

## **Public Records (Scotland) Act 2011**

**Public Authority  
Scottish Borders Council and Scottish Borders Licensing Board**

**The Keeper of the Records of Scotland**

**25<sup>th</sup> October 2017**

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## 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 Scottish Borders Council and Scottish Borders Licensing Board by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 28<sup>th</sup> April 2017.

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

## **3. Authority Background**

The Scottish Borders is one of 32 council areas of Scotland. It borders Dumfries and Galloway, East Lothian, Midlothian, South Lanarkshire, West Lothian and, to the south and east, Northumberland in England. The administrative centre of the area is Newtown St Boswells

<https://www.scotborders.gov.uk/site/>

The Scottish Borders Licensing Board (“the Board”) is the Licensing Authority for the Scottish Borders Local Government Area for the Licensing (Scotland) Act 2005 as amended by the Criminal Justice and Licensing (Scotland) Act 2010 & Alcohol(Scotland) Act 2010.

[https://www.scotborders.gov.uk/info/20025/licensing/491/licensing\\_board](https://www.scotborders.gov.uk/info/20025/licensing/491/licensing_board)

## 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 Scottish Borders Council and Scottish Borders 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:

<b>G</b>	The Keeper agrees this element of an authority’s plan.		<b>A</b>	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.		<b>R</b>	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.
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## 5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>Scottish Borders Council have identified Brian Frater, Service Director Regulatory Services, as the individual with overall responsibility for records management in the authority.</p> <p>Mr Frater is the Council's SIRO. The SIRO reports directly to the Chief Executive. Information Asset Owners report to the SIRO <b>(see Information Governance Group (IGG) under General Comments below)</b>.</p> <p>The identification of Mr Frater to this role is supported by a <i>Covering Letter</i> from Tracey Logan, Chief Executive, dated 25<sup>th</sup> April 2017, by the <i>Information Governance Policy</i> (page 6) and by the <i>Records Management Policy</i> sections 2 and 3 <b>(for both policies see element 3)</b>.</p> <p>Mr. Frater has provided the Keeper with a separate letter, dated 25<sup>th</sup> April 2017, noting that the Council outsources it's IT services and that he is satisfied that these arrangements do not adversely affect the records management provision in the authority as outlined in the <i>Records Management Plan</i> (the <i>Plan</i>). The Keeper thanks Mr Frater for this assurance.</p> <p>As SIRO Mr Frater has global access to the <i>Information Asset Register</i> <b>(see element 4)</b>.</p> <p>Scottish Borders Licensing Board have identified Nuala McKinlay, Chief Legal Officer and Clerk to the Scottish Borders Licensing Board, as the individual with overall responsibility for records management in that authority.</p>

			<p>This identification is supported by a <i>Covering Letter</i> from Ms. McKinlay dated 25<sup>th</sup> April 2017 and by the <i>Information Governance Policy</i> (page 6).</p> <p>The Chief Legal Officer reports to the SIRO (<b>see above</b>).</p> <p>The Keeper agrees that Scottish Borders Council and Scottish Borders Licensing Board have identified appropriate individuals to this role as required by the Public Records (Scotland) Act 2011 (the Act).</p>
<p>2. Records Manager <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>Scottish Borders Council and Scottish Borders Licensing Board have identified Teresa Maley, Information Manager, as the individual with day-to-day responsibility for implementing the <i>Plan</i>.</p> <p>The Information Manager is the author of the <i>Records Management Plan</i>, the <i>Records Management Policy</i> (<b>see element 3</b>), the <i>Appraisal of Records for Permanent Preservation</i> guidance document (<b>see element 7</b>), the <i>Disposal of Records</i> guidance document (<b>see element 6</b>), and is the 'owner of the <i>Security Incident Reporting and Management</i> procedure (<b>see element 8</b>).</p> <p>The Information Manager reports to the Chief Legal Officer (<b>see element 1</b>). She manages two Information Officers whose <i>Recruitment Profile</i> has been provided.</p> <p>As leader of the Council's 'Information Team', Ms. Maley has global access to the <i>Information Asset Register</i> (<b>see element 4</b>).</p> <p>The Keeper agrees that Scottish Borders Council and Scottish Borders Licensing Board have identified an appropriate individual to this role as required by the Act.</p> <p>N.B. The Keeper understands that, since the <i>Plan</i> was submitted for his agreement,</p>

