National Records of Scotland

Public Records (Scotland) Act 2011

Perth and Kinross Council and Licensing Board Assessment Report

The Keeper of the Records of Scotland

17 July 2015

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 Perth and Kinross Council and Licensing Board by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 19 December 2015.

The assessment considered whether the RMP of Perth and Kinross Council and 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 Perth and Kinross Council and Licensing Board complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

Perth and Kinross is one of the 32 council areas of Scotland and a Lieutenancy Area. It borders onto the Aberdeenshire, Angus, Argyll and Bute, Clackmannanshire, Dundee, Fife, Highland and the Stirling council areas. Perth is the administrative centre. It corresponds broadly, but not exactly, with the former counties of Perthshire and Kinross-shire.

Perthshire and Kinross-shire had a joint county council from 1929 until 1975. The area was created a single district in 1975, in the Tayside region, under the Local Government (Scotland) Act 1973, and then reconstituted as a unitary authority (with a minor boundary adjustment) in 1996, by the Local Government etc. (Scotland) Act 1994.

Licensing is the responsibility of licensing boards under powers contained in the Licensing (Scotland) Act 2005. Local licensing boards have wide discretion to determine appropriate licensing arrangements according to local needs and circumstances and their own legal advice. Each local government area must have a licensing board. Perth and Kinross Licensing Board consists of 10 Board members.

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 Perth and Kinross Council and 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**	Jim Valentine, Executive Director of the Environment Service of Perth and Kinross Council (PKC), has been identified as the Senior Information Risk Officer (SIRO) for PKC. This is confirmed by the Council Scheme of Administration (evidence item no. 1, page 57). As such he is also the individual with senior management responsibility for records management and for ensuring compliance with PKC's Records Management Plan (RMP). Also submitted as evidence (Appendix 3 (page 116) to the RMP) is a letter from the Clerk to Perth and Kinross Licensing Board, Mr Ian T. Innes, to the Chief Executive of PKC, Bernadette Malone, confirming that the Licensing Board is content for its records to be managed in accordance with the policies and procedures of PKC. The Keeper agrees that an appropriate individual has been identified as having senior responsibility for records management within PKC.
2. Records Manager *Compulsory element*	**G**	**G**	Meic Pierce Owen, corporate records manager, has been identified as the individual with operational responsibility for records management within PKC. Submitted as evidence is the Records Manager's job profile (evidence item 2). This clearly states that he is responsible for developing a RMP and ensuring compliance with it. It also highlights that the records manager will take an active role in the implementation of an EDRMS across PKS. The Keeper commends this proactive approach when developing new information management systems.

			The RMP states that the current records manager's contract expires in March 2017. Should the contract not be extended PKC will need to inform the Keeper of the name of the individual who will be allocated this role. The Keeper agrees that an appropriate individual has been identified to take operational responsibility for records management within PKC. He requests that he is kept informed of the identity of the person filling this role going forward should this change.
3. Policy *Compulsory element*	**G**	**G**	PKC's records management policy has been included as Appendix 1 to the RMP (pages 92-111). The policy outlines PKC's corporate approach to records management and intention to comply with the requirements and the spirit of the Public Records (Scotland) Act 2011 (PRSA). The Keeper welcomes this approach. The document also sets out the scope of the policy, which includes all employees, elected members and also third parties carrying out PKC functions, and the specific records management responsibilities incumbent upon the SIRO, Records Manager and Executive Directors. The policy follows the 14 elements set out in the Keeper's Model Plan, setting out the requirements for each element, the standards the Council intends to achieve to reach compliance with PRSA, and the roles and responsibilities attached to each element. In addition to the 14 elements PKC has also included provision for electronic records and third party contractors. The Keeper welcomes the addition of the 2 additional 'elements' to meet the needs of PKC. The policy also highlights the importance of working with the Council Archivist, particularly around element 7. The policy also sets out the legislative framework under which the RMP operates and also includes a very useful, practical glossary.

