Public Records (Scotland) Act 2011

Midlothian Council
Midlothian Licensing Board

The Keeper of the Records of Scotland

27th September 2023

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 Midlothian Council and Midlothian Licensing Board by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 28th July 2022*.*

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

3. Authority Background

Description of Authority:

Local government in Scotland comprises 32 unitary local authorities, responsible for the provision of a range of public services. Midlothian Council is one of these authorities. It provides services to the people of Midlothian, such as education, social care, waste management, cultural services and planning.

http://www.midlothian.gov.uk

Licensing is the responsibility of licensing boards under powers contained in the Licensing (Scotland) Act 2005. Local licensing boards have wide discretion to determine appropriate licensing arrangements according to local needs and circumstances and their own legal advice. Each local government area must have a licensing board. Midlothian Licensing Board is the licensing board for the Midlothian local government area.

https://www.midlothian.gov.uk/licensing

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 Midlothian Council and Midlothian 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:

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

Midlothian Council and Midlothian Licensing Board
(For simplicity these two public authorities will be referred to as 'the Council' in this assessment)

Element	Present	Evidence	Notes
1. Senior Officer	**G**	**G**	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. Midlothian Council and Midlothian Licensing Board (the Council) have identified Kevin Anderson, Executive Director, as the individual with overall responsibility for records management in the authority. Mr Anderson is the council's Senior Information Risk Officer (SIRO) and therefore is entirely suitable to undertake this role. The text of the *RMP*, which the previous SIRO has signed, specifically refers to the SIRO's responsibilities in overseeing the implementation of the plan. The identification is supported by the *Records Management Policy* (see element 3) which notes that the responsibilities of the SIRO includes "Overseeing the Council's compliance with the Public Records (Scotland) Act 2011; Overseeing

implementation of the RMP and monitoring compliance; Acting as an advocate for records management to the Council's Central Management Team (CMT)." (*Records Management Policy* page 7)

"The SIRO has delegated authority through the CMT with specific responsibility for information risk and mitigation, ensuring that information threats and breaches are identified, assessed and effectively managed" (*Privacy Policy* - see element 9 - section 6.5). The Senior Information Risk Owner receives reports from the Information Security Lead (*Information Security Policy* – see element 8 – section 1).

As Executive Director, Mr Anderson is a member of the council's Central Management Team and records management in the council currently sits directly within management remit. This means that he is in an ideal position to bring records management issues to the attention of leaders in the organisation. The Keeper acknowledges that he has been provided with a screen-shot showing the records management reporting structure. This confirms that the Corporate Resources Manager (see element 2) reports directly to Mr Anderson.

The SIRO is the document owner of the Council's *Records Management Policy* (see element 3).

Mr Anderson is relatively new to the role of SIRO in the Council. However the Keeper notes that the previous SIRO has endorsed the *RMP* by signing the cover sheet, approved the *Records Disposal Policy & Procedures* document (see element 6) in 2015 and oversaw the Information Management Group (see under General Comments below). The Keeper accepts that information governance responsibilities have transferred from the previous SIRO (Gary Fairley) to Mr Anderson.

The Keeper agrees that Midlothian Council and Midlothian Licensing Board have identified an appropriate individual to this role as required by the Act.

	A	G	The Act requires that each authority identifies an individual staff member as holding operational responsibility for records management and that this staff member has been given appropriate corporate responsibility, access to resources and has the skills required to undertake the day-to-day implementation of the *RMP*.
2. Records Manager	**A**	**G**	

The Act requires that each authority identifies an individual staff member as holding operational responsibility for records management and that this staff member has been given appropriate corporate responsibility, access to resources and has the skills required to undertake the day-to-day implementation of the *RMP*.

Midlothian Council and Licensing Board have been without a dedicated corporate records manager since the previous post-holder (who had positive engagement with the Keeper's PRSA Team) left in 2021.

The Keeper is satisfied that the Council are currently engaged in a recruiting exercise for the vacant post.

The Keeper has been provided with a copy of the relevant job advert and acknowledges that the job description includes:

"To deliver records management services to the Council and its Divisions by:
•   reviewing, monitoring and updating the Midlothian Council Records Management Policy;
•   preparing and developing continuous improvement plan in connection with the Records Management Policy;
•   monitoring the effectiveness of the Records Management Policy and recommending improvements and developments to the Officer Advisory Group, or the Democratic & Document Services Manager as appropriate;
•   providing information and support to ensure corporate compliance with legislative requirements;
•   presenting and disseminating information throughout the Council as necessary;
•   initiating information and records surveys by Council Divisions as appropriate;
•   providing support and guidance to Council Divisions to develop and maintain

			records management practices compliant with statutory requirements; • ensuring that the Council complies with all legal and regulatory records management and retention requirements; • co-ordinating and overseeing retention scheduling practices throughout the Council; • developing records appraisal procedures and guidelines for Divisions." (*Democratic & Document Services Team Leader New Job Details form*) The Keeper notes that in the *RMP* (page 10) there is a priority requirement for the new post-holder to address destruction backlogs in the records management system (see element 6). The Keeper agrees that these are suitable objectives to be pursued by the individual identified at element 2. This identification and the business responsibilities of the post are supported by the Council's *Records Management Policy* (see element 3), for example at pages 7/8. The Keeper acknowledges that she has received, separately from the RMP, an e-mail from Saty Kaur, Chief Officer Corporate Solutions (Acting), Midlothian Council confirming that the Council has approved the recruitment of a full time records professional to this role and that this recruitment is underway. Furthermore, the Keeper's PRSA Team have met with the Midlothian Council Corporate Resources Manager and are satisfied that there is a commitment to fill this post. In the meantime, to remain compliant with the Public Records (Scotland) Act 2011, the council has temporarily named the Corporate Resources Manager as the individual as holding operational responsibility for records management under this

