Public Records (Scotland) Act 2011

Public Authority
Tayside and Central Scotland Transport Partnership (tactran)

The Keeper of the Records of Scotland

31 October 2017

Contents

1. Public Records (Scotland) Act 2011

The Public Records (Scotland) Act 2011 (the Act) received Royal assent on 20 April 2011. It is the first new public records legislation in Scotland since 1937 and came fully into force on 1 January 2013. Its primary aim is to promote efficient and accountable record keeping by named Scottish public authorities.

The Act has its origins in *The Historical Abuse Systemic Review: Residential Schools and Children's Homes in Scotland 1950-1995* (The Shaw Report) published in 2007. The Shaw Report recorded how its investigations were hampered by poor record keeping and found that thousands of records had been created, but were then lost due to an inadequate legislative framework and poor records management. Crucially, it demonstrated how former residents of children's homes were denied access to information about their formative years. The Shaw Report demonstrated that management of records in all formats (paper and electronic) is not just a bureaucratic process, but central to good governance and should not be ignored. A follow-up review of public records legislation by the Keeper of the Records of Scotland (the Keeper) found further evidence of poor records management across the public sector. This resulted in the passage of the Act by the Scottish Parliament in March 2011.

The Act requires a named authority to prepare and implement a records management plan (RMP) which must set out proper arrangements for the management of its records. A plan must clearly describe the way the authority cares for the records that it creates, in any format, whilst carrying out its business activities. The RMP must be agreed with the Keeper and regularly reviewed.

2. Executive Summary

This report sets out the findings of the Keeper's assessment of the RMP of tactran by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 30 January 2017*.*

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

3. Authority Background

Tactran is one of seven statutory Regional Transport Partnerships covering the whole of Scotland, which were created under the Transport (Scotland) Act 2005. The Tactran region forms an important "hub" lying at the heart of Scotland's transport network and includes the local authority areas of Angus, Dundee City, Perth & Kinross and Stirling which together make up just under 10% of Scotland's land mass and nearly 12% of the nation's population.

The primary purpose of the Partnership is to develop a Regional Transport Strategy setting out a vision for the medium to long term future of transport in the area and to oversee its implementation.

- Regional Transport Strategy
- Delivery Plan 2016-2021

Through development and delivery of the RTS the Partnership seeks to ensure that the diverse range of the region's transport needs are recognised and addressed.

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 tactran's RMP was developed with proper regard to the elements of the

Model Plan and is compliant with the Act. The assessment also considered whether there was sufficient supporting evidence of such compliance.

Key:

G	The Keeper agrees this element of an authority's plan.		A	The Keeper agrees this element of an authority's plan as an 'improvement model'. This means that he is convinced of the authority's commitment to closing a gap in provision. He will request that he is updated as work on this element progresses.		R	There is a serious gap in provision for this element with no clear explanation of how this will be addressed. The Keeper may choose to return the RMP on this basis.

5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer *Compulsory element*	**G**	**G**	The Records Management Plan (RMP) of the Tayside and Central Scotland Transport Partnership (tactran) identifies Eric Guthrie, Partnership Director, as having strategic responsibility for tactran's records management and compliance with the Public Records (Scotland) Act 2011 (PRSA). Confirming this appointment is a covering letter from Mr Guthrie which endorses the content of the RMP and also states that the RMP was approved by the Partnership Board on 6 December 2016. The RMP is also endorsed and signed by Mr Guthrie (page 14). Mr Guthrie's strategic responsibility for records management within tactran is also stated within the Information Governance Policy, which has been submitted as evidence. The Policy is also available on tactran's website and the Keeper commends this pro-active publication of key information governance documents. The Keeper agrees that an appropriate individual has been identified to take senior management responsibility for records management within tactran as required by the PRSA.
2. Records Manager *Compulsory element*	**G**	**G**	The RMP identifies Ashley Roger, Office Manager, as having operational day-to-day responsibility for records management within tactran. This appointment is confirmed in the covering letter from the Partnership Director (see Element 1).

