National Records of Scotland

Public Records (Scotland) Act 2011

NHS Fife

The Keeper of the Records of Scotland

6th October 2022

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 NHS Fife by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 27th February 2021*.*

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

3. Authority Background

NHS Fife is one of 14 territorial NHS Boards in Scotland. The organisation provides healthcare to a population of more than 370,000 and currently employs around 8,500 staff. NHS Fife is in essence a collection of services for the benefit of patients. These services are wide in nature and varied in scope but may be thought of as departments or specialist areas.

NHS Fife is working to improve health services with the involvement and support of a variety of partners, including Fife Council, Fife Health and Social Care Partnership, other Health Boards in Scotland, the voluntary and independent sector, and most importantly, the public.

[Welcome to the NHS Fife | NHS Fife](#)

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 Fife'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

NHS Fife

Element	Present	Evidence	Notes
1. Senior Officer	**G**	**G**	NHS Fife have identified Mrs Carol Potter, Chief Executive, as the individual with overall responsibility for records management in the authority. The identification of the Chief Executive to this role is supported by a *Covering Letter* from Mrs Potter (19 October 2020), which specifically mentions the Public Records Scotland Act 2011 (the Act), and by both the *Corporate Records Management Policy* section 3.1 and the *Health Records Policy* section 3.1.2 (for both see element 3) The submitted *RMP* was approved and signed by the Chief Executive on 25th February 2021. The Keeper agrees that NHS Fife have identified an appropriate individual to this role as required by the Act.
2. Records Manager	**G**	**G**	The Act requires that each authority identifies an individual staff member as holding operational responsibility for records management and that staff member has appropriate corporate responsibility, access to resources, and skills.

The Keeper has agreed that in the case of an NHS territorial board, if they operate separate health and corporate records structures, two individuals may be identified in the element.

With this in mind NHS Fife have identified Craig McKinnon, Corporate Records Manager, as having day to day responsibility for the management of corporate records in the authority and Gail Watt, Divisional Head of Health Records, as having the same responsibility for health records.

This is supported by a *Covering Letter* from the Chief executive of NHS Fife (see element 1), which was received with the *RMP*, and by the *NHS Fife Health Records Policy* (Section 3.1.5) (see element 3).

The Health Records Manager is co-creator of the board's *Retention & Destruction of Health Records* (Live and Deceased Patients).

The Keeper has been provided with the *Corporate Records Manager Job Description* which makes it clear that "The Corporate Records Manager will be the lead NHS Fife contact for Corporate Records Management. This includes both internally and in liaison with external partners and other bodies, including the National Records of Scotland as required by the Public Records (Scotland) Act 2011 Element 2."

The Keeper has also been provided with the *Divisional Health Records Manager Job Description* which confirms that this role brings responsibility for "the day to day efficient and effective operational management of the Health Records Service"

The Corporate Records Manager is the Owner/Author of the *Records Management Plan* (the *RMP*). The Corporate Records Manager is also responsible for the creation of the *Records Management Policy* (see element 3) and the *Document*

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Version Control and Naming Convention Guidance (see element 11).

The Keeper has been provided with certificates as evidence of the Corporate Records Manager's competency for the role and as evidence that NHS Fife supports development of skills The *RMP* specifically states "A bespoke training programme has been developed, with dedicated resources, to provide the Corporate Records Manager with a good grounding in the key concepts of Records Management and how to implement these." (*RMP* page 23). The Keeper commends this commitment. For more on staff development see element 12.

Policy and guidance documents submitted in evidence show the Corporate Records Manager as the first point of contact for advice. For example *Document Version Control and Naming Convention Guidance* (see element 11) section 4.

The *NHS Fife Health Records Policy* (section 4.7) requires that "The Divisional Health Records Manager...should be made aware when new collections of records or information sets are created or where management arrangements or physical locations change." and (section 4.9) that they are "responsible for planning and documenting Health Records departmental local procedures."

NHS Fife operate a self-assessment checklist for health records (see element 13) this includes a requirement to annually confirm that "There is a clearly identified, suitably qualified and supported lead individual responsible for patient records".

The Keeper agrees that NHS Fife have identified appropriate individuals to this role as required by the Act.

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<tr><td>3. Policy</td><td>**G**</td><td>**G**</td><td>The Act requires an authority to have an appropriate policy statement on records management.</td></tr>
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| | | | The Introduction to the *RMP* (page 3) states that a health board is expected to have "Health Records and Corporate Records Management Policies [that] provide further detail concerning standards for the management of records." |
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The Introduction to the *RMP* (page 3) states that a health board is expected to have "Health Records and Corporate Records Management Policies [that] provide further detail concerning standards for the management of records."

To this end NHS Fife have a *Health Records Policy* which has been provided to the Keeper. This is version 4.0 approved by the Director of Acute Services and last reviewed in December 2017.

