Public Records (Scotland) Act 2011

Parole Board for Scotland

The Keeper of the Records of Scotland

5th 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 Parole Board for Scotland by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 14 December 2020**.**

The assessment considered whether the RMP of Parole Board for Scotland was developed with proper regard to the 15 elements of the Keeper's statutory Model Records Management Plan (the Model Plan) under section 8(3) of the Act, and whether in this respect it complies with it and the specific requirements of the Act.

The outcome of the assessment and the Keeper's decision on whether the RMP of Parole Board for Scotland complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

The Parole Board for Scotland is a Tribunal non-departmental public body. The Board, which has been in existence for 50 years, is a judicial body which is independent of the Scottish Government and impartial in its duties. Its main aim is to ensure that those prisoners who are no longer regarded as presenting a risk to public safety may serve the remainder of their sentence in the community on licence under the supervision of a supervising officer. It is not the responsibility of the Board to consider questions of punishment and general deterrence. These issues are regarded as discharged, in the case of determinate sentence prisoners, when a case is referred to the Board by the Scottish Ministers and on which the judiciary has deliberated in the case of indeterminate sentence prisoners.

The Board only grants release in cases where the level and nature of risk is deemed to be manageable. This decision is informed by the evaluation of risk assessments.

The type of sentence imposed will determine both at which point in the sentence the Parole Board will consider release and under what procedures the review will take place.

Parole Board for Scotland (scottishparoleboard.scot)

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 Parole Board for Scotland's RMP was developed with proper regard to the elements of the Model Plan and is compliant with the Act. The assessment also considered whether there was sufficient supporting evidence of such compliance.

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

Element	Present	Evidence	Notes
1. Senior Officer	**G**	**G**	The Public Records (Scotland) Act 2011 (the Act) requires that an individual senior staff member is identified as holding corporate responsibility for records management in a public authority. The Parole Board for Scotland (The Board) have identified Colin Spivey, Chief Executive, as the individual with overall responsibility for records management in the organisation. The Chief Executive is also the Senior Information Risk Owner (SIRO) for The Board. A *Roles and Responsibilities Senior Information Risk Owner (SIRO)* document has been provided to the Keeper and outlines the SIROs duties. The identification of the Chief Executive to this role is supported by the *Records Management Policy* (page 3), "The Parole Board for Scotland Chief Executive has overall responsibility for the management of records generated by The Parole Board for Scotland activities." The Chief Executive has signed the *Information Security Policy Statement* (signed May 2019). The *Records Management Plan (RMP)* compliance statement for Element 3 notes the *Records Management Policy* has been approved by the SIRO. A *PBS Review commitment to our Records Management Plan* document, signed by the Chief Executive and dated May 2022, has also been provided.

			The Keeper agrees that the Parole Board for Scotland 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 has appropriate corporate responsibility, access to resources and skills. The Board have identified Tracy Flockhart as their Records Manager and the individual with day-to-day responsibility for implementing the *RMP*. The Records Manager reports to Steven Harrison, Head of Corporate Services. While Tracy Flockhart is named as The Board's Records Manager, her job title is Executive Support Manager. The *Records Management Policy* (page 3) states the Corporate Services Team (CST) are responsible for "drawing up guidance for good records management practice... promoting compliance with this policy… and... will advise on policy and best practice and will report to the SIRO." A *Records Management Competency Framework* has been submitted to the Keeper detailing the required competencies of the Records Manager. Tracy Flockhart is identified as one of two Information Support Officers (IMSO's). *Subject Access Request Guidance*, provided to the Keeper, identifies the Executive Support Manager as the Data Protection Officer (DPO) for The Board. A copy of the *Records Manger's Objectives* has been supplied (signed by Line Manager, Head of Corporate Services, dated March 2022). This document makes clear the post-holders responsibilities in relation to implementing, providing advice

			on, and reviewing records management arrangements. It also outlines responsibilities around liaising with the Scottish Government and the National Records of Scotland (NRS). A *PBS Review commitment to our Records Management Plan* document, signed by the CE (named at element 1), has been provided. This commits to ensuring the Records Manager has adequate resources to be able to complete agreed objectives and that they are supported by Senior Management." The Keeper agrees that the Parole Board for Scotland have identified an appropriate individual to this role as required by the Act.
3. Policy	**G**	**G**	The Act requires an authority to have an appropriate policy statement on records management. The Board have a *Records Management Policy* dated March 2022. The Keeper has been provided with a copy of this *RM Policy*. The *Policy* has been approved by the SIRO (see element 1) (*RMP,* page 10). While no review date or frequency is given, the *RMP* (page 32) states that all policies and procedures will be reviewed annually. An email sent to all Parole Board for Scotland staff has been provided. This contains links directing staff to policies and guidance, including the *Records Management Policy*. The *Records Management Policy* states The Board "recognises that its records are an important public asset and are a key resource in the effective operation, policy making and accountability of The Parole Board for Scotland. Like any asset, records require careful management…" (*Policy,* introduction). The *Policy* (page 4) outlines objectives which include "… to ensure processes,

