National Records of Scotland

Public Records (Scotland) Act 2011

Scottish Sports Council (sportscotland)
Assessment Report

The Keeper of the Records of Scotland

15th February 2017

Preserving the past | Recording the present | Informing the future

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 **Scottish Sports Council (sportscotland)** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 22nd September 2016**.**

The assessment considered whether the RMP of the Scottish Sports Council (sportscotland) 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 Sports Council (sportscotland) complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

Scottish Sports Council is a body of the Scottish Government. The Scottish Sports Council (more commonly sportscotland) is the national agency for sport in Scotland. Their stated aim is to help everyone in Scotland enjoy sport's many benefits.

Sportscotland works in partnership with, and provides leadership to, the key players involved, both strategically and operationally in sport in Scotland. To do this, they have a range of functions and services, including:

•advising the Scottish Government and supporting delivery of its policies

•leading, supporting and coordinating the key deliverers of sport

•investing National Lottery and Scottish Government funding

•adding value to Scottish sport on the back of major events and our partners' investments

•delivering high-quality performance programmes and providing expert support services to Scottish athletes

• offering high-quality courses and training opportunities for a wide range of sports participants and people working in sport

•collaborating with UK and international sporting systems to ensure Scotland's ambitions for sport are well represented and integrated

•understanding and promoting the contribution of sport to wider social and economic outcomes

http://www.sportscotland.org.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 Scottish Sports Council (sportscotland)'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

**Scottish Sports Council
(sportscotland)
(Although Scheduled as Scottish Sports Council for the purposes of this assessment the authority will be referred to by their usual name 'sportscotland')**

Element	Present	Evidence	Notes
1. Senior Officer *Compulsory element*	**G**	**G**	sportscotland have identified Stewart Harris, Chief Executive, as the individual with overall responsibility for records management in the organisation. Mr Harris is the organisation's Accountable Officer. The senior day-to-day oversight of information governance has been delegated by Mr Harris to the authority's SIRO. The Keeper agrees this is appropriate. Mr Harris' role is confirmed by the *Statement of Responsibility for Records Management* (supplied to the Keeper - version: September 2016) and by a *Covering Letter* from Mr Harris dated 20th September 2016. "The Chief Executive will report on any significant breaches of information security to the Audit Committee…" *Statement of Responsibility for Records Management* section 13. The Keeper agrees that sportscotland have identified an appropriate individual to this role as required by the Act.

| 2. Records Manager *Compulsory element* | G | G | sportscotland have identified Scott Baxter, Information Asset Manager, as the individual with day-to-day responsibility for implementing the *Records Management Plan*.

This is confirmed by the *Statement of Responsibility for Records Management* and by the *Information Asset Manager Job Description* which describes Mr Baxter's role in the organisation thus: "To develop, maintain and monitor the implementation of the organisation's information management governance processes and procedures to ensure the appropriate and consistent management and security of its information assets. To contribute to the development of information management governance policies and ensure compliance with these. The management and further development of the document information management system ("SharePoint"), for use by all sportscotland staff." **(see element 4 for document information management system)**.

As part of this "further development", the Information Asset Manager is principle officer in the mapping/transfer project explained at **element 4**.

The Information Asset Manager is responsible for reviewing most of the supplied evidential documents.

The Information Asset Manager oversees record disposal **(see element 6)** and is responsible for retaining disposal certificates. He is also responsible for authorising the retention of records beyond their allocated retention period **(see element 5)** alongside the relevant Head of Service.

In the case of a serious information security breach the Information Asset Manager is required to join the Incident Management Team which will take appropriate action.

The Keeper can agree that Mr Baxter has a detailed understanding of the records |

			management provision in sportscotland. The Keeper agrees that sportscotland have identified an appropriate individual to this role as required by the Act.
3. Policy *Compulsory element*	**G**	**G**	sportscotland have a *Records Management Policy Statement* which has been provided to the Keeper. This is the version approved by the Strategic Management Team in February 2014. The *Policy Statement* provides an explanation of the purpose of robust records management for sportscotland staff. The Keeper has been provide with a screen-shot showing staff have access to this and other information governance policies through SharePoint. The *Policy Statement* mentions the Public Records (Scotland) Act 2011 and the Data Protection Act 1998. Heads of service are responsible for ensuring their staff are familiar with the *Records Management Policy* and comply with its principles (*Statement of Responsibility for Records Management* section 9). The Keeper agrees that the *Records Management Plan* supports the objectives of this *Policy*. The Keeper agrees that sportscotland has a records management policy statement as required by the Act.
4. Business	**A**	**G**	It is a principle of the *Records Management Policy* **(see element 3)** that "Records

| Classification | | | are stored within established record keeping systems rather than personal filing" *(Records Management Policy* section 2). |
| | | | |