The *Health Records Policy* is publically available at:
Health Records | NHS Fife

The *Health Records Policy* specifically mentions the Public Records (Scotland) Act and the Data Protection Act 2018 (see element 9)

NHS Fife also have a *Corporate Records Management Policy* which has also be provided to the Keeper. This is version 5.0 approved by the Medical Director and last reviewed in January 2021

The Corporate Records Policy is publically available at:
Records Management Policy | NHS Fife

The *Corporate Records Policy* specifically mentions the Public Records (Scotland) Act and the Data Protection Act 2018 (see element 9)

The Keeper has been provided with a screen-shot showing information governance policies and guidance on the 'Stafflink' intranet. "Stafflink is NHS Fife's recognised method for disseminating information to all staff. This is a live feed on the main staff page that requires a mandatory acknowledgement for any new policy/critical update posted." (*RMP* page 10)

			Both policies are specifically endorsed by the Chief Executive (see element 1) in a *Covering Letter*. The Keeper agrees that the *RMP* supports the objectives of the *Records Management Policies*. The Keeper agrees that NHS Fife has 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. NHS Fife recognise this: The *Health Records Policy* (see element 3) states that "This document aims to set out the policy to be adhered to in relation to Health Records Management within NHS Fife to ensure that Health Records are: • properly controlled • readily accessible and available for use...Taking into consideration: access, storage & retrieval" (*Health Records Policy* section 1) and that "Health Records are confidential documents and should be clearly identifiable, accessible and retrievable" (section 4.3) The corporate *Records Management Policy* (also see element 3) states "NHS Fife is committed to implementing best practice recordkeeping systems throughout the organisation to preserve the integrity of all records, in all formats." (*Records Management Policy* section 1.2.) The Introduction to the *RMP* states: "Effective records management involves efficient and systematic control of the creation, storage, retrieval, maintenance, use

and disposal of records, including processes for capturing and maintaining evidence." and "The guiding principles of records management are to ensure that information is available when and where it is needed, in an organised and efficient manner, and in a well maintained environment." (both – *RMP* page 3)

In order to control this environment, and to pursue the aspirations of the records management policies, NHS Fife have an overarching *Business Classification Scheme* which has been provided to the Keeper and is presented in a series of hierarchical relationship graphics. They have separate document indicating retention decisions against each record type which has also been provided (see element 5). Neither document indicates the format in which the record is held and the Keeper has accepted that both digital and hard-copy records are represented in these documents.

The Keeper has been provided with a draft version of NHS Fife's Information Asset Register Records Management Project Initiation Document. This is v0.2, February 2022. "It has been proposed as part of the ongoing data compliance review within NHS Fife that a collection of our Information Assets (IA's) are collated and entered into a database/system to allow knowledge of all organisation information assets which reflects the risks and potential outcomes that are possible, should that Asset become lost or compromised." (Initiation Document introduction). As this is a draft document, the Keeper cannot accept it as indicative of an actual project underway in NHS Fife. However, he acknowledges the principles laid out in the project are sound and the timescales and communication plan are reasonable. The adoption of an authority-wide Information Asset Register particularly if retention decisions are included against record type, should create a single point of reference and a strong business tool for the organisation.

The *RMP* (page 11) explains that the *Business Classification Scheme* is being populated at a local level (the involvement of local business areas in this type of

work is commended). It appears that this work is not yet concluded.

Since the agreement of NHS Fife's *Records Management Plan* in 2013 all territorial health boards in Scotland have committed to the adoption of the Microsoft M365 package and will, going forward, be utilising the records management functionality in that system. The M365 roll-out is not complete and is currently being piloted in another NHS Scotland board. The M365 adoption will require NHS Fife to map their *Business Classification Scheme* to the, national, M365 structure. This work is also not yet complete.

A full M365 implementation is likely to bed-in incrementally. However, the Keeper's Assessment Team reports that NHS Fife's <u>Corporate Records Manager</u> has been consistently engaged in developments centrally through a NHS records management forum.

NHS Fife have provided the Keeper with a copy of the SharePoint 'Roadmap' showing how this roll-out will proceed.

<u>Hard Copy Records</u>
The storage of hard-copy Health Records is explained in the *Health Records Policy* (section 4.3.2).

<u>E-Mail</u>
NHS Fife recognise the specific requirements/risks involved in the management of e-mail and have issued appropriate staff housekeeping guidance. NHS Fife have provided the Keeper with a copy of their *E-Mail Policy*. This is version 7.0, October 2020, and is available publically at:
Email Policy | NHS Fife

