

Public Records (Scotland) Act 2011

NHS Forth Valley

The Keeper of the Records of Scotland

7th June 2023

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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 NHS Forth Valley by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 17th October 2022.

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

3. Authority Background

Description of Authority: NHS Forth Valley is one of 14 regional health boards and serves a population of more than 306,000 in central Scotland. The Board controls an annual budget of approximately £570 million, and employs around 8000 staff. Forth Valley Royal Hospital in Larbert is supported by a network of four community hospitals, 56 health centres, day centres providing care and support for patients with mental illness and learning disabilities and a wide range of community based services. NHS Forth Valley is also home to the Scottish Centre for Clinical Simulation and Human Factors, where medical staff are able to practice their technique using computerised mannequins.

[NHS Forth Valley – About](#)

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 NHS Forth Valley'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

NHS Forth Valley

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>NHS Forth Valley have identified Andrew Murray, Medical Director, as the individual with overall responsibility for records management in the organisation.</p> <p>The identification of the Medical Director to this role is supported by a <i>Covering Statement</i> from Cathie Cowan, Chief Executive, (see under General Comments below), by the <i>Health Records Strategy and Management Policy</i>, for example section 2.6, and by the <i>Corporate Records Management Policy</i>, for example section 8.1.</p> <p>The Medical Director has delegated functional responsibility for data protection and is also the Caldicott Guardian. The Caldicott Guardian has responsibility for maintaining confidentiality of patient identifiable information (see elements 8 and 9). In this aspect of his role Mr Murray is supported by the Board's Data Protection</p>

			<p>Officer (<i>Data Protection & Confidentiality Policy</i> - see element 9 - section 4).</p> <p>It is clear from the above that the Medical Director is closely aware of the records management provision in NHS Forth Valley.</p> <p>NHS Forth Valley note that they will inform the Keeper if the names of the individuals mentioned in the <i>Records Management Plan (RMP)</i> should change in the future. This is a welcome commitment. However, the Keeper has determined that a change in personnel, if the role remains unaltered, does not invalidate a records management plan.</p> <p>The Keeper agrees that NHS Forth Valley have identified an appropriate individual to this role as required by the Act.</p>
2. Records Manager	G	G	<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. While recognising that the Act would indicate the identification of a <u>single</u> individual, the Keeper has agreed that shared responsibility is acceptable practice in this particular sector due to the clinical/corporate structure of territorial health boards.</p> <p>NHS Forth Valley have identified Amy Cawood, Corporate Records Manager and Emma Hamilton, Health & Corporate Record Services Manager, as the individuals with day-to-day responsibility for implementing the <i>RMP</i>.</p> <p>Both these roles report to the Head of Health & Corporate Record Services, and work in close collaboration with the Head of Information Governance and the information governance department leads. The Keeper has been provided with a copy of the NHS Forth Valley <i>Information Governance Records Management Reporting Structure</i> as evidence of this arrangement.</p>

			<p>The identification of these two individuals as responsible for the implementation of the plan is supported by a <i>Covering Statement</i> from the Chief Executive of NHS Forth Valley (see under General Comments below).</p> <p>The Keeper has been provided with Job Descriptions for both roles and agrees that they are appropriate for implementing the records management provision, and improvement actions, explained in the <i>RMP</i>. For example: “lead on the development and management and provide business support services and subject matter expertise to the development of Records Management Policies and Procedures, specifically in the area of Corporate and Business Records, to ensure compliance with Public Records (Scotland) Act 2011” (<i>Corporate Records Manager Job Description</i>).</p> <p>The Corporate Records Manager and the Health & Corporate Record Services Manager jointly created the <i>RMP</i>.</p> <p>The Corporate Records Manager is the author of the <i>NHS Forth Valley Corporate Records Management Policy</i> (see element 3). The Health & Corporate Records Service Manager is the author of the <i>Health Records Strategy and Management Policy</i> (also see element 3).</p> <p>The Corporate Records Manager is also the author of the <i>Corporate & Administrative Records Retention Schedule</i> (see element 5), the <i>Best Practice for Managing Corporate Records (Housekeeping) Guide</i> (see element 3), the <i>Confidential Waste Disposal Operational Policy</i>, the <i>Selection, Appraisal and Transfer to Archive Policy</i> (see element 7) and the <i>Corporate Records Retention and Disposal Policy</i> (see element 6).</p> <p>Both the Corporate Records Manager and the Health & Corporate Record Services</p>
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			<p>Manager participated in a short life working group set up to introduce consistent retention decisions across Scottish NHS Boards and the redevelopment of the <i>NHS Scotland Records Management Code of Practice</i> (see element 5): SG-HSC-Scotland-Records-Management-Code-of-Practice-2020-v20200602.pdf The Corporate Records Manager recently chaired a short life working group to map the <i>Business Classification Scheme</i> and retention labels to the M365 retention labelling solution (see element 4).</p> <p>The Keeper notes that NHS Forth Valley Corporate Records Manager is also closely involved with the development of national NHS records management competencies, as explained at element 12 below.</p> <p>Various staff guidance documents direct staff to address records related issues to the individuals identified here.</p> <p>The Keeper notes that the reviewed plan explains some of the 'notable improvements' carried out by NHS Forth Valley since his original agreement. These include the appointment of dedicated corporate records staff (<i>RMP</i> page 4). This improvement is to be commended.</p> <p>The Keeper agrees that NHS Forth Valley have identified appropriate individuals 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>NHS Forth Valley have a <i>Health Records Strategy and Management Policy</i>. The Keeper has been provided with a copy of this <i>Policy</i>. This is version 3.0 dated 2018.</p> <p>NHS Forth Valley have a separate <i>Corporate Records Management Policy</i>. The</p>

			<p>Keeper has been provided with a copy of this <i>Policy</i>. This is version 4.0 dated 2021.</p> <p>Both records management policies are specifically endorsed by The Chief Executive of NHS Forth Valley in a <i>Covering Statement</i> (see under General Comments below).</p> <p>The Keeper agrees that the <i>RMP</i> supports the objectives of the records management policies.</p> <p>The records management policies acknowledge the Public Records (Scotland) Act 2011, for example <i>Corporate Records Management Policy</i> section 1.</p> <p>The records management policies are supported by staff guidance documents. For example the Keeper has been provided with a copy of <i>Best Practice for Managing Corporate Records (Housekeeping) Guide</i>. This is version 1.0 approved in April 2021. This essential staff guidance document refers to the Public Records (Scotland) Act. It is created, and signed, by the Corporate Records Manager (see element 2).</p> <p>The <i>Best Practice for Managing Corporate Records (Housekeeping) Guide</i> also explains to staff how they should manage their personal (O) drive (section 4).</p> <p>The Keeper has been provided with a screen shot showing that NHS Forth Valley staff have access to information governance guidance through their intranet.</p> <p>The records management policies specifically endorse the adoption of the principles set out in the NHS Scotland <i>Records Management Code of Practice</i> (see element 2), for example <i>Corporate Records Management Policy</i> section 1 and <i>Health Records Strategy and Management Policy</i> Foreword: SG-HSC-Scotland-Records-Management-Code-of-Practice-2020-v20200602.pdf</p>
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			<p>NHS Forth Valley have, separately from their <i>RMP</i>, informed the Keeper that, as part of their commitment to streamlining policies across the Board, they are currently working on a joint Health and Corporate Records Policy and Strategy. They have committed to providing a copy of the combined document to the Keeper once it has been finalised and approved. The Keeper welcomes this proposed improvement.</p> <p>The Keeper agrees that NHS Forth Valley has formal records management policy statements as required by the Act.</p>
<p>4. Business Classification</p>	<p>A</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>NHS Forth Valley recognise this. They state "The guiding principle of records management is to ensure that information is available when and where it is needed, in an organised an efficient manner and in a well-maintained and secure environment." (<i>RMP</i> page 4) and "NHS Forth Valley is committed to... Maintain that information in an effective manner whilst ensuring compliance with the recommendations of the appropriate authorities, legislation and business requirements" (<i>RMP</i> page 12).</p> <p>The <i>Best Practice for Managing Corporate Records (Housekeeping)</i> staff guidance (see element 3), which is available on the NHS Forth Valley intranet (StaffNet), explains the importance of storing records in the correct place (for example sections 2, 5 and 7). Specifically, at section 5, staff are instructed how to properly use the network drive structure (see below).</p> <p>NHS Forth Valley operate a hybrid system: Public records are held digitally on network/shared drives, on bespoke line-of-business systems. There are public records held in hard-copy format in-house and also hard-copy records held by a</p>