			<p>Teresa Maley has left Scottish Borders Council. As stated in the Keeper’s guidance to his <i>Model Plan</i>, a change of personnel does not invalidate the <i>Plan</i>.</p> <p>On this issue the Council have now stated: “Jaimie Taylor has been appointed as the interim Information Manager to lead a project focussed on the GDPR. However, this role will not assume all duties previously undertaken by Ms Maley and responsibility for these duties will sit with the Chief Legal Officer, Nuala McKinlay (see element 1) with assistance from the Interim Manager and Information Officers.”</p>
<p>3. Policy <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Council has a <i>Records Management Policy</i> which has been provided to the Keeper. This is version 1.0 dated January 2017.</p> <p>The Keeper has been provided with a copy of the minutes showing the Information Governance Group (<b>see under General Comments below</b>) have approved this policy.</p> <p>The Keeper agrees the <i>Plan</i> support objectives in the <i>Records Management Policy</i>.</p> <p>The <i>Records Management Policy</i> mentions the Act.</p> <p>The Council also publishes an <i>Information Governance Policy</i>  <a href="https://www.scotborders.gov.uk/downloads/file/2268/information_governance_policy">https://www.scotborders.gov.uk/downloads/file/2268/information_governance_policy</a>  This is version 2.0 (undated). The Keeper commends the publication of this document.</p> <p>The <i>Information Governance Policy</i> specifically introduces the public to Scottish Borders Council’s response to information security (<b>see element 8</b>), the Information Governance Group (<b>see under General Comments below</b>), staff training (<b>see element 12</b>), data sharing (<b>see element 14 and Third Parties under General</b></p>

			<p><b>Comments below)</b> and the Council’s information governance reporting structure.</p> <p>The <i>Information Governance Policy</i> confirms the Council’s commitment to comply with the Data Protection Act 1998 (<b>see element 9</b>) and the Public Records (Scotland) Act 2011.</p> <p>Intranet screen-shots have been provided showing staff can access records management documents and training.</p> <p>The Keeper agrees that Scottish Borders Council and Scottish Borders Licensing Board have a records management policy statement as required by the Act.</p>
<p>4. Business Classification</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The Council’s <i>Records Management Policy</i> (<b>see element 3</b>) identifies a principle of records management that it should include a necessity to: “promote active management of council information – by use of file plans or business classification and common filing systems and storage” (<i>Policy</i> page 6). The <i>Information Governance Policy</i> (<b>also element 3</b>) states (page 12): “Controls should be put in place for creating, ... storing...of organisational records according to a defined set of standards.”</p> <p>The Council operates a hybrid system with records held electronically on shared drives and in line-of-business systems and also paper records both internally and with a third-party storage contractor (Iron Mountain).</p> <p><b>The Plan states (page 8): “Scottish Borders Council has not yet adopted a global business classification scheme for records because of the diversity of systems deployed in services. Most service systems have a local business classification or file plan. The Council ... will be moving shared drives to Office 365 from 2017.” And goes on “The move to Office 365 presents an opportunity to assist services in using business classification to structure</b></p>