<u>Scanning</u>

			Work is in progress to ascertain the feasibility of scanning all health records so they can be accessed electronically, this is an ongoing process (noted on *RMP* page 15). Training (see also element 12) A guidance document to support the appropriate use of the *Business Classification Scheme* has been provided to staff (*Records Management Policy* section 1.4). The Keeper has been provided with a copy of this guidance (see element 11). In their original submission NHS Fife achieved an 'improvement model' agreement, meaning that the Keeper considered that the authority was not fully compliant against the element. NHS Fife recognised this. It is the Keeper's opinion that, although a very clear path to compliance in this element is being followed, the amber 'improvement model' RAG status should remain for the time being. **Therefore, the Keeper agrees this element of NHS Fife's records management plan under 'improvement model' terms. This means that the authority has identified a gap in provision (the planned records management system has not yet been rolled-out in the organisation) and have put measures in place to close that gap. The Keeper's agreement is conditional on him receiving updates as the M365 project progresses.**
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. The *Health Records Policy* (see element 3) requires that NHS Fife commits NHS Fife "to ensure that Health Records are properly controlled...and eventually archived or otherwise disposed of. Taking into consideration... retention & destruction schedules." (*Health Records Policy* section 1) and that "Health Records are retained and disposed of appropriately using consistent documented retention and disposal

procedures, which include provision of appraisal and permanent preservation for Health Records with archival value." (section 4.2)

The principle of applying retention to records is also supported in the published *Data Protection and Confidentiality Policy* (see element 9).

With these policy commitments in mind, NHS Fife operate two retention schedules one *NHS Fife Retention and Disposal of Records Schedule* for corporate records and one *NHS Fife Health Records Retention and Destruction Policy* for health records, both of which have been provided to the Keeper. The *Health Records Retention and Destruction Policy* is version 4.0 (2020). The corporate schedule does not include a control sheet.

These retention schedules combine to include all public record types in all formats. A sample entry might be:

<u>Type of Record</u>: Diaries – health visitors, district nurses and community midwives
<u>Minimum Retention Period</u>: 2 years after end of year to which diary relates. Patient relevant information should be transferred to the patient record.
<u>Note</u>: It is not good practice to record patient identifiable information in diaries.
<u>Name</u>: Acute Services Division Associate Director of Nursing Health and Social Care Partnership Lead Nurse, West Division Lead Nurse, East Division Lead Nurse, Fife Wide Division (including Mental Health Service) Administrative/Business/Health Records Managers, within each Division responsible for Health Records.

Retention decisions are based on those recommended by the Scottish Government Records Management NHS Code of Practice (Scotland):
https://www.informationgovernance.scot.nhs.uk/wp-content/uploads/2020/06/SG-HSC-Scotland-Records-Management-Code-of-Practice-2020-v20200602.pdf
The Keeper recognises that the NHS Fife Corporate Records Manager was involved

on the recent review of this national code of practice.

Retention schedules are available electronically via 'Stafflink' (see element 3). Destruction instructions are available to staff in the policies (see element 6).

For the different formats featured in NHS Fife records management systems see element 4 above. Specifically:

Digital shared drives:
The majority of the corporate records of NHS Fife are managed digitally on a central shared drive system that is being transitioned to M365. However, there is no reason to suspect that this will affect the retention decisions allocated to the authority's public records (although it may well change how retention is applied).

Digital Line of Business: 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.

Physical in-house: Physical records are included in the *NHS Fife Retention Schedule* (for example the diaries in the example above). However, unlike digital records, paper records cannot be automatically deleted and must be manually destroyed (see element 6).

Furthermore, the Keeper is satisfied that local business areas have adequate input to how retention decisions are allocated to particular record types.

The *NHS Fife Retention and Disposal of Records Schedule* specifically refers to the organisations responsibility under data protection legislation (see element 9)

The Keeper agrees that NHS Fife has schedules providing retention decisions for

			the record types created while pursuing its functions.
6. Destruction Arrangements	**G**	**G**	The Act requires that public records are destroyed in a timely, controlled and secure manner. NHS Fife recognise this: The *Health Records Policy* (see element 3) states that records must be properly controlled "Taking into consideration:...retention & destruction schedules" (*Health Records Policy* section 1) and that health records must be "retained and disposed of appropriately using consistent documented retention and disposal procedures, which include provision of appraisal and permanent preservation for Health Records with archival value." (Section 4.2) There must be "documented procedures for the retention, archiving or destruction of Health Records in accordance with national guidelines. The method of destruction must ensure that confidentiality is maintained at all times." (section 4.3.5) The Introduction to the *RMP* (page 3) States: "Effective records management involves efficient and systematic control of the creation, storage, retrieval, maintenance, use and **disposal** of records, including processes for capturing and maintaining evidence." NHS Fife have formal policies for the destruction of public records including those held in hard-copy format including the destruction of hardware. These are explained in the Health *Records Retention and Destruction Policy* and the *NHS Fife Retention and Disposal of Records Schedule* (see element 5). The former includes a section on when retention should be overruled, for example for 'legal hold' (Health *Records Retention and Destruction Policy* section 4.4.3). The NHS Fife *Information Security Policy* (see element 8) supports the suitable destruction of hardware (*IS Policy* section 3.8).

The *Health Records Retention and Destruction Policy* explains that "Each department should have a comprehensive records management programme which includes cost-effective management of non-current as well as active records, and which takes account of their department's risk management strategy." In a large organisation departmental oversight of disposition is commended.

The authority has provided the Keeper with samples of receipts and audits showing these processes are in operation. They have also provided the Keeper with a copy of a destruction guidance poster issued for staff.

