Public Records (Scotland) Act 2011

Social Security Scotland

The Keeper of the Records of Scotland

23rd September 2020

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.

Assessment Report

2. Executive Summary

This report sets out the findings of the Keeper's assessment of the RMP of Social Security Scotland by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 29th April 2020.

The assessment considered whether the RMP of Social Security Scotland was developed with proper regard to the 14 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 Social Security Scotland complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

Social Security Scotland is an Executive Agency of the Scottish Government. Social Security Scotland's responsibility is to ensure that devolved benefits are managed correctly and fairly, delivering those benefits to the 1.4 million people who rely on them.The Social Security Scotland Framework Document sets out the relationship between Social Security Scotland and the Scottish Government, and the accountability structures within which they operate.

https://dgxmvz0tqkndr.cloudfront.net/production/images/general/Social-Security-Scotland-Framework-Document.pdf

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 Social Security 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. Social Security Scotland have identified Janet Richardson, Deputy Director of Operations as the individual with overall responsibility for records management in the organisation. Ms Richardson is the authority's Senior Information Asset Owner (described as 'Senior Information Risk Owner' in the *Records Management Policy* – see element 3). The Keeper agrees that as SIAO Ms Richardson is ideally placed to take on this role. The identification of the Deputy Director of Operations to this role is supported by a *Covering Letter* from Ms Richardson (see under General Comments below). In this letter Ms Richardson agrees that she has "senior management responsibility for records management within Social Security Scotland." The identification of Ms Richardson to this role is also confirmed in the *Records Management Policy*, for example section 7 page 5. Ms. Richardson is the 'corporate owner' of the Social Security Scotland *Records Management Plan* (the *RMP*).

			Ms. Richardson sits on the authority's Executive Team reporting directly to the Chief Executive. The Keeper has been provided with an advanced copy of Social Security Scotland's *Business Continuity Policy* (currently draft) (see element 10). This allocates responsibility for business continuity management to the Deputy Director for Operations. The Keeper of the Records of Scotland (the Keeper) agrees that Social Security 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. Social Security Scotland have identified Robert Fotheringham, Corporate Records Manager as the individual with day-to-day responsibility for implementing the RMP. This identification is supported in a *Covering Letter* from the Deputy Director of Operations (see element 1) and by the *Records Management Policy* (see element 3) section 7. The Keeper has been provided with the *Annual Objectives* for the Corporate Records Manager. This clearly shows that he is responsible for the 'maintenance and implementation' of the RMP. Mr Fotheringham is the author of the RMP. Mr Fotheringham is also the author of the *Records Management Policy* (see element 3) and the *Document Naming and Control Policy* (see element 11).

			The RMP notes that the authority's IMSOs (see under General Comments below) are responsible for monitoring the operation of their areas of the eDRM and report any issues to the Corporate Records Manager. The Corporate Records Manager is responsible for creating a *Retention and Disposal Policy* alongside developing the *Retention Schedule* (see element 5). He is also responsible for annually reviewing the records scheduled for destruction (or archiving) on eDRM. After consultation with IMSOs, the Corporate Records Manager will confirm whether files can be destroyed, archived with National Records of Scotland (see element 7) or reviewed at a future date. The Corporate Records Manager sits in the Data Protection and Information Governance Team (see under General Comments below) reporting up through to the Deputy Director for Strategy and Client Management. The Keeper notes that the individual identified at element 2 is not in the same part of the corporate structure as the Director identified under element 1. However, the Corporate Records Manager meets with Mrs Richardson quarterly to update her on progress with implementing the RMP across the organisation and to highlight any issues. Mr Fotheringham has a Postgraduate Diploma in Archive Administration. The Keeper agrees that Social Security 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. Social Security Scotland have a *Records Management Policy*. The Keeper has been provided with a copy of this *Policy*. This is version 1.0 dated March 2020.