Since 2012 the principle corporate record system in sportscotland has been SharePoint. There is a commitment to upgrade to SharePoint 2016 (*Plan* under element 4). The BCS will be reviewed before this upgrade (June 2017?). The Keeper agrees the principle of using the upgrade as an opportunity for review.

Many Scottish public authorities have opted for the SharePoint solution. The Keeper would remind sportscotland that SharePoint is not in itself a records management system and for full functionality, particularly relating to e-mail functionality and for ensuring metadata travels with the record when extracted from the system – for the purposes of archiving for example **(see element 7)** – a records management bolt-on may be required.

sportscotland acknowledges that some public records are housed on shared-drives and in paper format outwith the SharePoint system. There is a programme underway to transfer these into the central system with the long-term objective that all records will be managed using SharePoint. It is accepted that a limited number of records may be retained in paper format for legal reasons.

A mapping process has been instigated to determine what records are still held on shared-drives and in paper format to allow electronic transfer and scanning to SharePoint. This action is a target in the sportscotland *Development Plan*, which has been provided to the Keeper.

The *Plan* states, under element 11, that a project to scan paper records into SharePoint is underway. There is a target of March 2017 for the completion of this project. Sportscotland have committed to updating the Keeper as this project progresses.

<table>
<tr>
<td></td>
<td style="background-color:orange"></td>
<td style="background-color:green"></td>
<td>The Keeper acknowledges that the transfer of public records to the centralised system will be incremental, but is confident that this is the confirmed intention of the authority. He considers that the current SharePoint/shared drives/hard copy 'hybrid' situation is temporary as stated in the *Plan* under element 5.

Under element 4, sportscotland refer to their *Business Plan*. This plan is available at: https://sportscotland.org.uk/about-us/what-we-do/publications/business-plan/

The Keeper agrees this element of the sportscotland records management plan under 'improvement model' terms. This means that he acknowledges that the authority have put processes in place to close a gap in provision (in this case that not all public records are accounted for in the central management system). His agreement will be conditional on him being updated as the project progresses.</td>
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<tr>
<td>5. Retention schedule</td>
<td style="background-color:green">**G**</td>
<td style="background-color:green">**G**</td>
<td>sportscotland have a *Retention and Disposal Schedule* which has been supplied to the Keeper. This is the reviewed version dated March 2016.

The *Retention and Disposal Schedule* fulfils a principle of the *Records Disposal Policy* **(see element 6)** that sportscotland will have an agreed retention and destruction schedule in place "which demonstrates that the appropriate legislative and operational considerations have been taken into account." (*Records Disposal Policy* page 1).

It shows the system records are held in such as 'SharePoint' or 'M Drive'. The Keeper is content that the *Retention and Disposal Schedule* includes records that lie outwith the SharePoint system **(see element 4)**.

A sample entry would be: Sports Development/5 years/Destroy/Director of Sports</td>
</tr>
</table>

			Development. All staff have access to the retention schedule within SharePoint and screenshots were attached as evidence of this. The Keeper agrees that sportscotland has a retention schedule which details the disposal actions to be taken against the categories of records it creates and manages.
6. Destruction Arrangements *Compulsory element*	**A**	**G**	It is a principle of the *Records Management Policy* **(see element 3)** that "Records are disposed of in accordance with the approved Retention and Destruction Schedule" *(Records Management Policy* section 2). To this end sportscotland have a *Records Disposal Policy* which has been supplied to the Keeper. All staff have access to the *Disposal Policy* within SharePoint and screenshots were attached as evidence of this. Sportscotland have the following procedures in place to ensure the secure and irretrievable destruction of: Paper (internal): The *Plan* states (element 5) that there are well established procedures for the 'secure destruction' of paper records. Although the long-term aim is for paper records to be scanned into the central SharePoint system it is still necessary for sportscotland to have procedures in place to securely destroy paper records. This, of course, applies to having 'destruction of originals' as part of the scanning process. The *Records Disposal Policy* gives general guidance on the destruction of paper records under section 4. To this end commercial third party records destruction companies have been employed in the various sportscotland sites. Evidence of these arrangements in operation has been received by the Keeper.

