management Policy* **(see element 3)** (*Policy* section 4.1). Dr Scally's *Covering Statement* endorses the Plan and the improvements detailed within. The Keeper agrees that the National Library of Scotland have identified an appropriate individual to this role as required by the Act.
2. Records Manager *Compulsory element*	**G**	**G**	The National Library of Scotland have identified Fredric Saunderson, Intellectual Property Specialist and Records Management Coordinator, as the individual with day-to-day responsibility for implementing the *Records Management Plan*. This identification is confirmed by the *Records Management Policy* **(see element 3)** (*Policy* section 4.2) and by the *Intellectual Property Specialist Job Description* which has been provided to the Keeper **(see element 12)**. As Intellectual Property Specialist, Mr Saunderson is responsible for providing

			guidance on complying with data protection regulations in the Library (Data Protection Policy – **see element 9** – introduction and 4.3). Records cannot be transferred to the Library Archive without approval of the Records Management Coordinator **(see element 7)**. The *Information Security Policy* provided as part of the Library's evidence pack refers to a 'Corporate Information Officer' (for example *IS Policy* page 14). The Library has confirmed that this is a previously existing job title and references Mr Saunderson? The Keeper agrees that the National Library of Scotland have identified an appropriate individual to this role as required by the Act.
3. Policy *Compulsory element*	**G**	**G**	The National Library of Scotland have a *Records Management Policy* which has been supplied to the Keeper. This is the version approved by the Library Leadership Team in March 2016 (reference 00.01.02). Minutes showing approval of this document have also been provided to the Keeper. The *Plan* explains that a programme of dissemination will be taking place early 2017 in order to ensure all staff are aware of the *Policy*. Screen shots have been provided to show that staff have access to information governance documents through the Library's intranet. The Keeper agrees the *Plan* supports the objectives of the *Policy*. The Keeper agrees that the National Library of Scotland has a records management policy statement as required by the Act.

4. Business Classification	A	G	The *Records Management Policy* **(see element 3)** under "Management and storage" (*Policy* 3.3) states that the Library will ensure that "Records, irrespective of format or system, are managed and classified in accordance with the Business Classification Scheme and Retention Schedule."
			Accordingly the National Library of Scotland has recently developed a *Business Classification Scheme*, approved by the Library Leadership Team in March 2016 (minutes provided showing approval).
			This *Scheme* has been provided to the Keeper, but has not yet been completely rolled-out in the authority. It shows an 'information asset register' style spreadsheet featuring retention decisions **(see element 5)** and asset owners. The Keeper agrees that this is a comprehensive classification scheme and suitable for an organisation such as the Library. He notes that a combined business classification scheme/retention schedule is likely to provide a stronger business tool than having these as separate documents.
			The *Plan* states "Beginning in 2016, we will be implementing the BCRS as part of our structured improvements to records management." The *Covering Statement* from the Chief Executive **(see element 1)** endorses "planned future developments in respect of records management." The Library has recently confirmed that this project is on target for the business year 2016/17.
			The Keeper agrees that, with an organisation the size of the Library, it is inevitable that progress will be made on an incremental basis. **However, the Keeper will expect to see continual progress over the next year.**
			The Keeper agrees this element of the National Library of Scotland's records management plan under 'improvement model' terms. This means that the authority has identified a gap in provision (a full business classification

	A (orange)	**G** (green)	scheme has yet to be rolled-out in the organisation) and have put measures in place to close that gap. The Keeper's agreement is conditional on him receiving updates as the BCS project progresses.
5. Retention schedule	**A**	**G**	**See element 4** The recent *Business Classification Scheme* includes retention decisions for record types. However, this Scheme is yet to be fully implemented and the *Plan* makes clear: "The Library has not previously maintained or followed particular retention schedules…Beginning in 2016, we will be implementing the BCRS as part of our structured improvements to records management… The Library has recently confirmed that this project is on target for the business year 2016/17. From FY 2016/17 we will begin disposing of records in accordance with the BCRS." The imposition of retention decisions will be phased in "alongside, and following on from, our phasing in of the business classification.". The *Plan* also commits the Library to phase-in disposal for a back-log of 'legacy' records. The Keeper agrees that, with an organisation the size of the Library, it is inevitable that progress will be made on an incremental basis. **However, the Keeper will expect to see continual progress over the next year.** **The Keeper agrees this element of the National Library of Scotland's records management plan under 'improvement model' terms. This means that the authority has identified a gap in provision (retention schedules will not be imposed until the full business classification scheme is operational) and have put measures in place to close that gap. The Keeper's agreement is conditional on him receiving updates as the business classification /retention project progresses.**