			<p>third party storage supplier.</p> <p><u>Digital Network Drives</u> The majority of the administrative records of NHS Forth Valley are created in digital format and are arranged in a network drive arrangement according to a nationally agreed business classification scheme (BCS). However, it is recognised that, in a large organisation, the records management provision of shared drives might be considered inadequate without local fixes to help mitigate potential problems. Therefore, in common with all NHS Boards, NHS Forth Valley is working with the National NHS Implementation Team to start planning the migration of its records to an M365 solution (see below). The RMP makes it clear that the BCS is not implemented across the shared drive network, but that it will be integral to our M365 solution. The intention is to integrate the BCS into the IAR, as part of its development plan.</p> <p><u>Digital Line of Business Systems</u> As with many other public authority's, NHS Forth Valley create and manage public records on bespoke line of business systems. This is particularly the case in an NHS board where a range of systems are used to create clinical records such as the Electronic Patient Record (EPR). The Keeper cannot be familiar with all of these systems, but accepts that NHS Forth Valley are confident that these allow an appropriate level of records management functionality, such as tracking and destruction (see under individual elements below).</p> <p><u>Physical (In-House)</u> NHS Forth Valley manage public records in paper format. These records are recognised by the authority's <i>Information Asset Register</i> (see below) and have retention decisions applied to them. The <i>Information Asset Register Guidance</i> supplied to staff emphasises that records may be held in digital, paper (or both) formats.</p>
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			<p><u>Physical (External Storage)</u> NHS Forth Valley employ the services of a long-term storage contractor for the management of some of its hard-copy records. The use of an external storage contractor is confirmed in <i>Transportation and Handling of Confidential & Sensitive Information</i> policy section 1. The Keeper has been provided with details of the third party and of the systems set up with this supplier to ensure that NHS Forth Valley can be confident that the public records they hold are being robustly managed.</p> <p><u>Information Asset Register</u> Since the Keeper’s original agreement of NHS Forth Valley’s <i>Records Management Plan</i> (September 2016) the authority has implemented an <i>Information Asset Register (IAR)</i> system and although this does not yet appear to be fully rolled out, the Keeper agrees that it should provide a strong tool to assist in the management of the Board’s public records.</p> <p>The staff <i>Information Asset Register Reference Guide</i> explains that the “An Information Asset Register is a database which holds information of information of any physical asset such as paper files, computer files and systems and what information you hold in them, how it is stored, who it is shared with and how long the information is retained. The <i>IAR</i> is managed as a single unit to allow the information to be understood, protected and exploited efficiently. Information assets have recognisable and manageable value, risk, content and lifecycles.” (<i>Information Asset Register Reference Guide</i> section 1).</p> <p>The <i>RMP</i> makes it clear that “over 1000 assets having been registered to date” (<i>RMP</i> page 17). As this is a major project the Keeper requested that he was provided with more information around the <i>IAR</i> in evidence. NHS Forth Valley arranged a demonstration of the <i>IAR</i> for the Keeper’s Assessment Team and they now have a full understanding of how this document is laid out and what information</p>
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			<p>it contains. The Keeper thanks NHS Forth Valley for providing this very useful demonstration.</p> <p>The Keeper has received copies of the <i>IAR</i> training materials and guidance that has been provided to NHS Forth Valley staff. The Keeper has also been provided with a screen shot showing the use of the <i>IAR</i> alert system (see elements 5 and 6 below).</p> <p><u>M365 in the cloud and NHS Scotland’s Records Management</u> NHS Scotland is adopting M365 as their records management platform on a national level. The M365 roll-out is not complete and is currently being piloted in other NHS Scotland boards. The M365 adoption will require NHS Forth Valley to map their <i>Business Classification Scheme</i> to the, national, M365 structure. This work is also not yet complete.</p> <p>NHS Scotland have previously provided the Keeper with a copy of the ‘SharePoint Roadmap’ showing how this roll-out will proceed.</p> <p>NHS Forth Valley report that they have not yet started the transitioning process to SharePoint or OneDrive and that the lack of clarity and staffing at the National project level has delayed progress. It is reported that the National project issues are being resolved, so they are hopeful that they may be in a position to make better progress during 2023.</p> <p>Even with better progress later in the year, transition from shared drives to a cloud-based solution is bound to be incremental and take several years to bed-in properly. The Keeper acknowledges that NHS Forth Valley have correctly identified the importance of appropriate policies, governance and staff training in making this major project a success. For example NHS Forth Valley are developing specific guidance around the management of e-mails in M365 (see for example <i>Transportation and Handling of Confidential & Sensitive Information</i> – see element 8</p>
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			<p>- section 4).</p> <p>The Keeper’s Assessment Team report that Forth Valley’s Corporate Records Manager and Health & Corporate Record Services Manager have been consistently engaged in developments in NHS Scotland centrally through the NHS Scotland Records Management Forum. This group was also instrumental in developing updates to the <i>NHS Scotland Records Management Code of Practice</i> while closely monitoring the M365 implementation.</p> <p>NHS Forth Valley have provided the Keeper with a screen shot of the records management home-page on their intranet ‘Staffnet’ showing that all staff have access to relevant policies and guidance including the <i>Business Classification Scheme</i>.</p> <p>The <i>Best Practice for Managing Corporate Records (Housekeeping)</i> guide (see element 3) provides staff guidance on how to save public records (section 7) and explains the difference between health and corporate records (introduction) as does the <i>Corporate Records Management Policy</i>.</p> <p>In the Keeper’s original agreement he agreed this element on an amber ‘improvement model’ basis. This meant that the authority had identified a gap in provision (lack of an operational <i>Business Classification Scheme</i>) and evidenced a commitment to closing the gap. This agreement was conditional on the basis that the Keeper was kept informed of progress. The Keeper acknowledges that he has received regular updates, as requested, on the development of the business classification scheme and of other improvements in the records management structure being operated by the authority. These updates have been provided through the Progress Update Review (PUR) process (in 2018, 2019 and 2020) and through continuous engagement with the Keeper’s PRSA Assessment Team. The use of the PUR reporting mechanism is to be commended. The latest report of the</p>
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			<p>PUR for NHS Forth Valley can be found here: NRS - Progress Update Review (PUR) Final Report by the PRSA Assessment Team for NHS Forth Valley, May 2021 (nrscotland.gov.uk)</p> <p>However, since that original agreement, as with all NHS Boards in Scotland, NHS Forth Valley have been transitioning to the use of M365 as their principal records management system and this transition phase is not, at this time, completed. This element is particularly affected by the structure on which an authority's records management sits and, as this is not yet embedded, the Keeper considers that element 4 of this new, reviewed, <i>RMP</i> should retain its Amber RAG status. As before, the Keeper expects that updates will be provided as appropriate. The Keeper acknowledges that NHS Forth Valley have committed to do this.</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>NHS Forth Valley recognise this. They state: "Retention policies help ensure that information is retained for a minimum period of time after creation or deletion, strengthening NHS Scotland's data management capabilities and our ability to comply with current data governance regulations." (<i>RMP</i> page 19)</p> <p>NHS Forth Valley's <i>Health Records Strategy and Management Policy</i> (see element 3) lists, as a principle of records management, a commitment to "Achieve systematic, orderly and consistent creation, <u>retention</u>, appraisal and disposal procedures for records throughout their life cycle." (<i>Health Records Strategy and Management Policy</i> section 1.5)</p> <p>The Chief Executive of NHS Forth Valley has provided the Keeper with a <i>Statement</i></p>

