

Public Records (Scotland) Act 2011

**Stirling Council and Stirling Licensing Board
Assessment Report**

The Keeper of the Records of Scotland

5th April 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 **Stirling Council and Stirling Licensing Board** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on **31st October 2016**.

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

3. Authority Background

The Stirling council area is one of the 32 council areas of Scotland, and has a population of about 91,000 (2012 estimate). It was created under the Local Government etc. (Scotland) Act 1994 with the boundaries of the Stirling district of the former Central local government region, and it covers most of the former county of Stirling (except Falkirk) and the south-western portion of the former county of Perth. Both counties were abolished for local government purposes under the Local Government (Scotland) Act 1973.

The administrative centre of the area is the city of Stirling.

Stirling Council has 22 elected members across 7 multi-member wards.

<http://my.stirling.gov.uk/home>

The Stirling Licensing Board is established under the Licensing (Scotland) Act 2005 and deals with the administration of liquor licensing and certain other statutory duties. It comprises eight members, who are elected members of Stirling Council and are appointed to the Board by the Council.

<http://my.stirling.gov.uk/services/law-and-licensing/licences,-permits-and-permissions>

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 Stirling Council and Stirling 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:

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| 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. |
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5. Model Plan Elements: Checklist

Stirling Council and Stirling Licensing Board (For simplicity, both scheduled authorities are referred to as ‘the Council’ in the assessment below)

| Element | Present | Evidence | Notes |
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| 1. Senior Officer <i>Compulsory element</i> | G | G | <p>Stirling Council have identified Heather Robb, Service Manager – Technology & Information, as the individual with overall responsibility for records management in the authority.</p> <p>This is confirmed by the <i>Report to the Council Corporate Management Team</i> (18 October 2016) section 2.2 and 3.10 and a similar report to the Licensing Board (5 October).</p> <p>The Chief Executive delegates responsibility to Ms. Robb in a <i>Scheme of Delegation</i> supplied by the Council.</p> <p>Stirling Licensing Board have identified Iain Strachan, Clerk to the Licensing Board as the individual in the Board with overall responsibility for records management. The Keeper agrees that Mr Strachan is an appropriate person to be identified in this role.</p> <p>The Service Manager – Technology & Information is responsible for reviewing the <i>Plan (see element 13)</i>.</p> |

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| | | | <p>The Team-Leader – Records & Information (see element 2) reports directly to Ms. Robb. Ms. Robb reports directly to the Council’s Director of Localities and Infrastructure.</p> <p>The Keeper agrees that Stirling Council and Stirling Licensing Board have identified appropriate individuals to this role as required by the Act.</p> |
| <p>2. Records Manager <i>Compulsory element</i></p> | <p>G</p> | <p>G</p> | <p>Stirling Council have identified Fiona Wilbraham, Team-Leader – Records & Information (Records and Information Compliance Manager), as the individual with day-to-day responsibility for implementing the <i>Records Management Plan</i>.</p> <p>This is confirmed by the <i>Report to the Council Corporate Management Team</i> (18 October 2016) section 2.2 and 3.10 and a similar report to the Licensing Board (5 October). Also confirmed in the <i>Job Description: Records and Information Compliance Manager</i> which has been provided to the Keeper (see element 12).</p> <p>The <i>Person Specification</i> provided to the Keeper shows relevant requirements for managing the Council’s records management provision.</p> <p>Mrs Wilbraham sits on the Forth Valley Joint Data Protection Officers Group.</p> <p>Mrs Wilbraham reports to the Service Manager for Technology & Information (see element 1).</p> <p>Ms Wilbraham is a member of the Information Management Group and leads the Records and Information Compliance Team (see under General Comments below).</p> <p>The Keeper agrees that Stirling Council have identified an appropriate individual to this role as required by the Act.</p> |