			The *Records Management Policy* is specifically endorsed by Janet Richardson, Deputy Director of Operations and Senior Information Asset Owner (see element 1), in a *Covering Letter* (see under General Comments below). Social Security Scotland have provided a Screen-Shot showing the *Records Management Policy* on its intranet. The Corporate Records Manager (see element 2), who is author of the *Records Management Policy*, has committed to ensure that the availability of the *Policy* and other information governance documents is highlighted to local business area IMSOs (see under General Comments below). It is specifically stated that the *Records Management Policy* covers all records of the authority including those managed on the Social Programme Management (SPM) system (see element 4 below). The Keeper agrees that the *RMP* supports the objectives of the *Policy*. Social Security Scotland have provided the Keeper with a screen-shot showing access to the *Records Management Policy* through the intranet. Social Security Scotland have provided the Keeper with minutes showing the *Records Management Policy* being authorised by the Leadership Team. The Keeper agrees that Social Security Scotland has a formal records management policy statement as required by the Act.
4. Business Classification	**A**	**G**	The Keeper expects that the public records of an authority are known and are identified within a structure. Social Security Scotland operate a hybrid system: Public records are held digitally

on an electronic document and records management system (eDRM), on a bespoke case management system (SPM) and in hard-copy. Although paper records represent a very small percentage of the authority's public records these are not entirely legacy; paper records are still being created.

This hybrid arrangement is supported and further explained in the *Records Management Policy* (see element 3) section 8 'Record Keeping Systems'. The *Policy* also notes that it is "essential that records and information are systematically managed throughout their life-cycle." (*Policy* section 1).

Digital: Social Security Scotland use the eDRM system of the Scottish government to manage their public records. The Keeper is familiar with this system and agrees it is entirely appropriate for the management of public authority records.

The arrangement of records in the eDRM is by function of Social Security Scotland. This must remain a business decision for the authority, but the Keeper acknowledges that a functional arrangement, as this is, is currently considered best practice.

Case Management System: Social Security Scotland also operate a case management system (SPM). This line-of-business system sits outside eDRM, but the Keeper can agree that it is likely to allow the appropriate management of casework within a structure as required.

The Keeper has been provided with a screen-shot showing how SPM appears on the authority's intranet.

Paper: Although the 'vast majority' of Social Security Scotland's records are digital there are some hard-copy records. Paper records have not yet been itemised on ERDM and therefore represent public records not managed within a structure .

			Social Security Scotland have informed the Keeper that they are working with teams across the organisation to build their retention schedule (see under element 5 below) and part of this work involves identifying paper records. A small number of teams create and use paper records so it is estimated that the resource required to add files to eRDM will be small. Social Security Scotland created an Information Asset Register (IAR) as part of their response to the demands of the 2018 data protection legislation. They state: "This captures all of our information assets. The IAR also incorporates a record of processing activities for information assets involving personal information. We use the Scottish Government's IAR to register our information assets. As the organisation matures we will investigate the possibility of creating our own IAR." (RMP page 11). **The Keeper requests he is updated with regard to the idea of an in-house IAR should this project progress in the next year. The authority has committed to undertaking the Progress Update Review (PUR) process annually (see element 13) and this would be an ideal time to revisit developments like this.** Social Security Scotland have provided a Screen-Shot showing the IAR on its intranet. The Keeper agrees this element of Social Security Scotland's Records Management Plan under 'improvement model' terms. This means that the authority has identified a gap in provision (public records in paper format lie outside the records management structure), but have developed a solution that will close this gap (adding the paper records, once identified, to eDRM). The Keeper agreement is conditional on his being updated as this work progresses.
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.

Social Security Scotland recognise this and state in their *Records Management Policy* (see element 3) " The periods for which records are retained will be determined by Social Security Scotland's statutory and regulatory obligations, business requirements and professional standards. These will be set out in our retention and disposal schedule" they also have an objective in their *Policy* of "developing retention schedules covering all business areas…" (for both *Records Management Policy* section 6)

However, the RMP makes clear that this objective has yet to be realised. The RMP states (page 11): "Social Security Scotland is in the very early stages of creating a retention schedule." And has a 'further development' entry against this element as follows: "The Corporate Records Manager will work with IMSOs to identify the retention and disposal requirements of each business area and collate this in to an organisation-wide retention schedule. It is anticipated that this work will be completed by the end of December 2020." The Keeper commends the engagement with local business units when developing the authority's retention schedule and recognises that an appropriate timescale has been allocated to this work. For IMSOs see under General Comments below.