			<p><b>their information and promote use of the retention schedules more consistently than it has in the past.”</b> The Keeper agrees this improvement principle.</p> <p>The Council has also committed to creating an <i>Information Asset Register</i> driven by the Information Governance Group (<b>see under General Comments below</b>). The Keeper notes the statement in the <i>Plan</i> (page 8): “This register used the Scottish Council on Archives Records Retention Schedule (SCARRS) business classification as the basis for the structure of the register so that the Council retention schedules could be linked more effectively to information the Council holds from 2017 onwards.” When fully populated and rolled-out the <i>Register</i> will allow a great deal of information to be entered against each record type, including retention decision (<b>see element 5</b>), vital record identification (<b>see element 10</b>), information asset owner (<b>see Information Governance Group under General Comments below</b>) and location. The Keeper commends the principle of combining this information. A single document is likely to represent a stronger business tool.</p> <p>The <i>Plan</i> also states (page 13): “The Information Asset Register will also, over time, help to map the transit and use of information across the Council (including identification of primary versions) and provide clarity about the status of the information held.” The Keeper agrees this is a likely result of implementing an <i>Information Asset Register</i>.</p> <p>The creation of an <i>Information Asset Register</i> is a feature of the Council’s <i>Disposal of Records</i> guidance document (<b>see element 6</b>) and <i>Records Management Policy</i> (<b>see element 3</b>).</p> <p>The <i>Information Asset Register</i> when operational may be published online (perhaps in a short-form). The Keeper commends this principle.</p>
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			<p>Retention decisions (<b>see element 5</b>) and whether confidential destruction is required (<b>see element 6</b>), will appear against record types in the <i>Information Asset Register</i> when fully embedded.</p> <p>The Keeper has received the Council's <i>Information Asset Survey Template</i> and the <i>Information Asset Questionnaire Guide</i> that is used by service areas to populate the <i>IAR</i>. The council has also provided their FAQ sheet on the creation of the <i>IAR</i>. The Keeper commends the use of local service areas in the development of records management systems.</p> <p>The Council will also take the opportunity of the project described here to review their Retention Schedule (<b>see element 5</b>).</p> <p>The Keeper agrees that, for an organisation the size and complexity of a Scottish local authority, fully embedding an business classification scheme/information asset register will be an incremental process.</p> <p><b>Since their initial submission in April 2017, the Council have updated the Keeper on this project and he recognises that: "The information Asset Register has been created and populated, however this does require to be further developed. The Strategic and Operational Information Asset Owners have been identified and training will be commencing shortly. It is the intention to refresh the IAR once the training has taken place and business classification will be imbedded in 2018." The Keeper thanks the Council for this update.</b></p> <p>The Council's <i>Disposal of Records</i> guidance document states that "Scottish Borders Council has adopted the Scottish Council on Archives Records Retention Schedules (SCARRS) and business classification".</p>
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			<p>The Keeper agrees this element of Scottish Borders Council and Scottish Borders Licensing Board’s <i>Records Management Plan</i> under ‘improvement model’ terms. This is in acknowledgement that the authority is in the process of ‘embedding’ <i>Information Asset Register</i> (see above) and populating the <i>Business Classification Scheme</i> throughout the organisation. He is convinced of the commitment to complete this work, however his agreement is conditional on his being updated as the project progresses.</p>
5. Retention schedule	<b>G</b>	<b>G</b>	<p>The Council’s <i>Disposal of Records</i> guidance document (see element 6) states that “Scottish Borders Council has adopted the Scottish Council on Archives Records Retention Schedules (SCARRS)”. The Keeper agrees that ‘SCARRS’ is entirely appropriate for use by a local authority.</p> <p>The Council’s <i>Disposal of Records</i> guidance document (see element 6). Refers to retention as follows: “The Council must be able to show how long we need to keep particular records.” The principle of arranging a ‘planned process’ of disposal is also highlighted in this guidance.</p> <p>The Council’s retention decisions are published at:  <a href="https://www.scotborders.gov.uk/directory_record/45455/records_retention_schedules">https://www.scotborders.gov.uk/directory_record/45455/records_retention_schedules</a></p> <p>The <i>Retention Schedule</i> shows function/activity/record type/decision. For example: “Records management/Lists of Records destroyed/Permanent.”</p> <p><b>At the time of assessment the Council’s retention schedule was under review. This is confirmed by a ‘future development’ in the <i>Plan</i>, by an e-mail supplied in evidence and by recognition in the <i>Disposal of Records</i> guidance. Despite this review, the Keeper agrees that the authority currently has a schedule that</b></p>

			<p><b>is operational while awaiting update. Therefore he can fully agree this element as compliant.</b></p> <p>Retention decisions, and whether confidential destruction is required, will appear against record types in the <i>Information Asset Register</i> (<b>see element 4</b>) when fully embedded.</p> <p>The Keeper has been provided with the Council's <i>Information Management Programme Outcomes and Benefits Overview</i> provided to the Corporate Management Team which sets a objective that "Retention and use of data and information reviewed regularly".</p> <p>The retention guidance notes that Disposal does not mean destruction. Official records and historical information may be transferred to the Council Archives at disposal rather than destroyed (<b>see element 7</b>).</p> <p>The <i>Plan</i> shows a 'future development' in element 4 to re-survey the Information Asset Register in 2018 to ensure business classification and retention schedules are fully integrated. <b>The Keeper would be pleased to know the result of this work.</b></p> <p>The Keeper agrees that Scottish Borders Council and Scottish Borders Licensing Board have a retention schedule that allocates retention decisions to the record types expected of a Scottish local authority.</p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The Council note in their published <i>Information Governance Policy</i> (<b>see element 3</b>) that "Controls should be put in place for .... disposing of organisational records according to a defined set of standards. To provide an effective service it is important that not all information is held indefinitely and to adopt a standardised approach to what should be kept and not kept." The Council therefore recognise that the permanent retention of <u>all</u> records is undesirable. The Keeper notes this and</p>