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| <p>3. Policy <i>Compulsory element</i></p> | <p>G</p> | <p>G</p> | <p>Stirling Council have a <i>Records Policy</i> (the <i>Policy</i>) which has been supplied to the Keeper. This is the version dated 18th January 2012.</p> <p>The Keeper has been provided with screen shots of the Council’s intranet ‘Source’ to demonstrate staff access to policies and other information governance documents and training.</p> <p>The Keeper agrees that the <i>Plan</i> supports the <i>Records Policy</i>.</p> <p>The <i>Policy</i> explains the purpose and benefits of robust records management. It states as one of its main purposes “foster a culture which acknowledges the value and benefits of accurate records creation and effective management.” The Keeper highly commends the recognition of the importance of effective records management to the Council’s business.</p> <p>The <i>Policy</i> mentions the Public Records (Scotland) Act 2011.</p> <p>The Keeper agrees that the Council has an approved records management policy which reflects its corporate approach to records management.</p> |
| <p>4. Business Classification</p> | <p>A</p> | <p>G</p> | <p>Stirling Council has commissioned a project to create a service-wide <i>Business Classification Scheme</i> based on the <i>Business Classification Scheme for Scottish Local Authorities</i> endorsed by the Scottish Council on Archives and matching the SCARRS retention schedule http://www.scottisharchives.org.uk/scarrs/guidance.pdf The <i>Plan</i> acknowledges (page 6) that some amendment of this basic ‘template’ will be necessary to appropriately reflect the business of the Council.</p> |

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| | | | <p>Stirling Council operate a hybrid system with hard-copy records managed through the use of an in-house record store. Electronic records are currently maintained on shared servers and managed locally. The Council have provided staff with guidance around the use of the e-mail system, particularly regarding security (see element 8).</p> <p>The Council has explained that the <i>Business Classification Scheme</i> will be imposed on a SharePoint document management solution enhanced with a records management bolt-on. Many Scottish public authorities have opted for the SharePoint solution. The Keeper would remind the Council that SharePoint is not in itself a records management system and for full functionality, for example relating to e-mails and to ensuring that metadata travels with the record when extracted from the system – for the purposes of archiving for example – a records management bolt-on may be required. The Keeper accepts that Stirling Council have already identified this limitation when they state (<i>Plan</i> page 6) “The Council is at the early stages of adopting SharePoint as the basis for managing electronic records, and has identified that additional tools will be needed to support basic SharePoint functionality, so that it can be used to manage records.”</p> <p>Furthermore the Council is taking the opportunity of the SharePoint roll-out to create the equivalent of an <i>Information Asset Register (Register of Records)</i>. “The Register of Records is a work in progress” (<i>Plan</i> page 6). A sample page showing how this register will appear has been shared with the Keeper. This <i>Register</i> is the responsibility of the Records & Information Compliance Team (see under General Comments below).</p> <p>The Keeper commends the developments explained above.</p> <p>The Keeper agrees this element of Stirling Council’s records management plan under ‘improvement model’ terms. This means that the authority has identified a gap in provision (a full business classification scheme has not yet</p> |
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| | | | <p>been rolled-out in the organisation) and have put measures in place to close that gap. The Keeper’s agreement is conditional on him receiving updates as the SharePoint project progresses.</p> |
| <p>5. Retention schedule</p> | <p>A</p> | <p>G</p> | <p>Stirling Council have adopted the <i>Records Retention Schedule for Scottish Local Authorities</i> (http://www.scottisharchives.org.uk/projects/toolsstandards/retentionschedules) adapted to meet the requirements of their particular business. The Keeper agrees that this scheme is entirely suitable.</p> <p>The adoption of this scheme supports a commitment in the <i>Records Policy</i> (see element 3) that the Council has to be “consistent & transparent on what we destroy & when by following a standards based retention process.” (<i>Policy Key Messages</i>).</p> <p>However, the Council states (Plan page 9) “Further work will be required to ensure that the adopted retention rules can be implemented in all the specific systems and databases used throughout the organisation” and “The retention rules will be used as the basis for tools within any new SharePoint projects for managing electronic records”.</p> <p>The retention schedule is available to staff on the Council’s intranet ‘Source’. A screen-shot has been supplied in evidence.</p> <p>The Keeper agrees that Stirling Council have an operational retention schedule for paper records held in the corporate records store. The Keeper notes that retention decisions may not be fully applied to paper records retained in offices for business purposes. He acknowledges that these records are likely to be held short-term and will either be transferred to the records store (where retention decisions will be imposed) or will be destroyed.</p> |

