

Public Records (Scotland) Act 2011

Consumer Scotland

The Keeper of the Records of Scotland

20th March 2024

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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 Consumer Scotland by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 10th October 2023.

The assessment considered whether the RMP of Consumer Scotland was developed with proper regard to the 15 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 Consumer Scotland complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

Consumer Scotland is the statutory and independent body for consumers in Scotland. It is an independent body established to ensure consumer interests are at the heart of a fair, transparent and sustainable Scottish marketplace. Created by the Consumer Scotland Act 2020, Consumer Scotland legally came into existence in April 2022. Consumer Scotland are governed by an appointed Board, operating under Standing Orders, who work with the Chief Executive to provide scrutiny and strategic direction for the organisation.

[Consumer 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 Consumer 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.

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.
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5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer	G	G	<p>The Public Records (Scotland) Act 2011 (the Act) requires that an individual senior staff member is identified as holding corporate responsibility for records management in a public authority.</p> <p>Consumer Scotland have identified Sue Bomphray, Director of Operations, as the individual holding overall responsibility for records management in the organisation.</p> <p>This is confirmed by the <i>Records Management Policy</i> (see element 3) section six and by correspondence received from the Consumer Scotland Chief Executive.</p> <p>The Keeper has also received a copy of the <i>Director of Operations Objectives 2023-24</i> which confirms that she holds "information management responsibility"</p> <p>The Director of Operations is identified as the corporate owner of the <i>Records Management Plan (RMP)</i>.</p> <p>The Director of Operations is identified as the Consumer Scotland Senior Information Risk Owner (SIRO).</p> <p>The Director of Operations is identified as the Consumer Scotland Data Protection Officer (see element 9).</p> <p>The Director of Operations is a member of the Executive Leadership Team, reports</p>

			<p>directly to the Chief Executive and leads the organisations Corporate Services business area (see Key Group under General Comments below).</p> <p>Ms Bomphray approved the <i>Records Management Policy</i> (see element 3) and the <i>Data Protection Policy</i> (see element 3).</p> <p>The Keeper agrees that Consumer Scotland have identified an appropriate individual to this role as required by the Act.</p>
<p>2. Records Manager</p>	<p>G</p>	<p>G</p>	<p>The Act requires that each authority identifies an individual staff member as holding operational responsibility for records management and that this staff member has appropriate corporate responsibility, access to resources and skills.</p> <p>Consumer Scotland have identified Sally Sandground, Governance and Corporate Services Officer, as the individual with day-to-day responsibility for the implementation of the organisation's <i>RMP</i>.</p> <p>This is confirmed by correspondence received from the Consumer Scotland Chief Executive.</p> <p>The Keeper has also received a copy of the <i>Governance and Corporate Services Officer Objectives 2023-24</i> which confirms that one of her responsibilities is to "ensure the effective and appropriate handling of our data through the (sic) information management and records management plan to ensure Consumer Scotland meets its legal duty in relation to data management and data security."</p> <p>The Governance and Corporate Services Officer is identified as the author of the <i>Records Management Plan (RMP)</i>.</p> <p>The Governance and Corporate Services Officer reports through a direct line</p>

			<p>management route to the Director of Operations (see element 1).</p> <p>Ms Sandground is the author of the version of the <i>Records Management Policy</i> received by the Keeper (see element 3) and the <i>Data Protection Policy</i> (see element 3).</p> <p>The Keeper agrees that Consumer Scotland have identified an appropriate individual to this role as required by the Act.</p>
3. Policy	G	G	<p>The Act requires an authority to have an appropriate policy statement on records management.</p> <p>Consumer Scotland operate a formal <i>Records Management Policy</i> which has been provided to the Keeper. This is version 1.1 dated October 2023 (updated by the authority's Governance and Corporate Services Officer – see element 2).</p> <p>The <i>Records Management Policy</i> appropriately sets out the authority's stance on records management principles, objectives and responsibilities. Other specific aspects of the policy are discussed in the elements below.</p> <p>The Keeper agrees that the <i>RMP</i> supports the principles and objectives of the <i>Records Management Policy</i>.</p> <p>The <i>Records Management Policy</i> touches on the duty to document issue under section 7. This is to be commended. Duty to document is not covered by PRSA, but is currently a topic of particular interest in the Scottish public sector.</p> <p>Much of the <i>RMP</i> indicates the availability of policy and guidance documents on the Consumer Scotland or Scottish Government's staff intranet. As this is the case, the Keeper acknowledges that she has been provided with screen-shots from the</p>

