

# Public Records (Scotland) Act 2011

## Public Authority Assessment Report

### The Keeper of the Records of Scotland

Date 4th July 2013

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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 Historic 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 Keeper of the Records of Scotland and The Registrar General for Scotland by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 12 April 2013.

The assessment considered whether the RMP of The Keeper of the Records of Scotland and The Registrar General for Scotland 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 The Keeper of the Records of Scotland and The Registrar General for Scotland complies with the Act can be found under section 7 of this report with relevant recommendations.

### **3. Authority Background**

National Records of Scotland (NRS) was established on 1 April 2011, following the merger of General Register Office for Scotland (GROS) and the National Archives of Scotland (NAS), two non-ministerial agencies of the Scottish Government. For the purposes of the Public Records (Scotland) Act 2011 (PRSA), NRS is not scheduled as an organisation. However, the legal entities of the Registrar General for Scotland (RG) and Keeper of the Records of Scotland (Keeper) are both scheduled. Both posts, which appear separately on the schedule, are currently held by Tim Ellis who is also the Chief Executive Officer of NRS. The Keeper's Public Records (Scotland) Act 2011 assessment team considers that this joint submission is appropriate.

NRS undertakes a range of functions: among other things, it undertakes the Census, collates and publishes demographic statistics, is responsible for the registration of births, deaths and marriages, and is the national archive repository for Scotland.

### **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 Keeper of the Records of Scotland and The Registrar General for Scotland'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.

## 5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	✓	Documents E001 and E004 submitted as evidence.	There is clear evidence that a Senior Responsible Officer has been allocated.
2. Records Manager <i>Compulsory element</i>	✓	Documents E001 and E004 (as above) submitted as evidence.	When the RMP was originally submitted an interim Records Manager was in place. Since then there has been a permanent appointment. The evidence presented shows that the Records Manager has the full support of NRS senior management.
3. Policy <i>Compulsory element</i>	✓	Documents E004 and E037 submitted as evidence.	The policy statement clearly sets out the authority's commitment to creating and managing authentic, reliable and useable records, capable of supporting business functions and activities for as long as they are required. It defines the records management roles and responsibilities of staff in the authority and the importance of managing their own records.
4. Business Classification	✓	Documents E005, E006, E009 and E010 submitted as evidence.	Business Classification Scheme submitted as evidence. The Scheme was peer reviewed by Archives New Zealand and the Health and Safety Executive. A copy of the New Zealand review was submitted as evidence of good practice. The Scheme shows the record-creating functions of the authority. None of the functions of this authority are delivered by a third party. Although appropriately complete, for the purposes of assessing this RMP, the Scheme has

			not yet been rolled out as it is awaiting the introduction of an electronic records management solution. This means there is no evidence of its operational efficiency.
5. Retention schedule	✓	Document E011 submitted as evidence.	A full retention and disposal schedule for all the record types created by NRS has been supplied. This schedule also identifies vital records (see Element 10). The schedule acts as an interim guide to record creators for dealing with paper records while they await the implementation of an electronic records solution. The retention and disposal schedule has been mapped to the Business Classification Scheme.
6. Destruction Arrangements <i>Compulsory element</i>	✓	Documents E012 and E059 submitted as evidence.	The Records Disposal policy and destruction certificate are supplied as evidence. This shows NRS take the secure destruction of records seriously and that appropriate procedures are in place. Further disposal/security initiatives are under discussion. The PRSA Assessment Team should be kept informed and made aware of the latest position regarding these.
7. Archiving and Transfer <i>Compulsory element</i>	✓	Documents E013 and E014 submitted as evidence.	The evidence provided demonstrates that appropriate archiving arrangements are in place in NRS. A new Archive Transfer Pack is currently being developed as part of a wider accreditation programme. If this is successfully concluded, this might reflect good evidence of archiving. The PRSA Assessment Team would request updates when available.

<p>8. Information Security <i>Compulsory element</i></p>	<p>✓</p>	<p>Documents E016, E045-49 and E054 submitted as evidence.</p>	<p>There is considerable evidence that suitable policies and procedures in place to show that information security is taken seriously by NRS.</p>
<p>9. Data Protection</p>	<p>✓</p>	<p>Documents E017-19 submitted as evidence.</p>	<p>NRS Data Protection Policy and the codes of practice for archive and corporate activities have been submitted. These show that NRS understands its responsibilities when processing personal information as part of its business and procedures are in place to support staff to address Data Protection. The Keeper/RG is identified as data controller in these documents.</p>
<p>10. Business Continuity and Vital Records</p>	<p>✓</p>	<p>Documents E050-53, E055 and E058 submitted as evidence.</p>	<p>The Senior Responsible Officer acknowledges weakness in this area and indicates resources will be made available to create an authority-wide business continuity management system. NRS has appointed a business continuity manager. This appointment is evidence of commitment to a business continuity plan. A disaster plan based on that of the old National Archives of Scotland has been included in the evidence pack (hard copy only). It is acknowledged by the Keeper/RG that this does not apply to the whole authority. A new plan is under development. Vital records of the authority have been highlighted in the retention schedule submitted as evidence for Element 5. <b>The implementation team considers that this element of the RMP should be agreed on 'improvement</b></p>