			systems and controls are in place which support the efficient and systematic control of the creation, receipt, maintenance, use, distribution, storage and disposal of records." And the recognition that "a systematic approach to the management of the Parole Board for Scotland's records is essential to protect and preserve records as evidence of our actions." The *Policy* includes an outline of responsibilities, retention and disposal information, and an overview of corporate record keeping systems and staff training. It also confirms the adoption of Scottish Government records management principles. The Keeper agrees that the *RMP* supports the objectives of the *Records Management Policy*. The Keeper agrees that the Parole Board for Scotland has a formal records management policy statement as required by the Act.
4. Business Classification	**G**	**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. The Board operate a hybrid system. All public records are held digitally in line with the Scottish Government's digital first policy. Public records are held on an electronic document and records management system (eDRM), in line-of-business systems and on shared drives. Any paper records previously held have been scanned and destroyed. (*Records Management Policy* page 6) Digital eRDM: The Board use the eRDM system of the Scottish Government (SG) (Objective) to manage their public records. Emails required for retention are saved and managed on the eRDM system. The Keeper has been provided with an *extract of the eRDM* showing The Board's records managed on that system. Staff guidance on the use of eRDM has been provided, *ERDM Hints and Tips*, as has a screenshot

showing access to eRDM guidance on the SG intranet site.

Digital Line-of-Business: The Board operate a Casework Management System (CMS) that sits outside the eRDM. The Keeper can agree that line-of-business systems are likely to allow the appropriate management of records within a structure as required. An updated CMS 2 system in under development (see elements 5, 6 and 9).

The Board also use Microsoft Teams and Office 365 and confirm in the *Records Management Policy* that any records created in these systems will be transferred to the eRDMS.

Digital Shared Drives: The Board store and maintain linked spreadsheets and databases on shared drives. Due to format incompatibility these cannot be managed on the eRDM. Snapshots are taken of these records and stored on the eRDMs. **Plans to transfer documents from shared drives to eRDMs are highlighted on page 20/21 of the *RMP*. The Keeper can be updated on these plans in through the annual voluntary Progress Update Review (PUR) mechanism ([Progress Update Reviews | National Records of Scotland (nrscotland.gov.uk)](nrscotland.gov.uk)).**

A copy of the *Scottish Government Archival Policy for Shared Drives* has been provided to the Keeper. This document outlines how information is managed on shared drives to ensure compliance with the Public Records (Scotland) Act 2011.

While it is stated that all records are now held in digital format. The *Records Management Policy* (page 1)*,* is also clear that hardcopy records created or received are digitised and destroyed. The *Records Management Policy* refers to records, marked with the highest security classifications, that are required to be kept in paper format and which are registered on the eRDM. This practice is as per the *SG security classifications*, a copy of which has been submitted. The Keeper can

			agree that these records are managed through a register on the eRDM.

The Parole Board for Scotland has adopted the *Scottish Government Business Classification Scheme* (*BCS*). The *BCS* has been adapted from the Integrated Sector Vocabulary Scheme (IPSV) and Government Category List. A copy has been provided to the Keeper. Further evidence provided includes *Scottish Government File type Guidance Retention and Disposal (Standard and Casework)*.

The further developments section (*RMP,* page 10) notes the SG are upgrading the eRDM system and will be considering the BCS as part of this undertaking. The Board commit to amending their *RMP* to reflect any changes to the BCS. The Keeper can be updated on changes through the annual voluntary Progress Update Review (PUR) mechanism.

The Keeper agrees that the Parole Board for Scotland retains all its public records in controlled systems which are structured in a clear manner and which can be used by staff to manage public records where appropriate. |
| 5. Retention schedule | **A** | **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 Board use the Scottish Government Retention and Disposal Policy which is "based on the key record types held by the organisation as well as their recommended minimum retention periods, in line with statutory and legislative obligations, as well as business needs." (*RMP*, page 16) Copies of the *Scottish Government File type Guidance Retention and Disposal (Standard and Casework)* have been provided. |

			Digital eRDM: Standard retention and disposal schedules, in use by the SG and non-ministerial bodies, are used for records created by The Board within in eRDMs. The *RMP* (page 13) notes "Every file that is created has a file type attached this tells you the type of file that is being created and what the retention and disposal is on that file." The eRDM provides annual reports on records which have reached the end of their retention period and require action. These are reviewed and disposed of accordingly. The responsibility for this is listed among the *Records Manager's Objectives*, who will "advise appropriately (if they have to be destroyed/preserved/additional retention) and document our decision making."