			<p>intranet showing that staff can access information governance information as stated.</p> <p>The Keeper agrees that Consumer Scotland has a formal records management policy statement as required by the Act.</p>
<p>4. Business Classification</p>	<p>G</p>	<p>G</p>	<p>The Keeper of the Records of Scotland (the Keeper) expects that the public records of an authority are known and are identified within a structure.</p> <p>The <i>RMP</i> states (introduction) that “Consumer Scotland will ensure that the correct information is captured, stored, maintained, retrieved and destroyed or preserved in accordance with business need, statutory and legislative requirements.”</p> <p>This is supported by the <i>Records Management Policy</i> (see element 3) “Our approach to records management is to ensure processes, systems and controls are in place which support the efficient and systematic control of the creation, receipt, maintenance, use, distribution, storage and disposal of records.” (<i>Records Management Policy</i> section 4)</p> <p><u>Identification of the public records of the authority</u></p> <p>Consumer Scotland maintains an <i>Information Asset Register</i> which is structured by function. This shows the record types that are being managed by the authority. A copy of the <i>Information Asset Register</i> has been supplied to the Keeper.</p> <p>The Information Asset Register is presented in the following format: <i>Name of Asset/Owner and Deputy/Description/Format/Location/Volume/Personal Data?/Retention/Access/Is it shared with a third party and details/Is it a vital record?</i></p> <p>This is a very full layout and is highly commended as an excellent example of an authority displaying details of all their records in a single document. This should provide a strong information management tool for Consumer Scotland.</p>

			<p><u>Records-Keeping Structure</u></p> <p>The public records of Consumer Scotland are principally managed digitally on the Scottish Government’s eRDM (Objective). The Keeper is familiar with this structure and it’s functionality as it is the same record-keeping system employed by NRS. A screen-shot showing staff access has also been supplied. The structure of a business classification scheme/file plan or information asset register must remain a business decision for the authority. However, the Keeper acknowledges that a functional arrangement, as demonstrated here, is currently considered best-practice.</p> <p>This arrangement supports a policy principle of the organisation "We will...operate a “digital first” policy, maintaining only one corporate copy of a record in one location" (<i>Records Management Policy</i> section 5)."</p> <p>Consumer Scotland also utilise line-of-business systems such as SEAS (finance) or IFix (ICT). Records managed on these systems are public records under the Act. The Keeper can agree that these line-of-business systems offer appropriate records management functionality as expected (again, the examples mentioned are also used by NRS).</p> <p>The Keeper notes that Consumer Scotland recognise the risks of public records being created outwith the main record-keeping structure, such as e-mail, Teams or on social media (for example, see <i>Records Management Policy</i> sections 3 and 8 or <i>Document Naming Convention Guidance</i> - see element 11 - section 4). This is an important recognition and it is important that records created in these systems are properly disposed of either by transfer into the main systems (eRDM) and ether transferred into the main systems (eRDM) or securely deleted as appropriate</p>
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			<p>The Keeper agrees that Consumer Scotland retains all its public records in controlled systems which are structured in a clear manner and which can be used by staff to manage public records where appropriate.</p>
<p>5. Retention schedule</p>	<p>G</p>	<p>G</p>	<p>The Keeper expects an authority to have allocated retention periods to its public records and for those records to be retained and disposed of in accordance with a Retention Schedule.</p> <p>The public records of Consumer Scotland are managed digitally, principally on the Scottish Government’s eRDM (Objective). This system applies retention dependant on the ‘file type’ of the container in which records are managed. It is not possible, therefore, to save a record to eRDM without retention being automatically applied.</p> <p>The retention period applied to a record type is noted in the authority’s <i>Information Asset Register</i> (see element 4).</p> <p>Staff are also made aware of the retention applied to a record through the <i>File Type Guidance Retention and Disposal</i> guidance that has been supplied. The Keeper notes that, despite retention being governed by Scottish Government arrangements, the guidance has been branded specifically for Consumer Scotland and agrees that this is liable to encourage engagement. She also acknowledges that she has been provided with evidence that staff can access information governance policies and guidance including the <i>File Type Guidance Retention and Disposal</i> document.</p> <p>The use of Retention Schedules is specifically supported by the <i>Records Management Policy</i>. For example at section 8: “CS’s retention schedules are the key to effective management of our records, they set out the periods for which particular classes of records are retained in accordance with legal, audit and operational requirements. They provide a formalised, accountable system for the retention and disposal of records, and can help to save time, money and space by</p>