Paper (External): sportscotland confirm that they do not store records with a third party storage supplier.

Electronic: The central electronic records system automatically prompts disposal at the end of the relevant retention period **(see element 5)**. The information asset owner authorises destruction having been prompted by an automatically generated e-mail. This is a principle of the *Records Disposal Policy* (page 1). **However, sportscotland acknowledges that some records lie outside the central SharePoint system. See element 4 for details of the programme to amend this. The Keeper agrees that as the development plan progresses the destruction of electronic records should become controlled and systematic.**

Hardware: It is important that the Keeper can be assured that when sportscotland dispose of redundant hardware (servers, mobile devices etc.) they can be confident that records held on those devices are securely deleted as well. As with paper records this issue is addressed at a general level in the *Records Disposal Policy* section 4. However, sportscotland have separately supplied the Keeper with more detail regarding the third party contracted to securely delete records from redundant hardware. The Keeper agrees these arrangements are appropriate.

Back-Ups: sportscotland quite properly, take back-up copies of records for business continuity reasons (see section 5.1.7.1 of the *Data Disaster Recovery Plan* **see element 10**).
sportscotland use the following schedule when backing up records:
1.   Daily Backup – Incremental backup until weekend
2.   Weekend Backup – Full backup then
3.   Every 4 weeks converted full backup converted to a monthly backup – kept for year.

The Keeper agrees that sportscotland have processes in place to ensure the secure

			and irretrievable destruction of paper, hardware and back-up copies. **The Keeper is able to agree that sportscotland have procedures in place for the destruction of records held electronically as an 'improvement model'. This means that the authority recognises a gap in provision (the systematic destruction of records on shared drives is problematic) and are implementing a process to close that gap (identifying these records in a mapping exercise and then transferring them to the central system).**
7. Archiving and Transfer *Compulsory element*	**A**	**G**	The *Plan* states (element 5) that there are well established procedures for the 'archiving' of paper records. It is a principle of the *Records Management Policy* (**see element 3**) that "Records that are identified as of historical significance are preserved" *(Records Management Policy* section 2). To ensure this preservation sportscotland has identified the National Records of Scotland (NRS) as a proper repository for those records selected for permanent retention. An MOU will be created between sportscotland and the National Records of Scotland to formally document the 'archiving' arrangements. This is an objective of the sportscotland *Development Plan* (7.1). **When this is in place the Keeper will require a copy to be provided for the PRSA submission.** The text of the *Plan* under element 5 and element 7 suggests that the retention schedule will be updated and a transfer guidance document will be produced when arrangements with NRS are finalised. **The Keeper requests that the new retention schedule and a copy of this guidance are forwarded in order that he can keep the sportscotland submission up-to-date.**

			The Keeper acknowledges that the sportscotland website is harvested every six months by the British Library. If, going forward, public records exist solely on the website (if for example they are <u>created</u> on the web and no copy is retained in SharePoint etc.), please alert the Keeper as this will have a bearing on PRSA compliance. For the present, the Keeper will assume that the website is designed as a publication medium rather than part of a records management solution. **The Keeper can agree this element of sportscotland's *Plan* under 'improvement model' terms. This means that the authority has identified a suitable repository for records selected for permanent preservation and have accordingly put processes in place to formalise transfer arrangements. The Keeper's agreement is conditional on the MOU, between NRS and the authority being created, signed and a copy being forwarded to the PRSA Assessment Team. sportscotland have committed to doing this.**
8. Information Security *Compulsory element*	**G**	**G**	It is a principle of the *Records Management Policy* **(see element 3)** that "Records are appropriately secured" *(Records Management Policy* section 2). To this end sportscotland have an *Information Systems Security & Password Guidelines* document which has ben provided to the Keeper. The Keeper agrees this makes provision for security of records held electronically. The physical security of hard-copy records is provided for in section 7 of the *Data Protection Policy* **(see element 9)**. A screen-shot has been provided showing that staff can access these, and other information governance policies, through SharePoint. The policies noted above are part of a suite of information security policies such an *ID and Access Policy* and a *Mobile Phone Policy*. These policies and other guidance documents have been provided to the Keeper.