			element. The Corporate Resources Manager is also the 'owner' of the *RMP*. The Keeper acknowledges that she has been provided with a screen-shot showing the records management reporting structure. This confirms that the Corporate Resources Manager reports directly to Ms Kaur (see above). **The Keeper agrees this element of Midlothian Council and Midlothian Licensing Board's *Records Management Plan* under 'improvement model' terms. The Keeper does this when an authority has identified a gap in their records management provision (in this case that they lack a dedicated records manager), but have put reasonable processes in place to close that gap. The Keeper's improvement model agreement is conditional on her being informed as soon as the records management post has been filled.**
3. Policy	**G**	**G**	The Act requires an authority to have an appropriate policy statement on records management. Midlothian Council have a *Records Management Policy* which has been provided to the Keeper. This is version 2.4 dated May 2022. The *Records Management Policy* has been made publicly available by the council: [Records Management Plan and Evidence	Records Management Policy (midlothian.gov.uk)](#) As such the *Policy* details a formal commitment by the council to service users to ensure the implementation of robust records management provision as detailed in the elements below. The Keeper agrees that the Midlothian Council and Licensing Board *Records Management Plan* supports the objectives committed to in the *Records Management Policy*.

			The *Records Management Policy* specifically mentions responsibilities under the Act. The *Records Management Policy* specifically support the arrangements put in place around data protection legislation (see element 9). The Council have provided the Keeper with screen-shots from their intranet that show staff have access to information governance policies and guidance including the *Records Management Policy*. The Keeper agrees that Midlothian Council and Midlothian Licensing Board have a formal records management policy statement as required by the Act.
4. Business Classification	**A**	**G**	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. In the *Records Management Policy* (see element 3) the council note that the "Principles of good records management" include that "Records are mapped to business functions and activities." and that "Records are kept in systems that enable them to be stored, retrieved, used and shared as necessary." (*Records Management Policy* page 5) The Council have developed a combined Business Classification Scheme and Retention Schedule. This is arranged by Council function. This must remain a business decision for the organisation, but the Keeper acknowledges that a functional arrangement, as demonstrated here, is currently considered best practice. Each record type is arranged under function, activity, transaction and record series and then considered under the following headings: Scope Notes; Retention Trigger;

Retention Period; Disposal Action; Authority/Citation; Notes; Alternative terms/Key words. Furthermore it is clear that there remains the intention to add the following headings to the BCS: Vital Records and Location. When an authority is operating a hybrid system, the Keeper agrees that these additions to the classification should be very useful. For example, the Keeper notes that the BCS doesn't include format so it is not possible from the BCS/RS to identify which records are held on network drives, eDRM or hard-copy. However, the inclusion of the 'location' column is likely to address this.

An explanation of the Council's Business Classification Scheme has been made available to the public at:
Records Management Plan and Evidence | Business Classification Scheme policy document (midlothian.gov.uk)

The scheme itself is also available at:
Records Management Plan and Evidence | Business Classification Scheme/Retention Schedule (midlothian.gov.uk)

The Council have provided the Keeper with screen-shots from their intranet that show staff have access to information governance policies and guidance including the *Business Classification Scheme/Retention Schedule*. The Keeper has also been provided with a copy of the Council's staff guidance on the BCS (the BCS *Overview*).

When in place, the Records Officer (see element 2) will be responsible for "Co-ordinating and developing the corporate business classification scheme and file plan" (*Records Management Policy* page 8). The Council have stated "The project team, and the Records Manager once installed, will make sure that the principles defined in our Records Management Policy are adhered to from the design stage to final roll-out of any M365 application to ensure compliance.

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The Records Manager will have a key role within the project team and will govern records management compliance within M365 on an ongoing basis."
As noted under element 2 above this key role is not yet filled.

The council operate a hybrid records system: Public records are held digitally on shared network drives and on an electronic document and records management system (limited to certain business areas). There are also public records created and maintained on line-of-business systems. Furthermore, there are also public records held in hard-copy format by a third party storage supplier with working copies held in-house which are then either scanned into the digital systems and shredded or transferred in paper format to the storage contractor.

Digital eDRM: The Council is moving public records from the network drives to Microsoft 365 across all services with a dedicated project team driving this forward. The transition from shared drives to an eDRM has already taken place in certain limited business areas: "Midlothian Council's EDRMs has been implemented in a small number of teams but has not been rolled out across the Council. The focus of EDRMS implementation has been on improving workflow processes rather than on updating and creating file plans using the application. At the moment there is limited resource to support further roll-out of the application and day to day system support is taking a priority over development." (*RMP* page 15).

Digital Shared Drives: Currently the majority of the public records of the Council are managed on a network drive which is their main filing structure. However, in a large organisation the records management provision of shared drives might be considered inadequate without local fixes to help mitigate the problems. The Council have reported that, as part of the transformation described under Digital eDRM above, "the use of SharePoint for digital collaboration and records management will be introduced to replace the existing network drives. SharePoint offers much more in terms of document control, naming conventions, version control, classification,

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audit capabilities, archiving and retention, access controls, information security, compliance and efficient records management than the traditional network drives that are currently in place."

As noted above, the authority is in the early stages of consolidating the public records currently managed on eDRM and those on the shared drives into a single M365 solution. The Keeper requires updates on this transition project as it rolls-out. To this end she will ensure that her PRSA Team supply the Council with a Progress Update Review (PUR) template annually after this agreement. Although the completion of a PUR is voluntary it provides an ideal opportunity for the Council to update the Keeper on the M365 project: Progress Update Reviews | National Records of Scotland (nrscotland.gov.uk)

The Keeper would also like to remind the Council that there are several sources of advice available regarding a transition to M365 as a records management solution and the PRSA Team would be happy to point the Council to these if appropriate: public_records@nrscotland.gov.uk

Digital Line of Business: The Council creates records in line of business systems such as those used by Social Services, Revenues and Housing, and Finance and Procurement. The Keeper can agree that these systems are liable to include records management functionality.

Physical external storage: The Council utilises the services of a third-party document storage company for the management of hard-copy records that are not being used for current business needs.