6. Destruction Arrangements *Compulsory element*	**A**	**G**	The National Library of Scotland have a *Records Disposal Procedures* document which has been provided to the Keeper. This is the version carrying the reference BCS: 06.08.006. This document gives a good explanation of destruction principles for Library staff (paper and electronic) illustrated with a flow chart. Currently the National Library of Scotland have the following procedures in place: Paper (internal): Paper records are destroyed under contract with a third party shredding company. A contract and receipt, proving that these arrangements are operational, have been supplied as evidence. Paper (external): The Library has confirmed that it does not hold records with a third party storage supplier. Hardware: (section 4.5 of the *Information Security Policy **see element 8***). Redundant IT equipment is cleared of records by a third party disposal contractor. Sample destruction process documents and an invoice have been supplied to demonstrate that this arrangement is operational. Back-Ups: The destruction of back-up copies is specifically emphasised in the *Records Disposal Procedures* document (page 9). To this end, the National Library of Scotland have provided the Keeper with an explanation of the back-up procedures by which they, quite properly, take business continuity copies of records. **However, the Library notes in the *Plan*: ""**The Library plans to review our processes for storing electronic data and to make suitable adjustments as required to enable the proper destruction of records. We expect to begin this review by the end of 2018." **The Keeper accepts this recognition and agrees the suggested**

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action. As noted above, The *Records Disposal Procedures* document (page 11) agrees a target for end 2018 for this work to commence and the Keeper will require a update on this issue after that. He is satisfied that back-up copies of electronic records are presently being held for business continuity purposes **(see element 10)**.

Electronic: Until the *Business Classification Scheme* is operational in the Library, the destruction of electronic records will be awkard to sufficiently monitor. The Library acknowledges this in the *Plan*: "The Library cannot currently guarantee that networked electronic records are destroyed when required, but we will be working to address this over coming years." This is an area where many Scottish public authorities encounter difficulty when attempting to impose robust provision. The Keeper acknowledges that the National Library of Scotland have correctly identified this gap in provision.

The Keeper agrees this element of the National Library of Scotland's records management plan under 'improvement model' terms. This means that the authority has identified a gap in provision (systematic destruction of electronic records will not be imposed until the full business classification scheme is operational and back-up copies will be better managed using appropriately modified or updated systems) and have put measures in place to close that gap. The Keeper's agreement is conditional on him receiving updates as the business classification/retention project, and the electronic records systems review, progresses.

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7. Archiving and Transfer
Compulsory element

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The *Records Management Policy* **(see element 3)** under "Principles" (*Policy* 3.1) states that the Library will ensure that
"Records can be … preserved"

The National Library of Scotland have a *Records Disposal Procedures* document which has been provided to the Keeper. This is the version carrying the reference