			The Information Governance Policy also states that the day-to-day responsibility for records management within tactran has been delegated to Ms Roger. The Keeper agrees that an appropriate individual has been identified as having operational responsibility for records management within tactran as required by the PRSA.
3. Policy *Compulsory element*	**G**	**G**	tactran has submitted its Information Governance Policy, version 1.0, dated December 2016. It is due for review in December 2018. The Policy contains a clear statement of tactran's approach and commitment to best practice records management and compliance with PRSA. It also assigns responsibilities for compliance with the Policy. The Policy Statement also indicates that all tactran records will be stored on a networked shared drive which will be structured in accordance with that of the Business Classification Scheme (see Element 4). The Information Governance Policy is available to staff and to the public on tactran's website: http://www.tactran.gov.uk/about_governancedocuments.html. The Keeper commends the publication of key information management policies which makes them available to stakeholders. The Keeper agrees that tactran has an operational policy statement with regards to its corporate approach to records management.
4. Business Classification	**G**	**G**	tactran has submitted its joint Business Classification Scheme (BCS)/retention schedule which forms part of the Information Governance Policy. The BCS is a two-level scheme, with the top level outlining tactran's business functions and the lower level describing the activities undertaken to carry out these functions. tactran's electronic records are managed using a network shared drive

			with the folders structured in line with the BCS. The shared drive is provided and managed by Perth and Kinross Council, but only tactran staff have access to it. The BCS also has retention periods attached to it. For example, Governance – Committee and Liaison Group meetings records are retained for 5 years before being destroyed. Although this must remain a business decision for authorities the Keeper commends the creation of a joint BCS/retention schedule as a central point of reference for staff. The BCS/retention schedule is available to all staff in a folder stored on the shared drive and a screenshot has been submitted evidencing this. The Keeper agrees that tactran has an operational BCS.
5. Retention schedule	**G**	**G**	See Element 4 above for comments regarding the joint BCS/retention schedule. The retention periods are based on the provisions set out in the Scottish Council on Archives Records Retention Schedule, which the Keeper acknowledges as being a suitable tool for basing retention periods on.
6. Destruction Arrangements *Compulsory element*	**A**	**A**	The Information Governance Policy states that 'All Tactran employees and Board members will ensure that our records and information are….disposed of effectively'. To this end the RMP has outlined the following procedures: **Paper (on-site) –** The RMP states that tactran creates a very small amount of paper records and those that are created are copies of electronic versions and are therefore not the master copy. In order to securely destroy confidential paper records tactran uses a cross-cut shredder. **Paper (off-site) –** tactran has confirmed that it does not store any paper records off-site with a commercial storage provider.

			Electronic records – The RMP contains an action to 'Implement deletion of time-expired records from the Shared Drive in line with the BCS and retention schedule'. tactran has indicated that staff shortage has had a considerable impact on tactran's ability to carry out this piece of work. Once new members of staff have been recruited tactran will review the situation. The Keeper therefore requests that once tactran is fully staffed he is provided with a timescale for the completion of this work. Hardware – The destruction of obsolete hardware is managed through the arrangement with Perth and Kinross Council. The Council's Policy on destruction of obsolete hardware is describes in its Information Security Management System (ISMS) (section 9.2.6). The ISMS procedures document (evidence item 6, section 10.7.2.1, page 18) details the policy for shredding and destruction of hard drives, CDs/DVDs and other optical media. The policy assigns responsibility for ensuring secure destruction of optical media (and presumably other hardware such as mobile devices, laptops and desktop PCs) to the Council's Head of IT. **Back-ups – tactran, quite correctly, routinely backs up its electronic records and systems on a regular basis for business continuity purposes. tactran has provided an email from Perth and Kinross Council's IT department explaining the back-up provisions which are in place. The file server is incrementally backed up daily from Monday to Thursday with a full back-up taken on a Friday. The back-up taken on the last Friday of the month is a monthly back-up. Daily back-ups are retained for 2 weeks, the weekly back-ups are retained for 1 month and the monthly back-ups are retained for three months.** **The Keeper can agree this Element on an 'Improvement Model' basis. This means that the authority has identified a gap in provision (the deletion of electronic records from the shared drive) and has identified how it intends to close this gap. This agreement is dependent upon the Keeper being informed**