The RMP (page 11) provides a clear explanation of the process being used by the Corporate Records Manager and IMSOs to populate the *Retention Schedule*.

The Corporate Records Manager (see element 2) is responsible for creating a *Retention and Disposal Policy* alongside developing the *Retention Schedule*. **The Keeper requests that he is provided with a copy of this policy when available.**

Case files on SPM (see element 4) have an automatic retention decision imposed on creation.

			Local arrangements exist for the retention of paper records **(however see under element 11 for tracking of these records)**. **The Keeper agrees this element of the Social Security Scotland Records Management Plan under improvement model terms. This means that the authority has recognised a gap in provision and has put processes in place to close that gap. The Keeper's agreement is conditional on his being updated on progress.**
6. Destruction Arrangements	**A**	**G**	The Act requires that public records are destroyed in a timely, controlled and secure manner. Social Security Scotland acknowledge this and set out a commitment that "procedures will be developed and implemented to ensure effective management of records from their creation or receipt, through their active use until their eventual….destruction." (*Records Management Policy* – see element 3 – section 6). Specifically Social Security Scotland have the following process in place, supported by the *Records Management Policy* section 10 'Retention and Disposal': Paper: Paper copies of sensitive or confidential documents and records must be disposed of using shredders **(However see under element 11 for tracking paper records)**. Currently non sensitive paper record disposal is arranged through the local authorities from whom the authority leases its property. The Keeper notes that this arrangement is being revisited and that Social Security Scotland has committed to inform the Keeper of any changes. eDRM: The Scottish Government's Records Management Team send a list of files due to be deleted from Social Security Scotland's area of the eRDM. This list is sent

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

to Social Security Scotland's Corporate Records Manager (see element 2) who, after consultation with local IMSOs, will confirm whether files can be destroyed, archived with National Records of Scotland or reviewed at a future date. The Scottish Government's Records Management Team carry out these actions. When files are destroyed on eRDM a stub for the file name is retained. Furthermore, Social Security Scotland have plans to create a template for local business areas to log destruction of public records. The RMP states (page 15) "We will develop a destruction log to capture which records have been destroyed, when, by whom and who authorised the destruction.". The Keeper commends this plan.

However, until the retention schedule is fully populated the destruction arrangements explained in the RMP cannot be agreed to be fully rolled-out (see below).

The Keeper has been provided with a statement regarding back-ups of the eDRM system and how long public records may remain available for business continuity purposes. The Keeper has already agreed that the back-up system of the Scottish Government is appropriate.

Case Management System: This line-of-business system sits outside eDRM, but the Keeper can agree that it is likely to allow the destruction of casework within retention framework as required. **However, the Case Management System has back-up functionality for business continuity purposes (see element 10). Currently there is no retention applied to these backups. Social Security Scotland have recognised that this may represent a risk (for example retaining access to personal information longer than business need). The RMP states (page 13): "Work has already started on identifying a retention period for keeping the back-ups of the SPM system, but there is no timescale at present for the completion of this. When this work has been completed, we will inform the Keeper."** The Keeper agrees this action.

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

			Hardware: Destruction of hardware is controlled through a Scottish Government contract with a third party supplier. The Scottish Government maintain a list of all assets passed for destruction and Social Security Scotland receive a certificate of destruction detailing all equipment that has been destroyed. The Keeper has already agreed that the hardware destruction arrangements in the Scottish Government are appropriate. **It is clear that this element is still a 'work in progress' the RMP states (page 13) "Social Security Scotland's procedures are still being developed to ensure that records and information are not kept for longer than necessary. Once finalised these will enable us to comply with data protection legislation and reduce storage space. Social Security Scotland are developing an organisation-wide Retention Schedule (see Element 5) which will cover all records and information we create."** **The Keeper agrees this element of Social Security Scotland's Records Management Plan on 'improvement model' terms. This means that the authority has identified gaps in provision, but are actively pursuing suitable actions to close those gaps.** **The Keeper's agreement is conditional on his being updated when appropriate. Social Security Scotland have committed to undertake the Keeper's progress Update Review (PUR) process (see element 13) and this would seem like an ideal opportunity to report on developments in this element.**
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 RMP states (page 16): "Social Security Scotland is committed to ensuring that records which are identified as having long-term historical value are transferred to a suitable archival repository for permanent preservation."