Physical in-house: At any time the Council may manage public records internally when they are being used for immediate business activities. These may be newly created or may have been transferred back from the third-party outstore. Paper

			records, managed in-house, may be scanned into the digital systems mentioned above and then destroyed (see element 6). The Council also operate Information Asset Registers for certain business areas for the purposes of identifying risk under GDPR (see element 9). The Keeper has been provided with samples of these (for example Environmental Health). The use of an information asset register is supported by the Council's *Privacy Policy* (see element 9), for example at section 4.53. The Keeper agrees that Midlothian Council and Midlothian Licensing Board 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. **However, until the Records Officer is in post it appears that the Council will not be "Co-ordinating and developing the corporate business classification scheme and file plan". As a business classification scheme is a living document that should be routinely monitored and adapted to business needs, the Keeper considers that the absence of a member of staff assigned to this task represents a gap in the authority's records management provision and, as such, agrees this element of the Midlothian Council Records Management Plan under 'improvement' terms.**
5. Retention schedule	**G**	**G**	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. Midlothian Council operate a combined Business Classification/Retention Schedule as explained under element 4 above. The Keeper agrees that this single point of reference is liable to create a stronger business tool and is to be commended. The Council have confirmed that "The retention schedule remains operational within

the authority whilst the records manager post is vacant however there remains a destruction backlog which when the records manager is installed will be progressed (see element 2)".

Council staff are provided with a guidance document on the purpose of this combined tool, which includes the acknowledgement that: "A retention schedule is a document that lists the different types of records created, used and maintained by an organisation, and indicates how long they should be kept. These records can be in any format -- paper, email, scanned documents, audio files, and more -- but they should all be included in the retention schedule." (*Classification Scheme & Retention Schedule - An Overview*)

Retention decisions are based on the Scottish Council on Archives Records Retention Schedules (SCARRS): Scottish Council on Archives Record Retention Schedules (SCARRS) - Scottish Council on Archives (scottisharchives.org.uk) The Keeper has previously agreed that SCARRS is suitable for adoption by Scottish public authorities.

The Council publish an explanation of their retention policy for service users at: CorporateRetentionSchedulev1.2.pdf

When in place, the Records Officer (see element 2) will be responsible for "Co-ordinating and overseeing retention scheduling practices throughout the Council" (*Records Management Policy* page 8).

As noted under element 4, the Council have provided the Keeper with screen-shots from their intranet that show staff have access to information governance policies and guidance including the *Business Classification Scheme* and the *Retention Schedule*.

			The Council's retention schedule is supported by their *Records Disposal Policy & Procedures document* (see element 6) for example at section 1.0. The Keeper agrees that Midlothian Council and Licensing Board has a schedule providing retention decisions for the record types created while pursuing its functions.
6. Destruction Arrangements	**A**	**G**	The Act requires that public records are destroyed in a timely, controlled and secure manner. In the *Records Management Policy* (see element 3) the council note that the "Records are retained only for as long as they are required, and the Council is able to explain why records are no longer held." (*Records Management Policy* page 6) The Keeper has been provided with the Council's *Records Disposal Policy & Procedures* document. This is version 1.0 approved by Gary Fairley (see element 1) in 2019. It states that "Disposal is an important part of records management. Correctly done, it ensures that the Council retains records only for as long as necessary and then destroys them in an suitable method or disposes of them in some other way, e.g. by transfer to the Council Archive." (*Records Disposal Policy & Procedures* section 1.0). The document also specifically mentions compliance with the Public Records Act (section 1.0). With the importance of controlled records destruction in mind, the Council have the following procedures in place: Digital Shared Drives and Digital eDRM: The *RMP* explains that staff must manually delete digital records (this is usual in a network drive system) and then register the destruction of on local office *File Registers*. The Keeper has been provided with a sample of such a register. The

Keeper has also been provided with a similar digital log of destruction of records by the storage contractor (see below). The Keeper commends the principle of authorities retaining a destruction log. **However, the *RMP* goes on to state: "Practical arrangements for the systematic destruction of physical and electronic records are in need of improvement. The recruitment of a qualified and dedicated Records Manager will help the Council address the destruction backlog" and that "The deletion of electronic documents held on the main filing structure can be monitored, however the Council does not carry out a systematic approach for reviewing data on shared drives. Although progress is being made to improve compliance for IT applications and OpenText further progress needs to be made for all Council systems to get assurance that retention rules are adequately applied." (both *RMP* page 10). This seems to be an area that the Council has identified for improvement and the Keeper concurs. It is expected that the Records Manager, when appointed (see element 2), working in conjunction with the Information Management Group representatives from the local business areas (see under General Comments below), will instigate movement in this area. The Keeper requires that he is kept up-to-date with developments.**

Digital Line of Business:
The Keeper can accept that the various line-of-business systems employed by the Council have adequate records management provision including functionality that allows the controlled, secure and irretrievable destruction of records.

Physical external storage:
Public records held, in paper format, by a third-party storage contractor are destroyed by that contractor on instruction from the Council. The Keeper has been provided with the relevant contractual clauses and with a sample destruction certificate as evidence that this arrangement is operational. A full description of this procedure appears in the *Records Disposal Policy & Procedures* (section 8) which is

available to all staff through the intranet (screen shot supplied).

Physical in-house:
The secure destruction of working records held on Council premises (not transferred to the storage contractor) is covered by their *Records Disposal Policy & Procedures* (section 8) and their *Confidential Waste Policy* both of which have been shared with the Keeper and the latter of which is published on the Council's website: Records Management Plan and Evidence | Confidential Waste Policy (midlothian.gov.uk)

The Keeper has been provided with a sample from the Council's destruction register (staff have access to a template to complete from their intranet). Destruction certificates are provided by any external shredding company engaged by the Council and these certificates are retained for 3 years (*Confidential Waste Policy* section 2). The Keeper has been provided with a sample of one of these certificates as evidence that this arrangement is operational.

Hardware
The secure disposal or re-use of equipment forms part of the Council's information security suite of guidance (see element 8) for example in the overarching *Information Security Policy* (page 19). The Council engages with a third party to dispose of obsolete equipment. Any such items must be
a)Recorded in the Council's asset database.
b) Must be degaussed before leaving council premises.
c) Certificates must be provided to show that all equipment given for disposal was disposed/recycled securely.
The Keeper has been provided with a sample of one of these certificates as evidence that this arrangement is operational.