			<b>model' terms.</b>
11. Audit trail	✓	Documents E020-21, E023-24, E057, E062, and E065 submitted as evidence.	The Senior Responsible Officer acknowledges weakness in this area and indicates resources will be made available to create a new system for managing electronic records. The difficulty in locating documents (and version control) in unstructured drives is acknowledged in the RMP. Policies have been created about naming conventions and management of e-mail. Training on these procedures is to be rolled out in 2013. The Records Manager Person Specification includes a duty of training which acts as evidence that this is intended. There is a clear understanding for the need to improve this element in the case of electronic records on unstructured drives. The RMP suggests a sensible solution (EDRM) and a steering group is already in place to move this solution forward. There is a commitment in the Statement of Compliance to this element that <b>'all records will be managed using the new BCS and Retention and Disposal Schedule with audit trail information accurately captured'</b> . This decision would seem to be central to the operation of the plan as submitted. <b>The implementation team considers that this element of the RMP should be agreed on 'improvement model' terms.</b>
12. Competency Framework for records management	✓	Documents E002, E025 and E061 submitted as evidence.	NRS has created a Records Management Competency Framework document that appropriately demonstrates

staff			the Keeper/RG's understanding of records management as a specialist activity. The NRS has recently appointed a full time records manager. The Senior Responsible Officer acknowledges weakness in the area of staff records management training and indicates resources will be made available to improve this. This is one of the duties of the records manager.
13. Assessment and Review	✓	Documents E003, E026, and E029 have been submitted as evidence.	There is clear evidence to suggest that the RMP and the policies and procedures referred to in it will be reviewed regularly. The RMP commits the NRS to undertake an Archives and Records Management Service Quality Improvement Tool (ARMS) review in July 2014. The Records Management Consolidation Programme Self-Evaluation Report dated July 2012 (referenced E029 in the evidence pack) shows that NRS is likely to adopt an appropriate methodology at the time of review. The Keeper recommends that the NRS record manager submits the results of any self assessment and must be informed if such assessment results in changes to the RMP.
14. Shared Information	✓	Documents E027-28 submitted as evidence.	The evidence submitted includes a general statement on information sharing in NRS and crucially a Data Sharing Agreement Template that shows appropriate consideration has been given to the key issues surrounding information sharing. There are also indications that new

			<p>information sharing protocols are currently being developed. The Keeper would like sight of these as they are implemented.</p>
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## 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 The Keeper of the Records of Scotland and The Registrar General for Scotland. Policies and governance structures are in place to implement the actions required by the plan.

Elements that require development by The Keeper of the Records of Scotland and The Registrar General for Scotland are as follows:

Elements 4, 5 and 11 - Any electronic records management solution implemented in NRS will fundamentally affect this RMP, certainly in areas such as Element 11. The Keeper asks that the Keeper/RG resubmits this plan when this system is in place. At the very least, as soon as the Business Classification Scheme begins to be rolled out throughout the organisation (after an electronic records solution is in place) it should be reviewed to test its appropriateness and the result of that review communicated to the Assessment Team.

Elements 6, 7, 8 and 14 - The Keeper/RG should forward any updated destruction, security, archiving and information sharing arrangements all of which appear to be in development.

## 7. Keeper’s Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of The Keeper of the Records of Scotland and The Registrar General for Scotland

The Keeper recommends that The Keeper of the Records of Scotland and The Registrar General for Scotland should publish its agreed RMP as an example of good practice within the authority and the sector.

This report follows the Keeper's assessment carried out by,



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**Pete Wadley**  
Public Records Officer



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**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 The Keeper of the Records of Scotland and The Registrar General for Scotland. In agreeing this RMP, the Keeper expects The Keeper of the Records of Scotland and The Registrar General for Scotland to fully implement the agreed RMP and meet its obligations under the Act.



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Deputy Keeper of the Records of Scotland, on behalf of:

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