The Social Security Scotland *Records Management Policy* (see element 3), section 6, states: "A small proportion of our records will be selected for permanent preservation by National Records of Scotland. This will ensure the maintenance of Social Security Scotland's corporate history, providing long-term evidence of its decisions and activities. A Memorandum of Understanding with the National Records of Scotland will govern the transfer arrangements of these records."

The Keeper agrees the identification of NRS as a suitable repository for the preservation of Social Security Scotland's public records selected for permanent retention.

Social Security Scotland has entered into negotiations with NRS to develop a memorandum of understanding to formally agree the obligations on both the authority and the repository with regard to the transfer of records selected for permanent preservation.

However, these negotiations have not been finalised. Partly this is due to the lack of a fully rolled-out Retention Schedule in Social Security Scotland (see element 5). The RMP states (page 16): "Further meetings will be required once the work on the retention schedule is finalised to determine which records should be selected for permanent preservation." However the Keeper is convinced that a formal agreement should be forthcoming and is happy to agree this element under 'improvement model' terms on that basis.

The Keeper notes that Social Security Scotland intend to develop an *Archiving and Transfer Policy*. There is a tentative December 2020 target for this policy document.

			The Keeper request that he is provided with a copy of this when available. The Keeper also notes that Social Security Scotland intends to engage with the NRS Web Harvesting programme with the intention that their corporate website is captured for permanent preservation. **The Keeper agrees this element of Social Security Scotland's RMP on 'improvement model' terms while awaiting sight of a formal memorandum of understanding between the authority and NRS.**
8. Information Security	**G**	**G**	The Act requires that public records are held in accordance with information security compliance requirements. The *Records Management Policy* explains that the systemic management of records allows the organisation to ensure they are secure for as long as they are required (*Policy* section 1). The public records of Social Security Scotland are primarily managed on the Scottish Government (SG) eDRM system (Objective) and, as this is the case, are protected under the SG information security policies and guidance. The Keeper agrees that this is appropriate. However, the RMP notes that Social Security Scotland intends to develop its own bespoke information security policies. The Keeper agrees this action. It is likely that policies and guidance created specifically for Social Security Scotland will better target their particular business needs and will encourage staff buy-in. The Keeper would expect an in-house information security suite to include details of physical security (such as the lockable cabinets mentioned below) and the structure in place for reporting-up potential or actual security breaches.

They have committed to providing a copy of these documents to the Keeper (target autumn of 2020). In the meantime the Keeper is satisfied that the majority of the public records of Social Security Scotland are appropriately protected under the provision of the Scottish Government.

The authority operates a case management system (SPM) (see element 4 above). The Keeper can accept that this system is likely to have security protocols imposed.

Social Security Scotland has a number of physical controls in place to ensure the security of staff and information. For example, paper records are held in lockable cabinets with restricted access (RMP page 10). All their buildings require security passes for access. Staff are also expected to comply with Clear Desk Policy and are provided with lockers to store personal information and sensitive business information.

Social Security Scotland operate a *Digital Risk and Security Risk Register*. This is to be commended. The keeper acknowledges that a sample extract from this register has been provided.

The Keeper notes that Social Security Scotland have achieved Cyber Essentials + certification:
Sector: Compulsory social security
Certificate number: 7169730457066670
Certificate level: Cyber Essentials Plus
Date issued: 13/03/20

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

| 9. Data Protection | **G** | **G** | The Keeper expects a Scottish public authority to manage records involving personal data in compliance with data protection law.

Social Security Scotland is registered as a data controller with the Information Commissioner's Office (ICO): https://ico.org.uk/ESDWebPages/Entry/Z4857137

Currently Social Security Scotland operate under the *Data Protection Policy* of the Scottish Government. The Keeper has agreed that the Data Protection provision of the Scottish Government is appropriate (most recently in the SG Progress Update Review 31 October 2019: https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/nrs-progress-update-review-final-report-the-scottish-government-october-2019.pdf). This arrangement is formalised by a memorandum of understanding between Social Security Scotland and the Government. The Keeper has been provided with a copy of this document.