Back-ups

	A	G	The Council, quite properly, back-up their public records for business continuity reasons. It is important that the records management team understand how long, after the retention period has elapsed, a record may remain available in a back-up system. The Council have provided the Keeper with a *Backup System Overview* document that clearly explains this. The Keeper has been provided with the Council's *Records Lifecycle Management Review Flowchart* which is a simple and effective staff guide to destruction responsibilities. This would appear to be a very useful tool in a record-keeping system where manual destruction is required. The Council have provided the Keeper with screen-shots from their intranet that show staff have access to information governance policies and guidance including destruction policies and the *Flowchart*. **The Keeper is able to agree this element of the Midlothian Council and Midlothian Licensing Board *Records Management Plan* on 'improvement model' terms with an amber RAG status. This means that an authority has identified a gap in provision (see under Digital Shared Drives and Digital eDRM above) and are putting processes in place to close that gap. The Keeper's agreement will be conditional on her being kept informed of progress in this area.**
7. Archiving and Transfer	A	G	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. The council recognises this. It is a formal commitment in the *Records Management Policy* (see element 3) "Preservation and promotion of accessible historical records encourage local people to engage with the history of their communities, and

generates learning opportunities for both young learners and adults. Public archive services also enhance the positive image of the Council, promoting cohesion in local communities and encouraging visitor spend in the local areas." The *Records Management Policy* goes on to list the 'Principles of good records management' which includes that "Proper arrangements are made for the long-term preservation of and access to materials of historic significance." (*Records Management Policy* page 6)

With this in mind Midlothian Council have arranged for public records suitable for permanent preservation to be transferred to their in-house archive: Archive collections | Midlothian archives | Midlothian Council

The Keeper has been provided with several policy and guidance documents around the Council's archive service. These are also published on the Council website for the benefit of service users. These include an introductory guide for user, their *Archival Transfer Procedure*, *Collection Policy* and the *Archive Services Improvement Plan*:
Guide to Midlothian Archives | Introductory guide to Midlothian Archives
EL7_ArchivalTransferProcedure1.0.pdf
EL7_ArchiveAndLocalStudiesCollectionPolicy.pdf
EL7_ArchivesServiceImprovementPlanCommitment_Signed (1).pdf

The version of the Archive Service Improvement Plan, published online, is dated 2014 and is thus almost 10 years old. The Keeper <u>requires</u> that this should be revisited as a matter of urgency. The Keeper notes that, when in place, the Records Manager (see element 2) will be responsible for "Managing and developing the Council's modern records and historical archive service" (*Records Management Policy* page 8).

The Keeper would like to direct the authority to guidance he has issued on

this issue: [Supplementary Guidance on Proper Arrangements for Archiving Public Records (nrscotland.gov.uk)](nrscotland.gov.uk)

The Council acknowledge that the situation with the archive service needs reviewed and have committed that "The new Records Manager will review and update the Archive Services Improvement Plan as a priority and update the Keeper accordingly." They have also stated that "The Archive Service continues to be operational, working with colleagues in our Local Studies team requests for information or access to items are being fulfilled. We have recently relocated all archive documents to Iron Mountain improving the storage arrangements for these items. All relevant officers have access to retrieve items from Iron Mountain to allow us process requests from the public."

The Council's archiving arrangements are supported by their *Records Disposal Policy & Procedures* document (see element 6) for example at sections 2.0 and 8.3. **However, the Council has identified a gap in provision. The *Records Disposal Policy & Procedures* document states:**

"Midlothian Council Archives do not currently have the ability to transfer electronic records to a dedicated digital repository. However, Records Champions should take steps where possible to assist in the preservation of these records until such time as they can be transferred to proper digital archival management and storage. Detailed policies and procedures tailored to the special technical requirements for preserving electronic records have yet to be developed; however, the procedural steps, roles and responsibilities outlined apply equally to electronic records as paper. Consideration for more detailed digital preservation methods will be included as part of future archival service improvements." (*Records Disposal Policy & Procedures* section 8.3.2)

			In order for Midlothian Council to pursue commitments around the permanent preservation of records, which they have published in their *Records Management Policy*, it is imperative that resource is allocated to digital archiving arrangements. As with other elements of this plan, the Keeper expects the appointment of a full-time Records Manager will see movement on this issue. He expects to be kept up-to-date on developments in the provision of a digital archiving solution. **The Keeper is able agree this element of the Midlothian Council and Midlothian Licensing Board *Records Management Plan* under 'improvement model' terms. The Council have acknowledged the lack of progress on archival service improvements and the have separately identified the lack of a digital preservation solution in their evidence package. The Keeper's improvement model agreement is conditional on her being updated on progress in both these areas. To this end, the Keeper <u>requires</u> Midlothian Council to provide an update on the situation around the archive service annually (see comments regarding PUR under element 4 above as a potential method of providing these updates).** **The provision of archiving arrangements is specifically mentioned in the Public Records (Scotland) Act (Part 1 1.2.(iii)) and the Keeper may return an authority's plan as uncompliant at any time if she in not satisfied that suitable attention is being directed to these arrangements.**
8. Information Security	**G**	**G**	The Act requires that public records are held in accordance with information security compliance requirements. In the *Records Management Policy* (see element 3) the council note that the "Principles of good records management" include that "Records are maintained in a

safe and secure environment, where access to them is controlled." (*Records Management Policy* page 5) and that "the record is protected against unauthorised alteration. Any authorised changes are clearly indicated and traceable." (page 6)

As well as appropriate information security procedures generally being supported in the *Records Management Policy* (see above). The Keeper commends the recognition of the risks around working copies of corporate documents emphasised in the *Policy*.

With the principles of the *Records Management Policy* in mind, the council have developed a separate *Information Security Policy*, which has been provided to the Keeper. This is version 1.4, dated November 2021. The Information Security Policy recognises the ISO27001 standard and provides a commitment by the Council to reach that standard where possible (*Information Security Policy* Introduction). The *Information Security Policy* includes breach reporting instructions and the physical security of terminals/servers etc.