			<p>ensuring that information is not kept unnecessarily.”</p> <p>Consumer Scotland also manages a small number of public records on line-of-business systems. The Keeper can agree that these systems are liable to include retention/destruction processes.</p> <p>The Keeper agrees that Consumer Scotland has a schedule providing retention decisions for the record types created while pursuing its functions.</p>
<p>6. Destruction Arrangements</p>	<p>G</p>	<p>G</p>	<p>The Act requires that public records are destroyed in a timely, controlled and secure manner.</p> <p>The <i>RMP</i> states (introduction) that "Consumer Scotland will ensure that the correct information is captured, stored, maintained, retrieved and destroyed or preserved in accordance with business need, statutory and legislative requirements.”</p> <p>This is supported by the <i>Records Management Policy</i> (see element 3) “Our approach to records management is to ensure processes, systems and controls are in place which support the efficient and systematic control of the creation, receipt, maintenance, use, distribution, storage and disposal of records.” (<i>Records Management Policy</i> section 4)</p> <p>This arrangement supports a policy principle of the organisation "We will...dispose of records that are no longer required in an appropriate manner " (<i>Records Management Policy</i> section 5)."</p> <p>As noted under element 5, Consumer Scotland staff are made aware of the expected deletion date against each records type in the authority's <i>File Type Guidance Retention and Disposal</i> guidance document which is available on the staff internal systems. The Keeper has been provided with a screen-shot showing this</p>

			<p>access.</p> <p>The public records of Consumer Scotland are managed digitally the majority of which on the Scottish Government eRDM system. The Keeper is familiar with the automatic destruction procedures imposed by this system. It is the same as used at NRS.</p> <p>When a public record is destroyed or transferred to National Records of Scotland (see element 7) in line with retention (see element 5) a stub remains on the system confirming that the record was once held. The use of disposition logs is commended as best practice.</p> <p>The Keeper has been provided with a screen-shot from the SG eRDM showing a sample of destroyed file information.</p> <p><u>Paper</u>: The public records of Consumer Scotland are entirely digital.</p> <p><u>Hardware</u>: Destruction of hardware is controlled through the Scottish Government whose hardware destruction procedures have been agreed by the Keeper (July 2022). Consumer Scotland have provided the Keeper with a separate statement from the SG to confirm this arrangement.</p> <p><u>Back-Ups</u>: Consumer Scotland, quite properly, keep back-ups of public records for business continuity purposes (see element 10). This is done automatically through the Scottish Government eRDM system. It is important that an authority understands the availability of back-up copies beyond the destruction of the original. Consumer Scotland clearly understand this. The Keeper has also be provided with an explanation of the back-up process in eRDM.</p> <p>The Keeper agrees that Consumer Scotland has processes in place to irretrievably destroy public records when appropriate.</p>
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7. Archiving and Transfer	G	G	<p>The Act requires that all Scottish public authorities identify a suitable repository for the permanent preservation of any records considered suitable for archiving. A formal arrangement for transfer to that repository must be in place.</p> <p>“Consumer Scotland will ensure that the correct information is captured, stored, maintained, retrieved and destroyed or preserved in accordance with business need, statutory and legislative requirements.” (<i>RMP</i> introduction)</p> <p>Consumer Scotland have a formal policy commitment as follows: “We will ensure the effective transfer of CS records to the National Records of Scotland (NRS) which are selected by them for permanent preservation” (<i>Records Management Policy</i> – see element 3 – section 4).</p> <p>The Keeper agrees that Consumer Scotland have identified a suitable repository for the permanent preservation of public records.</p> <p>NRS is an accredited archive and fully adheres to the Keeper’s <i>Supplementary Guidance on Proper Arrangements for Archiving Public Records</i>: https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/supplementary-guidance-on-proper-arrangements-for-archiving-public-records.pdf</p> <p>Archive transfer arrangements operate under the terms of a Transfer Agreement. A copy of this agreement, signed by Consumer Scotland’s Chief Executive, has been supplied to the Keeper in evidence. The Keeper is satisfied that information asset owners (see Local Records Management under General Comments below) have adequate input to how preservation decisions are allocated to particular record types.</p>
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8. Information Security	G	G	<p>The Act requires that public records are held in accordance with information security compliance requirements.</p> <p>“Consumer Scotland uses the eRDM and SCOTS IT Services supplied by iTECS (Information & Technology Services) Division which are covered by Scottish Government Information Security Framework" (<i>RMP</i> page 7)</p> <p>All the public records of Consumer Scotland are held on the digital systems of the Scottish Government. The eRDM system is covered by the Scottish Government Information Security framework which the Keeper has recently reviewed and agreed is suitable for the protection of public records (July 2022).</p> <p>The staff of Consumer Scotland are based in a Scottish Government building. The Keeper has also agreed that the physical security afforded to records by the</p>