However, the Keeper is pleased to note that Social Security Scotland intends to develop its own in-house *Data Protection Policy* and also notes that this may be approved by the end of 2020. The Keeper requests that he is provided with a copy of this policy when available in order that he may keep Social Security Scotland's submission up to date.

Social Security Scotland already have appropriate data protection information published on their website: https://www.socialsecurity.gov.scot/privacy-statement

Furthermore, they have a risk based *Data Protection Assurance Framework* for their staff which has been provided to the Keeper.

The Social Security Scotland Data Protection Officer is their Data Protection and Information Governance Lead. The Keeper notes that this officer is the manager of the Corporate Records Manager (see element 2). |
| --- | --- | --- | --- |

			All staff are required to undertake mandatory data protection training (see element 12 below). The Keeper agrees that Social Security Scotland have arrangements in place that allow them to properly comply with data protection legislation.
10. Business Continuity and Vital Records	**A**	**G**	The Keeper expects that record recovery, prioritising vital records, is an integral part of the authority's business continuity planning. The introduction to the RMP states that "The systemic management of records...allows the organisation to...provide continuity in the event of a disaster" (RMP page 3). Social Security Scotland has created a *Business Continuity Framework* which has been shared with the Keeper. This is an overarching guidance document that requires that: "Business Continuity Plans will be created by departmental specific business continuity teams in collaboration with the Business Resilience Manager." (*Business Continuity Framework* page 11). The RMP confirms that these 'department specific' business continuity plans will support the recovery of departmental records held electronically (the vast majority). **The work on creating these departmental business continuity plans is ongoing. The RMP states (page 23) "Each business area will develop a Business Continuity Plan. A network of Business Continuity Officers is being created to assist with this." The RMP indicates a target for these local plans to be developed by the end of December 2020. The Keeper assumes there will be a period of testing and staff training in once these plans are approved. The Keeper will expect to see evidence that staff have easy access to business**

			continuity procedures when rolled-out.
			The Keeper has been provided with a draft *Business Continuity Policy* (draft v2.0, October 2019) as an indication of the points that might be expected in the final approved version. The Keeper agrees that this draft policy adequately considers the recovery of records in an emergency.
			This element receives an amber RAG status while this work is progressing.
			Responsibility for recovering Social Security Scotland from an emergency lies with the Chief Executive however the *Business Continuity Framework* makes it clear that this is operationally delegated to the Deputy Director for Operations (see element 1).
			The Keeper can agree this element of Social Security Scotland's RMP under 'improvement model' terms. This means that the authority has identified a gap in provision (in this case that local business continuity plans are not yet operational) and has explained to the Keeper appropriate procedures to close that gap. The Keeper's agreement is conditional on his being kept up-to-date as the project progresses. Social Security Scotland have, elsewhere committed to undertake the Keeper's Progress Update Review (PUR) annual reporting process. This would be an ideal opportunity to update the Keeper on the business continuity situation.
11. Audit trail	**A**	**G**	The Keeper expects an authority to have process in place to track public records in such a way that their location is known and changes recorded.
			The *Records Management Policy* (see element 3) states that "All records are required to be…available: records are required to be available to the user for the whole retention period. They must be accessible to respond to a request or to meet an immediate requirement. Records must be able to form a reconstruction of

activities or transactions that have taken place" (*Policy* section 9).

With this in mind, Social Security have the following processes in place:

Digital Records: The Objective eDRM has a powerful search facility (which the Keeper has endorsed by adopting it himself) that allows a user to track all records using a variety of search criteria. The efficiency of the search facility relies on consistent naming of documents as they are saved as records on the system.

Social Security Scotland have a *Document Naming and Control Policy* which has been provided to the Keeper. This is version 1.0 approved by the Agency Leadership Team on 20th March 2020. The author of the *Policy* is the Corporate Records Manager (see element 2). The Keeper agrees that this gives clear and appropriate instructions to staff to ensure that records are named on the eDRM in such a way as will allow tracking. The eDRM itself automatically imposes version control.

Social Security Scotland have provided the Keeper with minutes showing the *Document Naming and Control Policy* being authorised by the Leadership Team.