The *Information Security Policy* is supported by a framework of other policies and guidance, which have also been shared with the Keeper. These include the *Midlothian Council Laptop Policy* (v1.6), the *Information and Communications Technology Acceptable Use Policy* (v5.0) and the *Building Security Policy* (v13.00) and several others. The Keeper acknowledges he has received a large suite of information security documents in evidence around this element. Information security arrangements are also supported by the Council's *Privacy Policy* (see element 9), for example at section 4.41.

Public records are classified according to sensitivity and where necessary the protective marking scheme is applied (*Information Security Policy* section 3).

			The Council manages its information security through the IMG (see Key Group under General Comments below). The Council have provided the Keeper with screen-shots from their intranet that show staff have access to information governance policies and guidance including the documents that make up the information security framework. The Keeper agrees that Midlothian Council and Midlothian Licensing Board have procedures in place to appropriately ensure the security of their records as required by the Act.
9. Data Protection	**G**	**G**	The Keeper expects a Scottish public authority to manage records involving personal data in compliance with data protection law. Midlothian Council is registered as a data controller with the Information Commissioner's Office (ICO): Information Commissioners - Data protection register - entry details (ico.org.uk) The Council has a *Privacy Policy*. This is version 2.0 (undated). It is published at: Council_Privacy_Policy_v_2_0_final (1).pdf The *Privacy Policy* confirms that "The Council regards the appropriate treatment of personal information as central to our operations, and to maintaining the confidence of our customers. To that end we will foster a culture of awareness of the GDPR and its guiding principles." (Privacy Policy section 1.4). The *Privacy Policy* explains the 6 principles of data protection and the additional accountability principle (*Policy* section 4). The *Privacy Policy* also provides a good explanation of breach reporting procedures (also section 4).

			Service users can make a subject access request using an online template: Records Management Plan and Evidence | Subject Access Request Form (midlothian.gov.uk)
			How personal information is used by Midlothian Council | Privacy and cookies | Midlothian Council
			The Council has identified Alan Turpie, Legal Services Manager as its appointed Data protection Officer under article 37 of GDPR.
			The Council have committed to carrying out data protection impact assessments before they begin any processing of personal data which is likely to result in a high risk to individuals (*Privacy Policy* section 3.4). With this in mind they have a *Data Protection Impact Assessment (DPIA) Template (with guidance notes)* document which has been provided to the Keeper. This is version 4.2. The Council also operate Information Asset Registers for certain business areas and for the purposes of identifying risk under GDPR . The Keeper has been provided with samples of these (for example Environmental Health).
			Furthermore, they have other supporting guidance for staff, such as an training presentation. This has also been shared with the Keeper. The *Records Management Policy* (see element 3) specifically indicates support for the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679), and the Data Protection Act 2018 (*Policy* page 3).
			The Keeper has also been supplied with a copy of the Council's data breach procedures including reporting arrangements.
			The Council's data protection arrangements are fully supported by their *Information Security Policy* (see element 8) from the Foreword (page 7) onward. The Council's

			data protection arrangement are also supported by their *Records Disposal Policy & Procedures document* and the *Confidential Waste Policy* (see element 6) for example *Disposal Policy* at section 1.0. The *Information and Communications Technology Acceptable Use Policy* the *Remote Working Policy* and other policies and guidance in the information security framework (see element 8) supports the Council's data protection provision, for example at *Acceptable Use Policy* section 6.7 or *Remote Working Policy* 1.1. The Council have provided the Keeper with screen-shots from their intranet that show staff have access to information governance policies and guidance including data protection and subject access procedures. The Council has committed to undertake annual data protection compliance self-assessments (*Privacy Policy* section 6.8.11) The Keeper agrees that Midlothian Council and Midlothian Licensing Board have arrangements in place that allow them to properly comply with data protection legislation.
10. Business Continuity and Vital Records	A	G	The Keeper expects that record recovery, prioritising vital records, is an integral part of the authority's business continuity planning. The council recognises this. It is a formal recognition in the *Records Management Policy* (see element 3) that the "identification of business-critical records and effective disaster management and preparedness regarding records and information are essential to ensuring the long-term sustainability of Council business." The Council has a *Business Continuity Policy* which has been supplied to the Keeper. This is version 1.0 approved by the Central Management Team in 2018 (the

Chief Officer Corporate Solutions -see element 1 – sits on this Team). The Council's Health, Safety & Resilience Manager has confirmed that this is the most up to date version of the policy though it is currently under review. The Keeper requests that she is provided with a revised version as soon as practical in order that she may keep the Council's submission up-to-date.

The overarching *Business Continuity Policy* is supported by a series of local recovery processes. The *Policy* states "The objectives relating to this policy are: Effecting the development of business continuity plans throughout the Council which will allow critical activities to continue. Creating a framework where plans are systematically maintained and reviewed and "All location and service level business continuity plans are to fit in with these strategic arrangements."

The Keeper has been provided with a sample of on of these local plans and agrees that it considers record recovery in an emergency.

The recovery of hard-copy records from the third-party storage contractor forms part of the contract with the supplier. The Keeper has been provided with a copy of that contract.

In an organisation that operates a hybrid record keeping system as operated here the identification of vital records is important so that recovery can be prioritised (normally in a purely eDRM system all records can be recovered simultaneously). The Council clearly understands this and has provided staff guidance. **However, they identify that, for practical purposes, arrangements around the identification of vital records is not fully rolled-out. The *RMP* states (page 14) "As part of the IAR process, Services specify whether records are vital. Guidance to assist record owners in identifying vital records is available via the Council Intranet. The Council recognises that further work is needed in order to review and update the IARs." While the majority of the Council's**

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<tr><td></td><td>A</td><td>G</td><td>

public records remain on shared drives (see element 4) the identification of vital records is important to recovery processes, although subsequent to the roll-out of M365 this will be less urgent.