NHS Fife publish destruction policies, for the benefit of service users, at
Health Records Retention and Destruction | NHS Fife
and
Disposal of Confidential Waste Procedure - Paper Records | NHS Fife

E-Mail Staff are instructed on the appropriate deletion of e-mail. The corporate *E-Mail Policy* (see element 4) states: "Ephemeral email messages should be managed within the mailbox and kept only for as long as required before being deleted…Emails must be deleted on a regular basis – this includes inbox, sent items and deleted items." (*E-mail Policy* Section 4.7 'Housekeeping')

Back-Up NHS Fife quite properly keep back-up tapes of public records for business continuity purposes (see element 10). These copies are permanently destroyed after 1 year.

Destruction Logs It is considered best practice to retain a log of what records have been destroyed (see Keeper's Model Plan Model Records Management Plan | National Records of Scotland (nrscotland.gov.uk) element 6). NHS Fife recognise this and state in their *Health Records Retention and Destruction Policy* "It is

essential that the destruction process is documented. The following information should be recorded and preserved so that the organisation is aware of those records that have been destroyed and are therefore no longer available. Disposal schedules would constitute the basis of such a record.

- Description of record
- Reference number if applicable
- Number of records destroyed
- Date of destruction
- Who authorised destruction
- Who carried out the process
- Reason for destruction (Referring to retention & destruction policy.)"

This is commendable.

However, it will be important that this principle can be applied to digital records when the national M365 system is adopted. The Keeper will be interested how that will work in NHS Fife going forward.

Training The *Health Records Policy* commits NHS Fife to train their staff on the destruction of confidential waste (*Heath Records Policy* section 4.10).

The Keeper has also been provided with a destruction of confidential waste poster to show that staff are reminded how to do this. NHS Fife clearly have arrangements in place for the controlled, secure and irretrievable destruction of hard-copy public records as required; a sample shredding receipt has been provided.

However, unlike digital records, paper records cannot be automatically deleted and must be manually destroyed. The *NHS Fife Waste Management Policy* (version 2.0 2018) has been provided as part of the *RMP* evidence package, but does not seem to specifically refer to the destruction of hard-

			copy records. The Keeper suggests that NHS Fife consider creating a separate guidance document (or adapting the *Waste Management Policy*) to direct staff how to dispose of their hard-copy information asset when appropriate. That aside the destruction of paper records is clearly operational in the authority so the Keeper agrees that NHS Fife has processes in place to irretrievably destroy their records when appropriate.
7. Archiving and Transfer	**G**	**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. NHS Fife note that "Effective management of information allows fast, accurate and reliable access to records, ensuring the timely destruction of redundant information and the identification and <u>protection of vital and historically important records</u>." (*RMP* Introduction page 3). The *Health Records Policy* (see Element 3) notes that there is a requirement for health records to be retained appropriately "using consistent documented retention and disposal procedures, which include <u>provision of appraisal and permanent preservation for Health Records with archival value</u>." (*Health Records Policy* section 4.2) and that there should be "documented procedures for the retention, archiving or destruction of Health Records in accordance with national guidelines." (section 4.3.5) NHS Fife have also provided the Keeper with a copy of their *Health Records Retention and Destruction Policy* (see element 5). Section 4.5 of this Policy explains "Records which must be permanently preserved". NHS Fife have identified Fife Cultural Trust as the repository to which they will

			transfer public records selected for permanent preservation (*RMP* page 15). The archive facility operated by Fife Cultural Trust is at: <u>Archives - OnFife</u>. The Keeper agrees that Fife Cultural Trust Archives is a proper repository of the preservation of records. NHS Fife have a formal *Service Level Agreement* (*SLA*) with Fife Cultural Trust which has been supplied to the Keeper. They have also provided catalogue entries and a sample deposit receipt in evidence that the arrangements explained in the *RMP* are operational. The Keeper agrees that NHS Fife has arrangements in place to properly archive records when appropriate.
8. Information Security	**G**	**G**	The Act requires that public records are held in accordance with information security compliance requirements. The *Health Records Policy* (see element 3) states that NHS Fife will ensure that "Health Records are secure – from unauthorised and inadvertent alteration and erasure. Access and disclosure are properly controlled and audit trails will track all use and changes to ensure that Health Records are held in a robust format which remains readable for as long as they are required." (*Health Records Policy* section 4.2) and that "Health Records systems should be secure and their creation, management, storage, transport and disposal should comply with current legislation." (section 4.3). The *RMP* states (page 16): "NHS Fife provides systems which maintain appropriate confidentiality security and integrity for all data including storage and use." With these commitments in mind NHS Fife have provided the Keeper with the authority's *Information Security Policy* (version 5.0 dated 2020). This Policy is

supported by a suite of supplemental policies and guidance documents such as *Internet Policy*, *Mobile Device Management Policy* and *Clear Desk Clear Screen* guidance these have also been provided to the Keeper. These are available to staff on the intranet (screen-shot provided).