			<p>commends.</p> <p>The <i>Information Security Policy</i> (<b>see element 8</b>) states (page 7): “Any computer output (paper, or files transferred to removable data, etc.) must be disposed of or erased securely.”</p> <p>With these objectives in mind, the Council has the following processes in place to ensure the secure and irretrievable destruction of records when appropriate:</p> <p><u>Paper (Internal)</u>: The Council disposes of its hard-copy public records using third-party shredding company. Certificates have been supplied to show that these arrangements are operational. Staff guidance is available in the <i>Disposal of Records</i> guidance (<b>see below</b>) and in the <i>Disposal of Confidential Waste Management Policy</i> (supplied: v1.0 January 2016).</p> <p>The Keeper has received a template destruction order in evidence.</p> <p><u>Paper (External)</u>:The Council utilise a third party storage company. The Plan (page 12) states: “Records stored in Iron Mountain may be destroyed using their destruction service under the terms of the framework or, where necessary, removed to check files do not require further retention in Iron Mountain.” Evidence has been supplied to the Keeper to confirm this arrangement is operational. This arrangement is also confirmed in the <i>Disposal of Confidential Waste Management Policy</i> (<b>see above</b>).</p> <p><b><u>Electronic:</u></b> (see element 4 for improvement plan) The Plan states (page 13): “It is acknowledged that shared drives contain much information that is duplicated, no longer actively managed or “orphaned” because of service changes. Services often struggle to authorise destruction of this information as there is lack of clarity over its status and ownership. The replacement of</p>
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			<p>shared drives with Office 365 is seen as an opportunity to remove or relocate such information and ensure there is a process in place to prevent it happening in future.”</p> <p>The controlled and systematic deletion of records held on shared drives is a particular area of difficulty for many public authorities and the Keeper welcomes the acknowledgement of this. He agrees that the suggested improvements the authority is considering are a reasonable response to these difficulties.</p> <p>Generally, the development of a centralised records management solution (see element 4 above) should allow more controlled deletion of electronic records.</p> <p>Emails are disposed on a three year rolling cycle. The Archive Vault and Journal has the same retention period but is purged on an annual basis.</p> <p>The Keeper agrees that some line-of-business electronic systems will dispose of records automatically.</p> <p><u>Hardware</u>: The Council routinely arrange for records to be deleted from redundant hardware. This service is supplied by a third-party. A contract has been supplied in evidence. The Keeper has received a letter from Brian Frater, Service Director Regulatory Services (<b>see element 1</b>), supporting this arrangement.</p> <p><u>Back-ups</u>: Back-up copies are taken of the Council’s electronic records for business continuity purposes (<b>see element 10</b>). This is confirmed by the Council’s <i>Information Security Policy</i> (<b>see element 8</b>). This back-up service is supplied by a third-party and the Keeper has received the <i>Scottish Borders ITDR Plan</i> as evidence of this arrangement. Furthermore, he has received a letter from Brian</p>
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			<p>Frater, Service Director Regulatory Services (<b>see element 1</b>), supporting this arrangement.</p> <p>The Council states: "Full/incremental back-ups are kept for 28 days; a set of full backups are transferred to tape once a month and kept for 6 months before being overwritten; a set of full backups are transferred to tape and retained for three years and Disaster recovery backups are kept for one week."</p> <p><b>The Keeper agrees this element of the Council's records management plan under 'improvement model' terms. This means that the Authority has identified a gap in their records management provision (destruction of electronic records held on shared drives) and has put processes in place to close that gap. The Keeper's agreement would be conditional on his being updated as this project progresses.</b></p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The <i>Records Management Policy</i> (<b>see element 3</b>) refers to an objective of their records management provision providing a means that "identifies and preserves vital and/or historical records" (<i>Policy</i> section 3) and that historical records should be identified and preserved (<i>Policy</i> principles). The <i>Disposal of Records</i> guidance document (<b>see element 6</b>) and the published <i>Information Governance Policy</i> (<b>see element 3</b>) both refer to the transfer of records with continuing value to the Council archives: "Information of historical value should be selected for permanent preservation at the Council Archives that are managed by Live Borders Heritage Hub." (<i>Disposal of Records</i> guidance document page 5).</p> <p>The Keeper is satisfied that Scottish Borders Council have selected the Heritage Hub as the proper repository for records selected for permanent preservation. There is an arrangement whereby the Hub take Council records of historical interest: <a href="http://www.liveborders.org.uk/libraries_and_archives(1)/archives/find_your_nearest">http://www.liveborders.org.uk/libraries_and_archives(1)/archives/find_your_nearest</a></p>