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			BCS: 06.08.006. For the benefit of Library staff, archiving is explained in section 2 of this document (paper and electronic).
			The National Library of Scotland provides its own archive service, the 'Library Archive'. This corporate "business" archive is held separately from the main collections used in the Library's principle functions.
			The Keeper has seen transfer 'paperwork' in evidence that there is an established formal process (to be implemented by the end of financial year 2016/17) for moving records from business systems to the Library archive.
			The Keeper agrees that archive provision in the Library is suitable for the permanent preservation of records when appropriate.
			However, the *Plan* explains that the actual transfer of corporate records from business areas to the archive is not systematic and the informal nature of accession could be improved. The Library states: "In 2016/17 we will begin putting into place the processes required for archiving records correctly under the Records Disposal Procedures. We aim to have the Records Disposal procedures fully in place within two years of implementation, subject to resource allocation and the outcome of sampling work to be undertaken at the start of implementation in 2016/17"
			The *Covering Statement* from the Chief Executive **(see element 1)** endorses "planned future developments in respect of records management."
			Records cannot be transferred to the Library Archive without approval of the Records Management Coordinator **(see element 2)**.
			Subsequent to the submission of their RMP, the Library made the following statement regarding the permanent retention of electronic records: "We will proceed

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We expect to retain e.g. SharePoint as an access point to records, but we will not see the copy retained in SharePoint or other such systems as the definitive archival copy.

We will ensure that the archival storage drive will be appropriately secure, access controlled, and backed-up.

We plan to begin this work by the end of 2018, alongside the review under element 6 of this Plan."

The Keeper can agree that the National Library of Scotland have identified a suitable repository for archive transfer as required by the Act but, in light of statements in the *Plan* regarding the actual transfer arrangements, agrees this aspect of the Library's records management provision under 'improvement model' terms. His agreement will therefore be conditional on the Library showing evidence of formalising the transfer of records selected for permanent preservation.</td></tr>
<tr><td>8. Information Security
Compulsory element</td><td>**G**</td><td>**G**</td><td>The National Library of Scotland has an *Information Security Policy* which has been provided to the Keeper. This is the version approved by the Board of Trustees in 2008.

This is publically available at: http://www.nls.uk/media/950693/nls-information-security-policy.pdf</td></tr>
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			The *Information Security Policy* features "data integrity" at 6.8.
			The *Information Security Policy* can be mapped against ISO17799.
			Screen shots have been provided to show that staff have access to information governance documents through the Library's intranet.
			The *Information Security Policy* suggests that an outside contractor may be employed to test the robustness of the Library's information security procedures (section 1.5). Regarding this, the Library makes the following statement:" the Library does engage a third party to run internal and external penetration tests, as well as physical access tests to ensure that estates security is robust in respect of our servers/technical equipment. Tests are run on a 2-3 year cycle, with the next round scheduled for 2018."
			The *Information Security Policy* refers to the requirements of the Data Protection Act 1998 **(see element 9)**.
			The Keeper agrees that the National Library of Scotland have arrangements in place to ensure that records are held securely as required by the Act.
9. Data Protection	**G**	**G**	The National Library of Scotland has a *Data Protection Policy* which has been supplied to the Keeper. This is the version revised by the Library Leadership Team in January 2016. This is a very detailed policy (including a staff guidance flow chart) and is to be commended.
			The *Policy* is published at: http://www.nls.uk/media/1230686/2016-data-protection-policy.pdf.
			The *Data Protection Policy* explains the (current) 8 principles of data protection

			(appendix II). The authority is registered with the Information Commissioner: **Z6457975**. Subject access request procedure is explained in section 8 and Appendix III of the *Policy*. The Intellectual Property Specialist **(see element 2)** is responsible for managing subject access requests and for all staff guidance on the requirements of the Data Protection Act. As the *Policy* is published (see above), members of the public can access information regarding subject access requests from the Library's website. Screen shots have been provided to show that staff have access to information governance documents through the Library's intranet. The *Data Protection Policy* provides staff guidance on mobile working (section 5). The Keeper agrees that the National Library of Scotland have appropriately considered their responsibilities under the Data Protection Act 1998.
10. Business Continuity and Vital Records	**A**	**G**	The National Library of Scotland has *Business Continuity Plans* for all of its buildings a sample of which has been provided to the Keeper. He has also been provided with a organisational structure to show that this sample is likely to be repeated throughout the estate. Screen shots have been provided to show that staff have access to information governance documents through the Library's intranet. The *Information Security Policy* **(see element 8)** features a section on the back-up of information systems (section 7) as part of its business continuity planning. This

supports the maintenance of back-up recovery tapes **(see element 6)**. The principle of storing back-ups "off site at a location that is not subject to the same threats as the original media" is explained.