The Keeper has been provided with the *Council's Guide to Vital Records for Records Champions and Records Owners* which explains the actions to be taken in the protection of vital records held in paper format. This is to be commended.

Business continuity is inspected under the Council's Audit procedures.

Business continuity is appropriately supported by other policy areas, for example the *Information Security Policy* (see element 8) section 1.0.

The Council have provided the Keeper with screen-shots from their intranet that show staff have access to information governance policies and guidance including business continuity and vital records procedures.

The Keeper can agree this element of the Midlothian Council and Midlothian Licensing Board *Records Management Plan* on an 'improvement model' basis with an amber RAG status. He will do this on the basis that the Council have identified a gap in provision (the identification of vital records is a work-in-progress) and have committed to closing that gap. As with other elements the Keeper's agreement is conditional on his being kept up-to-date with progress.

</td></tr>
<tr><td>11. Audit trail</td><td>**A**</td><td>**G**</td><td>

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.

In the *Records Management Policy* (see element 3) the council note that the "Principles of good records management" include that "Records are kept in systems that enable them to be stored, retrieved, used and shared as necessary." (*Records*

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</table>

Management Policy page 5), that "Any authorised changes are clearly indicated and traceable." And that "the record can be located, retrieved, presented and interpreted" (page 6).

With these published policy commitments in mind, Midlothian Council have the following process in place to appropriately track and identify their public records:

<u>Digital Shared Drives and Digital eDRM:</u> Most of the current public records of the council are managed on shared drives which is the Council's main filing structure although some are managed in an electronic document management system in certain limited business areas. The *RMP* (page 15) notes that "Tracking changes made to records in Midlothian Council's network files is limited." This is an understood limitation of managing records in network drives and the Keeper commends the recognition of this limitation. For tracking documents in both these systems it is important that they are named in a consistent and searchable manner. **However, the Council has not provided the Keeper with any guidance for record creators around naming conventions. For records created and edited on shared drives version control is important to allow users to identify the correct (for example the most recent) version of a record. Once public records are transferred to M365 as the main records management solution this will provide version control automatically. However, to efficiently utilise the powerful e-discovery search facility in M365 consistent naming of records will still be required. The lack of version control/naming convention guidance for staff would seem to be a significant gap in provision of efficient record tracking.**

On this issue the Council state: "As part of their digital strategy, the Council has governance in place to implement Microsoft 365 across all services with a dedicated project team driving this forward. The [M365] suite is yet to be deployed and this implementation, on an incremental basis, will continue

throughout 2023.

As part of this, the use of SharePoint for digital collaboration and records management will be introduced to replace the existing network drives. SharePoint offers much more in terms of document control, naming conventions, version control, classification, audit capabilities, archiving and retention, access controls, information security, compliance and efficient records management than the traditional network drives that are currently in place.

The project team, and the Records Manager once installed, will make sure that the principles defined in our Records Management Policy are adhered to from the design stage to final roll-out of any M365 application to ensure compliance. The Records Manager will have a key role within the project team and will govern records management compliance within M365 on an ongoing basis." (see also element 4). The Keeper expects the Records Manager and project team to incorporate naming instructions and staff training as part of this project.

Digital Line of Business: The Council creates records in line of business systems such as those used by Social Services, Revenues and Housing, and Finance and Procurement. The Keeper can accept that the various line-of-business systems employed by the Council have adequate records management provision including functionality that allows public records to be appropriately located and changes identified.

Physical external storage: The Council utilises the services of a third-party document storage company for the management of hard-copy records that are not being used for current business needs. The Keeper has been provided with a detailed explanation of how public records are traced in this store (and how

| | | | transfers are registered). The Keeper has been provided with the third party contract showing these arrangements are operational.

Physical in-house: At any time the Council may manage public records internally when they are being used for immediate business activities. In order to track the movement of paper files within and between offices, a file register template including a 'fil tracking' section is made available to all staff for download via the Intranet. The Keeper has been provided with a copy of this template. The Keeper has also been provided with a screen-shot of the Council's physical records inventory which shows staff access to a spreadsheet showing file types, managed in paper format, in each business area. This appears to be a useful tool.

As with other elements, the Council have correctly acknowledged where there are gaps in records management provision and has acknowledged the necessity of closing that gap. In the case of the tracking of public records the provision of naming conventions, and staff training on using these, may be a task awaiting the Records Manager when appointed (see element 2) and should certainly form part of the M365 roll-out. This element of the previous *RMP* was agreed under improvement model terms on the basis that the Council was transitioning to an eDRM which would have required new staff guidance and training and would have probably provided automated version control. This transition has, for perfectly understandable reasons, not been progressed and it is now the responsibility of the Council to commit to ensuring that the new solution is embedded correctly. The provision of appropriate staff guidance is part of that process. The Keeper therefore retains this element as an 'improvement model' and this agreement is conditional on her being updated regularly on progress. |

| 12. Competency Framework for records management staff | A | G | The Keeper expects staff creating, or otherwise processing records, to be appropriately trained and supported.

As noted in element 2, above, the Council is, temporarily, without a dedicated records manager. The Keeper acknowledges that he has been provided with evidence showing that they are in the process of closing this gap. Once the new post-holder is in place it is important that a formal training programme is put in place. However the Keeper understands that, until the previous qualifications experience and skills of the new records manager are considered, it is difficult to develop a suitable training programme. The Keeper is, therefore, willing to agree this element of the Council's records management plan with an Amber RAG status under 'improvement model' terms.

The Council have committed that "This [training] will be addressed when the new Records Manager is in post. A training/development programme will be included in the induction process and forms part of the Council's employee performance management framework."

Appropriate staff training for staff other than the records manager is specifically supported in the *Records Management Policy* (see element 3) for example at page 7.

When in place, the Records Manager (see element 2) will be responsible for "Supporting divisional staff in maintaining good records management practice", "Developing and delivering records management training to staff" and "Presenting and disseminating information throughout the Council as necessary" (*Records Management Policy* page 8)

The Council have mandatory Information Governance and Records Management e- |

learning modules for all employees in place.