Digital Line-of-Business: The current CMS in use by The Board does not have a deletion and retention policy to support it, "staff can close a file but the file cannot be deleted and is held on the system" (*RMP*, page 19). The *RMP* (page 20) notes "the CMS system is now maintained by the SG ITECS team and work in underway for a CMS 2 which will have a full deletion and retention policy from the outset." **A document outlining the CMS system and reasons behind the requirement for the development of a new CMS 2 has been provided. This document, signed by the CE (named at element 1) and dated March 2022, also provides a timeline for the development of CMS 2. The *Records Manager's Objectives* include involvement in the development of CMS 2 and ensuring the Records Management Policy is adhered to. The Keeper requests he is updated on this work as it develops. It has been confirmed separately that CMS 2 will be a standing item on the agenda at Parole Board Management Group (PBMG) meetings and it is proposed that resulting papers will be provided as updates.**

Digital Shared Drives: Retention and disposal schedules are not currently applied to records held on shared drives, pst files and public folders (*RMP*, page 16/17). Shared drives are managed using the *Scottish Government Archival Policy for Shared Drives,* a copy of which has been provided to the Keeper. It explains how |

<table>
<tr>
<td></td>
<td style="background-color:orange"></td>
<td style="background-color:green"></td>
<td>corporate records should be saved on the eRDM and how other drives and files should be managed with regard to non-corporate records. A copy of *Scottish Government Archival Project – Project Mandate/PID* has been also provided. This document is dated 18 July 2013.

The Board use the SG Enterprise Vault to manage the retention and deletion of emails. An Enterprise Vault Guidance document, *link to - Scottish Government Email Archiving,* has been provided.

There is a commitment in the *RMP* to update retention and schedules in line with business needs and in response to changes such as the upgrading of the SG eRDM and any resulting changes to the BCS (noted at element 4). The further developments section of the *RMP* also commits to working in conjunction with the National Records of Scotland (NRS), as the identified repository for records selected for permanent preservation, to reflect changes to the BCS or retention and disposal schedules in the selection policy, once this is finalised (see element 7).

Parole Board for Scotland staff have access to SG records management policies and procedures through the SG staff intranet site, Saltire. A screenshot showing this is included in the *Records Management Policy.*

The Keeper can agree this element on an 'improvement model' basis as the Parole Board for Scotland have acknowledged there are no retention or deletion policies in place for the CMS. Work is underway to address this with the development of CMS 2. The Keeper's agreement is conditional on being kept up to date with progress.</td>
</tr>
<tr>
<td>6. Destruction Arrangements</td>
<td style="background-color:orange">A</td>
<td style="background-color:green">G</td>
<td>The Act requires that public records are destroyed in a timely, controlled and secure manner.</td>
</tr>
</table>

The Board have adopted SG policies for retention and destruction with copies of the *Scottish Government File type Guidance Retention and Disposal (Standard and Casework)* provided to the Keeper.

Digital eRDM: Standard retention and disposal schedules, in use by SG and non-ministerial bodies, are used for files created within in eRDM. A *copy of Screenshot of a destroyed file on eRDM* has been provided to the Keeper. A log of records destroyed in eRDM is retained in the form of a stub containing file name, document name and metadata. As noted at element 5, the Records Manager reviews the annual list of files which have reached the end of their retention.

Digital Line-of-Business: The CMS does not currently have a deletion and retention policy to support it, "staff can close a file but the file cannot be deleted and is held on the system" (*RMP*, page 19). A new system (CMS 2) is being developed that will include deletion and retention policies (see element 5).

Digital Shared Drives: Shared drives are managed using the *Scottish Government Archival Policy for Shared Drives,* a copy of which has been provided to the Keeper. It explains how corporate records should be saved on the eRDM and how other drives and files should be managed with regard to non-corporate records. This includes the guidance "Any material stored on the H: drive should be transferred to eRDM (if it is part of the corporate record) or deleted as soon as possible."

Hardcopy (paper): While the *RMP* refers to the management of hardcopy (paper) records and explains how legacy paper records are managed, it has been confirmed that all legacy paper Parole Board for Scotland public records have now been digitised and are held and managed digitally. This is in line with the SG's digital first policy, with the exception of those with the specific security classifications. These particular records are registered on the eRDM. Paper records, it is taken that these

are 'working copies' of documents, are destroyed securely by a third party contractor, Shred-It. A copy of an *SG Shred-It destruction certificate* has been provided to the Keeper.