			The Plan states that information security policies have been designed to meet the requirements of the Scottish Government's Security Policy Framework: http://www.gov.scot/Topics/Government/PublicServiceReform/efficientgovernment/SharedServices/itservices/SCOTSConnectadvantages/SCOTSConnectsecurity. This is a formal objective of the authority's ICT Strategy, which has been supplied to the Keeper and is online at https://www.sportscotland.org.uk/documents/foi/class5/ictstrategy201015.pdf SharePoint, sportscotland's principle corporate electronic document system, provides access-restriction functionality. Corporate information is classified under the government security classification system (2014). sportscotland note that they intend to consider adopting the *Scottish Government BYOD Policy* when published. This is an objective of the sportscotland *Development Plan* (8.1). **For completeness, the Keeper requests he is informed if and when the authority adopts this policy. sportscotland have committed to do this.** The Keeper agrees that sportscotland have procedures in place to ensure security of the records they manage.
9. Data Protection	**G**	**G**	sportscotland have a detailed *Data Protection Policy* which has been supplied to the Keeper. This is the version dated January 2011 **(see below)**. Sportscotland are registered as a data controller (under their legal name "The Scottish Sports Council"): Z7177835 The *Data Protection Policy* explains the (current) 8 principles of the Data Protection

			Act 1998 (section 7). The *Data Protection Policy* explains the procedure for subject access requests (13 – 16). sportscotland's solicitor is responsible for processing subject access requests. A screen-shot has been provided showing that staff can access these, and other information governance policies, through SharePoint. Sportscotland note: "In addition to the policy, **sport**scotland have an e-learning module on Data Protection, which forms part of the induction for new staff. The Data Protection Policy is about to undergo review to take into account the changes that will be introduced by the GDPR." The Keeper agrees that sportscotland have properly considered their responsibilities under the Data Protection Act 1998.
10. Business Continuity and Vital Records	**G**	**G**	sportscotland have a *Business Continuity Plan* which has been provided to the Keeper. This is the version dated February 2014. The Keeper agrees this *Plan* includes recovery of records. The *Business Continuity Plan* is supported by a specific *Data Disaster Recovery Plan* which has also been supplied to the Keeper (dated March 2014). Both these policies have been developed in line with the authority's *Risk Management Strategy* (also supplied to the Keeper). The *Business Continuity Plan* can be initiated in the case of a serious security beach **(see element 8)**. A screen-shot has been provided showing that staff can access these, and other

			information governance policies, through SharePoint. The *Business Continuity Plan* has recently (2014) been subject to internal and external audit to ensure its appropriateness. sportscotland make the following comment regarding vital records: "appropriate retentions and containers are applied within our SharePoint environment to hold documents considered vital. Vital records are identified by Heads of Department and document owners." The Keeper commends the involvement of local service areas in identifying vital records. The Keeper should be able to agree that sportscotland has an approved and operational business continuity arrangements and that information management and records recovery properly feature in this plan.
11. Audit trail	**A**	**G**	It is a principle of the *Records Management Policy* **(see element 3)** that "Records are easily accessible for as long as they are required" *(Records Management Policy* section 2). The Keeper agrees that the SharePoint solution explained in element 4 (if correctly implemented) will facilitate records tracking and identification. However, sportscotland acknowledge that not all public records are yet managed using this solution and until the transfer programme **(see element 4)** is completed this element remains part of the sportscotland improvement process (confirmed by the *Development Plan*, supplied). The Keeper agrees that certain line-of-business systems operated by sportscotland will have record tracking functionality built in. sportscotland give examples of this (such as PS financials).