			of the estimated timescale for completion of this project, once this is known, and upon him being kept informed of the progress of the work.
7. Archiving and Transfer *Compulsory element*	**G**	**A**	tactran has identified Perth and Kinross Council Archive as the place of deposit for records identified as suitable for permanent preservation. An email discussion between tactran and the archivist at Perth and Kinross Council Archive has been submitted showing that the archive service agrees in principal to the deposit of tactran records with them. **The Keeper would, however, recommend that some kind of formal agreement, such as a Memorandum of Understanding (MoU) or a Service Level Agreement (SLA) is developed in order to provide a framework for the transfer arrangements. Once this has been concluded the Keeper requests that he is sent a copy of this in order to keep the submission up-to-date.** Also supplied as evidence is an Accession Receipt from the archive service for hard copy tactran business records, 2007-2016, which were transferred in January 2017 showing that the arrangement is operating in practice. The RMP states that a deposit would take place every 2 years. **The Keeper can agree this Element on an 'improvement model' basis. That means that the authority has an agreement in principal to transfer records to an appropriate archive, but requires to formalise these arrangements. Once the Keeper receives a document, such as a MoU or SLA or similar, showing that there is an agreement to transfer records, he should be able to fully agree this Element.**
8. Information Security *Compulsory element*	**G**	**G**	The RMP states that tactran's ICT is provided by Perth and Kinross Council and as a result tactran have adopted and are subject to the Council's information security policies and procedures. A summary of this Partnership Agreement governing this arrangement has been submitted, which includes a responsibility for complying with IT and information security policies.

			A screenshot of Perth and Kinross Council's Information Security Policy Statement, which sits on the Council's intranet, has been submitted as evidence. The RMP also refers to the Information Security Policy as submitted by Perth and Kinross Council. The Policy outlines roles and responsibilities and describes the policies and procedures in place to ensure systems, network and physical security. tactran's Information Governance Policy also contains a policy statement on tactran's information security arrangements. tactran's network storage is managed by the Council but access is restricted to the six members of tactran staff. The RMP states that the Council's systems are accredited as compliant with the Cabinet Office's Public Services Network (PSN) and refers to the accreditation certificate submitted by the Council. tactran have supplied the current certificate of PSN accreditation as evidence. The Keeper agrees that tactran has procedures in place to protect its information and systems.
9. Data Protection	**G**	**G**	The RMP states that tactran processes very little in the way of personal information. tactran is registered as a Data Controller with the Information Commissioner's Office (registration number: Z9382406). tactran's Information Governance Policy contains a section on Data Protection which outlines their commitment to complying with their responsibilities under the Data Protection Act 1998. The Policy outlines the types of personal data managed and the measures in place to protect this. The Office Manager (see Element 2) is also the Data Protection Officer charged with responding to Subject Access Requests. The Policy also states that tactran has adopted and agrees to comply with Perth and

			Kinross Council's Data Protection Policy (version 9, February 2017). tactran has provided a link to the Policy on the Council's website. The RMP states that the Policy is available to tactran staff on the Council's intranet. tactran has submitted a screenshot of its intranet system showing the location of the Data Protection Policy. The Keeper is therefore assured that staff have access to this important document. tactran has submitted a screenshot from its online training system showing how staff are able to access the training module relating to Data Protection. The Keeper commends this commitment to providing staff with training. The Keeper agrees that tactran is aware of its responsibilities under the Data Protection Act 1998 and has measures in place to ensure that staff receive appropriate training.
10. Business Continuity and Vital Records	**G**	**G**	The RMP states that all tactran records are held on Perth and Kinross Council servers and are subject to full back-up. The RMP points towards the back-up procedures which were submitted by the Council as part of their RMP which the Council operates under. This forms part of the ICT Partnership Agreement between tactran and the Council, a summary of which has been submitted as evidence. The RMP also states that none of the paper files held in the tactran office are considered to be official records or unique. If an event were to occur where access to the office was to be denied for any reason, normal business could be resumed by moving to alternative accommodation provided by the Council. The Business Continuity arrangements are also set out in tactran's Information Governance Policy. tactran also maintains out-of hours contact details for key staff, including the ICT and facilities contact details of the Council. This Policy statement also reiterates the fact that there are no unique hard copy records in the office and