Hardware: The disposal of hardware is described in the *Scots Back Up/Recovery Of Electronic Data/Destruction Of Hardware* document (dated October 2014) a copy of which has been provided. Disposal and destruction of hardware is carried out by a third party contractor engaged by the SG. A list is maintained of all assets passed for destruction and a certificate of destruction is created for all equipment.

Back-Ups: The majority of The Board's public records are covered by the back-up feature of the eRDM. This is part of the SG SCOTS system. The *Scots Back Up/Recovery Of Electronic Data/Destruction Of Hardware* document explains how often back-ups are taken and that backups are retained for four weeks before being irretrievably destroyed.

Staff have access to SG records management policies and procedures through the SG staff intranet site, Saltire. A screenshot showing this is included in the *RM Policy.*

The further developments section of the *RMP* commits to ensuring appropriate destruction functionality is maintained as part of any upgrades to the eRDM system.

The Parole Board for Scotland have identified a gap in provision concerning the CMS and the current inability to securely and irretrievably destroy records held in it. The Keeper can agree this element on an 'improvement model' basis as the authority has acknowledged this issue and confirmed work is underway to address it. The Keeper's agreement is conditional on being kept up to date on progress.

| 7. Archiving and Transfer | **A** | **G** | The Act requires that all Scottish public authorities identify a suitable repository for the permanent preservation of any records considered suitable for archiving. A formal arrangement for transfer to that repository must be in place.

The Board have identified National Records of Scotland (NRS) as the repository for their public records suitable for permanent preservation.

The *Records Management Policy* (page 1) confirms this and states work is currently "underway with NRS to agree processes such as identification on such documents and an agreed way forward." It further commits (page 4) to ensuring "the effective transfer of the Parole Board for Scotland's records to the National Records of Scotland (NRS) which are selected by them for permanent preservation."

The *Records Manger's Objectives* confirms the post holder (named at element 2) will lead on the transfer of selected records to NRS.

NRS is an accredited archive NRS' Archive Service Accreditation Success | National Records of Scotland (nrscotland.gov.uk) and fully adheres to the Keeper's Supplementary Guidance on Proper Arrangements for Archiving Public Records: https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/supplementary-guidance-on-proper-arrangements-for-archiving-public-records.pdf.

The NRS Selection Policy provided as evidence has been superseded. Current NRS policies and guidance on selection and transfer of records can be found at NRS Policy for the Selection of Records from government bodies operating in Scotland (nrscotland.gov.uk) and Depositor Guidance for the Transfer of Archival Born Digital Records May 2020 (nrscotland.gov.uk).

An MOU/Transfer Agreement is not yet in place between The Board and NRS, |

			but this is identified as a further development action, along with work required on the selection of records for permanent preservation (*RMP,* page 20). A meeting took place between the Records Manager and the NRS Client Management Team in March 2022 to discuss progressing an agreement. The Keeper's Assessment Team can be updated once an agreement is place through the Progress Update Review process. Records stored in in the eRDMs are classified by file type (see element 4) and The Board are notified annually of records that are due for action (destroyed/kept/reviewed), at which point a decision is taken on the appropriate action. **The Parole Board for Scotland have identified an appropriate repository for the permanent preservation of selected records and have committed to developing an agreement with NRS. The Keeper can agree this element on an 'improvement model' basis on the condition his Assessment Team is updated once a formal agreement is in place.**
8. Information Security	**G**	**G**	The Act requires that public records are held in accordance with information security compliance requirements. The *RMP* states The Board "is pro-active in its approach to information risk through the corporate risk register." It also acknowledges the responsibility of The Board "for ensuring that adequate physical controls are put in place to ensure the security and confidentiality of all business sensitive data whether held manually or electronically." An extract of the *Corporate Risk Register* has been provided. The Board have adopted SG information security policies and procedures which are updated regularly. Staff have access to SG policies and procedures through the SG staff intranet site, Saltire.

<table>
<tr><td></td><td style="background-color:green"></td><td style="background-color:green"></td><td>

A suite of documents to support this element has been provided to the Keeper, including copies of *SG Information Security Policy Statement, SG Data Handling Standard, SG Clear Desk Policy, Information Asset Owner Handbook, SG Restricting files and documents in eRDM – use of security groups, SG IT Code of Conduct, SG Risk Management Guide*, and *Security Classifications*.

A copy of *The Scottish Government Information Security Policy Statement* signed by the Chief Executive (element 1) has been provided. It notes under clause 8, "The Chief Security Officer shall arrange for the Policy to be reviewed annually".