			<p>(see under General Comments below) in which she explains that “NHS Forth Valley aims to: set out recommended minimum periods for retention of NHS personal health and administrative records regardless of the media on which they are held”.</p> <p>The <i>Best Practice for Managing Corporate Records (Housekeeping)</i> staff guidance (see element 3), which is available on the NHS Forth Valley intranet, also supports the use of retention schedules (for example section 3).</p> <p>In the Keeper’s original agreement of NHS Forth Valley’s <i>Records Management Plan</i> (September 2016) he agreed this element on an amber ‘improvement model’ basis. This meant that the Board had identified an area for improvement (lack of organisation wide retention schedules and identifying records to be selected for permanent preservation) and had provided evidence showing a commitment to closing the gap in provision. As part of this agreement, the Keeper asked to be kept informed of progress in this area. The Keeper can now fully agree this element as NHS Forth Valley have adopted (and helped develop) the <i>NHS Scotland Records Management Code of Practice</i>: SG-HSC-Scotland-Records-Management-Code-of-Practice-2020-v20200602.pdf</p> <p>The <i>Corporate Records Management Policy</i> (see element 3) notes that "The Code of Practice sets out, for both health and corporate records, the following: Recommended retention periods for key series of records, regardless of the media on which they are stored" (<i>Corporate Records Management Policy</i> section 1). The application of retention decisions to public records, utilising the <i>Code of Practice</i>, is also supported in the <i>Health Records Strategy and Management Policy</i> (Foreword).</p> <p>The Corporate Records Manager and Health & Corporate Record Services Manager (see element 2) both participated in a short life working group set up to introduce consistent retention decisions across NHS Boards.</p>
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			<p>NHS Forth Valley has developed local retention schedules that map to the <i>Code of Practice</i> which applies retention decisions to record types regardless of the format in which those records are managed. Local retention schedules are available to all staff from the NHS Forth Valley intranet. The Keeper has been provided with a screen shot of the Records Management home page on the Intranet, which shows a retention schedule section.</p> <p><u>Digital Line of Business:</u> The Keeper can agree that records held on the various business systems (particularly in the ‘health’ area) have specified retention decisions allocated and that these are understood.</p> <p>NHS Forth Valley have provided the Keeper with a screen shot of the records management home-page on their intranet ‘Staffnet’ showing that all staff have access to relevant policies and guidance including guidance on record retention.</p> <p>The Keeper agrees that NHS Forth Valley has a schedule providing retention decisions for the record types created while pursuing its functions.</p>
6. Destruction Arrangements	A	G	<p>The Act requires that public records are destroyed in a timely, controlled and secure manner.</p> <p>NHS Forth Valley recognise this. The <i>RMP</i> states “NHS Forth Valley is committed to a systematic and planned approach to the management of records within the organisation, from their creation to their ultimate disposal” (<i>RMP</i> page 12).</p> <p>NHS Forth Valley's <i>Health Records Strategy and Management Policy</i> (see element 3) lists, as a principle of records management, a commitment to "Achieve systematic, orderly and consistent creation, retention, appraisal and <u>disposal</u> procedures for records throughout their life cycle." (<i>Health Records Strategy and</i></p>

			<p><i>Management Policy</i> section 1.5)</p> <p>NHS Forth Valley maps its destruction procedures to national standards. See <i>NHS Scotland Records Management Code of Practice</i> under element 5 above.</p> <p>The <i>Best Practice for Managing Corporate Records (Housekeeping)</i> staff guidance (see element 3), which is available on the NHS Forth Valley intranet (StaffNet), explains the importance of disposing of record correctly (for example section 2).</p> <p>With this in mind, NHS Forth Valley operates appropriate destruction of its public records through a <i>Corporate Records Retention and Disposal Policy</i>. The Keeper has been provided with a copy of this policy. This is version 1.0 dated 2021. The <i>Policy</i> covers both paper and digital records. It specifically endorses the use of the <i>NHS Scotland Records Management Code of Practice</i> (see above) and mentions compliance with the Public Records (Scotland) Act.</p> <p><u>Digital Network Drives</u></p> <p>Retention decisions are allocated to all public records managed on network drives. The Keeper acknowledges that The <i>Best Practice for Managing Corporate Records (Housekeeping) Guide</i> (section 5) provides staff with instructions on how to dispose of records held on network drives.</p> <p>However, the authority is still not entirely confident that the deletion of digital records managed in a network drive system is being carried out in a controlled manner to the timescales indicated in their retention schedules. It is an understood problem with a shared drive network in a large organisation that it can be hard to monitor if retention decisions are being properly carried out at a local level. NHS Forth Valley have a 'further action' associated with this element of "NHS Forth Valley will explore methods to review and destroy records held in current network storage" (RMP page 21). Furthermore, as</p>
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			<p>noted in element 4 above, NHS Forth Valley plans to adopt the M365 structure for its records management provision and this should greatly enhance the ability of the authority to monitor the deletion of public records when appropriate. Furthermore, the Keeper recognises that the new <i>Information Asset Register 'dashboard'</i> provides information asset owners with prompts to action retention decisions when scheduled. However, as pointed out under element 4, the <i>Information Asset Register</i> is not universally rolled-out in the organisation.</p> <p><u>Digital Line-of-Business</u> These line-of-business systems sit outside the main records management system, but the Keeper can agree that they are likely to allow the destruction of public records within a retention framework as required.</p> <p><u>Physical In-House</u> NHS Forth Valley has contracts with confidential waste disposal suppliers for the destruction of confidential waste. Evidence that this arrangement is operational has been supplied to the Keeper. The destruction of paper records procedures is explained in the <i>Transportation and Handling of Confidential & Sensitive Information</i> (section 11). Staff access to this guidance is through the intranet, a screen shot has been supplied.</p> <p><u>Physical (External Storage)</u> NHS Forth Valley employ the services of a long-term storage contractor for the management of some of its hard-copy records. Arrangements are in place around the destruction (and transfer to archive – see element 7) of these records. These arrangements are explained in detail in the <i>RMP</i> (page 20)</p> <p><u>Hardware</u> It is important that staff ensure that any public records held on digital equipment,</p>
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			<p>such as hard-drives and laptops or similar devices, are irretrievably and securely deleted as part of the recycling/destruction of hardware. NHS Forth Valley have a <i>Information & Communications Technology Destruction of ICT Equipment Policy</i> which has been supplied to the Keeper. This is version 5.0 dated 2021 (reviewed 2022). This <i>Policy</i> explains the steps that must be taken to ensure the appropriate destruction of public records. The Keeper has been provided with a screen shot of the NHS Forth Valley intranet showing that staff have access to this policy.</p> <p><u>Back-Ups</u>: NHS Forth Valley, quite properly, keep back-ups of their public records in order that they might appropriately recover from unexpected business interruption (<i>RMP</i> page 30). NHS Forth Valley IT Department are currently implementing two backup solutions; one is an immutable backup and the other a flexible cloud-based solution. Local business continuity plans, decisions over long term storage etc will be agreed with departments and the records management team to ensure compliance as part of the project management process.</p> <p>All public records that are destroyed under the arrangements described above are noted in a, permanently retained, destruction log. The use of destruction logs is explained to staff in the <i>Best Practice for Managing Corporate Records (Housekeeping)</i> guide. The Keeper has been provided with a sample and commends this practice. However, he notes that the records management team is not confident that the destruction log principle is being universally employed. As with the shared drives issue noted above, the use of destruction logs may be automated by changes made in the records management system.</p> <p>NHS Forth Valley have provided the Keeper with a screen shot of the records management home-page on their intranet 'Staffnet' showing that all staff have access to relevant policies and guidance including on the destruction of records.</p> <p>The Keeper notes that the reviewed plan explains some of the 'notable</p>
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			<p>improvements' carried out by NHS Forth Valley since his original agreement. These include the development of records management policies to support effective destruction and disposal of records (<i>RMP</i> page 4). This is to be commended.</p> <p>In the Keeper's original agreement of NHS Forth Valley's <i>Records Management Plan</i> (September 2016) he agreed this element on an amber 'improvement model' basis. This meant that the authority had identified a gap in provision (destruction of electronic records) and had identified how it intends to close the gap. As part of this agreement the Keeper required that he was to be kept informed of the progress of work to close this gap. The Keeper acknowledges that they have received regular updates, as requested, on programmes to ensure the controlled destruction of digital records held on shared drives. These updates have been provided through the Progress Update Review (PUR) process (in 2018, 2019 and 2020) and through continuous engagement with the Keeper's PRSA Assessment Team.</p> <p>For the moment, as the M365 transition has not been implemented, the <i>Information Asset Register</i> is not fully rolled-out and the authority not confident deletion of electronic records in shared drives is being carried out in a controlled manner, the Keeper considers that element 6 of this new, reviewed, <i>RMP</i> should retain its Amber RAG status. As before, the Keeper expects that updates will be provided as appropriate.</p>
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>The <i>Best Practice for Managing Corporate Records (Housekeeping)</i> staff guidance (see element 3), which is available on the NHS Forth Valley intranet (StaffNet), explains the importance of the preservation of certain record types for historical purposes (for example section 3)</p>