			<p>Scottish Government is appropriate.</p> <p>Consumer Scotland acknowledge these arrangements. The <i>RMP</i> states (also page 7): “Consumer Scotland requires all staff to follow Scottish Government IT Security policies and procedures such as Information Technology Security Policy and Code of Conduct to ensure adequate controls are in place to maintain the security and confidentiality of all business sensitive data, including eRDM Restrictive Groups.”</p> <p>Access to files in eRDM can be restricted by the use of ‘ad-hoc’ groups. The Keeper is familiar with this system. Guidance on ad-hoc groups is provided to Consumer Scotland staff in the <i>Document Naming Convention Guidance</i> document (see element 11) available on the intranet.</p> <p>As noted under element 4 Consumer Scotland manage some public records in line-of-business systems (such as iFix and SEAS). The Keeper can agree that these systems provide information security functionality as appropriate. In fact, her own staff use these examples in the NRS.</p> <p>Consumer Scotland have provided the Keeper with their <i>Risk Management Policy and Framework</i> which is reviewed by the Audit and Risk Committee, and which includes staff guidance. The risk management procedure includes instruction for reporting (section 4.6). They have also supplied a snap-shot of their <i>Risk Register</i>. The Keeper thanks Consumer Scotland for supplying these (see more on risk management under element 13).</p> <p>Consumer Scotland have also provided the Keeper with examples of security documents relating to staff including the <i>Scottish Government IT Code of Conduct</i> and with mandatory training examples (see element 12).</p> <p>The Keeper acknowledges that Consumer Scotland has provided screen-shots</p>
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			<p>showing that staff can access information security policies and guidance as appropriate.</p> <p>The Keeper agrees that Consumer Scotland have procedures in place to appropriately ensure the security of their records as required by the Act.</p>
<p>9. Data Protection</p>	<p>G</p>	<p>G</p>	<p>The Keeper expects a Scottish public authority to manage records involving personal data in compliance with data protection law.</p> <p>Consumer Scotland is registered as a data controller with the Information Commissioner’s Office: Information Commissioner's Office - Register of data protection fee payers - Entry details (ico.org.uk)</p> <p>Consumer Scotland have a <i>Data Protection Policy</i> which has been supplied to the Keeper. This is version 1.0 approved by the authority’s SIRO, Sue Bomphray (see element 1). Ms Bomphray is also identified as the Consumer Scotland’s Data Protection Officer.</p> <p>The Keeper agrees that the <i>Data Protection Policy</i> appropriately explains the six principles of data protection and the ‘accountability clause’.</p> <p>The Keeper acknowledges that Consumer Scotland has provided screen-shots showing that staff can access information governance information such as the <i>Data Protection Policy</i>.</p> <p>Consumer Scotland provide information on their website that assists members of the public access their personal data. Privacy Notices Consumer Scotland</p> <p>Consumer Scotland is a member of the Data Protection Shared Service for Central</p>