The *Information Security Policy* explains that: "Information is vital to NHS Fife. The data stored in information systems used by NHS Fife represent an extremely valuable asset, which are used in its provision of essential services. The reliance of information technology makes it necessary to ensure that these systems are developed, operated, used and maintained in a safe and secure fashion. It is used in every aspect of its operations, from manual systems of record keeping to administration processes such as payroll and accounting; and patient care systems. It is central to the implementation of the Electronic Patient Record and information sharing between NHS Organisations, Health and Social Care, GP Practices and outside agencies." and that "Information Security is important to ensure that NHS Fife does not become vulnerable to the potentially highly damaging financial, legal or political implications arising from a serious breach of security or confidentiality. "(both: *Information Security Policy* section 1).

Many policies supporting information security, and the *Information Security Policy* itself, have been made public for the reassurance of service users:

Information Security Policy | NHS Fife

IT Change Management Policy | NHS Fife

Fife Wide Decommissioning of Fife Premises Policy | NHS Fife

Mobile Device Management Policy | NHS Fife

Data Encryption Policy | NHS Fife

Clear Desk Clear Screen Policy | NHS Fife

Acceptable Use Policy | NHS Fife

Password Policy | NHS Fife

Email Policy | NHS Fife

Information Security is, of course, also supported in the *NHS Fife Data Protection and Confidentially Policy* (see element 9)

Data Protection | NHS Fife

These documents explain that NHS Fife have the following procedures in place to ensure the security of its public records:

Digital: Digital records on shared drives are governed by published information security procedures. These are available to staff and training is provided. As noted under element 4, these will be transferring to the M365 structure. The Keeper is content that information security will be properly considered under this structure. All digital health record information systems are password protected and passwords are changed at regular intervals (*Health Records Policy* – see element 3 – section 4.3.1).

Digital Line-of-Business: The Keeper can agree that line-of-business systems operated by NHS Fife have adequate information security provision as part of their functionality.

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<td>Hard-Copy: The protection of physical records is a feature of the board's Information Security Policy (section 8) and of the Health Records Policy (for example sections 4.3.2 and 4.5.2). Access to hard-copy records is restricted to appropriate staff (details of security ID card have been provided). NHS Fife also operate the Fairwarning system which restricts use of personal information (see also element 9).

NHS Fife Information Security provision has been mapped against the Information Security practices with the NHS Scotland Information Security Framework: <u>IS-Policy-Framework.pdf (scot.nhs.uk)</u>

A system for reporting information security breaches (actual or potential) is in place. The Keeper has been provided with a copy of the Incident Management Policy which is available to staff on the intranet. Reporting is also a feature of the Information Security Policy, for example sections 3.7 and 3.10.

As an NHS Board dealing with highly sensitive personal information NHS Fife have appointed 'Caldicott Guardians' (see element 9). Caldicott Guardians have responsibility for contributing to the Board's information security framework.

NHS Fife staff are routinely reminded of their responsibilities with regard to records management and information security. The Keeper has been provided with an example of the board's 'Stafflink' guidance circulars (Tracking of Health Records) and desktop notifications (FairWarning).

The Keeper agrees that NHS Fife have procedures in place to appropriately ensure the security of their records as required by the Act.</td>
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<td>9. Data Protection</td>
<td>**G**</td>
<td>**G**</td>
<td>The Keeper expects a Scottish public authority to manage records involving personal data in compliance with data protection law.</td>
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NHS Fife is registered as a data controller with the Information Commissioner's Office (ICO): Information Commissioners - Data protection register - entry details (ico.org.uk)

NHS Fife have a *Data Protection and Confidentiality Policy*. The Keeper has been provided with a copy of this *Policy*. This is version 5.0 dated August 2018. This is published at:
Data Protection | NHS Fife

The *Data Protection and Confidentiality Policy* confirms that "NHS Fife complies with Data Protection legislation, such as GDPR, UK Data Protection Act 2018, Networking and Information Systems Regulations 2018 (NIS) and other guidelines designed to protect the privacy and confidentiality of patients, staff and other members of the public." (*Data Protection and Confidentiality Policy* section 1)

The *Data Protection and Confidentiality Policy* explains the 7 principles of data protection (page 2).

Service users can make a subject access request using an contact telephone number available at: Accessing Records | NHS Fife The Divisional Health Records Manager (see element 2) is one of 'designated officers' responsible for responding to subject access requests.(*Health Records Policy* – see element 3 - section 3.1.5). This in response to a commitment by NHS Fife that "There are documented procedures for handling Subject Access and other legal requests with clear responsibility for responding by fully trained dedicated staff who process requests efficiently and in accordance with the law." (*Health Records Policy* section 4.3.5)

NHS Fife have appointed a Data Protection Officer as required by the Data Protection Act 2018:
Margo McGurk | NHS Fife