The *SG Information Security Policy* (version 1.0, dated 9 March 2022) is available on the SG Saltire intranet along with other supporting information security documents and guidance.

A copy of the SG *Information Risk Appetite Statement* (dated 4 February 2021) has also been provided.

Digital eRDM and shared drives: The eRDM and shared drives are governed by published SG information security procedures. Security groups are in use which control access to the eRDM.

Digital Line-of-Business: The Keeper can agree that line-of-business systems operated by The Board have adequate information security provision as part of their functionality. The Keeper acknowledges the submitted document outlining the CMS system and reasons behind the requirement for the development of a new CMS 2, which includes reference to cyber security. As noted at element 5, this system is now maintained by the SG ITECS team.

Hardcopy (paper): As noted at element 4, certain records must be retained in

</td></tr>
</table>

hardcopy format. Published SG information security procedures, including *SG Data Handling Standard, SG Clear Desk Policy* and *Information Asset Owner Handbook* outline the physical and information security controls adopted by The Board. Furthermore the *RMP* is clear "The Parole Board for Scotland are responsible for ensuring that adequate physical controls are put in place to ensure the security and confidentiality of all business sensitive data whether held manually or electronically."

Staff guidance on security incident reporting is contained in the *Information Asset Owner Handbook* and *SG Data Handling Standard* both of which have been submitted to the Keeper.

Guidance for staff - Data Security, is also provided to staff. A copy of this guidance has been submitted as has an email sent to all Parole Board for Scotland staff with a link directing them to it.

The SIRO is the post-holder named at element 1 and the submitted *Roles and Responsibilities Senior Information Risk Owner (SIRO)* document outlines the SIROs duties.

Staff are required to undertake annual SG e-learning training on protecting information and data protection. Details of accessing Civil Service 'Responsible for Information' learning modules have been submitted.

The Keeper agrees that the Parole Board for Scotland have procedures in place to appropriately ensure the security of their records as required by the Act.

| 9. Data Protection | **A** | **G** | The Keeper expects a Scottish public authority to manage records involving personal data in compliance with data protection law. |
| | | | The *RMP* states The Board have adopted Scottish Government data protection |

policies and procedures. Staff also undertake SG data protection e-learning training. The *RMP* is clear The Board consult the Information Commissioners Office for any required guidance and have no access to SG expertise.

The Board is registered as a data controller with the Information Commissioner's Office (ICO): Information Commissioners - Data protection register - entry details (ico.org.uk)

Two documents titled *The Parole Board for Scotland - Data Protection Policy* were provided as evidence. One (evidence item PBS36) appears to supersede the other and the Keeper has based his assessment on this document.

The Parole Board for Scotland have a *PBS Data Protection Policy*. This document (listed as evidence PBS36) references the General Data Protection Regulation (GDPR) and the Data Protection Act (DPA) 2018 and explains the six principles of data protection (section 3). The *Data Protection Policy* is not dated but states it will be reviewed annually.

An email sent to all Parole Board for Scotland staff has been provided. This contains links directing staff to policies and guidance, including the *Data Protection Policy*.

The *Data Protection Policy* (section 1) states it sets out how The Board "meets its legal obligations and requirements under data protection law."

A Privacy Policy is published on The Board's website, Parole Board for Scotland (scottishparoleboard.scot). It explains how the public can make a Subject Access Request (SAR).

Subject Access Request Guidance has been provided to the Keeper. It states the Data Protection Officer (DPO) for The Board is the Executive Support Manager

(named at element 2) and outlines the responsibilities of this role. It also explains the process for dealing with SAR requests.

The *RMP* commits to complying with the Data Protection Act. However, The Board have identified that their Client Management System (CMS) does not have retention and deletion processes in place (see elements 5 and 6), "staff can close a file but the file cannot be deleted and is held on the system" (*RMP*, page 19). The inability to irretrievably delete information from the CMS indicates personal information may be retained for longer than is necessary. As noted above, a document outlining the CMS system and reasons behind the requirement for the development of a new CMS 2, which includes reference to ensuring compliance with GDPR and data protection principles.

Staff are required to complete SG e-learning data protection training. This is training is mandatory and must be completed annually. Details of accessing Civil Service 'Responsible for information' learning modules has been submitted to the Keeper. Reference is also made in the *RMP* compliance statement for this element to the SG Data Protection Policy.

Links to staff training, additional SG guidance and related documents, available on the SG internet site Saltire, are provided in *The Parole Board for Scotland - Data Protection Policy*. These links include, Data Protection Impact Assessment Guidance, Data Sharing Agreements (personal) Data Template, and Security Incident Reporting Tool.