			The policy was approved at a meeting of the Strategic Policy and Resources Committee on 3 December 2014. The minutes approving the policy have been submitted as evidence (item 3). The Keeper agrees that PKC has set out its corporate approach to records management in its Records Management Policy.
4. Business Classification	**A**	**A**	**No evidence has been submitted detailing the current level of provision in PKC. The RMP states that 'There is currently no corporate approach to file classification'.** **The development of PKC's Business Classification Scheme (BCS) is closely tied into plans to implement an Electronic Document Management System (EDMS). As part of this, PKC intends to adopt the Local Government Classification Scheme (LGCS) to structure its files as part of the move to an EDMS. The timetable detailing the steps involved in this project is set out in the RMP, with the corporate-wide roll-out of the EDMS planned for the end of 2016.** **Aligned with the project to develop and implement the BCS and EDMS is the need to develop guidance and training for staff in the use of these. The RMP also details the timescales for producing this.** **The roles and responsibilities for this project are set out in the RMP. The records manager will work with teams in the different business areas to develop their file plans so that these can be incorporated into a corporate file plan based on the LGCS. The Keeper commends the approach of working with colleagues to develop a BCS as this will hopefully engender 'buy-in' from business areas.**

			The Keeper can agree this element on an 'improvement model' basis provided he is kept up-to-date on the progress of the EDMS and BCS implementation project. The Keeper is convinced that there is a commitment to close the gap in provision in this area.
5. Retention schedule	A	A	PKC formally adopted the Scottish Council on Archives Records Retention Schedules (SCARRS) in 2011 (see evidence items 5.1 and 5.2). The RMP states that practical implementation of SCARRS has not been uniform across the Council and that previous retention schedules are still being used in some business areas.. The work to bridge the gap in consistent application of records scheduling appear to be part of the EDMS and BCS implementation project. The RMP outlines the timescale for the development of staff guidelines and training for using the retention schedules. The Keeper would appreciate sight of these once completed. Also highlighted is the necessity for the records manager to work with business areas within the Council to develop retention schedules that meet their needs. As this is tied into the EDMS implementation project, the timescale for completion is the end of 2016. The Keeper can agree this element on an 'improvement model' basis provided he is kept up-to-date on the progress of the EDMS and BCS implementation project. The Keeper is convinced that there is a commitment to close the gap in provision in this area.
6. Destruction Arrangements *Compulsory element*	A	A	PKC has set out its arrangements for the destruction of the following: **Paper records** The Information Security Management System procedures document (evidence item 6, section 10.7.2.2, page 19) sets out the procedures in place for the confidential destruction of paper records, however the RMP (page 54)

states that the procedures in place for the destruction of paper records require 'clarification and enforcement' across the Council. This would indicate that current practice is not consistent across the Council and that some business areas are not following the existing procedures. A contract with a commercial shredding company (evidence item 7.1) has also been submitted.

Electronic records
The RMP states that most deletion is currently carried out by individuals. At present there is no guidance or procedures in place to inform staff how they should consistently destroy electronic records at the end of their life-cycle. It is envisaged that the roll-out and implementation of the EDMS will improve provision in this area.

Back-ups
There is no evidence to suggest that there are procedures in place to delete copies of electronic records maintained on back-up drives/servers as part of business continuity arrangements.

Hardware
The Information Security Management System procedures document (evidence item 6, section 10.7.2.1, page 18) details the policy for shredding and destruction of hard drives, CDs/DVDs and other optical media. The policy assigns responsibility for ensuring secure destruction of optical media (and presumably other hardware such as mobile devices, laptops and desktop PCs) to the Head of IT. The RMP states 'ad hoc secure hardware disposal practices are in place'. This suggests that there is no consistent method currently in place for securely destroying hardware once it becomes obsolete.