			As an NHS Board dealing with highly sensitive personal information NHS Fife have also appointed 'Caldicott Guardians'. Caldicott Guardians are senior clinical managers of the Board responsible for protecting the confidentiality, privacy and fairness of patients and service-user information and enabling appropriate information-sharing. "The Caldicott Guardian must be a key member of the broader Information Governance function with support staff, Caldicott or Information Governance leads e.g. Data Protection Officer, Freedom of Information leads, Health Records Manager and IT Security staff contributing to the work as required." (*Health Records Policy* – see element 3 – section 3.1.3) Relevant staff in NHS Fife are provided training on the NHS Scotland Code of Practice on Confidentiality. The Keeper agrees that NHS Fife have arrangements in place that allow them to properly comply with data protection legislation.
10. Business Continuity and Vital Records	**G**	**G**	The Keeper expects that record recovery is an integral part of an authority's business continuity planning. NHS Fife has an overarching *Corporate Business Continuity Plan* (*BCP*) which has been provided to the Keeper. This is v1.1 dated May 2020. The *Corporate Business Continuity Plan* explains the principles "to be integrated and evidenced within the organisations business planning processes". The Keeper agrees this includes record recovery, for example at section 4.2. As well a central *BCP*, each area of NHS Fife has operational business continuity plans based on the principles set out in the *Corporate Policy*. The template for the creation of a local plan, and guidance on how to complete this, have also been

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<td>provided to the Keeper and he agrees that they include provision for record recovery in an emergency.

The Keeper has been provided with a separate letter from Carol Potter, NHS Fife Chief Executive, dated 19th October 2020, which states: "These documents [the local plans] are not for general distribution for both security and data protection reasons. I am satisfied that robust processes are in place within NHS Fife to ensure business continuity and protect vital records." The Keeper welcomes this reassurance and has previously agreed that detailed business continuity plans, which might, for example, contain home phone numbers of key staff, do not need to be supplied in evidence.

Details of record recovery, and the availabity of back-ups, are provided in the *RMP* (pages 20/21).

The Keeper has been provided with a copy of the NHS Fife *eHealth Business Continuity and Disaster Recovery Framework Plan* which considers the recovery of systems in the case of an emergency (version 6.0 June 2020). The Keeper agrees that this includes the recovery of public records, for example at section 1.3.1

All relevant business continuity documents, plans and templates are available on the 'Resilience' section of the NHS Fife intranet.

The Keeper agrees that NHS Fife have an approved and operational business continuity process and that information management and records recovery properly feature in the authority's plans.</td>
</tr>
<tr>
<td>11. Audit trail</td>
<td style="background-color:orange">A</td>
<td style="background-color:green">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.</td>
</tr>
</table>

NHS Fife recognise this:

The Introduction to the *RMP* (page 3) states: "Effective records management involves efficient and systematic control of the creation, storage, **retrieval, maintenance, use** and disposal of records, including processes for capturing and maintaining evidence." and that "The guiding principles of records management are to ensure that information **is available when and where it is needed** , in an organised and efficient manner, and in a well maintained environment."

The *Health Records Policy* (see element 3) requires that NHS Fife commits "to ensure that Health Records are properly controlled...readily accessible and available for use, and eventually archived or otherwise disposed of. Taking into consideration...access, storage & retrieval" (*Health Records Policy* section 1) and that "Health Records and the information within them can be located and displayed in a way consistent with the record's initial use and that the current version is identified where multiple versions exist" (section 4.2).

With access, identification and retrieval in mind, NHS Fife have a *Document Version Control and Naming Convention Guidance* document which has been provided to the Keeper. This is version 3.0 approved by the *Information Governance and Security Manager / Data Protection Manager* on 11th January 2021. The author of the *Guidance* is the Corporate Records Manager (see element 2). The *Document Version Control and Naming Convention Guidance* explains the purpose behind version control and naming conventions. The Keeper agrees that this gives clear and appropriate instructions to staff to ensure that records are named in such a way that they can be easily located.

Digital Line-of-Business: NHS Fife operate line-of-business systems, particularly in the 'Health' areas. The Keeper can accept these systems have record tracking

			functionality. In his report on their original submission (2013) the Keeper noted that this element was an area for improvement. At that time this was due to the naming convention and version control procedures not being full rolled out. The Keeper is happy to acknowledge that this was subsequently done and a copy of the latest guidance has been provided (see above). However, as with all other NHS territorial boards in Scotland, NHS Fife is transitioning to the M365 structure which will bring with it new tracking functionality using a powerful search tool and automated version control. The use of naming conventions will still be vital for the efficient use of this system. The *RMP* (page 22) gives a commitment for appropriately training staff on how to use this. Due to the developing nature of what will become a Scotland-Wide records management provision (see element 4 for more on this) the Keeper has determined that this element of the NHS Fife records management plan should retain an 'amber' improvement model rating for the time being. He is, however, convinced that appropriate steps are being taken towards full compliance over time.
12. Competency Framework for records management staff	**G**	**G**	The Keeper expects staff creating, or otherwise processing records, to be appropriately trained and supported. NHS Fife has made the following commitment that "NHS Fife will provide appropriate training and development support to ensure all staff are aware of their records management responsibilities." (*RMP* page 23) The Keeper has been provided with the *NHS Fife Corporate Records Manager Job Description* that confirms that the post holder must have "A minimum of 8 years post

graduate work experience, including 4 years within information field, a recognised Certificate in Scottish Public Sector Records Management and extensive knowledge and experience in Corporate Records Management."