			The Keeper agrees this element of sportscotland's records management plan under 'improvement model' terms. This means that an authority has identified a gap in their records management provision (not all records can be tracked using SharePoint), but have implemented processes to close that gap. The Keeper's agreement is conditional on his being updated as the project progresses. sportscotland have committed to do this.
12. Competency Framework for records management staff	**G**	**G**	The Keeper has been provided with the *Job Description* of the Information Asset Manager. This shows that the individual identified at element 2 has the appropriate responsibilities and skills to implement the *Plan* as required **(see element 2)**. sportscotland commit that "Mr Baxter will continue to undertake relevant training and development to ensure ongoing competence…" The development of a records management e-learning module is a target in the sportscotland *Development Plan*, which has been provided to the Keeper. Mr Baxter is a member of the Information and Records Management Society: http://www.irms.org.uk/ The Information Asset Manager has a formal objective to "Ensure that staff and partners are suitably trained in the electronic information management system through the development and delivery of an organisation-wide training programme" (*Information Asset Manager Job Description*). This objective is in support of the commitment in the *Records Management Policy* **(see element 3)**: "Records management procedures are understood by all staff and staff are appropriately informed and trained" (*Records Management Policy* section 2)

			A e-learning module for records management is in the development stage. **The Keeper requests that he is informed when this is in place (and if possible provided with a copy).** The *Plan* (element 9) makes reference to data protection as a key element of records management training. The Keeper agrees that the individual who will carry the responsibility for having day-to-day responsibility for implementing the RMP will have appropriate skills for the role. Furthermore, the Keeper acknowledges that sportscotland considers records management training for appropriate staff.
13. Assessment and Review	**G**	**G**	It is a requirement of the Public Records (Scotland) Act 2011 that "An authority must— (a) keep its records management plan under review" (PRSA Part 1 5.1.a.) The *Plan* states (element 13): "The Plan should allow for close monitoring and review in order to provide assurance that the Plan is operating efficiently and that any opportunities for improvement are identified and actioned." With this in mind sportscotland have determined that the implementation of the *Plan* will be reviewed in March of each year by the Head of Office Support Services who will report his findings to the Chief Executive **(see element 1)** and the Strategic Management Team. **sport**scotland will use the Progress Update Assessment Mechanism to review progress on its RMP each year. The *Records Management Policy* **(see element 3)** will be reviewed annually (*Records Management Policy section 7*). The *Business Continuity Plan* is reviewed annually at end March. There is an objective in the Development Plan (8.3) to refresh the *Data Disaster Recovery Plan*

			at the same time **(for both see element 10)**. The *Data Protection Policy* **(see element 9)** is reviewed annually by the authority's solicitor. The *Retention Schedule* **(see element 5)** will be formal reviewed by the Head of Office Support Services from April 2017. sportscotland' s registration with the Information Commissioner must be renewed by 25 March 2017. The Keeper agrees that the date, methodology, responsibility and reporting of a review of the *Plan* has been established at sportscotland. Furthermore, the Keeper acknowledges that appropriate review periods have been allocated to key evidential documents.
14. Shared Information	**N/A**	**N/A**	

**Scottish Sports Council
(sportscotland)**
(Although Scheduled as Scottish Sports Council for the purposes of this assessment the authority will be referred to by their usual name 'sportscotland')

Version
This assessment is on the *Records Management Plan* (the *Plan*) of sportscotland dated September 2016.

The *Plan* is accompanied by *Covering Letter* of endorsement from the authority's Chief Executive **(see element 1)** dated September 2016.

The *Plan* is accompanied by a forward *Development Plan*. The Keeper welcomes this inclusion.

sportscotland have committed to undertake an annual review of the *Plan* **(see element 13)**. Although the Act is not prescriptive regarding review schedules, the Keeper commends the principle of an annual review and would certainly welcome a copy of any update.

The authority refers to records as a business asset (for example *Plan* element 3 or *Records Management Policy* **see element 3** page 1). This is an important recognition and the Keeper commends it.

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.
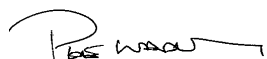
6. Keeper's Summary

Elements 1-13 that the Keeper considers should be in a public authority records management plan have been properly considered by The Scottish Sports Council. 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 **Scottish Sports Council** (sportscotland).

The Keeper recommends that the Scottish Sports Council 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　　　　　　　　　　**Robert Fotheringham**
Public Records Officer　　　　　　　Public Records Officer

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

The report has been examined and is endorsed under the signature of the Keeper of the Records of Scotland as proof of compliance under section 1 of the Public Records (Scotland) Act 2011, and confirms formal agreement by the Keeper of the RMP as submitted by the Scottish Sports Council In agreeing this RMP, the Keeper expects the Scottish Sports Council 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