

Third Party Compliance

Model Records Management Plan Review

NRS PRSA Stakeholder Forum

25th August 2018

Heather Jack

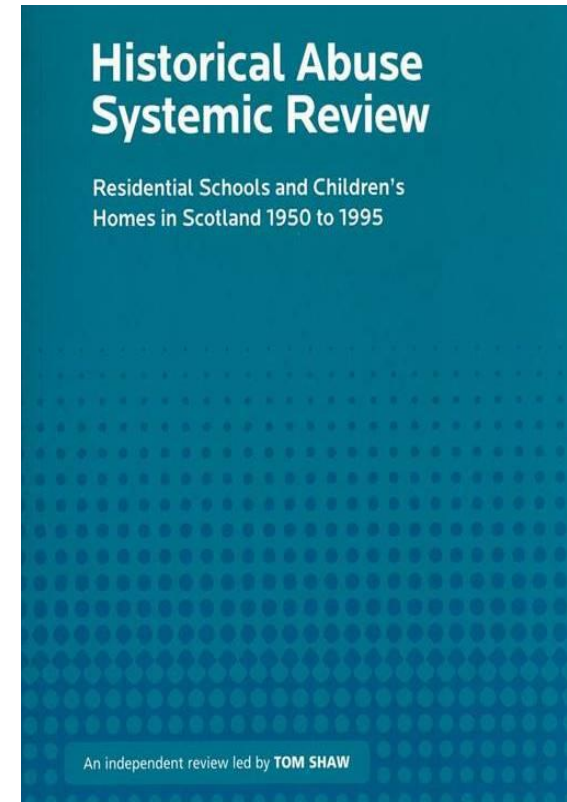
Talk topics

- Background
- Obligations, resources and guidance
- Themes and issues to explore
- Addressing issues, improving compliance



Background

- Why me?
- Shaw, public records and third parties



Obligations, resources and guidance

Statutory obligation

- commissioning authorities must satisfy themselves that their 3rd party providers can meet the authority's records management requirements as agreed under their plan.

RMP elements

- direct – element 14 Information Sharing
- Indirect - some if not all of them!



Existing guidance

- model contract clauses & third party self-assessment tool
 - Scottish Council on Archives ARMS Framework

Themes and Issues



- **How are things working in practice**
 - ... or are they not - Charterhouse Rules!
 - How are “public” records identified?
 - What monitoring processes are in place to assess compliance?
- **Challenges of limiting 3rd party compliance to statutory functions**
 - Limited scope of the Act and Keeper’s statutory powers
- **Contractual clauses**
 - Are the SCA model clauses and guidance robust enough?
- **Regulating 3rd party compliance obligations**
 - Should Keeper expect more evidence than proof of procurement and contract clauses? If so, what??

Addressing issues, improving compliance

My initial thoughts ...

- Relationship/opportunities around increased data processor compliance requirements?
- Collaboration with Scottish government procurement?
- Enhanced guidance e.g. around contract monitoring?
- But I'm getting ahead of myself ... let's get revising!