All staff are required to sign and to confirm they have read, understood and will comply with the Councils Information Security Requirements (*Information Security Policy* – see element 8 – Introduction and section 4)

Data protection (see element 9) is mandatory for all Council employees. The Keeper has been provided with a copy of a training presentation and a sample records management e-learning module. This training is supported by the Council's published *Privacy Policy* (see element 9), for example at section 4.40 and 6.9.2.

All staff are made aware of business continuity arrangements within their business area through training and participation in exercises designed to test those arrangements (*Business Continuity Policy* section 6.8)

The Keeper notes that the Council publish details of their records management training modules at: Records Management Plan and Evidence | Records Management Training Information Sheet (midlothian.gov.uk)

The Council also notes that specialised records management training is offered to users depending on their particular needs. This will, obviously, include the records manager when in post.

The Keeper has been provided with screen-shots of their intranet records management pages as evidence that staff have access to the relevant policies and guidance.

The Keeper agrees this element of the Midlothian Council and Midlothian Licensing Board RMP on improvement model terms on the basis that a tailored training programme for the individual identified at element 2 is not

			possible until the permanent post-holder is in place. He agrees that the Council consider information governance training for other staff as required.
13. Assessment and Review	**G**	**G**	Section 1(5)(i)(a) of the Act says that an authority must keep its RMP under review.
			The *RMP* explains that it is scheduled for annual review (*RMP* page 17).
			The progress of implementing the *RMP* is reported regularly to the Information Management Group (see Key Group under General Comments below). A sample IMG agenda has been supplied as evidence.
			The Records Manager (see element 2) and Internal Audit have planned reviews. The Internal Audit team undertake audits which test the implementation of the *RMP*. The outcome of these audits are reported to the Council's Audit Committee and Information Management Group. A sample audit report is enclosed. Any actions resulting from the Audits are allocated to the relevant Council Officer to progress. Progress is then monitored through the Council's performance management framework. The Keeper has been provided with a sample Internal Audit report as evidence that this arrangement is in place. The involvement of oversight independent of the immediate information management team is highly commended. The Council's information security processes are also subject to review by Internal Audit and the use of a mandatory GAP analysis (*Information Security Policy* – see element 8 – sections 1 and 2).
			The Keeper acknowledges that supporting documents submitted in evidence have clear review dates applied in their control sheets:
			The *Privacy Policy* (see element 9) is scheduled to be reviewed annually.
			The *Records Management Policy* (see element 3) is scheduled for formal review

			every two years. Local business continuity arrangements are reviewed and tested annually (*Business Continuity Policy* section 6.8 and 7.1) The *Confidential Waste Policy* (see element 6), the *Information Security Policy*, the *Acceptable Use Policy*, the *Credit and Debit Card Security Policy*, the *Handheld Devices Policy,* the *Laptops Security Policy*, the *Handling Protectively Marked Information Policy*, the *Remote Working Policy* (see element 8) are all due for review by November 2023. The Council's *Business Continuity Policy* (see element 10) was due for review by November 2018. Their *Data Breach Procedure* document (see element 9) was due for review by February 2020. The *Business Classification Scheme and Corporate Retention Schedule Overview* (see element 4) the *Systems Administration IT Security Policy* and the *Smartphones Policy* (see element 8) were due for review by July 2020. The *Tablets Digital Services Security Policy* (see element 8) was due for review by October 2020. The *Forensic Readiness Security Policy* (see element 8) was due for review by December 2021. The *Building Security Policy* (see element 8) was due for review by September 2022. If reviewed versions of these document are available, the Keeper would appreciate being provided with a copy in order that he may keep the Midlothian Council submission up-to-date. As noted in element 7 supporting documents submitted in evidence do not appear to have been reviewed for many years. The Council has committed to undertake annual data protection compliance self-assessments (*Privacy Policy* – see element 9 - section 6.8.11). The Council's registration with the Information Commissioner was due for renewal by January 2023.

			The Keeper agrees that Midlothian Council and Midlothian Licensing Board have made a firm commitment to review their *RMP* as required by the Act and have explained who will carry out this review and by what methodology. Furthermore he agrees that supporting policy and guidance documents have appropriate review periods allocated.
14. Shared Information	**G**	**G**	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. In the *Records Management Policy* (see element 3) the council note that the "Principles of good records management" include that "Records are kept in systems that enable them to be stored, retrieved, used and shared as necessary." (*Records Management Policy* page 5). The Council share information using formal information sharing protocols, data sharing agreements etc. The Keeper has been provided with several examples of data sharing agreements, including a full *MoU between the Council and NHS Lothian*. He has also been provided with a sample *ISP Template* and with a screen-shot showing that staff have access to the template and to guidance on completing it. The Keeper agrees that the supplied samples clearly show information governance has been appropriate considered. For example, section 7 of the Data Sharing Agreement considers 'Retention & Deletion'; the Information Sharing Protocol Guidance considers limitations on processing and the MoU with NHS Lothian Monitoring features clauses around 'review and continuous improvement'. The above arrangements are confirmed in the Council's published *Privacy Policy*

	G	G	(see element 9) for example at section 4. There is an awareness of the information security issues arising when information is exchanged between organizations For example see *Information Security Policy* section 3. The Keeper can agree that Midlothian Council and Midlothian Licensing Board properly considers records governance when undertaking information sharing programmes.
15. Public records created or held by third parties	G	G	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). This is recognised (and the relevant clause in the Act quoted) in the *RMP* (page 4). "Relevant contractors are appointed under contracts which include appropriate clauses relating to the management of the public records which the contractor creates and/or manages on behalf of the council." (*RMP* page 19). The Keeper has been provided with a sample of the Council's *Terms and Conditions* and he agrees these consider information governance (in this example particularly around data protection). The terms and conditions allow Council access to "…allow the Purchaser [the Council], its employees, auditors, authorised agents or advisers reasonable access to any relevant premises, during normal business hours, to inspect the procedures, measures and records…" (*Terms and Conditions* section 28.11) and "At the end of the provision of Services relating to processing the Supplier must, on written instruction of the Purchaser, delete or return to the Purchaser all Personal Data and delete existing copies unless EU or Member State law requires storage of the Personal Data." (Section 28.10)

The above arrangements are confirmed in the Council's published *Privacy Policy* (see element 9) for example at section 2.1.4. Information sharing risks are appropriately considered in other Council policy documents. For example *Handling Protectively Marked Information IT Security Policy* section 3.4.