			<p><a href="#">archive/the_heritage_hub.aspx</a></p> <p>Staff guidance on archive transfer is available on the Council's intranet and has been supplied to the Keeper.</p> <p>The Council publish their appraisal principles:  <a href="https://www.scotborders.gov.uk/downloads/file/626/appraisal_statement">https://www.scotborders.gov.uk/downloads/file/626/appraisal_statement</a></p> <p>The Keeper agrees that appropriate procedures are in place to ensure the transfer of records selected for permanent preservation to a suitable archive.</p>
<p>8. Information Security  <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>Scottish Borders Council has an <i>Information Security Policy</i> which has been provided to the Keeper. This is version 4.0 approved by the Information Governance Group (IGG) (<b>see under General Comments below</b>) in June 2016.</p> <p>The introduction to this <i>Policy</i> states: "Scottish Borders Council is committed to ensuring the adequate protection of its computer equipment, software, networks and information from theft, loss, damage whether malicious or accidental, corruption or unauthorised use."</p> <p>The <i>Information Security Policy (and Standards)</i> helps fulfil requirements in the Council's <i>Information Governance Policy (see element 3): OUR DUTY</i> - "Information must be processed and protected diligently, lawfully and ethically through good data security, accurate information and informed openness." This <i>Policy</i> is publically available on the Scottish Borders Council website: <a href="https://www.scotborders.gov.uk/downloads/download/554/information_governance_policy">https://www.scotborders.gov.uk/downloads/download/554/information_governance_policy</a> .The Keeper commends the publication of these information governance commitments.</p> <p>Scottish Borders Council have also provided the Keeper with a copy of their <i>Security</i></p>

			<p><i>Incident Reporting and Management Procedure</i> (v1.4 August 2016) which explains the procedure for reporting actual or potential security breaches. The operation of this management policy is in support of an objective in the published <i>Information Governance Policy</i> (<b>see element 3</b>) page 10 and the <i>Information Security Policy</i> page 8.</p> <p>The <i>Information Security Policy</i>, <i>Protective Monitoring Policy</i> and <i>Security Incident Reporting Procedures</i> support the 'Policy Statement' in the Council's <i>Records Management Policy</i> (<b>also element 3</b>): "Having a standard approach to record keeping will ensure that the Council...complies with information security standards." and the 'principle of records management' that the Council should "promote awareness of how to handle information securely and confidentially by protective marking and other tools."</p> <p>The <i>Information Security Policy</i> and the <i>Records Management Policy</i> both refer to the physical security of record stores and server rooms (For example <i>Information Security Policy</i> section 5).</p> <p>The IGG can use the <i>Information Asset Register</i> to monitor security risks (<i>Plan</i> page 9).</p> <p>Intranet screen-shots have been provided showing staff can access records management documents and training.</p> <p>Scottish Borders Council's SIRO has written separately to the Keeper regarding the outsourcing of the Council's IT services (<b>see element 1</b>).</p> <p>The Keeper agrees that Scottish Borders Council and Scottish Borders Licensing Board have processes in place to ensure the security of the records they hold as required by the Act.</p>
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<p>9. Data Protection</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>Scottish Borders Council have a <i>Code of Practice on the Data Protection Act</i> guidance document, which has been supplied to the Keeper. This is version 4.0 dated January 2016.</p> <p>The <i>Code of Practice</i> is available at:  <a href="https://www.scotborders.gov.uk/downloads/download/725/data_protection_-_code_of_practice">https://www.scotborders.gov.uk/downloads/download/725/data_protection_-_code_of_practice</a></p> <p>The Council is registered with the Information Commissioner’s Office: <b>Z5573350</b>.</p> <p>The Licensing Board is registered with the Information Commissioner’s Office: <b>ZA054725</b></p> <p>The <i>Code of Practice on the Data Protection Act</i> explains the (current) 8 principles of the Data Protection Act 1998.</p> <p>The public can access subject access conditions at:  <a href="https://www.scotborders.gov.uk/info/20060/access_to_information/349/information_about_you">https://www.scotborders.gov.uk/info/20060/access_to_information/349/information_about_you</a></p> <p>The Council’s <i>Records Management Policy (see element 3)</i> and <i>Information Security Policy (see element 8)</i> specifically refers to compliance with the Data Protection Act 1998.</p> <p>Intranet screen-shots have been provided showing staff can access records management documents and training.</p> <p>The Keeper agrees that Scottish Borders Council and Scottish Borders Licensing Board have properly considered their responsibilities under the Data Protection Act</p>
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			1998.
10. Business Continuity and Vital Records	<b>G</b>	<b>G</b>	<p>Scottish Borders Council operate an overall business continuity structure. Beneath this each department maintains a <i>Business Continuity Plan</i> a sample of which has been supplied. The Keeper agrees that these documents consider the recovery of records in an emergency.</p> <p>The operation of a <i>Business Continuity Plan</i> supports standards quoted in the Council's <i>Information Security Policy</i> (S91).</p> <p>Intranet screen-shots have been provided showing staff can access continuity guidance and training.</p> <p>Scottish Borders Council's SIRO has written separately to the Keeper regarding the outsourcing of the Council's IT services (<b>see element 1</b>).</p> <p>The Keeper agrees that the identification of vital records in the <i>Information Asset Register</i> (<b>see element 4</b>) will support the 'Policy Statement' in the Council's <i>Records Management Policy</i> (<b>also element 3</b>): "Having a standard approach to record keeping will ensure that the Council... identifies and preserves vital ... records."</p> <p>The Keeper agrees that Scottish Borders Council and Scottish Borders Licensing Board have business continuity arrangements that consider the recovery of records.</p>
11. Audit trail	<b>A</b>	<b>G</b>	<p>The Council state that effective records management allows them "to promote transparency and information quality assurance so that information is more easily accessible to help deliver operational efficiencies and provide a more effective and timely response to access requests.." (published <i>Information Governance Policy</i>–</p>