As the Parole Board for Scotland have highlighted the limitations of their CMS to apply retention and disposal processes the Keeper can agree this element on an 'improvement model' basis. Work has been identified to close this gap with the development of a CMS 2 (see element 5 and 6). The Keeper's agreement is conditional on being kept up to date on progress.

	G	G	
10. Business Continuity and Vital Records			The Keeper expects that record recovery, prioritising vital records, is an integral part of the authority's business continuity planning. The Board have adopted Scottish Government Business Continuity Plans (BCP). The *RMP* states "The Scottish Government has a number of Business Continuity and disaster recovery plans in place. The Information and Technology Services (iTECS) Business Continuity Plan includes the records management function and is reviewed annually." An email, dated 23 February 2022, from the Scottish Government Records Manager has been provided separately as evidence. This confirms that the Parole Board for Scotland are covered under the SG iTECS Business Continuity and eRDM Business Continuity Plans. These documents have been shared with the Keeper as part of the SG Records Management Plan submission. The *Records Management Policy* (page 2) lists 'protecting vital records' as a policy objectives. All Parole Board for Scotland public records are held and managed digitally, as per the SG's digital first policy, with the exception of those with the specific security classifications. A copy of *Scots Back Up/Recovery Of Electronic Data/Destruction Of Hardware* document (dated October 2014) has been provided. It outlines the use of a disaster recovery centre and provides information on back-ups for all data held on the SG SCOTS network (see element 6). The Client Management System (CMS) is backed up daily and, as noted above, is

			maintained by the SG iTECS team (*RMP,* page 20). The Keeper agrees that The Board utilise SG business continuity and records recovery arrangements. As the Keeper has agreed these arrangements, he can agree that the Parole Board for Scotland have an approved and operational business continuity process and that information management and records recovery properly feature in the authority's plans.
11. Audit trail	**G**	**G**	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. The Parole Board for Scotland have adopted the Scottish Government audit trail processes. These are explained in the *RMP* and supporting evidence, which includes a *PBS Audit Trail* document. Digital eRDM: Most of the public records of The Board are managed on the SG eRDMs. A document explaining the eRDM audit trail settings and functions has been provided to the Keeper. The Objective system has a powerful search facility that allows a user to track changes to records and version control is an automatic feature. Staff training is required before accessing eRDM and evidence of staff guidance and training have been provided. Digital Line-of-Business: The CMS has audit trail functions which track access, movement and changes to content. The Keeper can accept line-of-business systems in use have record tracking functionality and details of the development of CMS 2 have been provided. Digital Shared Drives: Public records held on shared drives are those which cannot be supported by the eRDMs, including databases. The *RMP* notes "IT systems and databases provide audit logs that record usage and update to records." Snapshots

			are taken of these records and stored on the eRDMs. While the *RMP* refers to the management of hardcopy (paper) records and explains how legacy paper records are tracked, it has been confirmed that all legacy paper Parole Board for Scotland public records have now been digitised and are held and managed digitally. This is in line with the SG's digital first policy, with the exception of those with specific security classifications. These particular records are registered on the eRDM. The ability to track and locate records held in different systems, whether there is a powerful search facility as with an eRDM or not, is reliant on the documents being consistently named when being saved as records. The Board have confirmed separately that staff are aware of appropriate naming conventions and a screenshot showing document naming in the eRDM has been provided. In addition, it has been confirmed that the development of local naming convention guidance will be considered. If local naming convention guidance is produced, the Keeper requests he is provided with a copy. This can be done through the PUR mechanism. A document outlining staff guidance on naming emails when saving them to the eRDM and naming conventions used in the CMS have been provided. An email sent to all Parole Board for Scotland staff has been provided. This contains links directing staff to policies and guidance, including the CMS naming convention guidance. The Keeper agrees The Parole Board for Scotland has procedures in place that will allow them to locate their records and assure themselves that the located record is the correct version.
12. Competency Framework	**G**	**G**	The Keeper expects staff creating, or otherwise processing records, to be appropriately trained and supported.

for records management staff			The Parole Board for Scotland has adopted the Scottish Governments Competency framework for records management staff.

The Parole Board for Scotland has adopted the Scottish Governments Competency framework for records management staff.

A *Records Management Competency Framework* has been submitted to the Keeper. It details the required competencies of the Records Manager/Corporate Records Manager (element 2) and responsibilities of all staff with records management duties. This includes Information Management Support Officers (IMSOs) who support the use of the eRDM.

The *RMP* compliance statement (page 30) notes "We will endeavour to have our Records Manager undertake appropriate records management courses to enhance their knowledge and understanding of the subject."