The *Health Records Policy* (see element 3) commits NHS Fife to ensure that the Divisional Health Records Manager (see element 2) holds a Health Records qualification or is suitably trained in Health Records practices and that "all staff are made aware of their responsibilities for Health Record keeping and management" (*Health Records Policy* sections 3.1.5 and 4.2 respectively).

It goes on to make the following commitment: "All staff employed by NHS Fife including volunteers and contractors should be given training on their personal responsibilities for Health Records keeping. This includes the creation, use, storage, security and confidentiality of Health Records. Appropriate training should be provided for all users of the Health Records systems to meet local and national standards. All new employees to the organisation will be given basic training as part of the organisation's induction process." (*Health Records Policy* section 4.10). The *Policy* includes a list of available training including in the Scottish Government Records Management NHS Code of Practice (Scotland) (see element 5).

The Chief Executive (see element 1), in a *Covering Letter* provided to the Keeper, confirms that information governance policies are circulated throughout the organisation and senior management teams are responsible for their dissemination and implementation locally. With this in mind, NHS staff Fife are routinely reminded of their responsibilities with regard to records management and information security. The Keeper has been provided with an example of the board's 'Stafflink' guidance circulars (Tracking of Health Records) and desktop notifications (FairWarning).

Information Governance Training is mandatory within NHS Fife. This is supported with an all staff leaflet from the Information Governance and Security Team (see

			under General Comments below) which has been provided to the Keeper.

The *RMP* commits NHS Fife to train its staff on the correct naming of documents (page 22)

Business areas creating and managing health records are provided with a self-assessment checklist. One of the items on that checklist is that "The Board has mechanisms in place to ensure that all Health Records managers and staff receive training in Health Records."

The Keeper agrees that the individual identified at element 2 has the appropriate responsibilities, resources and skills to implement the records management plan. Furthermore, he agrees that NHS Fife consider information governance training for 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.

This is acknowledged by the Board. The control sheet to the *RMP*, signed by the Chief Executive states "This plan will be reviewed every year (or sooner if new legislation, codes of practice or national standards are to be introduced)." (*RMP* page 2)

The *NHS Fife Information Security Policy* (see element 8) requires that "regular audits of how personal information is handled is carried out" (*IS Policy* section 3.5) and that "regular risk assessments are performed on systems" (section 3.7) Furthermore the *Information Security Policy* instructs that "There must be a regular audit of external contractors and service providers in respect of their need for access to systems and data and their awareness of responsibilities regarding security and confidentiality" (section 3.12) and that "Backups (see element 10) shall be tested periodically to ensure that systems/files can be restored if and when |

required" (section 8.3).

The Records Manager (See element 2) reviews the implementation of the plan supported by the Information Governance and Security Steering Group (see under General Comments below) and reports his findings to the Strategic Management Team annually. Reports will be submitted to the Information Governance Steering Group and annually to the Board of Directors Management Team.

The *RMP* explains that "The progress on the Records Management Plan will also be reviewed by NHS Fife Internal Audit Service" (RMP page 24). The use of Internal Audit is also supported by the *Information Security Policy* (section 8.6) The use of an independent audit of information governance provision is commended by the Keeper. This text seems to suggest that the Internal Audit review is additional to that conducted by the Records Manager. This is to be expected.

NHS Fife have provided their *Records Management Maturity Model* spreadsheet, which is based on that successfully implemented by another health board. The Keeper agrees it provides a useful self-assessment methodology for NHS Fife.

NHS Fife have applied a review schedule to the evidential documents provided to the Keeper. They state in the introduction of several of these that "If a policy/procedure is past its review date then the content will remain extant until either such time as the policy review is complete and the new version published, or there are national policy or legislative changes." and "Reviewed policies will have a review date set that is relevant to the content (advised by the author) but will be no longer than 3 years." This is a reasonable provision.

Bearing in mind the caveats above:

The *Information Security Policy* (see element 8) is due for review by February 2023.

			The *NHS Fife Health Records Retention and Destruction Policy* (see element 5) is due for review by June 2023. The *Health Records Policy* (see element 3) is due for review by September 2023. The *E-mail Policy* is due for review by October 2023. The *Corporate Records Management Policy* (see element 3) and the *Document Version Control and Naming Convention Guidance* (see element 11) are both due for review by January 2024. The Keeper has received a letter from the NHS Fife Chief Executive (see element 1) confirming that "A process for assuring Business Continuity Plans has been established ". An explanation of the testing of business continuity procedures is explained in the *eHealth Business Continuity and Disaster Recovery Framework Plan* (see element 10). The Keeper agrees that NHS Fife 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. "Information is...central to the implementation of the Electronic Patient Record and information sharing between NHS Organisations, Health and Social Care, GP Practices and outside agencies." (*Information Security Policy* section 1)