			<p><b>see element 3 – page 5).</b></p> <p>The Keeper agrees that many of the line-of-business systems used by the Council will impose suitable naming convention/version control at time of record-creation to adequately track records subsequently. The Seemis system would be an example of this.</p> <p>Paper records stored in the Council’s third-party storage supplier can be tracked using an online management system.</p> <p>The Council have made the following statement about record tracking in the authority: “There is no centralised procedure for tracking files within the Council, however the majority of paper files are working files and officers within the services should be able to locate with ease. Services with regulatory requirements hold file registries such as the legal team who utilise the Profess time management system that has an inbuilt file registry and the Planning service who track files using a system called Uniform. Other departments such as Social work hold no paper files as all information is uploaded to their case management system and the paper copy is destroyed.</p> <p>Again, there is no central process in place for tracking and identifying records within shared drives. The Council recognises that this requires to be addressed and is committed to improving this through the implementation of Office 365. Office 365 will produce an audit trail of amendment/variations to any document/record and the Council recognises the value in promoting a consistent approach to version control and will produce guidelines for staff to be published along side the introduction of Office 365.”</p>
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			<p>The Keeper agrees this element of the Council’s records management plan under ‘improvement model’ terms. This means that the Authority has identified a gap in their records management provision (tracking of records in paper format or held on shared drives) and has put processes in place to close that gap. The Keeper’s agreement would be conditional on his being updated as this project progresses.</p>
<p>12. Competency Framework for records management staff</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Council has supplied the Keeper with the <i>Information Manager Job Description (see element 2)</i>. This shows her as being responsible for (among many other objectives) “Lead, develop, implement and maintain the Council’s Record Management Policy, together with related procedures and guidance” and to “Represent Records Management interests within Scottish Borders Council and with external bodies, such as the Keeper of the Records of Scotland, promoting and demonstrating the value of Records Management as a key business resource.”</p> <p>There is a specific commitment to staff training in information governance issues published in the Council’s <i>Information Governance Policy</i>:  <a href="https://www.scotborders.gov.uk/downloads/download/554/information_governance_policy">https://www.scotborders.gov.uk/downloads/download/554/information_governance_policy</a></p> <p>The Information Governance Group (<b>see under General Comments below</b>) are responsible for ensuring a training programme is available and for an annual review of its effectiveness.</p> <p>Training in “Information Management Awareness” is available as an e-learning tool (SBLearn) and is mandatory for all staff (<i>Records Management Policy – see element 3</i>). A screen shot has been supplied to show staff access to this learning.</p> <p>The Keeper has been provided with a copy of the Council’s information governance training plan.</p>