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| | | | <p>The Council will be instigating a programme by which ‘record owners’ will be notified of retention/disposal actions for the records for which they are responsible. ‘Record ownership’ will be indicated on the planned <i>Records Register</i>.</p> <p>The Keeper agrees this element of Stirling Council’s <i>Records Management Plan</i> on ‘improvement model’ terms. This means that he acknowledges that the authority has identified a gap in provision (retention schedules are not fully implemented and the SharePoint development is not complete). The Keeper agrees that the authority has instigated projects to close that gap and his agreement is therefore conditional on his being updated as these projects proceed.</p> |
| <p>6. Destruction Arrangements <i>Compulsory element</i></p> | <p>A</p> | <p>G</p> | <p>The Stirling Council <i>Records Policy</i> (see element 3) explains that effective records management includes “routine records destruction supporting more efficient organisation” (<i>Policy Key Messages</i>). This must be done in accordance with the Council’s <i>Retention Schedule</i> (see element 5).</p> <p>To ensure the secure and irretrievable destruction of records the Council has the following processes in place:</p> <p><u>Paper (Internal)</u>: Non- active paper records are held in the Stirling Council ‘Records Centre’. The Council states “The Records Centre does not currently destroy any records without confirmation from the records owner. Once we have confirmation that the records are no longer required, we will arrange for the records to be destroyed as confidential waste. We keep a records of all items that have been destroyed.” (<i>Records Centre Transfer Out Procedures</i> – supplied to the Keeper). The Keeper agrees this arrangement.</p> <p>The Council destroys confidential records internally stored records using an in-house shredding facility. Staff guidance on this process is available on the intranet</p> |

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| | | | <p>and screen-shots have been supplied in evidence of this as has a sample consignment notice which is used when transferring records from the Records Store.</p> <p>In extraordinary circumstances Stirling Council have the option to utilise external document shredding companies to pursue the large-scale destruction of paper records. A certificate has been supplied as an example of this being done (Shred-It).</p> <p><u>Paper (External)</u>: Stirling Council does not hold records with a third party storage supplier.</p> <p><u>Electronic</u> : The Council is currently developing an electronic records system utilising SharePoint with a bolt-on (see element 4) and until this is operational the controlled destruction of electronic records remains difficult to police. The Council state in their <i>Plan</i> “further work will be required to ensure that the records kept in specific systems and databases can be destroyed in line with agreed retention rules” and, regarding the SharePoint solution, “It has been identified that additional tools will be needed to support basic SharePoint functionality, so that we can ensure electronic records are destroyed in line with agreed retention rules.” The Keeper agrees these statements.</p> <p>The Council have shared their guidance document <i>Records Guidance Managing E-mail Records</i> with the Keeper. This includes guidance on the deletion of e-mails.</p> <p><u>Hardware</u>: Redundant hardware is stripped of records by an external contractor. A disposal certificate and other documentation has been provided as evidence that this procedure is approved and operational. Staff guidance on the use of this facility has also been provided.</p> <p><u>Back-Ups</u>: Stirling Council, quite properly, keeps back-ups of electronic records for</p> |
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| | | | <p>business continuity purposes. The responsibility for back-ups of the network servers falls to the Council's Business Transformation & Technology unit. The Keeper has been supplied with this <i>Back-Up Policy</i> as evidence of business continuity provision (see element 10) and with a statement regarding the retention period of back-up copies.</p> <p>The Council commits to keeping a log of all destroyed records (for example <i>Plan</i> page 10). The Keeper commends this principle.</p> <p>The Keeper agrees this element of the Council's <i>Plan</i> under improvement model terms. This means that he acknowledges that the Council have identified a potential gap in provision (electronic record destruction is not fully controlled), but have put processes in place to close that gap (the SharePoint development). His agreement will be conditional on his being updated as the project progresses.</p> |
| <p>7. Archiving and Transfer <i>Compulsory element</i></p> | <p>G</p> | <p>G</p> | <p>Stirling Council have selected Stirling Council Archives as the proper repository for records selected for permanent preservation. There is an arrangement whereby Stirling Council Archives take Council records of historical interest. http://my.stirling.gov.uk/services/libraries-and-archives</p> <p>This is confirmed in the Introduction of the <i>Plan</i> (page 2) and in the <i>Records Policy (see element 3)</i> (<i>Policy Key Messages</i>).</p> <p>The Council has supplied the Keeper with the archive's <i>Acquisition Policy</i> which shows a commitment "to collect original and unique archives in order to preserve and make available to the public records that document the history of this Council..." (<i>Acquisition Policy</i> page 3).</p> <p>This commitment is supported by procedures and protocols a sample of which has</p> |