The RMP highlights that there are weaknesses in the consistent application of practice in the secure destruction of paper and electronic records across

			PKC. It also states that the documentation of the destruction of records and hardware is also not consistent across the authority and this is apparently an area that has been identified by PKC's Internal Audit. The action points included in the RMP state that by the end of 2015 a set of standards for the destruction of all records at the end of their life-cycle will be developed. Guidance and training on destruction will be developed for staff by the end of 2016. Longer-term, destruction 'tidying up' operations will take place allied to the roll-out of the corporate EDMS by 2019. Additionally, procurement documents for future business IT systems will be developed which will include consideration of record and document functionality by the end of 2019. Section 5.6 of the RMP itself and the covering letter from the Senior Responsible Officer (see Element 1) both commit the Council to carrying out these action points to improve the level of provision in this element. The Keeper welcomes the honest recognition of gaps in this area and the necessary commitment to improve the situation. The Keeper can agree this element on an 'improvement model' basis. This means that PKC have indicated that they have identified areas for improvement and have a plan in place to improve the level of provision, including timescales. There is also a commitment by the Senior Responsible Officer that these actions will be taken forward. As part of his agreement of this element, the Keeper will need to be kept updated on the progress of work to achieve these improvements.
7. Archiving and Transfer *Compulsory element*	**A**	**A**	The RMP states that the selection of records suitable for permanent preservation does not take place consistently across the Council. Evidence has been submitted (evidence items 8.1 and 8.2) to show that the selection of records for permanent preservation and agreement does take place on an ad hoc basis. The RMP itself states the 'systematic annual selection does not take place across the Council'.

			One of the action points included in the RMP is to develop a Service Level Agreement (SLA) and associated guidance by the end of March 2016. Training will also be developed by the end of 2016 and rolled-out across the Council. Longer-term work will also be undertaken to quantify the amount of physical storage required to meet the Council's needs and to devise an e-archive solution (both by end of 2019). The action points will help to standardise practice across the Council. **Section 5.6 of the RMP itself and the covering letter from the Senior Responsible Officer (see Element 1) both commit the Council to carrying out the action points to improve the level of provision in this element. The Keeper welcomes the honest recognition of gaps in this area and the necessary commitment to improve the situation.** **The Keeper can agree this element on an 'improvement model' basis. This means that PKC have indicated that they have identified areas for improvement and have a plan in place to improve the level of provision, including timescales. There is also a commitment by the Senior Responsible Officer that these actions will be taken forward. As part of his agreement of this element, the Keeper will need to be kept updated on the progress of work to achieve these improvements.**
8. Information Security *Compulsory element*	**G**	**G**	PKC has submitted its Information Security Management System document (evidence item 6). This includes a policy statement at the start of the document which outlines PKC's corporate approach to information security. The document also sets out the scope and the roles and responsibilities for those covered by the policy. The document also contains a commitment to review its suitability every three years. This commitment to keep the document up-to-date is welcomed by the Keeper.

			Outwith the policy statement, the document also contains the practical steps that should be followed by staff in order to comply with the policy. This includes topics such as guidance on the use of email systems, third party access to PKC systems, encryption guidance, and physical security. Also submitted as evidence is PKC's compliance certificate with the Public Services Network (PSN) (evidence item 9). PSN is a Government supported network that allows public sector organisations to work together in a secure manner. The RMP states that staff training on information security is in place. The Keeper would be interested to know what form this training takes and, if possible, see an example of it, such as a screenshot of an online training module. Information Asset Owners are required to report risks to the SIRO (see Element 1) on an annual basis. The RMP states that this is not done on a consistent basis, but that the Council's Information Security Officer is responsible for ensuring that consistent reporting takes place. The Keeper would be interested to know how PKC intends to improve risk reporting. The Keeper agrees that PKC takes the security of its information assets seriously and that procedures are in place to manage risk to these.
9. Data Protection	**G**	**G**	Although not mentioned in the RMP, PKC and the Licensing Board are both separately registered as Data Controllers with the Information Commissioner's Office. This shows that both authorities are aware of their responsibilities under the Data Protection Act 1998. Submitted as evidence is PKC's Data Protection Policy (evidence 10). The Policy clearly sets out its scope and the roles and responsibilities assigned to staff and elected members of the Council. The policy states that it will be reviewed every three years.