Case Management System: Social Security Scotland operate a line-of-business case management system (SPM). The Keeper can agree this system has record tracking functionality. A screen-shot of SPM has been provided.

Paper Records: The *Records Management Policy* states (page 6): "The location of paper records outwith any storage area must be tracked. Paper records can be required for responding to requests for information and these are time-sensitive. It is essential that their location is known at any given time." The Keeper agrees this principle.

<table>
<tr>
<td></td>
<td style="background-color:orange"></td>
<td style="background-color:green"></td>
<td>However, Social Security Scotland have informed the Keeper that "At present there is no method for tracking the movement of paper records. The teams who create and use paper records are relatively small as are the quantities of paper records. We agree that it would be sensible to put in place an ability to track paper records. As part of the work to develop the retention schedule the Corporate Records Manager will work with the teams using paper records to develop location trackers which meet our requirements. It is thought that this could be easily achieved. . As identified under Element 4, we are also actively considering the itemisation of files on eRDM for these paper records."

In the meantime, the Keeper considers the paper records of the authority are public records that cannot currently be appropriately tracked in such a way that their location is known and changes recorded.

Social Security Scotland have provided a Screen-Shot showing records management guidance on its intranet.

The Keeper can agree this element of Social Security Scotland's RMP under 'improvement model' terms. This means that the authority has identified a gap in provision (in this case that paper records are not yet adequately tracked) and has explained to the Keeper appropriate procedures to close that gap. The Keeper's agreement is conditional on his being kept up-to-date as the project progresses.</td>
</tr>
<tr>
<td>12. Competency Framework for records management staff</td>
<td style="background-color:orange">A</td>
<td style="background-color:green">G</td>
<td>The Keeper expects staff creating, or otherwise processing records, to be appropriately trained and supported.

There is a formal commitment to training in the Social Security Scotland Records Management Policy, for example: Sections 6 and 11 (see element 3).</td>
</tr>
</table>

All employees are already mandatorily required to undertake relevant e-learning training. This training includes how to operate clear desk instructions, on data management, on physical security and how to spot email scams. Furthermore all staff must undergo eDRM training before they are permitted to save records to the main records management system. Similarly, all staff are required to complete mandatory Data Protection e-learning on induction and thereafter an annual refresher course. The e-learning software records who has completed this training.

The Keeper has been provided with a copy of the Information Security Induction Presentation. He thanks Social Security Scotland for providing this.

However, some training programmes are yet to be fully rolled-out. For example the RMP states that "Social Security Scotland will develop records management training to be delivered at induction...This training will make staff aware of the Records Management Policy and their responsibilities under it." (RMP page 8). "IAO's will undertake relevant training to ensure they are aware of their responsibilities for information assets in their area." (RMP page 18). This in response to a commitment in the *Records Management Policy* (see element 3) that "All Social Security Scotland staff will: receive training so they are aware of their records management responsibilities" (*Records Management Policy* section 11). "It is anticipated that this training should be rolled out by the end of 2020." (RMP page 8).

Social Security Scotland are currently developing a *Business Continuity Management Policy* (see element 10). There is a commitment in this policy (currently draft) to roll-out appropriate business continuity training.

Social Security Scotland have created a records management page on their intranet. The Keeper has access to this. The single records management page will help staff access guidance. The page will be promoted as part of a monthly briefing
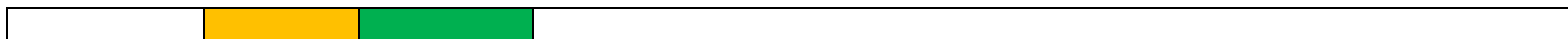
			for local managers and by the IMSO network (see under general comments below). The Keeper commends the creation of this resource. Finally, Social Security Scotland are creating a *Records Management Competency Framework* for staff with records management responsibilities. This is also a commitment of the *Records Management Policy* (section 11). This will be developed by the Corporate Records Manager (see element 2). The *Records Management Policy* commits Social Security Scotland as follows: "Updates to records management policies and procedures will be communicated to all staff via the corporate intranet, by email and through the IMSO network." (*Records Management Policy* section 12). The Keeper agrees all these improvements and commends the steps taken to fully develop an information governance training culture in the authority. **The Keeper agrees this element of Social Security Scotland's Records Management Plan under 'improvement model' terms. This means that the authority has identified a gap in provision (in this case that a suite of training programmes is not fully rolled-out), but have put process in place to close that gap. The Keeper's agreement is conditional on his being updated as these training developments are implemented.**
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 reviewed annually with a first review scheduled for April 2021. Reviewing the implementation of the RMP is the responsibility of the Corporate Records Manager (see element 2).