			<p>NHS Forth Valley have identified Stirling University Archives and Special Collections Department as the proper repository for the small selection of their public records suitable for permanent preservation. Some of the public records of NHS Forth Valley will therefore become part of the university’s archive collection: Home - Archives and Special Collections - LibGuides at University of Stirling</p> <p>Archive transfer arrangements operate under the terms of a <i>Memorandum of Understanding (MOU)</i>. This has been supplied to the Keeper in evidence. The Keeper is satisfied that information asset owners (see under General Comments below) have adequate input to how preservation decisions are allocated to particular record types.</p> <p>The Keeper has also been provided with a copy of the NHS Forth Valley <i>Selection Appraisal Policy</i>. The author of this policy is the Board’s Corporate Records Manager (see element 2).</p> <p>The Chief Executive of NHS Forth Valley has provided the Keeper with a <i>Statement</i> (see under General Comments below) in which she explains that NHS Forth Valley aims to: “explain the requirement to select records for permanent preservation.”</p> <p>The <i>Corporate Records Management Policy</i> (see element 3) notes that "The Code of Practice sets out, for both health and corporate records, the following: “Requirements to appraise, select and transfer to a designated place of deposit or archive, those records deemed of historic interest or research value for permanent preservation." (<i>Corporate Records Management Policy</i> section 1). The effective archiving of public records is also supported in the <i>Health Records Strategy and Management Policy</i> (Foreword).</p>
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			<p>NHS Forth Valley have provided the Keeper with a screen shot of the records management home-page on their intranet 'Staffnet' showing that all staff have access to relevant policies and guidance including a section on 'archiving'.</p> <p>The Keeper acknowledges that in a Progress Update Review (PUR) (see element 4 above), NHS Forth Valley note that the archiving of public records "will be expanded to cover <u>digital</u> records identified for permanent preservation and transfer to a suitable place of deposit. Work on this will not be possible until the O365 implementation is complete, but consideration is being given to this as the project progresses."</p> <p>The necessity to ensure the permanent preservation of 'born-digital' records will become increasingly important over the next several years. It is also important that an authority can be confident that digital records can be transferred from their records management solution (managed on M365 or otherwise) while retaining appropriate metadata to ensure authenticity can be proved.</p> <p>In the Keeper's original agreement of NHS Forth Valley's <i>Records Management Plan</i> (September 2016) he agreed this element on an amber 'improvement model' basis. This was based on his need to see evidence of an agreement showing that Stirling University Archives has indicated that it is happy to take public records from NHS Forth Valley at the appropriate time on an on-going basis. The Keeper agrees that he has now been provided with a copy of the formal agreement as requested.</p> <p>The Keeper agrees that NHS Forth Valley has arrangements in place to properly archive records when appropriate.</p>
8. Information Security	G	G	<p>The Act requires that public records are held in accordance with information security compliance requirements.</p> <p>NHS Forth Valley recognise this. The <i>RMP</i> states that "The guiding principle of</p>

			<p>records management is to ensure that information is available when and where it is needed, in an organised an efficient manner and in a well-maintained and <u>secure</u> environment.” (RMP page 3) and that “NHS Forth Valley is committed to...Control the quality, quantity, and <u>security</u> of the information that it creates, manages, and stores” (RMP page 12).</p> <p>NHS Forth Valley's <i>Health Records Strategy and Management Policy</i> (see element 3) lists, as a principle of records management, a commitment to "To provide systems which maintain appropriate confidentiality, security and integrity for health records in their storage and use" (<i>Health Records Strategy and Management Policy</i> section 1.5)</p> <p>With these commitments in mind NHS Forth Valley have an <i>Information Security Policy</i> which has been shared with the Keeper. This is version 6.2 approved by the Information Governance Group (see Key Group under General Comments below) in December 2019.</p> <p>The <i>Information Security Policy</i> includes commitments around the reporting of information security incidents, actual or potential, for example at section 5.</p> <p>The <i>Information Security Policy</i> is supported by a suite of other policies and guidance to create an information security framework which is described as their 'Information Security Management System'. Several of these supporting documents have also been shared with the Keeper. Examples include their <i>Internet Acceptable Use Policy</i> (version 2.2 2021) <i>Remote Access Policy</i> (version 7.0 2020), <i>Transportation and Handling of Confidential & Sensitive Information</i> (version 6.3) and the <i>Vulnerability and Patch Management Policy</i> (version 1.0 2019). This security framework includes corporate policy around the use of mobile devices and telephone networks.</p>
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			<p>Information security is a notable feature throughout NHS Forth Valley’s staff guidance. For example they have a <i>Principles of Audit Trails</i> guidance document (see under element 11 below) which emphasises security incident reporting and reminds staff of their responsibilities under the 'Fairwarning' scheme (see below).</p> <p>The Keeper has been provided with a screen shot showing that staff access information governance policies through the intranet.</p> <p>FairWarning software is deployed throughout NHS Forth Valley. This system flags potentially unauthorised or inappropriate access to information systems.</p> <p>The Keeper notes that the reviewed plan explains some of the 'notable improvements' carried out by NHS Forth Valley since his original agreement. These include the appointment of additional specialist cyber and information security roles (<i>RMP</i> page 4). This is to commended.</p> <p>The Keeper also notes that the <i>RMP</i> (page 11) notes a further action “Over the next few months, the Head of Information Governance will develop an <i>Information Risk Policy</i> and procedure. This will reinforce the role of the SIRO and IAOs across NHS Forth Valley.” Since the submission of the <i>RMP</i> NHS Forth Valley have determined that an Information Risk procedure rather than a policy is more appropriate. Once it has been approved, NHS Forth Valley have committed to provide a copy to the Keeper. The Keeper thanks them for this commitment.</p> <p>The Keeper agrees that NHS Forth Valley have procedures in place to appropriately ensure the security of their records as required by the Act.</p>
9. Data Protection	G	G	The Keeper expects a Scottish public authority to manage records involving personal data in compliance with data protection law.

			<p>NHS Forth Valley is registered as a data controller with the Information Commissioner's Office (ICO): Information Commissioner's Office - Register of data protection fee payers - Entry details (ico.org.uk)</p> <p>NHS Forth Valley have a <i>Privacy Policy</i>. This is published at: NHS Forth Valley – Privacy Notice</p> <p>The <i>Privacy Policy</i> explains the 6 principles of data protection.</p> <p>NHS Forth Valley also have a <i>Data Protection and Confidentiality Policy</i> which has been provided to the Keeper. This is version 5.10 approved by the Information Governance Group (see Key Group under General Comments below) in June 2018. This <i>Policy</i> includes the 6 principles and the accountability clause. It also acknowledges the risks around remote working and supports the 'Fairwarning' framework (see element 8).</p> <p>The <i>Data Protection and Confidentiality Policy</i> mentions the Public Records (Scotland) Act 2011 and supports the use of the <i>NHS Scotland Records Management Code of Practice</i> (see element 5).</p> <p>Members of the public can make a subject access request using online guidance: NHS Forth Valley – Data Protection</p> <p>NHS Forth Valley have appointed a Data Protection Officer as required by the Data Protection Act 2018: This is their Head of Information Governance, Sarah Hughes-Jones.</p> <p>NHS Forth Valley have committed to carrying out data protection impact</p>
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			<p>assessments (DPIA) before they begin any processing of personal data which is likely to result in a high risk to individuals. As with other examples of NHS Forth Valley adopting national solutions, the DPIA template has been agreed across NHS Scotland. With DPIAs in mind NHS Forth Valley have submitted the following documents to the Keeper in evidence:</p> <p>NHS Scotland's <i>Protecting Patient Confidentiality Staff Guidance</i> document. A sample <i>Data Protection Impact Assessment (DPIA)</i> And <i>Data Protection Impact Assessment (DPIA) Screening Questions</i></p> <p>NHS Forth Valley have developed an <i>Information Asset Register (IAR)</i> which, amongst other things, highlights whether an asset contains sensitive personal data and whether a DPIA has been completed (see element 4 for more on the <i>IAR</i>).</p> <p>All NHS Forth Valley staff who handle personal data must undertake mandatory annual data protection training. Training statistics are reported to senior management.</p> <p>A <i>Staff Privacy Notice</i> is available on the NHS Forth Valley intranet page and has been shared with the Keeper as has a screen shot from the intranet.</p> <p>An additional information leaflet, <i>How the NHS Handles your Information</i> is provided with all appointment letters to patients and further on display within outpatients and ward areas. This information is also published on the NHS Inform website.</p> <p>Staff are instructed how to report a data breach through their authority's <i>Data Breach Policy</i>. This has been shared with the Keeper. The version shared is 5.13</p>
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			<p>dated August 2020.</p> <p>The Board’s data protection arrangements are specifically supported by their <i>Information Security Policy</i> (see element 8) for example at section 1. In fact, the Keeper can agree that data protection requirements are embedded throughout the policy documents he has been provided in evidence, for example <i>Transportation and Handling of Confidential & Sensitive Information</i> (also element 8) section 1.</p> <p>The Keeper notes that the reviewed plan explains some of the 'notable improvements' carried out by NHS Forth Valley since his original agreement. These include the confirmation of permanent data protection support officers (<i>RMP</i> page 4). This is to commended.</p> <p>The Keeper agrees that NHS Forth Valley have arrangements in place that allow 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>Each business area is required to have a Business Continuity Plan, where appropriate, created using a template that the Keeper has seen. The Keeper agrees that record recovery is a feature of this template.</p> <p>The Health and Corporate Records Service works with NHS Forth Valley’s Emergency Planning and Resilience Team “to ensure issues relating to access to and storage of information and records are included in business continuity plans” (<i>RMP</i> page 31). This is to be commended. It is important that record recovery is embedded in an organisation’s overall emergency response. Ongoing engagement</p>