			The Policy also sets out the procedures to be followed when a Subject Access Request is received. The RMP states that the Council intends to centralise the processing of Subject Access Requests when resources permit this. The Policy is published on the Council's website and instructions for lodging a Subject Access Request are also provided. The Keeper commends this outward facing approach. The Keeper agrees that PKC is aware of its responsibilities under the Data Protection Act 1998 and has procedures in place to protect personal and sensitive information.
10. Business Continuity and Vital Records	**G**	**G**	PKC has submitted its Business Continuity Plan (BCP) (evidence item 11). This is a corporate wide document that sets out the agreed course of action in the event of a disaster or other interruption to PKC's normal business activities. There is a commitment in the RMP to include provision for vital records in the next iteration of the BCP, which is welcomed by the Keeper. PKC has also submitted documents relating to the back-up procedures (evidence items 12.1-12.4. Documents 12.1 and 12.4 set out how the process of backing up takes place and the procedures in place for dealing with network problems. Servers are located in different areas and this provides a robust defence in the event of a disaster. Consideration is also given to the storage locations of physical records to prevent them being affected by any disaster. The Keeper agrees that there are suitable procedures in place to ensure business can be resumed in the event of an interruption to service. The Keeper commends the commitment to include vital records into the business continuity process and the plans to raise awareness of the importance of vital records across the Council. He therefore requests that he is kept informed as this work progresses.

| 11. Audit trail | A | A | The RMP sets out the current audit trail provisions in place within PKC. There are systems in place to be able to track paper files, monitored by records management staff, although there are no provisions in place for documenting the transfer of files from one member of staff to another once a file has been checked out of storage. Evidence has been submitted as an example of current practice (evidence item 13). The RMP also states that version control is used inconsistently across the Council.

The RMP states that with regards to electronic records some systems track the movement of files and some track version control, but there is no uniform way practice in the retention of movement logs or of recording changes to documents.

A by-product of the implementation of the EDMS will be to introduce consistent audit trail functionality. The future actions identified in the RMP include the training of records management staff to manage the EDMS and to produce guidance and staff training programmes, including on audit trails.

The Keeper can agree this element on an 'improvement model' basis. This means that he understands that an authority has identified a gap in provision and that they have shown a commitment to improving in that area. As part of the agreement of this element, the Keeper requests that he is kept informed as work progresses to improve audit trail provision in PKC. |
| 12. Competency Framework for records management staff | G | G | PKC has submitted the job description of the records manager (see Element 2). This specifically mentions his responsibility for the management of PKC's records and also his key involvement in the project to implement an EDMS. The RMP states that the appropriate level skills and qualifications are included in the job descriptions of other staff with responsibility for records management.

The RMP also highlights that outwith Information Security and Data Protection, staff |

			knowledge of information and records management is very mixed. The action points in this element indicate that staff guidance on records management will be produced by the end of 2015 and training programmes will be developed and delivered to all staff by the end of 2016. The Keeper agrees that PKC recognises the importance of records management by including this provision in the job descriptions of relevant staff. The Keeper also commends the commitment to raise awareness of records management across the Council.
13. Assessment and Review	**A**	**A**	**The RMP states that at present there is no assessment and review process in place to monitor the implementation of the RMP. The RMP itself was developed by the use of a Records Management Maturity Model Questionnaire (see appendix 4). The Questionnaire will be issued again prior to the implementation of the RMP and this will act as a baseline level against which improvements can be measured.** **In the action points part of this element there is a commitment to using the Archives and Records Management Services (ARMS) tool, which was developed by the Scottish Council on Archives. This will be adapted to suit the requirements of PKC. This is planned to be completed by October 2015. This will be accompanied by the development of a review process and a report format and this will be introduced in 2016.** **The Keeper can agree this element of the RMP on an 'improvement model' basis, provided he is kept informed of progress in closing the gap in provision in this area.**
14. Shared Information	**G**	**G**	PKC have submitted evidence showing that they have signed up to the Scottish Accord on the Sharing of Personal Information (SASPI) (evidence item 14.2). This is a high level agreement between PKC, Dundee City Council, Angus Council and