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| | | | <p>been sent to the Keeper as evidence that the ‘archiving arrangements’ with Stirling Council Archives are operational.</p> <p>The Keeper notes that, along with many Scottish public authorities, plans for the archival transfer of electronic records are in their infancy.</p> <p>The Council have shared their <i>Archives and Records Centres Incident Control Plan</i> with the Keeper and he thanks them for this inclusion.</p> <p>The Keeper agrees that Stirling Council have arrangements in place to transfer records for permanent preservation to an appropriate archive as required by the Act.</p> |
| <p>8. Information Security <i>Compulsory element</i></p> | <p>G</p> | <p>G</p> | <p>Stirling Council have a suite of information security policies and procedures which have been supplied to the Keeper. Examples from this suite would include a <i>Clear Desk Policy</i>, <i>Account Management Policy</i> and <i>Email Acceptable Use Policy</i>.</p> <p>The suite of information security policies (the IS framework?) supports the commitment in the <i>Records Policy (see element 3)</i> “Council Services will have to create and document record keeping systems and structures for both paper and electronic records that provide the appropriate levels of access, security and management.” (section 4.3). It also supports the policy commitment that “All users must be provided with sufficient guidance and supporting reference materials to allow them to properly protect Stirling Council Information resources.” (<i>Security Awareness Policy</i> section 4).</p> <p>The framework is introduced with the principle that “These rules are necessary to preserve the confidentiality, integrity and availability of Stirling Council information.” (see, for example, <i>Account Management Policy</i> section 1.)</p> |

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| | | | <p>Physical security of hard-copy records and of the Council's servers is considered in the <i>Physical Access Policy</i> (supplied to Keeper).</p> <p>The Council have provided the Keeper with screen-shots showing that staff have access to the framework.</p> <p>The <i>Stirling Council Employee Terms and Conditions of Contract</i> (extract supplied to Keeper) show that employees must sign an agreement that they will "make themselves aware of their responsibilities to handle information security".</p> <p>The Council have shared their <i>Security Monitoring Policy</i> with the Keeper and he thanks them for this inclusion.</p> <p>The Keeper agrees that Stirling have properly considered the security of their records.</p> |
| 9. Data Protection | G | G | <p>Stirling Council have a <i>Personal Data Policy</i>, which has been supplied to the Keeper. This is the version dated April 2013. The Keeper has also been provided with the <i>Covering Report on the Personal Data Policy</i>. This <i>Report</i> explains the purpose of the policy to senior management in the Council.</p> <p>Information about data protection and subject access instructions are available to the public at: http://my.stirling.gov.uk/services/council-and-government/data-protection-and-freedom-of-information/data-protection. The <i>Personal Data Policy</i> explains the Council's responsibilities when dealing with subject access requests as does the staff <i>Guidance</i> under section 5 'Subject Access'.</p> <p>A screen-shot has been provided to the Keeper showing that Stirling Council staff have access to the <i>Personal Data Policy</i> and to the accompanying staff guidance</p> |