| | | | The Corporate Records Manager will work with business area records management champions (IMSOs) to conduct the review. Local involvement is commended.

The Keeper has been provided with the *Annual objectives for Corporate Records Manager* which confirms that "maintenance" of the RMP will be an ongoing responsibility attached to that post.

The Corporate Records Manager reports to the Senior Information Asset Owner (SIAO) who reports to the Executive Team. Any updates to the RMP or any development action needing to be undertaken will be approved by either the SIAO or the Executive Team.

The annual review of RMP implementation progress will be carried out using a self-assessment audit template (created by Food Standards Scotland and previously endorsed by the Keeper). The Corporate Records Manager intends to work with Information Management Support Officers across the organisation (see under General Comments below) to complete this template which should give an accurate view of where progress has been made and where there still needs to be further development. The Corporate Records Manager will conduct regular spot-checks (probably quarterly) on different areas of the fileplan to ensure consistent use of the *Document Naming and Control Policy* (see element 11), maintenance of the file plan, and destruction logs. This should provide quantifiable information to allow the Corporate Records Manager to measure progress.

The Corporate Records Manager intends to then use the Keeper's Progress Update Review (PUR) structure to report on implementation progress. The RMP commits the authority to share the PUR report with the Keeper. This is welcomed.

The *Document Naming and Control Policy* and the *Records Management Policy* |
|---|---|---|---|

(see element 3) are due to be reviewed by March 2021. The *Records Management Policy* will be monitored by the Corporate Records Manager (see element 2) in consultation with the SIRO (see element 1) (*Records Management Policy* section 12).

"Any changes to policies or new policies will be submitted to the Agency Leadership Team for approval" (*RMP* page 28).

The *Records Management Policy* commits Social Security Scotland to monitor and review training programmes and staff uptake (*Records Management Policy* section 11).

The RMP notes that the authority's IMSOs (see under General Comments below) are responsible for monitoring the operation of their areas of the eDRM and resort any issues to the Corporate Records Manager (see element 2).

Social Security Scotland are currently developing a *Business Continuity Management Policy* (see element 10). There is a commitment in this policy (currently draft) to roll-out appropriate business continuity reviews through the Audit and Assurance Committee.

The RMP notes that in some cases Social Security Scotland have adopted Scottish Government policies (such as their *Data Protection Policy*). In these cases Social Security Scotland cannot be responsible for reviewing these policies. The Keeper accepts this.

The Keeper agrees that social Security Scotland has processes in place to appropriately review their Records Management Plan as required by the Act. The Keeper also agrees that information governance policies and guidance have reasonable review dates allocated to them.

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. Social Security Scotland shares information with third parties. The process governing the control of data sharing arrangements differs dependant on whether the data shared includes personal information or not. Both processes are explained in the RMP: When sharing personal information, Social Security Scotland will enter into a Data Sharing Agreement with the partner body. This will outline all parties' obligations to the information being shared. When sharing non-personal information, Social Security Scotland uses the Scottish Government's template. The Keeper acknowledges that he has been supplied with an example of both these agreements in evidence. The Keeper agrees that Social Security Scotland considers the governance of records as part of its data sharing procedures.
15. Public records created or held by third parties	**A**	**G**	The Keeper 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 any functions of the authority. Social Security Scotland currently have an arrangement with the Department of