			<p>with the Emergency Planning and Resilience Team is a feature of the Action Plan submitted as part of the <i>RMP</i> (<i>RMP</i> page 45).</p> <p>The Keeper also agrees that back-up arrangements are appropriately explained to staff and that a commitment to record recovery is embedded in the authority's policy statements. For example "Regular backups shall be taken of all centrally hosted information systems and stored in a secure manner" (<i>Information Security Policy</i> – see element 8 – section 6)</p> <p>The Keeper has been provided with screen-shots showing intranet access to NHS Forth Valley's information governance policies and guidance including those relevant to business continuity.</p> <p>The <i>Corporate Records Management Policy</i> (see element 3) commits NHS Forth Valley to managing its public records by, among other actions, "identifying our vital records and preserving these accordingly" (<i>Corporate Records Management Policy</i> section 2).</p> <p>With this in mind, the Keeper notes that NHS Forth Valley have included a commitment to identify vital records in their <i>Information Asset Register</i> as it develops (see element 4). This action is confirmed at <i>RMP</i> page 17. As noted in element 4, the Keeper has been provided with a copy of NHS Forth Valley's <i>Information Asset Register Reference Guide</i> which acknowledges 'Business Critical Information Assets' (<i>Reference Guide</i> page 10).</p> <p>The Keeper also notes that NHS Forth Valley have developed a <i>Disaster Prevention and Recovery questionnaire</i> to help inform business continuity processes. This is currently being piloted in one business area (<i>RMP</i> page 31). The Keeper would be pleased to learn more about this as it progresses, particularly where it relates to record recovery procedures. NHS Forth Valley have committed to providing</p>
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			<p>updates.</p> <p>The Keeper also notes that, at the time of submission the Health & Corporate Record Service’s own <i>Business Continuity Plan</i> was currently under review. NHS Forth valley have committed to providing an updated version of the <i>Business Continuity Plan</i> once it has been agreed.</p> <p>The Keeper agrees that NHS Forth Valley have 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	A	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>NHS Forth Valley recognise this. The <i>RMP</i> states that “The guiding principle of records management is to ensure that information is available when and where it is needed, in an organised an efficient manner and in a well-maintained and secure environment.” (<i>RMP</i> page 3)</p> <p>The <i>Health Records Strategy and Management Policy</i> (see element 3) requires NHS Forth Valley “To provide clear and efficient access for all employees and others who have a legitimate right of access to NHS FV’s health records and ensure compliance with Access to Health Records, Data Protection and Freedom of Information legislation.”</p> <p>NHS Forth Valley have a <i>Principles of Audit Trails</i> guidance document which they have shared with the Keeper. This is version 2 approved by the Information Governance Group (see Key Group under General Comments below) in October 2021. However, it is clear that the authority is not yet satisfied that the use of this guidance is fully embedded. They state “Principles of Audit Trails needs</p>

			<p>to be more widely adopted and integrated across NHS Forth Valley. It is vital that NHS Forth Valley can manage changes to records and access to systems more effectively to ensure the integrity of its information.”</p> <p><u>Digital Network Drives</u> The systematic tracking of public records, and changes to those records, in NHS Forth Valley relies on the centralised oversight of the network drive system and it is apparent that the authority is not confident that this can be adequately achieved as expected. The <i>RMP</i> states (page 32) “Currently, most corporate and administrative digital records held by NHS Forth Valley are not held in a structured format and have neither an audit trail nor a limit on the copies or versions of the same document. The current directory structures across existing shared drives limit our ability to audit files effectively. our existing servers”.</p> <p>There are commitments in the RMP that “NHS Forth Valley will continue to embed a better approach to records management and information risk (e.g. better use of information asset register, embed the role of Information Asset Owners, greater awareness of the need for systems to have records management capability to comply with PRSA, Data Protection and Information Security requirements)”</p> <p>As noted in element 4, the authority is transitioning to using M365 as their principle digital records management structure. This will give considerably greater control, although the use of standardised naming conventions will still be required in order that they may use the powerful search functionality most effectively.</p> <p><u>Digital Line-of-Business</u> NHS Forth Valley utilise line-of-business systems in their activities. The Keeper can</p>
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			<p>agree that these systems include adequate record tracking and identification functionality.</p> <p><u>Physical (In-House)</u> NHS Forth Valley manage some hard-copy public records on their premises. These are for the most part clinical records and can be tracked and the correct version identified. Movement of information is tracked manually or digitally. Tracking information is recorded in the <i>Information Asset Register (IAR)</i> (see element 4 above). The Keeper has been provided with a screen shot from the <i>IAR</i> tracking process and with a sample of clinical case note tracking on the 'Trakcare' system.</p> <p><u>Physical (External Storage)</u> NHS Forth Valley employ the services of a long-term storage contractor for the management of some of its hard-copy records. The use of an external storage contractor is confirmed in <i>Transportation and Handling of Confidential & Sensitive Information</i> policy section 1. The Keeper has been provided with details of the third party and of the systems set up with this supplier to ensure that NHS Forth Valley can properly monitor records being transferred to, and retransmitted from, that store.</p> <p>NHS Forth Valley have provided the Keeper with a screen shot of the records management home-page on their intranet 'Staffnet' showing that all staff have access to relevant policies and guidance including guidance on naming conventions.</p> <p>In the Keeper's original agreement of NHS Forth Valley's <i>Records Management Plan</i> (September 2016) he agreed this element on an amber 'improvement model' basis. This meant that NHS Forth Valley had identified a gap in provision (the lack of organisation-wide audit trail provision) and provided the Keeper with evidence on how it intends to close the gap. As part of this agreement the Keeper requested to be kept informed of progress. The Keeper acknowledges that he has been kept up</p>
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			<p>to date as requested.</p> <p>However, this is still an area for development for the authority. As noted above, they state “It is recognised that NHS Forth Valley does not currently have adequate procedures in place in relation to audit trails covering all transactions undertaken”. This gap in provision is likely associated with the lack of centralised control of changes made to records managed on shared drives. The Keeper therefore has determined that this element of the NHS Forth Valley <i>Records Management Plan</i> should retain its Amber RAG status.</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 NHS Forth Valley <i>Health Records Strategy and Management Policy</i> (see element 3) includes a commitment “To provide training and guidance on legal and ethical responsibilities and operational good practice for all staff involved in health records management. Training and guidance enables staff to understand and implement policies and facilitates the efficient implementation of good record keeping practices” and that “NHS FV staff are trained so that all staff are made aware of their responsibilities for record-keeping, record management and confidentiality” and “All NHS FV staff will be made aware of their responsibilities for health record keeping and health record management through generic and specific training programmes and guidance. Training and support will be provided from the Health Records Service to enable all staff to meet statutory requirements” (<i>Health Records Policy</i> sections 1.5.8, 2.3 and 2.9).</p> <p>Appendix 3 of the <i>Health Records Strategy and Management Policy</i> explains the training provision for staff using health records in detail (including induction training for new staff). Appendix 5 details the specific training plan for the <i>Policy</i> itself.</p>