A copy of the *Records Manger's Objectives* has been supplied. This document makes clear the post-holders responsibilities in relation to implementing, providing advice on, and reviewing records management arrangements. In addition, a *PBS Review commitment to our Records Management Plan* document, signed by the CE (named at element 1), has been provided. This commits to ensuring "the PBS Records Manager has adequate resources to be able to complete agreed objectives and that they are supported by Senior Management."

The *Records Management Policy* (page 5) commits to ensuring all Board staff receive relevant records management training.

All staff are required to undertake eRDM training prior to be given access to the system. Staff must also complete mandatory SG e-learning training modules on managing information and data protection. Data protection training must be taken annually. Details of accessing these Civil Service learning modules have been submitted to the Keeper. Evidence of staff access to SG policies and guidance on the Saltire intranet site has been provided.

			The Parole Board for Scotland has developed staff guidance, including, *ERDM Hints and Tips*, *Subject Access Request Guidance,* a document outlining naming emails when saving them to the eRDM and naming conventions used in the CMS. An email sent to all Parole Board for Scotland staff providing links to guidance and policy documents has been submitted. **Under the further developments section the identification of further staff training, attendance at courses and development of training to reflect PRSA is noted. The Keeper would be interested to hear about future training developments. The annual Progress Update Review (PUR) mechanism can be used for such updates.** The Keeper agrees that the individual identified at element 2 has the appropriate responsibilities, resources and skills to implement the records management plan. The Keeper is also satisfied that all Parole Board for Scotland staff receive the appropriate training with regard to records management.
13. Assessment and Review	**G**	**G**	Section 1(5)(i)(a) of the Act says that an authority must keep its RMP under review. The *RMP* is to be reviewed annually or sooner if there are changes to legislation or guidance that requires this (*RMP*, page 1). It will also be reviewed if the current eRDMs is upgraded or reviewed. The Parole Board for Scotland has adopted the Scottish Government "Assessment and review element." (*RMP* page 32) *The Parole Board for Scotland Assessment and Review* document notes, "The Records Management Plan and all its associated documents are subject to The Parole Board for Scotland standard governance, monitoring and review process." The *RMP* also makes the commitment, "All policies and procedures will be reviewed annually to ensure the Records Management Plan

is kept up to date and current."

The *PBS Review commitment to our Records Management Plan* document, signed by the CE (named at element 1) explains how the *RMP* will be reviewed and reported. Discussion of the *RMP* will be added as a standing item on the agenda of the Parole Board Management Group (PBMG) every six months. These discussions will be recorded and resulting actions followed up and approved by the CE. The members of the PBMG are listed and an overview of its remit provided. Members of the PBMG include the CE, Chairman, and Heads of Functions including the Head of Corporate Services (noted at element 2) to whom the Records Manager reports.

The Corporate Services Team under their remit for "drawing up guidance for good records management practice... promoting compliance with this policy... will advise on policy and best practice and will report to the SIRO."(*Records Management Policy*, page 3)

The review of the *RMP* is the responsibility of the Corporate Records Manager (see element 2), who will also ensure the documentation that supports it will be kept up to date. These will be reviewed annually. This is supported by the *Records Manager's Objectives* and *PBS Review commitment to our Records Management Plan* document which commits to supporting the Records Manager in meeting the agreed objectives.

The *Records Manger's Objectives* explain the reviews which will be carried out,
- "review the SG annual file list which are due for destruction and advise appropriately (if they have to be destroyed/preserved/additional retention) and document our decision making." (see elements 5 and 6)
- "Lead on the transfer of eRDM records due to transfer to NRS. This will include liaising with colleagues to ensure review and redaction of records is

			undertaken and Objective to determine the criteria for exporting records." (see element 7) • "partake in the NRS Annual Progress update review which will ensure that the PBS File plan is continually monitored and updated in line with the any SG changes." As the Parole Board for Scotland have adopted many of the Scottish Government's policies and procedures, the Keeper can agree these will be routinely reviewed in line with the agreed SG Records Management Plan. The *RMP* commits to updating documentation to meet any changes to SG processes or systems, for example pages 13 and 32. This is further supported in the *Records Manger's Objectives.* The Keeper welcomes and commends the commitment to take part in the voluntary Progress Update Review process. The Keeper agrees that the Parole Board for Scotland 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 will be reviewed appropriately.
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. The Board share data in line with relevant legislation. Processes and guidance are in place to ensure data sharing is managed in a controlled and secure manner. These include the use of SG document security classifications, restricted groups in the eRDMs and data sharing templates and guidance. *PBS Data Sharing Templates*