			The *RMP* states that the sharing of information is a core NHS Scotland activity and takes place in line with the Data Protection Act 2018 and other relevant privacy regulation (*RMP* page 25). NHS Fife enters into data sharing agreements using formal agreements and samples (for example with the Prison Service) and templates Information Sharing Agreement which includes information governance considerations, for example section 7 'Data retention and secure disposal'. Staff guidance on the creation of information sharing agreements within the board have been provided to the Keeper. **The Keeper agrees that NHS Fife properly consider information governance when entering into arrangements to share information with third parties.**
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). As part of its routine operations, NHS Fife contract-out certain of its functions to third-parties. NHS Fife have provided the Keeper with the contractual clauses used to ensure these third-parties properly consider information governance issues when creating records as they pursue activities on behalf of NHS Fife. The Keeper notes these clauses include auditing of systems by the health board and re-transfer of records as appropriate. Furthermore, the RMP notes that NHS Fife will direct any third-party creating

			records on its behalf regarding "specific guidance points to cover all records related matters, such as information security, information storage, email, access to information and records, data protection and other compliance requirements" (*RMP* page 30). The Keeper agrees that NHS Fife has properly considered the management of records created by third parties while they undertake activities in pursuance of functions of the health board under contract.

NHS Fife

General Notes on submission

This assessment is on the *Records Management Plan* (the *RMP*) of NHS Fife as submitted to the Keeper of the Records of Scotland (the Keeper), for his review and agreement, on 27th February 2021. This is version 2.0 approved by the Chief Executive (see element 1) on 25th February 2021.

The *RMP* is publically available at: [Records Management Plan | NHS Fife](#)

This is the second formal records management plan received from NHS Fife by the Keeper. The first was agreed on the 27th September 2013: [Microsoft Word - Keeper'sAssessmentReportFifeNHS_FINAL-Signed_.rtf (nrscotland.gov.uk)](#)

The *RMP* is supported by a *Covering Letter* of endorsement from the Chief Executive of NHS Fife (see element 1) who also signed the *RMP's* cover sheet.

The *RMP* 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.

NHS Fife discus records management in their published Information Strategy (page 29): [nhs-fife-digital-and-information-strategy-2019-2024-1.pdf (nhsfife.org)](#)

The Keeper agrees that robust records management supports the Corporate Objectives of NHS Fife such as optimising resources, increasing efficiency and better communicating with partners: [Corporate objectives | NHS Fife](#):

 NHS Fife make the following statement in their *RMP* :

"Systematic management of records allows organisations to:

- know what records they have, and locate them easily
- increase efficiency and effectiveness
- make savings in administration costs, both in staff time and storage
- support decision making
- be accountable
- achieve business objectives and targets
- provide continuity in the event of a disaster
- meet legislative and regulatory requirements
- protect the interests of employees, clients and stakeholders" (*RMP* introduction page 3).

The Keeper fully agrees this statement.

NHS Fife also state that "Records management, through the proper control of the content, storage and volume of records, reduces vulnerability to legal challenge or financial loss and promotes best value in terms of human and space resources through greater coordination of information and storage systems" (*Health Records Policy* - see element 3 - section 4).

The Keeper also agrees this statement.

The authority refers to records as a business 'asset' (for example *Information Security Policy* section 1, or *Data Protection and Confidentiality Policy* section 4.3). This is an important recognition and the Keeper commends it.

Key Group Information Governance and Security Steering Group:

The Public Records (Scotland) Act is a standing item on the NHS Fife Information Governance and Security Group (IGSG) agenda, which meets quarterly. NHS Fife have provided the Keeper with example agenda and minutes from this group in their evidence package which confirms that PRSA is indeed a standing item.

The IGSG is responsible for ensuring that the records management and information security policies are followed. The routinely review the *Information Security Policy* (see elements 8 and 13).

The RMP and other relevant policies are reviewed by the IGSG. For example, see control sheet of the NHS Fife E-Mail Policy (see element 4)

Clearly the Information Governance and Security Group is vital to the records management process in NHS Fife and the Keeper thanks the authority for sharing details of their remit 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 NHS Fife. Policies and governance structures are in place to implement the actions required by the plan.

Elements that require development by NHS Fife are as follows:
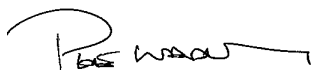
4. Business Classification

11. Audit trail

7. Keeper's Determination

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

- The Keeper recommends that NHS Fife 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   **Liz Course**
Public Records Officer   Public Records Officer

8. Endorsement of Report by the Keeper of the Records of Scotland

The report has been examined and is endorsed under the signature of the Keeper of the Records of Scotland as proof of compliance under section 1 of the Public Records (Scotland) Act 2011, and confirms formal agreement by the Keeper of the RMP as submitted by NHS Fife In agreeing this RMP, the Keeper expects NHS Fife to fully implement the agreed RMP and meet its obligations under the Act.

……………………………………………

Paul Lowe

Assessment Report

Keeper of the Records of Scotland