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| | | | <p>(which has also been provided to the Keeper).</p> <p>The Council is registered with the Information Commissioner as a data controller: Z6893154, it appears that the Licensing Board is covered under the same registration. However, in the future, the Council notes that the Licensing Board may be registered separately.</p> <p>The <i>Personal Data Policy</i> explains the (current) 8 principles of the Data Protection Act 1998.</p> <p>Responsibility for data protection in the Council lies at Director level (<i>Plan</i> page 16).</p> <p>For data protection training see element 12.</p> <p>The Keeper agrees that Stirling Council properly recognise their responsibilities under the Data Protection Act 1998.</p> |
| <p>10. Business Continuity and Vital Records</p> | <p>G</p> | <p>G</p> | <p>The information framework (see element 8) commits Stirling Council to operate a <i>Business Continuity Plan</i> and to “develop and maintain individual ICT Recovery Plans” (<i>ICT Continuity Policy Key Messages</i>).</p> <p>The Council have provided the Keeper with the overarching <i>Business Continuity Management Corporate Strategy and Framework</i> (version 1.9, 2015) and with a template local plan for a business unit.</p> <p>The <i>Plan</i> explains the link between the central and local continuity arrangements.</p> <p>The Keeper agrees that both documents consider recovery of records.</p> <p>Creation of the local template is supported by guidance, including the identification</p> |

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| | | | <p>of vital records “Vital records are those records deemed to be essential to the running of an organisation and of major importance for enabling business continuity in the event of a disaster.” This guidance has also been provided to the Keeper.</p> <p>Vital records will be identified in the <i>Records Register</i> (see element 4) when operational (<i>Plan</i> page 18). This supports a commitment in the <i>Records Policy</i> (see element 3) that vital records “must be identified as part of the Council’s business continuity planning.” (<i>Policy Key Messages</i>).</p> <p>The Keeper acknowledges that the Council have shared their Incident Control procedures with him and that these explain procedures for hard-copy records at risk. This includes the employment of third party paper recovery services if necessary.</p> <p>The Keeper agrees that Stirling Council has an operational business continuity plan that properly considers the recovery of records in an emergency. He also agrees that consideration has been given to the identification of ‘vital records’.</p> |
| 11. Audit trail | G | G | <p>Until the SharePoint development (see element 4) is fully integrated into the working practices of the Council document naming must be done manually on shared drives. That said, the Keeper acknowledges 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.</p> <p>In order to control the naming conventions used in shared drives throughout their many service areas Stirling Council have a detailed <i>Folder and Document Naming Convention</i> guidance document which has been supplied to the Keeper.</p> <p>It is one of the identified specific benefits of the guidance document that following it “makes finding and retrieving documents MUCH easier and faster.”</p> |

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| | | | <p>The <i>Folder and Document Naming Convention</i> guidance contains a valuable section (section 12.0) on the risks presented by ‘duplicates’. The Keeper commends this inclusion.</p> <p>An intranet screen-shot has been provided as evidence that staff have access to this guidance.</p> <p>The Keeper agrees that the roll-out of a records management system based on SharePoint should automatically impose an audit trail on electronic records as they are created and amended. The Keeper requests that he is kept informed of this work as it progresses. In the meantime, the Keeper acknowledges that staff instruction in the form of a robust <i>Folder and Document Naming Convention</i> guidance document is available to manually implement ‘audit trail’ system for the Council’s public records.</p> <p>A hard-copy record tracking system, in the form of a registry or ‘inventory’ is part of the records store process. The Council have provided the Keeper with a sample of this inventory as evidence that hard-copy records tracking systems are operational.</p> <p>The Keeper agrees that Stirling Council has procedures in place that will allow them to locate their records and assure themselves that the located record is the correct version.</p> |
| <p>12. Competency Framework for records management staff</p> | <p>G</p> | <p>G</p> | <p>The Council have provided the job profile of the Records and Information Compliance Manager (see element 2) which states that the post holder will “Ensure that the Council can discharge fully its obligations under information legislation including Public Records, Data protection...”</p> <p>This is supported by the <i>Localities and Infrastructure Organisational Structure</i> which</p> |