			<p>The <i>NHS Forth Valley Corporate Records Management Policy</i> (also see element 3) contains a commitment "To ensure that all staff are aware of their record-keeping responsibilities through generic and specific training programmes and guidance" and "To ensure that records management functions are included in business processes, procedures and manuals where appropriate. To develop and deliver appropriate staff training programmes" (<i>Records Management Policy</i> sections 5.6 and 6.5).</p> <p>The <i>Corporate Records Retention and Disposal Policy</i> (see element 5) commits NHS Forth Valley to "ensure that staff are appropriately trained and understand their own and NHSFV's responsibilities for record retention and disposal" (<i>Corporate Records Retention and Disposal Policy</i> section 2).</p> <p>The NHS Forth Valley Corporate Records Manager has an MSc in Records Management and Digital Preservation and has many years' experience in Information Management. Mrs Cawood has also recently been recognised as an Accredited Member of the Information and Records Management Society.</p> <p>The NHS Forth Valley Health and Corporate Record Services Manager, and all four of the management team, are qualified members of the Institute of Health and Information Management UK. Mrs Hamilton is the Chair of the National NHS Health Records Management Forum. The Keeper recognises the importance of this post and the benefits that the close engagement with the latest records management issues affecting the sector should provide NHS Forth Valley. The <i>RMP</i> notes that the NHS Forth Valley Management Team "have a wealth of knowledge and experience in all aspects of Health and Records Management across the NHS with some in excess of 30 years' service" (<i>RMP</i> page 35).</p> <p>With the comments above in mind, the Keeper can agree that NHS Forth Valley should have a clear understanding of the necessary skills required to implement the</p>
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			<p><i>RMP.</i></p> <p>Furthermore, the <i>RMP</i> notes that "During the period 2020-2022, NHS Forth Valley carried out a review of its records management policies, procedures and resourcing" and implemented the "Creation of a suite of records management guidance for staff available on the NHS Forth Valley intranet" (<i>RMP</i> page 4).</p> <p>All new staff undertake mandatory eLearning as part of their NHS induction. This training includes modules on Records Management, Freedom of Information, Safe Information Handling and Cyber Security.</p> <p>As an example of this training, the Keeper has been provided with a copy of the NHS Forth Valley's information asset register training presentation and the staff reference guide. NHS Forth Valley training is located on the NHS Scotland's Learning platform 'TURAS'.</p> <p>The <i>RMP</i> notes that there is an initiative to develop a single records management suite of training and that NHS Forth Valley are working with other Boards and the Scottish Government to develop this (<i>RMP</i> page 11). The Keeper notes that NHS Forth Valley Corporate Records Manager is closely involved with the development of these national competencies. The Keeper commends this approach and notes that the Keeper's PRSA Assessment Team are being updated as this project progresses.</p> <p>Further training, aimed specifically at Information Asset Owners (see Local Records Management under General Comments below). This is confirmed in the 'further developments' section against this element of the <i>RMP</i> and in the <i>Action Plan</i> on pages 44-46. NHS Forth Valley have committed to informing the Keeper when the training module is developed.</p>
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			<p>The Keeper has been provided with <i>Policy, Procedure and Guideline Development Framework</i>. This explains how staff access policies and guidance. The Keeper has also been provided with screen shots from the NHS Forth Valley intranet 'StaffNet' that shows access to various records management pages including guidance on naming conventions (see element 11) and 'top tips'. The Keeper notes that this page also provides links, for all staff, to the <i>RMP</i> and to the authority's latest <i>Progress Update Review (PUR)</i> report. He acknowledges that he has also been sent a screen shot showing staff compliance with the mandatory records management training module. The mandatory nature of this module is reiterated in the <i>Corporate Records Retention and Disposal Policy</i> (see element 5) section 9.2.</p> <p>The NHS Forth Valley <i>Information Security Policy</i> (see element 8) commits the authority to ensure that cyber and information security training is available to all staff (<i>Information Security Policy</i> section 6.10 and 6.11). With this commitment in mind, the Keeper notes that training on information security is included as part of mandatory annual data protection training provided to all staff who handle personal data. Training statistics are reported annually to senior management. The Keeper has been provided with examples of the authority's data protection training materials.</p> <p>Support for records management training is also provided under staff responsibilities in the <i>NHS Forth Valley Principles of Audit Trails</i> guidance document (see element 11) for example at section 5.</p> <p>Training uptake and pass-marks are monitored using a third-party application. The Keeper has been given information around this 'learning portal'.</p> <p>In the Keeper's original agreement of 9th September 2016 he graded this element of the NHS Forth Valley Records Management Plan with an Amber RAG status on the grounds that "the authority has identified a gap in provision (the inclusion of records</p>
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			<p>management competencies into the job descriptions of relevant staff and the rolling out of records management training) and has committed to closing this gap.” The Keeper is now content to grade this element with a Green ‘compliant’ status as NHS Forth Valley have provided the Keeper with details of the competencies of records management staff, particularly the two individuals identified at element 2.</p> <p>The Keeper agrees that the individuals identified at element 2 have the appropriate responsibilities, resources and skills to implement the records management plan. Furthermore, he agrees that NHS Forth Valley fully consider information governance training for staff as required.</p>
<p>13. Assessment and Review</p>	<p>A</p>	<p>G</p>	<p>Section 1(5)(i)(a) of the Act says that an authority must keep its RMP under review.</p> <p>The <i>Health Records Strategy and Management Policy</i> (see element 3) requires NHS Forth Valley "To audit and measure the implementation of the records management strategy against agreed standards"</p> <p>The NHS Forth Valley <i>Corporate Records Retention and Disposal Policy</i> (see element 5) makes the following commitment: “NHSFV is committed to the ongoing improvement of its records management through review and assessment.”</p> <p>With this in mind NHS Forth Valley review their records management processes annually.</p> <p>NHS Forth Valley’s assesses its compliance status using a records management maturity model. The maturity model identifies gaps that need to be addressed and helps the authority populate its action plan. The Keeper has been provided with the latest maturity model in the evidence pack accompanying this reviewed plan and he agrees that it is an appropriate methodology for keeping the plan under review as required.</p>

			<p>Training is included as part of mandatory staff training (see element 12). Training statistics are reported annually to senior management.</p> <p>In the Keeper’s original agreement of 9th September 2016 he graded this element of the NHS Forth Valley Records Management Plan with an Amber RAG status on the grounds “that the authority has identified a gap in provision (the lack of a mechanism for measuring compliance with RMP) and has committed to closing this gap. As part of this agreement, the Keeper requests that he is kept informed of progress in this area.” NHS Forth Valley have made a clear improvement in this area by developing the Maturity Model that has been shared with the Keeper. However, they report that this is not yet fully embedded and that they “still have some way to go”. While acknowledging that the Maturity Model is a suitable measure of the success of the implementation of the RMP, this element retains its Amber status until the authority can be confident it is sufficiently embedded.</p> <p>The <i>Corporate Records Management Policy</i> (see element 3) section 2, commits the organisation to "regularly review all records management policies, guidance, and retention schedules and will ensure these documents are updated as appropriate".</p> <p>With this commitment in mind:</p> <p>The <i>Information Security Policy</i> (see element 8) is due for review by March 2023.</p> <p>The <i>Best Practice for Managing Corporate Records (Housekeeping) Guide</i> and the <i>Website and Non-Clinical Apps Content and Development Policy</i> are due for review by April 2023. NHS Forth Valley have informed the Keeper that this latter document is under review and committed to provide a copy when it has been finalised.</p>
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			<p>The <i>Corporate & Administrative Records Retention Schedule</i> (see element 5), the <i>Secure Development Policy</i> and the <i>Internet Acceptable Use Policy</i> are due for review by June 2023.</p> <p><i>Data Protection & Confidentiality Policy</i> (see element 9), the <i>Transportation and Handling of Confidential & Sensitive Information Policy</i> (see element 8) and the <i>Principles of Audit Trails</i> are due for review by October 2023.</p> <p>The <i>Inappropriate access to Personal Information Guidance for managers</i> document is due for review by March 2024.</p> <p>The <i>Corporate Records Retention and Disposal Policy</i> (see element 6) and the <i>Selection, Appraisal and Transfer to Archive Policy</i> (see element 7) are due for review by April 2024.</p> <p>The <i>Corporate Records Management Policy</i> (see element 3) is due for review by May 2024.</p> <p>The <i>Confidential Waste Disposal Operational Policy</i>, the <i>Password Policy</i> and the <i>Cryptographic Controls Policy</i> are due for review by June 2024.</p> <p>The <i>Information Asset Register Reference Guide</i> (see element 4) and the <i>Moveable Media Acceptable Use Policy</i> were due for review shortly after submission, if there is a more current version of these the Keeper would be pleased to receive them.</p> <p>The <i>Data Breach Policy</i> (see element 9) should have been reviewed by June 2022. If a more recent version exists the Keeper would appreciate being provided with a copy in order that he may keep the NHS Forth Valley submission up-to-date.</p>
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			<p>NHS Forth Valley note that “as part of our streamlining of Information Governance policies, a new Acceptable Use Policy has been written. This consolidates several existing policies:</p> <ul style="list-style-type: none"> • Email acceptable use. • Internet acceptable use. • Moveable Media Policy. • Access to Systems Policy. <p>The policy also removes many forms and processes which can now be stored and updated by departments independently of the policy. As such the policy should require less frequent scheduled reviews.”</p> <p>They have committed to supplying a copy of the new <i>Acceptable Use Policy</i> to the Keeper once it has been approved. The Keeper welcomes this.</p> <p>The Keeper agrees that NHS Forth Valley 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, he agrees that supporting policy and guidance documents have appropriate review periods allocated. However, until he is informed that the authority is confident that the review methodology has been appropriately adopted this element remains at Amber. The Keeper will ensure that a Progress Update Review (PUR) template is provided to NHS Forth Valley annually to prompt updates on this matter.</p>
14. Shared Information	G	G	<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>Sharing information is encouraged on the grounds of efficiency and consistency.</p>