			<p>Government organisations in Scotland programme. The Keeper has been provided with a copy of the <i>Agreement</i> showing this arrangement is in place. This programme is facilitated by the Scottish Government and offers small public bodies the opportunity to "achieve economies of scale and improved efficiency, knowledge exchange/transfer and greater operational resilience" (<i>Agreement</i> section 2)</p> <p>Consumer Scotland have a <i>Register of Processing Activities</i> (ROPA) as a separate spreadsheet in their <i>Information Asset Register</i> (see element 4).</p> <p>Consumer Scotland are required to undertake mandatory Data Protection eLearning annually (see element 12).</p> <p>The Keeper agrees that Consumer Scotland have arrangements in place that allows them to properly comply with data protection legislation.</p>
<p>10. Business Continuity and Vital Records</p>	<p>G</p>	<p>G</p>	<p>The Keeper expects that record recovery, prioritising vital records, is an integral part of the authority's business continuity planning.</p> <p>Consumer Scotland have a formal policy commitment as follows: "We will...protect vital records" (Records Management Policy – see element 3 – section 4).</p> <p>All the public records of Consumer Scotland are held digitally, either in line-of-business systems or in the Scottish Government's eRDM system (see element 4).</p> <p>The Keeper can agree that the line-of-business systems operated by Consumer Scotland are liable to have adequate record recovery functionality.</p> <p>The Scottish Government eRDM has proven back-up and record recovery functionality. In 2022 the Keeper agreed the business continuity procedures detailed in the Scottish Government's reviewed <i>Records Management Plan</i>. These</p>

			<p>arrangements also apply to Consumer Scotland. The Scottish Government's <i>Back Up Procedures</i> have been provided (see element 6).</p> <p>Physical: Consumer Scotland staff work within Scottish Government buildings and the records management provision utilises Scottish Government protected servers.</p> <p>The Keeper acknowledges that Consumer Scotland has provided screen-shots showing that staff can access information governance information as appropriate. The Keeper accepts that this includes records recovery as part of business continuity.</p> <p>Business continuity is supported by the authority's <i>Risk Management Policy</i> (see element 13) for example at section 3.</p> <p>The Keeper agrees that Consumer Scotland has an approved and operational business continuity process and that information management and records recovery properly feature in the authority's plans.</p>
11. Audit trail	G	G	<p>The Keeper expects an authority to have processes in place to track public records in such a way that their location is known and changes recorded.</p> <p>The public records of Consumer Scotland are managed on the Scottish Government's eDRM system (Objective) which, as noted above, is the same system used by the Keeper. She is therefore familiar with the functionality of the system and agrees that it allows location and identification of records when required.</p> <p>The Objective system has a powerful search facility that allows a user to track all records using a variety of search criteria including metadata. The efficiency of the search facility relies on consistent naming of documents as they are saved as records on the system.</p>

			<p>Each change to a record in eRDM is recorded automatically by the system. Staff are also encouraged to use version control v0.1, v0.2, v1.0 etc. to create different documents to, at least temporarily, allow previous draft versions to be consulted to help understand the development of a document. In theory locating the most recent version of a record should be straightforward in eDRM.</p> <p>The Keeper has been provided with a <i>Document Naming Convention Guidance</i> document that Consumer Scotland supplies to staff explaining how records should be named in a consistent way to allow them to be located using the Objective search functionality. This document was written by the Governance and Corporate Services Officer (see element 2) and is version 1.0.</p> <p>The guidance explains that "Documents that have been named coherently are easier to manage and locate. Time is too often wasted searching for information which has been poorly named. By giving a document a consistent and logical description you will make it easier to differentiate between related documents at a glance and help your colleagues browse and access information. Once learnt these naming rules should also make the naming of documents simpler as you will not have to rethink the naming process every time" (<i>Document Naming Convention Guidance</i> section 2). The Keeper fully agrees this overview.</p> <p>The Keeper agrees that the guidance gives clear and appropriate instructions to staff to ensure that records are named on the eRDM in such a way as will allow tracking. The guidance also considers the consistent naming of e-mail.</p> <p>A limited amount of Consumer Scotland's public records are managed on line-of-business systems (such as SEAS). The Keeper can agree that these systems are liable to have adequate record-tracking functionality.</p>
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			<p>Therefore, the Keeper agrees Consumer Scotland have 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 Keeper expects staff creating, or otherwise processing records, to be appropriately trained and supported.</p> <p>The Keeper is pleased to recognise that resource has been allocated by Consumer Scotland to ensure that their Governance and Corporate Services Officer (see element 2) was able to complete the introduction to records management training course offered by For Your Info: FYI & Tkm Course Catalogue – FYI & Tkm Course Catalogue (managingyourinformation.com). The Keeper has been provided with a certificate in evidence (2023). The Keeper is familiar with this course and the expert practitioners that lead it. She can agree that it is a suitable introduction for the individual identified at element 2, particularly in a smaller organisation where that individual has other responsibilities.</p> <p>Staff training is specifically supported in the <i>Records Management Policy</i> - see element 3 - for example at section 8.</p> <p>Consumer Scotland staff are inducted into the authority’s record-keeping systems when joining the organisation. The Keeper has been supplied with a copy of the <i>Induction Training Pack</i>.</p> <p>Staff also have to undertake mandatory training in data protection (see element 9), freedom of information and in risk management (see element 13). The Keeper has been supplied with the tracker as evidence that this training is appropriately monitored.</p>