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| | | | <p>has been supplied to the Keeper (version 17th October 2016). This confirms that the Team-Leader – Records & Information is responsible for “Records Centre/stored records – Freedom of Information/Data protection/Environmental Information regulations – MP/MSP enquiries – Records management – policies and <u>compliance with PRSA</u>.”</p> <p>All employees are bound to information security clauses embedded in their contracts of employment (a sample has been shared with the Keeper). All new ICT users must complete information security training within 30 days of being granted access to systems (<i>Security Awareness Policy – Key Messages</i>) and retake IS awareness training annually (<i>Awareness Policy</i> section 4).</p> <p>The <i>Covering Report on the Personal Data Policy</i> (see element 9) notes that “The Information Commissioner will expect all organisations to provide guidance and training to their staff in handling personal data.”(<i>Covering Report on Policy</i> 3.8). The Council have also committed to “demonstrate how the policy has been communicated to all employees through awareness and training...” (<i>Covering Report on Policy</i> 3.13). With this in mind, Stirling Council staff are obliged to undertake an e-learning data protection module which will be updated annually from 2017.</p> <p>Staff are trained in the consistent naming of documents using the <i>Folder and Document Naming Convention</i> guidance document (see element 11) which remains available on the intranet subsequently.</p> <p>The Council have stated a future development in this area: “The Information Management group will be undertaking further work to build a framework of training and guidance on all information management topics...” The Keeper commends this and would like to be updated once this framework is operational.</p> |
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| | | | <p>Stirling Council operates formal development and training procedures, a sample of which has been provided to the Keeper.</p> <p>The Keeper agrees that the Council recognises the importance of records management as a distinct area of responsibility for certain staff and has shown a commitment to providing training for other appropriate employees.</p> |
| <p>13. Assessment and Review</p> | <p>G</p> | <p>G</p> | <p>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.)</p> <p>The <i>Plan</i> makes the following commitment: “The intention is to complete baseline assessments for all service areas within 6 months of the Records Management Plan being approved by the Keeper...”</p> <p>The self-assessments will be managed by the Information Management Group and reported to the Corporate Management Team. The self-assessment process will utilise a checklist which will be completed by local service areas. These actions are supported by a report to the Corporate Management Team dated 18th October 2016 which has been submitted to the Keeper. The Keeper requests that a sample ‘checklist’ is submitted when available.</p> <p>The Information Management Group, responsible for the review, is chaired by the Service Manager – Technology & Information (see element 1). This group’s remit has been shared with the Keeper.</p> <p>The Council notes the <i>Register of Records</i> (see element 4) will assist in the review process (<i>Plan</i> page 24).</p> <p>The Council have shared their <i>Security Monitoring Policy</i> with the Keeper and he thanks them for this inclusion. This <i>Policy</i> explains how the Council reviews the</p> |