			Work and Pensions (DWP) on an interim basis until such time as Social Security Scotland is able to carry out the function. DWP is a UK Public Authority not subject to the Act. The arrangement between Social Security Scotland and DWP is governed by formal agreements (a sample of which the Keeper has seen). However, it is recognised that records management provision is not sufficiently robust in these agreements and the authority has committed to address this. **The *RMP* states (page 31) "There is no specific records management provision built in to these agreements, such as retention periods for records currently stored on DWP systems."** Social Security Scotland have committed to ensure relevant clauses are inserted at the next review of these agreements. It would be the intention to use the Scottish Council on Archives records management guidance for third parties as a template. However, they point out that it is possible there will be no such review as the function might naturally fall in-house before that time cancelling the contract. There is no suggestion that any other function of Social Security Scotland is contracted out to third parties. **The Keeper agrees this element of the Social Security Scotland *RMP* under improvement model terms. This means that they have recognised a gap in provision (in this case that the contract, under which a third party carries out a function of Social Security Scotland, does not impose sufficient records management assurances) and have explained to the Keeper a commitment to rectify the situation. This agreement is conditional on his being updated on the situation with DWP at the time of Social Security Scotland's first *PUR* (see element 13)**

Social Security Scotland

General Notes on submission:

Version: This assessment is on the *Records Management Plan* (the *RMP*) of Social Security Scotland. This is the version submitted for the agreement of the Keeper of the Records of Scotland (the Keeper) on 29th April 2020. It was approved by the authority's Senior Information Asset Owner (see element 1) on 28th April 2020.

The *Plan* was accompanied by a letter of endorsement from the Deputy Director of Operations and Senior Information Asset Owner dated 28th April 2020.

The authority refers to records as a business 'asset' (for example *Records Management Policy* **-** see element 3 **-** page 3). This is an important recognition and the Keeper commends it.

The RMP (page 3) confirms that it was developed in "collaboration with colleagues across the organisation." This is to be commended.

The Keeper notes that efficient records management will assist Social Security Scotland in maximising their effectiveness and fulfilling the functions as explained in their Framework Document:
https://dgxmvz0tqkndr.cloudfront.net/production/images/general/Social-Security-Scotland-Framework-Document.pdf

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

The Data Protection and Information Governance Team

The Corporate Records Manager (see element 2) is part of the Data Protection and Information Governance Team (IGT). This group is responsible for promoting and reviewing the authority's records management provision. They give advice to business areas.

The IGT is responsible for identifying records for permanent preservation (in conjunction with NRS).

The IGT are responsible for providing relevant training (see element 12).

The IGT reports to the Executive Team.

This group is clearly of fundamental importance to records management in the authority and the Keeper thanks the Board for including information about their work in the submission. For more detail see *Records Management Policy* section 7 (see element 3).

The Records Management Policy (section 10) mentions a 'Corporate Records Team'. Social Security Scotland have explained that this refers to an intention to recruit more staff to assist with records management in the organisation and therefore create a Corporate Records Team. The Keeper would be interested to know when this group is established and its remit.

The Information Management Support Officers (IMSO) Network

Social Security Scotland have set up a network of eDRM champions in local business areas. This is considered best practice for the SG Objective system. They also provide a point of contact within business areas, and support, for the Corporate Records Manager (see element 2).

Social Security Scotland have recently moved to a separate area of the eDRM (see element 4). This involved the development a bespoke file plan. The IMSO network was instrumental in this development.

The RMP notes specifically that the authority's IMSOs are responsible for monitoring the operation of their areas of the eDRM and resort any issues to the Corporate Records Manager.

The ability to contact these 'champions' through a network should allow for a more co-ordinated authority wide roll-out of any new policies and procedures. This will be particular important over the next few years as the authority develops more in-house systems (for example see element 8 above) and needs all business areas to adopt them simultaneously. The use of local records management specialists are commended by the Keeper.
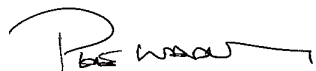
6. Keeper's Summary

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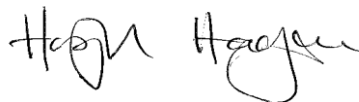
7. Keeper's Determination

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

- The Keeper recommends that Social Security 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

……………………………………

Hugh Hagan
Senior 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 **Social Security Scotland** In agreeing this RMP, the Keeper expects Social Security Scotland to fully implement the agreed RMP and meet its obligations under the Act.

……………………………………………

Paul Lowe
Keeper of the Records of Scotland