			NHS Tayside sets out the obligations and requirements of the participants with regards to the protection of personal information. Below this high level agreement, authorities can enter into specific information sharing agreements with other bodies, and an example of one has been submitted as evidence (evidence item 14.1). The information Compliance Officer is responsible for making the appropriate arrangements and drawing up a MoU to set out each authority's obligations. The action points in the RMP state that information sharing will be included in staff training and that guidance and training will be given to staff. The Keeper commends this approach. The Keeper agrees that PKC has appropriate procedures in place to allow it to safely share information with other authorities.
ADDITIONAL ELEMENT: <u>ELEMENT 15 (Electronic records)</u>	**A**	**A**	PKC has added this element in order to bring some sort of consistency to the procurement and use of new electronic systems. The RMP states that this is generally done on an ad-hoc basis with no consideration given towards the impact on wider information governance across the Council. In order to remedy this, the RMP proposes that the records manager (see Element 2) is involved in the development of the Council's ICT strategies and policies. The records manager will then be able to raise information management issues when alternative electronic systems are being considered and/or developed. The Keeper welcomes this approach. The Keeper welcomes the addition of this element because it shows that the RMP has been developed as a business tool to specifically meet the needs of PKC. The Keeper would request that he is kept informed of progress with regards to this element.

ADDITIONAL ELEMENT: **ELEMENT 16** **(Third party service provider compliance)**	**A**	**A**	At present PKC do not have a provision in place to ensure that third party service providers, when carrying out one of the Council's functions, comply with the record keeping requirements of the Council's RMP. The action points included in the RMP clearly show a commitment to addressing this over the longer-term by raising awareness of the importance of ensuring that third parties are aware of their record keeping responsibilities when carrying out a function on behalf of the Council. The Council also intends to ensure that all procurement documentation to ensure third party compliance will be in place by 2019. Policies and procedures will also be drawn up to guide this development. The Keeper commends the intention to improve provision on a continual basis and would request perhaps a draft template or contract or other evidence to show how PKC intends to enable third parties to manage the records created while performing one of the Council's functions. The Keeper can therefore agree this element it on an 'improvement model' basis, provided he is kept updated on progress towards meeting the Council's level of requirement.

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 Perth and Kinross Council and Licensing Board. Policies and governance structures are in place to implement the actions required by the plan.

Elements that require development by Perth and Kinross Council and Licensing Board are as follows:

Element 6 - Perth and Kinross Council and Licensing Board has committed to developing policies, procedures and training which will standardise the corporate-wide practices for the destruction of all records at the end of their life-cycle. These will be developed by the end of 2016. The Keeper's agreement of Perth and Kinross Council and Licensing Board's RMP is conditional upon receiving this documentation.
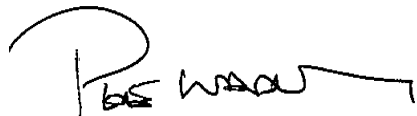
Element 7 - Perth and Kinross Council and Licensing Board has committed to developing a Service Level Agreement with its archive service by the end of March 2016 which will ensure that the appropriate records can be archived when required. Practical training for staff will also be developed and rolled out by the end of 2016. The Keeper's agreement of Perth and Kinross Council and Licensing Board's RMP is conditional upon receiving the evidence that the above actions have been taken.

7. Keeper's Determination

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

The Keeper recommends that Perth and Kinross Council and 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
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 Perth and Kinross Council and Licensing Board. In agreeing this RMP, the Keeper expects Perth and Kinross Council and 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