The Keeper would like to remind the Council that they must be satisfied regarding the records management provision applied to <u>all</u> public records created by a third-party while carrying out a function of the Council, whether those records contain personal information or not.

He accepts that the Council has acknowledged this in the *RMP* and that the sample provided suggests that information governance, including monitoring and disposition at end of contract, is appropriately considered when entering into this sort of arrangement.

The Keeper agrees that Midlothian Council and Midlothian Licensing Board has properly considered the management of records created by third parties while they undertake activities in pursuance of functions of the Council under contract.

Midlothian Council and Midlothian Licensing Board
(For simplicity these two public authorities will be referred to as 'the Council' in this assessment)

General Notes on submission:

This assessment is on the *Records Management Plan* (the *RMP*) of Midlothian Council and Midlothian Licensing Board as submitted to the Keeper of the Records of Scotland (the Keeper), for his review and agreement, on 28th July 2022. This is version 1.0 approved by the Chief Executive in July 2022.

The *RMP* specifically states that it covers the public records of both Midlothian Council and Midlothian Licensing Board (*RMP* page 3).

This is the second formal records management plan received from Midlothian Council and Midlothian Licensing Board by the Keeper. The first was agreed on the 19th June 2014: https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/Keeper%27sAssessmentReportMidlothianCouncilAndMidlothianLicensingBoard.pdf

An update of the original *RMP* is available on the Midlothian Council website at: RecordsManagementPlanv1.1_web_version.pdf. This is version 1.1 (2015). The Keeper commends the publication of an authority's RMP and hopes that the Council will similarly publish this new, reviewed version.

The Chief Executive of Midlothian Council, Dr Vickers, and the council Senior Information Risk Owner (see element 1) have both signed the cover sheet of the *RMP*.

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.

Midlothian Council discuss records management in their published Information Strategy: EL3_InformationManagementStrategy2013.pdf

The Keeper agrees that robust records management supports the Corporate Objectives of Midlothian Council such as the, data driven, objectives explained in the *Single Midlothian Plan 2022-2023*: Single_Midlothian_Plan_2022_FINAL__17.06.22_.pdf and their *Corporate Solutions Service Plan*: Corporate Solutions Service Plans | Corporate Solutions Service Plan 2021-22 (midlothian.gov.uk) which includes a commitment by the Council "To ensure that appropriate governance, security and information management policies and standards are in place"

The Council makes the following statement in their *Records Management Policy* (see element 3) :
"The systematic management of the Council's records, from creation to disposal, is essential in order to protect
and preserve them as evidence of actions, to support present and future activities and business decisions, and to ensure
accountability to present and future stakeholders". The Keeper fully agrees this statement.

The authority refers to records as a business 'asset' (for example *Records Management Policy* – see element 3 - page 3 or *Handling Protectively Marked Information IT Security Policy* - see element 8 - section 2.0). This is an important recognition and the Keeper commends it.

Key Group: Information Management Group:

The Chief Officer Corporate Solutions (see element 1) oversees an Information Management Group (IMG). The IMG serves as the main point of contact for departmental staff on issues to do with information and records management.

The IMG is "responsible for identifying and maintaining high quality information assets in accordance with legislation and best practice, including the oversight and promotion of good records management." (*Records Management Policy* – see element 3 – page 7). The IMG is comprised of staff at divisional and strategic levels.

The Council manages its information security through the IMG. "Each council division must have an Information Management Representative, who, as part of their remit will be responsible for IT security liaison for their division. Their role must be clearly defined and individuals clearly identifiable within their division" and "An Information Management Group will be created comprising of representatives from all divisions. They will promote security through every department and assist in and implement an organisation wide policy. The Information Security Lead will attend the meetings reporting directly any findings to the Senior Information Risk Owner" (*Information Security Policy* section 1).

Similarly, the Council manages its data protection procedure through the IMG: The work of the IMG underpins the Council's commitment to ensure the privacy of its customers. The IMG has delegated responsibility, through the SIRO and the Central Management Team (CMT) for the development and delivery of effective data protection governance throughout the Council. (*Privacy Policy* - see element 9 - section 6.1). The Chief Officer Corporate Solutions (see element 1) sits on the CMT.

The IMG is responsible for providing regular training in good records and information management practice (*Records Management Policy* page 7). When in place, the Records Officer (see element 2) will be responsible for "Participating in the strategic Information Management Group to support good information management across the Council" (*Records Management Policy* page 8)

The IMG reviewed the *RMP*, prior to submission, in 2022

The remit of the IMG is made publicly available at:
[Records Management Plan and Evidence | Information Management Group Remit (midlothian.gov.uk)](midlothian.gov.uk)

Clearly the input of the IMG is fundamental to the provision of records management in the Council and the Keeper appreciates being informed of their remit and activities as part of this submission.

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 Midlothian Council and Midlothian Licensing Board. Policies and governance structures are in place to implement the actions required by the plan.

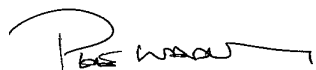Elements that require development by Midlothian Council and Midlothian Licensing Board are as follows:

2. Records Manager
4. Business Classification
6. Destruction Arrangements
7. Archiving and Transfer
10. Business Continuity and Vital Records
11. Audit trail
12. Competency Framework for records management staff

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of **Midlothian Council and Midlothian Licensing Board.**
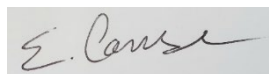
- The Keeper recommends that Midlothian Council and Midlothian Licensing Board should publish its agreed RMP as an example of good practice within the authority and the sector.

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

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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 Midlothian Council and Midlothian Licensing Board. In agreeing this RMP, the Keeper expects Midlothian Council and Midlothian Licensing Board 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