			that all master copies are therefore maintained electronically and these can be retrieved from back-ups taken by the Council. The Keeper agrees that tactran has procedures in place to restore its business activities in the event of a disaster.
11. Audit trail	**G**	**G**	The RMP states that tactran have access to a restricted area of the shared drive network which is provided by Perth and Kinross Council, and as a result, the risk of unauthorised access to the records stored on the shared drive is judged to be very low. The Information Governance Policy outlines tactran's approach to audit trail provision. The Policy states that all records should be stored in the appropriate folder within the shared drive and that any temporary working copies of records stored on personal drives or on laptops need to be saved onto the shared drives at the earliest opportunity. It also states that inappropriate alteration or deletion of records may be subject to disciplinary action. The Policy goes on to say that key document types such as Strategy and Policy documents and Partnership Board and Committee records, once finalised and agreed, are saved as PDF versions to ensure that further changes cannot be made to them. The appropriate template is used for each type of document and the document control information at the front is completed when required, which includes version control where necessary. tactran have submitted an email which was sent to all staff informing them of their responsibilities in complying with the new filing structure imposed on their shared drives. This email also provides staff with instructions on how to name records and also refers them to guidance on completing the document control section of the templates which is required for formal documents, such as policies. The Keeper agrees that tactran have measures in place to allow staff to be able to

			locate the correct records when required.
12. Competency Framework for records management staff	G	G	As outlined in Element 2, Ashley Roger, Office Manager, has been identified as the Records Manager for tactran. A certificate of attendance at a Public Records (Scotland) Act 2011 training event run by infogov.scot has been submitted as evidence of training undertaken by Ms Roger. The RMP states that Ms Roger has also attended events run by the Keeper's Assessment Team. The RMP also states that Ms Roger is also able to seek records management advice from Perth and Kinross Council's Records Manager. The Keeper commends this approach. The RMP states that the Information Governance Policy provides a mandate to support appropriate training for the Records Manager role. tactran has provided evidence of Ms Roger's training, in particular a certificate from a training provider on the Public Records (Scotland) Act 2011. tactran has provided screenshots of the online training which its staff can access. This training is provided as part of tactran's relationship with Perth and Kinross Council and contains modules on Data Protection, Freedom of Information and Information Security. The Keeper agrees that an appropriate individual has been appointed to take responsibility for records management within tactran and that they have access to appropriate training when required.
13. Assessment and Review	G	G	The RMP states that the Plan and the Information Governance Policy form part of tactran's governance documents and are subject to bi-annual review. tactran has stated that the Office Manager is responsible for reporting progress on the RMP to

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<tr><td></td><td></td><td></td><td>the Partnership Board on a bi-annual basis.

The Action Plan section of the Element states that progress against the RMP and the Information Governance Policy will be reported annually to the Partnership Board. An extract from the draft minutes of a meeting of the Partnership Board in December 2016 has been submitted which approved the RMP.

tactran has provided information regarding how it will keep its records management provisions under review. A self-assessment methodology such as ARMS would not be proportionate for an organisation with six members of staff and a relatively small shared drive. The review of core governance documents occurs on a bi-annual basis within the Partnership Board. The RMP has been included as a core governance document and is therefore embedded as a key part of the Board's corporate governance. The Office Manager (see Element 2) is responsible for reporting progress or issues relating to the RMP to the Board on a bi-annual basis. The review of the RMP will focus mainly on the key areas where development is required, such as the implementation of the BCS structure onto tactran's shared drive, the application of the requirements of the retention schedule and the transfer of archives to Perth and Kinross Council Archive. The Keeper can accept that this is a proportional approach based on tactran's size and complexity.

The Keeper can agree that there appropriate measures in place to ensure that the RMP and supporting policies and procedures are regularly assessed and reviewed.</td></tr>
<tr><td>14. Shared Information</td><td>**G**</td><td>**G**</td><td>The RMP states that tactran does not routinely share personal information with other organisation, but does publish a considerable amount of corporate information under its Publication Scheme, which is available on its website: http://www.tactran.gov.uk/documents/PublicationScheme2013Final.pdf. The RMP does state that, where appropriate, tactran will comply with relevant confidentiality requirements if it were to share personal and sensitive information. It does not currently share information which would require to be governed by an Information</td></tr>
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			Sharing Protocol. The Keeper accepts that tactran does not routinely share personal and sensitive information and publishes a large amount of its corporate information under its Publication Scheme. tactran has stated that if they were required to share personal information then it would take place in compliance with relevant confidentiality guidelines.

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 tactran. Policies and governance structures are in place to implement the actions required by the plan.
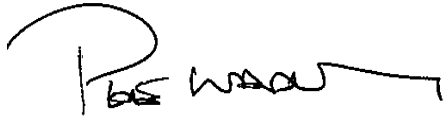
7. Keeper's Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of tactran.

The Keeper recommends that tactran should publish its agreed RMP as an example of good practice within the authority and the sector.

Assessment Report

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 tactran. In agreeing this RMP, the Keeper expects tactran 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