			<p>However, any transfer of a public record, particularly when it will pass outwith the control of the records management system in the creating public authority, must be carefully considered.</p> <p>In their <i>Corporate Records Retention and Disposal Policy</i> (see element 5) NHS Forth Valley describe records management as "an administrative system used to direct and control the creation, (including naming of records and version control), distribution, <u>sharing</u>, filing, retention, storage and disposal of records in a way that is robust and serves the operational needs of NHSFV."</p> <p>NHS Forth Valley routinely share information with other bodies as they pursue their functions. This includes other public authorities, such as other health boards, or private organisations, such as private health care providers.</p> <p>They undertake these data sharing projects using information sharing accords (ISAs). This includes the sharing of sensitive personal information, such as patient records. The Keeper has been supplied with a sample ISA. He has also been provided with a blank template and with staff instructions on how to complete this template.</p> <p>NHS Forth Valley have developed these ISAs in line with standards provided by the national NHS Information Sharing Toolkit: Information Sharing Toolkit - Digital Healthcare Scotland (digihealthcare.scot)</p> <p>Applications for sensitive information from third party organisations are processed through a formal process. The Keeper has been provided with a (blank) sample of this process showing a request for information from Police Scotland.</p>
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			<p>The NHS Forth Valley <i>Information Security Policy</i> (see element 8) recognizes the risks around “information ...increasingly shared between NHSFV and other NHS organisations and other outside agencies" (<i>Information Security Policy</i> section 1).</p> <p>NHS Forth Valley keep a log of data sharing agreements in order that they may monitor and review activity and ensure that legislative requirements are met. This is to be commended. The ongoing monitoring of ISAs is a feature of the Board’s <i>Records Management Maturity Assessment</i> (see element 13) section H.</p> <p>NHS Forth Valley are also including data sharing information in their <i>Information Asset Register</i> (IAR) as it develops (see element 4). The guidance used to populate the IAR instructs business areas to indicate “If the data contained in the asset is shared out with NHS FV, (e.g. another NHS Health Board, Local Authority or Police Scotland) state what type of data, the purpose and details of the organisation.” This is also to be commended. The <i>IAR Guidance</i> document also explains the purposes of ISAs (page 12)</p> <p>The Keeper notes that the <i>Action Plan</i> accompanying the <i>RMP</i> includes an objective to "Conduct a review of information sharing arrangements across corporate and administrative areas of NHS Forth Valley and develop Records of Processing Activity for these areas" The Keeper would be pleased to learn more about this at the time of NHS Forth Valley's next progress update.</p> <p>The Keeper can agree that NHS Forth Valley properly considers records governance when undertaking information sharing programmes.</p>
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<p>15. Public records created or held by third parties</p>	<p>A</p>	<p>G</p>	<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>NHS Forth Valley contract out one or more of their functions to third-parties.</p> <p>However, the compliance statements against this element in the <i>RMP</i> are principally around the protection of personal information. The Keeper would remind the Board that other record types, such those containing financial information, are also public records under the act and, if created by third parties under contract, are subject to this clause in the Act.</p> <p>That aside, NHS Forth Valley clearly understand the need for control of records created by third parties who are carrying out the Board’s functions under contract, including recovery at end of contract. The <i>RMP</i> provides quotes from, a nationally agreed, standard that was created by the Central Legal Office for use across NHS Scotland. This is another example of NHS Forth Valley usefully adopting a national solution. However, the clauses developed by the Central Legal Office specifically pertain to data processing in terms of the DP Act. The Keeper agrees that the clauses quoted are appropriate if extended to <u>all</u> records created on behalf of a public authority.</p> <p>Despite understanding the requirements of Part 1 3 (1)(b) of the Act, NHS Forth Valley is clearly not entirely confident that all providers are robustly managing records to a standard that fully satisfies their expectations. They state in the <i>RMP</i> that “NHS Forth Valley has identified supplier management as a weakness through the NIS audit process and plans to review its supplier due diligence checks, contract clauses, audit processes and records management capabilities as part of an organisation-wide project” and “Considerable work is required to understand the full extent of records</p>
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			<p>created by third parties who carry out NHS Forth Valley functions” (<i>RMP</i> page 43).</p> <p>The <i>Action Plan</i> provided as an appendix to the <i>RMP</i> also shows objectives that indicate the authority is not fully confident around this element. For example it states “Further work is required to ensure that all new contracts, systems and projects comply with information governance, information security and records management requirements and that this is embedded at procurement and implementation stages (ongoing)”</p> <p>The Keeper notes that there is a commitment in the <i>RMP</i> (page 34) that “The Records Management Impact Assessment will be developed to incorporate issues arising from contracts with third parties undertaking functions on behalf of NHS Forth Valley.” This is an interesting development and the Keeper requests an update on this objective at the time of the Board’s next progress update.</p> <p>NHS Forth Valley data protection arrangements specifically apply to “contractors, partnership organisations and visitors not employed by NHSFV but engaged to work with, or who have access to health board information” (<i>Data Protection & Confidentiality Policy</i> - see element 9 - section 2).</p> <p>Similarly, NHS Forth Valley information security arrangements specifically apply to “all elements of NHSFV where information is used or operated, including those supplied or operated on its behalf by third parties” (<i>Information Security Policy</i> – see element 8 – section 3).</p> <p>The <i>Corporate Records Retention and Disposal Policy</i> (see element 6) specifically states that it applies to contractors carrying out work on behalf of the Board (sections 4 and 8).</p>
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			<p>The Keeper acknowledges that he has been provided with a copy of the new <i>eHealth & Digital Project Requests</i> form which should help embed records management in new IT system procurement. This is commendable, although not strictly relevant against this element.</p> <p>The Keeper can agree this element of the NHS Forth Valley <i>Records Management Plan</i> under ‘improvement model’ terms. This can be done when the authority has identified a gap in provision and are actively pursuing steps to close that gap. The Keeper requires that they are updated as this project progresses. as noted elsewhere, the Keeper will ensure that NHS Forth Valley is prompted annually to complete a Progress Update Review (PUR) report.</p>
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NHS Forth Valley

General Notes on submission

This assessment is on the *Records Management Plan* (the *RMP*) of NHS Forth Valley as submitted to the Keeper of the Records of Scotland (the Keeper), for his review and agreement, on 17th October 2022. This is a signed version (1.1) approved by the Chief Executive on 22nd September 2022.

The *RMP* is accompanied by an action plan showing future developments that the Keeper can expect regarding the records management provision in NHS Forth Valley. It is also accompanied by the self-assessment maturity model that helped populate the action plan (see element 13) and by an endorsement *Statement* from Cathie Cowan, Chief Executive, dated 22 September 2022.

In this the Chief Executive explains that “NHS Forth Valley aims to establish, as part of its wider information governance framework, and embed records management best practice in relation to the creation, use, storage, management and disposal of NHS records”. The Keeper commends this commitment.