			<p>All record creators are required to undergo training in the eRDM system (see element 4). The local business area records management support officers (see Local Records Management under General Comments below) undertake supplementary training on the system. The Keeper is familiar with this training as it is the same undertaken by NRS staff.</p> <p>Staff are also supplied with eRDM Quick Reference guides. As with the training, the Keeper is familiar with these guides.</p> <p>The Keeper acknowledges that Consumer Scotland has provided screen-shots showing that staff can access information governance information as appropriate. Any changes to the records management procedures will be communicated to all staff by email.</p> <p>The Keeper agrees that the individual identified at element 2 has the appropriate responsibilities, resources and skills to implement the records management plan. Furthermore, he agrees that Consumer Scotland consider information governance training for staff as required.</p>
<p>13. Assessment and Review</p>	<p>G</p>	<p>G</p>	<p>Section 1(5)(i)(a) of the Act says that an authority must keep its <i>RMP</i> under review.</p> <p>The <i>RMP</i> (page 10) explains that the Governance and Corporate Services Officer is responsible for review of the <i>RMP</i> and there is a commitment to undertake a first review in April 2024 (<i>RMP</i> control sheet).</p> <p>In their <i>RMP</i> (also page 10) Consumer Scotland explain the review methodology (self-assessment) and the reporting mechanism which involves the SIRO (see element 1). Although there has not been a review of an agreed records management plan Consumer Scotland have provided the Keeper with a sample of their <i>Governance Tracker</i> document to show how the status of policy reviews are</p>

			<p>usually monitored by the internal audit in the organisation. The Keeper thanks Consumer Scotland for including this document and agrees that the inclusion of the <i>RMP</i> in this tracker should help ensure review is appropriately progressed.</p> <p>The involvement of internal audit (albeit in a monitoring role) is commended.</p> <p>Consumer Scotland have committed that the result of any review will be reported using the Keeper's Progress Update Review process: Progress Update Reviews National Records of Scotland (nrscotland.gov.uk). This is welcomed.</p> <p>The <i>Records Management Policy</i> (see element 3) is due for review in April 2024.</p> <p>The <i>Document Naming Convention Guidance</i> (see element 11) is due for review in 2024.</p> <p>The <i>Data Protection Policy</i> (see element 9) is reviewed annually.</p> <p>The Keeper has also been provided with Consumer Scotland's <i>Risk Management Policy, Framework and Register</i> (January 2023 version 1.0). It is part of the <i>Risk Management Policy</i> that staff "have an awareness of risk management through undertaking appropriate training" (<i>Risk Management Policy</i> section 3). Details of how Consumer Scotland monitors risk have been provided (section 5).</p> <p>The Keeper notes that the risk around poor record keeping (such as not being able to adequately respond to an FOI) is not specifically included in the risk register. The allocation of risk must remain a business decision for Consumer Scotland, but they might consider adding a record-keeping element in the future.</p> <p>The <i>Corporate Risk Register</i> is reviewed on a quarterly basis</p>
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			The Keeper agrees that Consumer Scotland have made a firm commitment to review their <i>RMP</i> as required by the Act and have explained who will carry out this review and by what methodology. Furthermore she agrees that supporting policy and guidance documents have appropriate review periods allocated.
14. Shared Information	N/A	N/A	<p>The Keeper expects a Scottish public authority to ensure that information sharing, both within the Authority and with other bodies or individuals, is necessary, lawful and controlled.</p> <p>However, the <i>RMP</i> makes clear that “This does not apply to Consumer Scotland as we do not share records with any third party while pursuing our function.” (<i>RMP</i> page 10).</p>
15. Public records created or held by third parties	N/A	N/A	<p>The Public Records (Scotland) Act 2011 (PRSA) makes it clear that records created by third parties when carrying out the functions of a scheduled authority should be considered ‘public records’ - PRSA Part 1 3 (1)(b).</p> <p>However, the <i>RMP</i> confirms that “This does not apply to Consumer Scotland as we do not contract any functions to third parties” (<i>RMP</i> page 10).</p>