			<p>The Keeper agrees that the individual identified at element 2 has the appropriate responsibilities, resources and skills to implement the records management plan. Furthermore, he agrees that the Council considers information governance training for staff as required.</p>
<p>13. Assessment and Review</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Act requires a scheduled public authority to “keep its records management plan under review” (part 1 5.1 (a)).</p> <p>The introduction to the <i>Plan</i> (page 2) allocates an April 2018 review date. Henceforth the January to March quarter of the IGG calendar (<b>see under General Comments below</b>).</p> <p>The annual review will be supervised by the Information Governance Group who report to the Council’s Corporate Management Team.</p> <p>The Council have explained the methodology of review using their risk assessment process (<i>Risk Management Policy Statement</i> and <i>Risk Management Strategy</i> supplied) and utilising the services of their Internal Audit Team (<i>Internal Audit Programme of Work 2016-17</i> and <i>Internal Audit Annual Plan 2017-18</i> supplied).</p> <p>Policies and associated guidance, including the <i>Records Management Policy</i>, are calendared for review by the IGG annually from January to March when Records Management is the review ‘theme’.</p> <p>The <i>Information Asset Register</i> (<b>see element 4</b>) is re-surveyed annually. The <i>Plan</i> shows a ‘future development’ in element 4 to re-survey the Information Asset Register in 2018 to ensure business classification and retention schedules are fully integrated. <b>The Keeper would be pleased to know the result of this work.</b></p>

			<p>The <i>Plan</i> confirms the interest of Internal Audit in information systems (page 5). The Council have shared the 2017 audit report on the Information Governance framework. The Keeper thanks the Council for providing this.</p> <p>The published <i>Information Governance Policy (see element 3)</i> must be reviewed at least biennially by the IGG. Major changes to be approved by the Corporate Management Team.</p> <p>The <i>Information Asset Register</i> when completed will be reviewed annually (<i>Disposal of Records</i> – page 4).</p> <p>The Council’s registration with the Information Commissioner must be renewed by 08 June 2018 and the Licensing Board by 07 August 2018. The Keeper recognizes that this may change with the introduction of the GDPR in May 2018.</p> <p>The Keeper agrees that Scottish Borders Council and Scottish Borders Licensing Board have processes in place to keep the <i>Plan</i> under review as required by the Act.</p>
14. Shared Information	<b>G</b>	<b>G</b>	<p>The Council is a partner in information sharing projects with other public authorities.</p> <p>The Council utilises the Pan Lothian and Borders Partnership General Protocol for Sharing Information when undertaking ‘interagency sharing’. This information available in the <i>Information Governance Policy</i> on the Council’s website and a copy of the Protocol is embedded in the <i>SB Cares Data Sharing Agreement</i> supplied to the Keeper in evidence.</p> <p>The Keeper has been provided with the Council’s <i>Information Management Programme Outcomes and Benefits Overview</i> provided to the Corporate Management Team <b>(2012?)</b> which sets a objective that data sharing arrangements</p>

			<p>should be "robust and 'publicised'".</p> <p>The Council have supplied the Keeper with their <i>Information Sharing Code of Practice</i>. The Keeper agrees this document properly considers information governance issues.</p> <p>The Council have supplied their <i>Information Management Pack for Programmes and Projects</i> guidance. The Keeper agrees this guidance considers information governance at the outset of projects, which is to be commended.</p> <p>Scottish Borders Council's SIRO has written separately to the Keeper regarding the outsourcing of the Council's IT services (<b>see element 1</b>).</p> <p>The Keeper agrees that Scottish Borders Council and Scottish Borders Licensing Board consider the records management implications of information sharing as is appropriate.</p>
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**Scottish Borders Council and Licensing Board**  
**(for simplicity these two scheduled authorities will be referred to as ‘the Council’ in the assessment below)**

General Notes on RMP, Including Concerns:

Version: This assessment is on the common *Records Management Plan* (the *Plan*) of Scottish Borders Council and Scottish Borders Licensing Board (the Council) submitted to the Keeper of the Records of Scotland in April 2017. This version 1.0 issued in April 2017.

The *Plan* is accompanied by a letter from Tracey Logan, Chief Executive, dated 25<sup>th</sup> April 2017 in which she confirms that she “fully supports” the *Plan* and specifically endorses the *Records Management Policy* (**see element 3**). The *Plan* is also accompanied by a similar covering letter from Nuala McKinlay (**see element 1**), Chief legal Officer and Clerk to the Licensing Board who confirms that the records of the Board should be managed by managed by the Council under the common plan, which she also endorses. The inclusion of the Licensing Board is specifically stated in the introduction to the *Plan*.

The *Plan* is accompanied by the Council’s *Information Management Improvement Plan*. This shows improvements in records management provision over the last 5 years and indicates work still to be completed (**see, for example, element 4**).

Records management is a feature of the Council’s website:

[https://www.scotborders.gov.uk/directory/83/strategies\\_plans\\_and\\_policies\\_directory/category/714](https://www.scotborders.gov.uk/directory/83/strategies_plans_and_policies_directory/category/714) and  
[https://www.scotborders.gov.uk/info/20060/access\\_to\\_information](https://www.scotborders.gov.uk/info/20060/access_to_information)

The Council acknowledges records as a business asset (for example *Information Governance Policy* ‘Policy Statement’, *Disposal of Records* page 4 or *Records Management Policy* section 1). The Keeper commends this recognition.