The Keeper notes that NHS Forth Valley recognise their records management provision is a work in progress (see individual elements above). The *RMP* notes that “There is still considerable work to be done to embed Records Management practice into NHS Forth Valley. Policies and reporting structures are in place, but uptake across the organisation will be done over the next five years.” The Keeper will ensure that NHS Forth Valley are provided with an annual progress update review (PUR) template as a prompt to report on developments. The Keeper strongly recommends that the PUR process is used to provide updates. However, the use of the PUR reporting methodology is not a formal requirement of the Act.

[Progress Update Reviews | National Records of Scotland \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk/progress-update-reviews)

The *RMP* notes that “This systemic management of records is particularly significant because it will allow NHS Forth Valley to:

- increase efficiency and effectiveness
- be accountable to service users, staff, and stakeholders

- achieve business objectives and targets quicker
- meet legislative and regulatory requirements
- make savings in administration costs, both in staff time and storage
- support decision making
- provide continuity in the event of a disaster
- protect the interests of patients, employees, and stakeholders” (*RMP* pages 3/4)

The Keeper agrees that robust records management provision should support the objectives explained in this statement.

The *Health Records Strategy and Management Policy* (see element 3) explains that the “aims of NHS FV’s Health Records Strategy are to:

Ensure a systematic and planned approach to health records management, covering records from creation to disposal.

Provide a records and patient information service of proven quality by constantly monitoring performance and developing services to meet new requirements.

Ensure efficiency and best value through improvements in the quality and flow of information and greater co-ordination of health records and storage systems.

Ensure compliance with statutory requirements.

Promote awareness of the importance of health records management and the need for responsibility and accountability at all levels.

Promote and foster good working relationships within the service and across NHS FV.

Treat patients, relatives and staff with courtesy and respect.

The Keeper agrees that robust records management provision should support the objectives explained in this statement.

The *Corporate Records Retention and Disposal Policy* states:

"Records support policy formation, managerial decision making, protect the interests of NHSFV and the rights of patients, staff and members of the public. They support consistency, continuity, efficiency and productivity, helping to deliver services in a consistent

manner. Appropriate record keeping also supports organisational resilience by providing accurate access and retention of records" As above, this statement shows a clear understanding of the importance of robust record keeping beyond the requirement to comply with the Act. The Keeper fully endorses all of these statements.

The authority refers to records as a business asset (for example *RMP* page 3, *Corporate Records Management Policy* - see element 3 - section 3, *Corporate Records Retention and Disposal Policy* – section 1 or *Information Security Policy* – see element 8 – section 1). This is an important recognition and the Keeper commends it.

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>.

The Keeper recognises that many of the procedures operated by NHS Forth Valley are common to other NHS regional health boards in Scotland. For example the *Code of Practice* (see element 5) and processes around data protection (see element 9). The Keeper acknowledges that the individuals identified at element 2 have been thoroughly engaged in developing these national policies.

The *RMP* also references the [Clackmannanshire and Stirling Integration Joint Board](#) (the IJB) because all the public records of the IJB are held and managed on NHS Forth Valley systems. The Keeper acknowledges that, although the IJB has its own separate *RMP* (agreed 2019) the individuals named in element 2 of the NHS Forth Valley *RMP* also have responsibility for the day-to-day implementation of the IJB *RMP*.

The Keeper also notes that NHS Forth Valley hosts the Forth Valley Joint Information Governance Group, consisting of DPOs or data protection staff from Forth Valley local councils and the NHS. The Group meets at least quarterly and reviews any new or updated information sharing agreements affecting the members, as well as discussing information governance matters of shared interest. Members of the Forth Valley IGG, such as the Data Protection Officer, sit on this group.

Key Group: Information Governance Group (IGG)

The role of the Information Governance Group (IGG) is to ensure the provision of accurate, accessible, and secure data, to support the highest quality of care for patients. The IGG was also established to promote public confidence in NHS Forth Valley information and its management, review, and monitoring.

The Medical Director (see element 1), in his role as Caldicott Guardian, and both the Corporate Records Manager and the Health & Corporate Record Services Manager (see element 2) sit on the IGG.

The IGG receive regular reports on all IG related data breaches.

The Better Information Governance Group (see under Local Records Management below) and the Records Management Advisory Group supports and reports to the IGG.

The IGG reports to the NHS Forth Valley Board Performance & Resourcing Committee.

The IGG were consulted around the creation of, and agreed the submission of, the *RMP*. The IGG were also consulted in the creation of the *Best Practice for Managing Corporate Records (Housekeeping) Guide* (see element 3).

The IGG gave final approval to the *Data Protection & Confidentiality Policy* and *Data Breach Policy* (see element 9). The IGG approved the *Corporate Records Management Policy* in 2019 and the *Health Records Strategy and Management Policy* in 2018 (for both see element 3)

The IGG also approved the *Information Security Policy*, the *E-Mail Acceptable Use Policy*, the *Best Practice for Managing Corporate Records (Housekeeping) Guide*, the *Corporate Records Retention and Disposal Policy*, the *Transportation and Handling of Confidential & Sensitive Information Policy*, the *Confidential Waste Disposal Operational Policy*, the *Information & Communications Technology Destruction of ICT Equipment Policy*, the *Selection, Appraisal and Transfer to Archive Policy*, the *Cryptographic Controls Policy*, the *Internet Acceptable Use Policy*, the *Moveable Media Acceptable Use Policy*, the *Access to Systems Policy*, the *Password Policy*, the *Access to Systems* document, the *Data Breach Policy*, the *Principles of Audit Trails* guidance and the *Freedom of Information Policy*.

The Keeper has been provided with the *IGG Terms of Reference*. These confirm that “The main objective of the Information Governance Group is to ensure a framework is in place to bring together all the requirements, standards and best practice that apply to the handling of information...This will be achieved by focusing on setting standards and giving NHS Forth Valley the tools to achieve these standards. The aim is to encourage individuals to be consistent in the way they handle both personal and non-personal information and to avoid duplication of effort” (*Terms of Reference* section 4).

This group is obviously of fundamental importance in the operation of NHS Forth Valley’s records management arrangements and the Keeper thanks the authority for providing details of their function.

Local Records Management

The records management arrangements explained in the *RMP* are supported at a local level by a structure of Information Asset Owners (IAOs) who are senior members of staff responsible for different business areas in the Board. IAOs report to the Senior Information Risk Owner (the Director of Finance at NHS Forth Valley).

Senior managers are responsible for ensuring that the principles of data protection and supporting standards and guidelines are built into local processes and that there is on-going compliance (see element 9). Similarly, Line Managers, Department Heads and Service Managers are responsible for ensuring that good information security practices within their area of responsibility are implemented and maintained. The steps to be taken to achieve this are explained in the *Information Security Policy* (see element 8) section 5.

Every public record managed by NHS Forth Valley must have a designated ‘Information Asset Owner’. Each owner is responsible for ensuring that : "Risk assessments are carried out and appropriate security measures are in place to protect their information. Documentation relating to their information asset is maintained e.g. Standard Operating Procedures, System Security Policy, Data Protection Impact Assessment" (*Information Security Policy* - see element 8 - section 5)

The work of the IAOs is supported by a network of local information governance ‘champions’. The Network is styled the 'Better Information Governance Group'. Note that this is not synonymous with the 'Information Governance Group' although they report to

the IGG (see Key Group above). The Keeper agrees that, in a large and complex organisation, such as a regional health board, the involvement of certain identified local advocates may prove crucial to the successful roll-out of a records management programme.

All destruction of records must be authorised by the relevant Information Asset Owner.

The *RMP* notes (page 11) that “The specific roles of Information Asset Owner and Information Asset Administrator need to be fully embedded across NHS Forth Valley.” With this in mind, during 2022/3 an advanced RM eLearning course will be developed to better support Information Asset Owners.

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 **NHS Forth Valley**. Policies and governance structures are in place to implement the actions required by the plan.

Elements that require development by NHS Forth Valley are as follows:

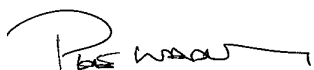
- 4. Business Classification
- 6. Destruction Arrangements
- 11. Audit trail
- 13. Assessment and Review
- 15. Public records created or held by third parties

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of **NHS Forth Valley**.

- The Keeper recommends that NHS Forth Valley 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 NHS Forth Valley. In agreeing this RMP, the Keeper expects NHS Forth Valley 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