General Notes on submission: This assessment is on the *Records Management Plan (RMP)* submitted by Consumer Scotland for the agreement of the Keeper of the Records of Scotland (the Keeper) on 10th October 2023. This is *RMP* version 1.0 approved by the Executive Leadership Team on 25th September 2023.

The Keeper has been provided with a separate e-mail from the Consumer Scotland Executive Team, dated October 2023, endorsing the *RMP*.

The *RMP* (page 3) commits Consumer Scotland as follows: “Consumer Scotland will ensure that the correct information is captured, stored, maintained, retrieved and destroyed or preserved in accordance with business need, statutory and legislative requirements.” The Keeper agrees that the actions explained in the submitted plan will help the authority pursue that commitment.

Consumer Scotland recognise records as a business asset, for example in the *Records Management Policy* (see element 3) Introduction. The Keeper commends this recognition.

The Consumer Scotland *RMP* is not published, but is available on request through their publication scheme: [Freedom of Information | Consumer Scotland](#)

The *RMP* mentions the Act and is based on the Keeper’s, 15 element, Model Plan <http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources/model-records-management-plan>

In the *Consumer Scotland Interim Strategic Plan*, Board Chair, David Wilson, refers to the organisation taking an 'evidence based' approach. Robust records management should provide considerable support to this objective: [Interim Strategic Plan | Consumer Scotland](#)

Key Group: Consumer Scotland Corporate Services. Lead by the Director of Operations (see element 1), the Corporate Services team is responsible for the *RMP*, the administration of the eRDM system in the authority (see element 4) and the development and provision of guidance for good records management practice (see element 12). They are also responsible for promoting good practice and supporting the wider business to be compliant with the *Records Management Policy* (see element 3) and relevant information governance legislation such as PRSA. As noted at element 1, the Consumer Scotland Corporate Services business area is headed by the authority’s Senior Information Risk Owner and Data Protection Officer.

Local Records Management: Each area of Consumer Scotland's business has an Information Asset Owner who is identified in the *Information Asset Register* (see element 4). This is the senior officer responsible for information in their business area. Information Asset Owners also have a responsibility to ensure compliance with data protection law within their area. The day-to-day records management in the eRDM is monitored by an Information Management Support Officer (IMSO). The IMSO is provided with additional records management training (see element 12). The local IMSOs "have a vital role in ensuring that records are maintained and disposed of in accordance with CS's published retention policies. They also advise local business teams and promote good record keeping in their areas." (*Records Management Policy* – see element 3 - section 6).

6. Keeper's Summary

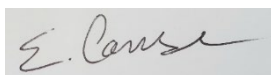
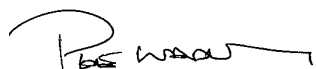
Elements **1 - 15** that the Keeper considers should be in a public authority records management plan have been properly considered by Consumer Scotland. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of **Consumer Scotland**.

- The Keeper recommends that Consumer 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,



.....
Pete Wadley
Public Records Officer

.....
Liz Course
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 Consumer Scotland. In agreeing this RMP, the Keeper expects Consumer Scotland to fully implement the agreed RMP and meet its obligations under the Act.



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Laura Mitchell
Deputy Keeper of the Records of Scotland