The Keeper agrees that the *Plan* supports objectives in the Council’s *Corporate Plan*:

[https://www.scotborders.gov.uk/downloads/file/624/revised\\_corporate\\_plan\\_october\\_2015](https://www.scotborders.gov.uk/downloads/file/624/revised_corporate_plan_october_2015)

For example directly in the case of Freedom of Information requests and information sharing (see Annex 1) and more generally in delivery of priorities such as “Ensuring excellent, adaptable, collaborative and accessible public services” (priority 8).

The *Plan* mentions the Public Records (Scotland) Act 2011 (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>.

### Third Parties

As a Local Authority, Scottish Borders Council contracts out some of its functions to third parties, such as charities or ALEOs. The Act makes it clear that records created by these third parties when carrying out these functions are subject to the Act. It is the responsibility of the scheduled authority (the Council) to ensure that procedures are in place to satisfy themselves that third parties are carrying out records management appropriately.

The submitted RMP is accompanied by a letter from SB Cares, a council owned company, as an example of an ALEO committing to follow the records management provision of its host Council.

The Council have provided a standard *Services Agreement*, which states at 2.2 “The Supplier shall provide the Authority with all assistance reasonably requested by the Authority to assist the Authority in complying with its obligations under the Public Records (Scotland) Act 2011 and with the Authority’s Records Management Plan, where such compliance is in respect of records created or to be created by the Supplier on behalf of the Authority in accordance with this Agreement. This assistance will be at no cost to the Authority.”

The Council have also shared their *Procurement Use of Terms & Conditions of Contract Procedure* document which offers a template clauses for new procurement agreements. The Keeper agrees these include information governance issues and would give some reassurance to the Council that any contractors carrying out functions on their behalf have records management provision.

### The Information Governance Group (IGG)

The purpose of the Information Governance Group is to provide advice and assurance to the Authority on all matters concerning Information Governance. It also has a responsibility to “report on annual assessments and audits of the Council’s compliance with legal requirements relating to Information Management.” The group reports to the Council’s Corporate Management Team.

Information risks are reported to this group for their consideration (see, for example, *Disposal of Records* guidance page 4). The IGG meets quarterly.

The establishment of an IGG is a specific commitment in the Council’s published *Information Governance Policy* (**see element 3**): [https://www.scotborders.gov.uk/downloads/download/554/information\\_governance\\_policy](https://www.scotborders.gov.uk/downloads/download/554/information_governance_policy) (page 6).

The Council’s *Records Management Policy* (**also element 3**) states: “This Group [The IGG] reviews, monitors and approves all information management policies through quarterly meetings. The meetings are themed – once a year the theme is Records Management.”

The IGG approved the *Plan* and the Council’s overall, published, *Information Governance Policy*.

The group is chaired by the Scottish Borders Council SIRO. The Chief Legal Officer is a member of the IGG (**for both see element 1**). Each Council business area appoints a Strategic Information Asset Owner who represents that area on the IGG. Locally, the Council utilises in-area Information Asset Owners who are responsible for monitoring their own section of the Council’s information structure (**see element 4**). The Keeper commends the inclusion of local record-creators in records management improvement programmes.

The IGG has a formal responsibility, set out in its *Terms of Reference* (supplied), “To ensure that annual assessments of Information Governance arrangements and annual data audits are undertaken and to consider their findings. As a result of the assessments and audits establish annual Information Governance Improvement Plans, secure the necessary implementation resources, and monitor the implementation of those plans.” (**see element 13**). For example, the *Records Management Policy* is reviewed annually by the IGG.

The IGG is supervising the work being done to populate and embed the *Information Asset Register* (**see element 4**).

The third party contactor providing the Council's IT services (**see element 1**) provides reports to the IGG.

This group is clearly of fundamental importance to records management in the authority and the Keeper thanks Scottish Borders Council for including information about their work in the submission.

## 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 Scottish Borders Council and Scottish Borders 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 **Scottish Borders Council and Scottish Borders Licensing Board**.

- The Keeper recommends that Scottish Borders Council and Scottish Borders 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,



.....  
**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 Scottish Borders Council and Scottish Borders Licensing Board. In agreeing this RMP, the Keeper expects Scottish Borders Council and Scottish Borders Licensing Board to fully implement the agreed RMP and meet its obligations under the Act.



.....  
**Tim Ellis**  
Keeper of the Records of Scotland