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| | | | <p>effectiveness of its information security framework (see element 8).</p> <p>As a 'future development' (<i>Plan</i> page 19) the Council will be introducing a risk assessment process (reviewed by the Information Management Group) for vital records identified by local service areas in their Business Unit Recovery Plans.</p> <p>The Council's registration with the Information Commissioner must be renewed by 18 July 2017.</p> <p>It is noted that as a future development the review checklist style self-assessment may be extended to other information governance areas (such as FOI compliance). The Keeper agrees this proposal as appropriate.</p> <p>The Keeper agrees that Stirling Council have a process in place to review the implementation of the <i>Plan</i> as required by the Act and that the Council have made it clear the timescale, responsibility and methodology of this process.</p> |
| <p>14. Shared Information</p> | <p>G</p> | <p>G</p> | <p>The Council is a partner in a Information Sharing Protocol with other Scottish public authorities.</p> <p>A sample of the <i>Forth Valley Accord for Sharing Personal Information</i> has been supplied to the Keeper to show this in operation.</p> <p>The Accord is developed from the <i>Scottish Accord for Sharing of Personal Information (SASPI)</i>. The Keeper agrees that <i>SASPI</i> properly considers the governance of records.</p> <p>The Council has also supplied the Keeper with a template to be used in the creation of information sharing protocols. The Keeper agrees that this template considers information governance.</p> |

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| | | | The Keeper agrees that Stirling Council have considered the records management implications of information sharing as is appropriate. |
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Stirling Council and Stirling Licensing Board
(For simplicity, both scheduled authorities are referred to as ‘the Council’ in the assessment below)

General Notes on RMP, Including Concerns:

Version: This assessment is on the *Records Management Plan* (the *Plan*) of Stirling Council and Stirling Licensing Board approved by Corporate Management team on 18th October 2016.

It is clear from Council minutes submitted in evidence, and from the text of the *Plan* itself, that it applies to the records of Stirling Licensing Board.

The Council have developed the Plan with creating a “useful reference tool for staff” in mind (*Plan* introduction). The Keeper commends this principle.

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

The requirements of the Public Records (Scotland) Act 2011 feature on the Council’s website: <http://my.stirling.gov.uk/services/council-and-government/data-protection-and-freedom-of-information/records-management>

Third Parties:

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

At several points the policies submitted in evidence correctly indicate that clauses therein apply to third parties carrying out the functions of Stirling Council under contract. (For example *Personal Data Policy* section 2 and 6 and *Email Acceptable Use Policy* section 6).

There is commitment in the *Plan* (page 25) to adopt the contractual clauses approved by SOLAR with regard to passing on the provisions explained in the Council's Records Management Plan to third parties carrying out the Council's functions. The Keeper welcomes this.

A sample contract has been supplied. The Keeper agrees that this properly considers information governance issues.

The Records & Information Compliance Team:

This group, a subset of the Information Management Group, is lead by the Team-Leader – Records & Information (Records and Information Compliance Manager) (**see element 2**). The Records & Information Compliance Team is responsible for supporting the Council on the management of records and for operating the in-house records store. They are also developing a Register of Records (**for both see element 4**).

The Records and Information Compliance Team created the vital records guidance employed by local service areas when creating their *Business Unit Recovery Plan* (**see element 10**).

The Team has produced staff guidance regarding the operation and amendment of the retention schedule (**see element 5**).

The Team is responsible for processing subject access requests and other data protection issues and are also responsible for monitoring the effectiveness of the *Personal Data Policy* (**see element 9**).

The Team requires two of its members to hold professional qualifications in records management (*Plan* page 22).

The Team is responsible for adapting the *Plan*, following agreement, to create formal staff guidance (*Plan* page 23).

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

6. Keeper's Summary

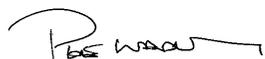
Elements 1 - 14 that the Keeper considers should be in a public authority records management plan have been properly considered by Stirling Council and Stirling Licensing Board. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper's Determination

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

- The Keeper recommends that Stirling Council and Stirling 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 Stirling Council and Stirling Licensing Board. In agreeing this RMP, the Keeper expects Stirling Council and Stirling Licensing Board to fully implement the agreed RMP and meet its obligations under the Act.

A handwritten signature in black ink that reads "Tim Ellis". The signature is written in a cursive style with a large, stylized initial 'T'.

Tim Ellis
Keeper of the Records of Scotland