The *Records Management Policy* **(see element 3)** refers to 'vital records' (page 3) and their protection by back-up (page 5). "Managers have responsibility for identifying vital records from within their records…" (page 7). The *Information Security Policy* considers "critical information systems" as a "Key Point".

However, the *Plan* states: "The Library does not maintain BCPs that are specific to business information and records. The Library's current BCPs focus on restoring public services and protecting the national collections." However, the Library goes on to commit itself to "consider the design and implementation of BCPs specific to records management, such as a plan for handling loss of IT systems". The Keeper agrees this 'action'.

The Keeper agrees this element of the National Library's plan under 'improvement model' terms. This means that he acknowledges that, having identified a gap in provision (the recovery of records may not be sufficiently emphasised in business continuity procedures), the Library has developed new procedures to close that gap. His agreement is conditional on being provided with updates on the development of "BCPs specific to records management" and submission of the finalised BCPs as soon as they are available.

11. Audit trail	**A**	**G**	The *Records Management Policy* **(see element 3)** under "Principles" (*Policy* 3.1) states that the Library will ensure that "Records can be located…" and under "Management and storage" (3.3) "Records should be managed and stored in accordance with the File Naming Convention…"

			The Keeper agrees that the imposition of naming conventions combined with the BCS project **(see element 4)** will greatly assist the location and identification of records. The Keeper agrees that some line of business systems operated by the authority may have tracking functionality. An example has been provided to the Keeper showing how these appear in practice (SharePoint). The Library acknowledges that tracking records that lie outside these systems "has scope for improvement", but these will be addressed by the imposition of the *Records Disposal Procedures* (see element 6), the Business Classification Scheme/Retention Schedule and the transfer of electronic records to SharePoint. The Keeper agrees all these steps, and the further imposition of the *Naming Conventions* document (currently in draft, but supplied for the Keeper's information), will be beneficial. **The Keeper is able to agree this element of the National Library of Scotland's plan under 'improvement model' terms. This means that the authority has identified a gap in provision, but is in the process of implementing programmes that will close that gap. The Keeper's agreement is conditional on his being updated as the business classification/retention project progresses, and being provided with a copy of the File Naming Convention document once it is approved and distributed.**
12. Competency Framework for records management staff	**G**	**G**	The National Library of Scotland have submitted the *Intellectual Property Specialist Job Description*. This makes it clear that Mr Saunderson is responsible for "the design and implementation of the Library's Records Management Plan under the Public Records (Scotland) Act 2011." The Library has also provided Mr Saunderson's competency framework. This is

supported formally in section 3 of the *Records Management Policy* **(see element 3)**. The Keeper agrees that this demonstrates he has the relevant skills for monitoring the implementation of the *Plan* once agreed.

In the *Covering Statement* the Chief Executive states: "I am further committed to ensuring that our staff obtain and maintain appropriate records management competencies and have the tools and support they require for managing information to a high standard." The Keeper welcomes this commitment.

The Plan provides a commitment to supply relevant training needs for the Records Management Coordinator as a "priority" (*Plan* section 12).

Heads of Departments have responsibility for ensuring staff comply with records management procedures and, therefore, should be sufficiently trained to achieve this objective (*Records Management Policy* 4.3).

Staff are made aware of Library initiatives through the distribution of an in-house newsletter, a sample of which, featuring an article on "Managing information at the Library", has been supplied to the Keeper.

The *Information Security Policy* includes a section on training (section 8) supporting the "Key Point" that all staff will be invited to attend security awareness training (page 5). Section 8 emphasises that information security should be part of the Library's staff induction process and that managers should ensure information security training for their staff.