			and Guidance – Non-Personal data and *Personal data* have been submitted to the Keeper. A *Copy of Security Classifications* has also been provided. The Board has a guide to information which details information routinely published. This has been approved by the ICO and published on their website, Parole Board for Scotland (scottishparoleboard.scot). The Board has published their Victim Notification Scheme (VNS) Data Sharing Agreement with the Scottish Prison Service (SPS) on their website, Parole Board for Scotland (scottishparoleboard.scot). All Board staff are required to undertake annual SG e-learning training on protecting information and data protection. Details of accessing Civil Service learning modules have been submitted to the Keeper. The 'Managing Information' training module includes the topic 'Protecting and sharing information'. Guidance on procedures for distributing information (hard copy and electronic), *Guidance for staff - Data Security,* is also provided to staff. A copy of this guidance has been submitted as has an email to all staff with a link directing them to it. A link to data sharing agreements is included in the *Data Protection Policy*. The Board note there are plans "to introduce ERDM connect to our members."(*RMP* page 22) The consideration of using this tool for added security and control when sharing information with Board Members is welcomed by the Keeper. The Keeper can agree that The Parole Board for Scotland properly considers records governance when undertaking information sharing programmes.
15. Public records	**N/A**	**N/A**	The Act expects a public authority to ensure that adequate arrangements are in place for the management of records created and held by third parties who carry out

created or held by third parties			any functions of the authority. The Parole Board for Scotland have confirmed separately that "our 'records' contain lots of information from other providers such as SPS – but they <u>do not carry out our functions</u> albeit without information they provide we couldn't." The Keeper can agree that this element does not apply to the Parole Board for Scotland.

General Notes on Submission:

<u>Version</u>
This is the assessment on the Records Management Plan (RMP) of The Parole Board for Scotland originally submitted to the Keeper for his agreement on 14th December 2020. An updated version was subsequently submitted on 12th August 2022. Amendments and additions included in the version dated August 2022 have been incorporated into this assessment.

Prior to 2019 the Parole Board for Scotland was included as part of the combined Scottish Government (SG) Records Management Plan. A decision was taken to create their own RMP and the Keeper was formally notified. The RMP (page 1) states, "Whilst Parole Scotland has its own plan, we continue to follow the Scottish Government's policy and procedures. Therefore this plan will make several references to the Scottish Governments Records Management Plan which has been submitted and approved by The National Records of Scotland."

It also makes the following commitment, "The Parole Board for Scotland is fully committed to compliance with the requirements of the Public Records (Scotland) Act, which came into force on the 1st January 2013. Parole Scotland will therefore follow procedures that aim to ensure that all employees, contractors, agents, consultants and other trusted third parties who have access to any information held within the Parole Scotland, are fully aware of and abide by their duties under the Act."

The RMP is supported by a Records Management Policy. It is dated March 2022. The Policy (introduction) states The Board "recognises that its records are an important public asset and are a key resource in the effective operation, policy making and accountability of The Parole Board for Scotland. Like any asset, records require careful management and this policy sets out The Parole Board for Scotland's responsibilities and activities in respect of this."

Key Group
The Records Management Policy (page 3) notes "Corporate Services Team (CST) are responsible for drawing up guidance for good records management practice. The CST Team are also responsible for promoting compliance with this policy in such a way as to ensure the easy, appropriate and timely retrieval of information. The CST Team will advise on policy and best practice and will report to the SIRO." Tracy Flockhart, Records Manager (named at element 2), reports to Steven Harrison, Head of Corporate Services.

Local
The Records Management Competency Framework, submitted to the Keeper, notes the Parole Board have designated Information Management Support Officers (IMSOs) who support the use of the eRDM. The Records Management Policy (page 3) also highlights the IMSO role as providing "a key point of contact between business area and CST."

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 *Parole Board for Scotland.* Policies and governance structures are in place to implement the actions required by the plan.

Elements that require development by *Parole Board for Scotland* are as follows:

Element 5. Retention schedule
Element 6. Destruction Arrangements
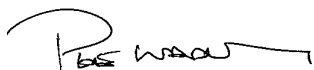Element 7. Archiving and Transfer
Element 9. Data Protection

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of the **Parole Board for Scotland**

- The Keeper recommends that Parole Board for Scotland should publish its agreed RMP as an example of good practice within the authority and the sector.

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

………………………………   …………………………………

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 **Parole Board for Scotland.** In agreeing this RMP, the Keeper expects Parole Board for Scotland to fully implement the agreed RMP and meet its obligations under the Act.

…………………………………………

Paul Lowe
Keeper of the Records of Scotland