The Intellectual Property Specialist **(see element 2)** is responsible for providing training in all aspects of data protection in the Library. **The Keeper has been provided with samples of this training, perhaps around information security/data protection.**

			The Plan suggest that the Library may in the future provide further training opportunities for staff and may, furthermore, add information management issues to staff assessments. **The Keeper would appreciate being informed when either of these actions is approved.** The Keeper agrees that the individual identified at element 2 above has the required skills, responsibilities and training opportunities to undertake the implementation role and, furthermore, he agrees that the National Library of Scotland has considered information governance training for appropriate staff.
13. Assessment and Review	**G**	**G**	The Act requires a scheduled public authority to "keep its records management plan under review" (part 1 5.1 (a)). The Records Management Coordinator **(see element 2)** is responsible for coordinating a review of the Plan before 31 March 2018. Updates on implementation are provided to the Library Leadership Team (quarterly meetings). The review will be carried out with input regarding the effectiveness of the Business Classification Scheme, from the local service areas, through the senior responsible mangers in each area. The Keeper commends the involvement of local business areas in the review of implementation. The Library will use a Records Management Assessment Tool to inform and structure reviews of the Plan. This assessment tool has been shared with the Keeper. The assessment tool is derived from the JISC Records management maturity model (http://repository.jisc.ac.uk/id/eprint/6098)

			The person named under element 2 will be responsible for ensuring that, at least until the planned review of the Plan to be completed by 31 March 2018, an assessment is completed using this tool every financial quarter. These quarterly assessments will be used to structure the planned quarterly updates to the Leadership Team. The Library will produce the first assessment report during Q4 of 2016-2017 (between 01 January and 31 March 2017). This will serve as their baseline assessment. The Keeper agrees that the National Library of Scotland have made a firm commitment to review their RMP as required by the Act and have explained who will carry out this review and by what methodology.
14. Shared Information			The National Library of Scotland does not routinely share information with third parties as part of its function.

National Library of Scotland

General Notes on RMP, Including Concerns:

<u>Version</u>: This assessment is on the *Records Management Plan* (the *Plan*) of the National Library of Scotland (ref 06.08.006).

The *Plan* contains a *Covering Statement* from Dr John Scally, National Librarian and Chief Executive **(see element 1)** dated May 2016. In this Statement Dr Scally refers to the Public Records (Scotland) Act 2011 and commits the National Library of Scotland to pursue the records management improvements explained in the *Plan* and, specifically, staff training **(see element 12)**. Each element of the *Plan* has a section for future developments.

The *Plan* was presented to the Library's Board 21st March 2016: http://www.nls.uk/about-us/what-we-are/board/minutes/21-march-2016

The *Plan* mentions the Act and is based on the Keeper's, 14 element, Model Plan http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources/model-records-management-plan.

The Keeper agrees that the *Plan* supports the corporate objective: "14. Maximise organisational effectiveness through continuous improvement" (*National Library of Scotland Corporate Plan* section 1- http://www.nls.uk/media/1230700/2015-2016-corporate-plan.pdf).

The National Library of Scotland acknowledges records as a business <u>asset</u> (for example *Plan* sections 8 and 12 and *Information Security Policy* page 6). The Keeper welcomes this recognition.

<u>Third Parties:</u> The Act makes it clear that records created by a contractor in carrying out a scheduled authority's functions are public records (Part 1 section 3.1 (b)).

The Library has confirmed that no <u>function</u> of the National Library of Scotland is carried out by a third party under contract.
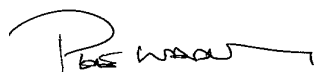
6. Keeper's Summary

Elements **1 - 13** that the Keeper considers should be in a public authority records management plan have been properly considered by the National Library of Scotland. 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 the **National Library of Scotland**.

- The Keeper recommends that the National Library of Scotland 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,

……………………………….

Pete Wadley
Public Records Officer

…………………………………

Robert Fotheringham
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 the National Library of Scotland. In agreeing this RMP, the Keeper expects the National Library of Scotland to fully implement the agreed RMP and meet its obligations under the Act.

…………………………………………

Tim Ellis
Keeper of the Records of Scotland