

**Public Records (Scotland) Act 2011**

**Audit Scotland  
Auditor General for Scotland  
Accounts Commission for Scotland  
Assessment Report**

**The Keeper of the Records of Scotland**

**28NOV13**

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## **1. Public Records (Scotland) Act 2011**

The Public Records (Scotland) Act 2011 (the Act) received Royal assent on 20 April 2011. It is the first new public records legislation in Scotland since 1937 and came fully into force on 1 January 2013. Its primary aim is to promote efficient and accountable record keeping by named Scottish public authorities.

The Act has its origins in *The Historic 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 Audit Scotland, the Auditor General for Scotland and the Accounts Commission for Scotland by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 4<sup>th</sup> November 2013.

The assessment considered whether the RMP of Audit Scotland, the Auditor General for Scotland and the Accounts Commission for 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 Audit Scotland, the Auditor General for Scotland and the Accounts Commission for Scotland complies with the Act can be found under section 7 of this report with relevant recommendations.

### **3. Authority Background**

Audit Scotland assists the Auditor General and the Accounts Commission to ensure organisations that spend public money in Scotland use it properly, efficiently and effectively. They check whether organisations manage their finances to the highest standards and achieve the best possible value for public money. They support public scrutiny that is fair, equal and open, and that leads to more effective financial management and value for money.

The post of Auditor General for Scotland was created under the Scotland Act 1998, prior to devolution in 2000. The appointment is made by the Crown. The Auditor General is responsible for auditing directorates of the Scottish Government, government agencies (e.g. the Scottish Prison Service, Transport Scotland), NHS bodies, further education colleges and all Non Departmental Public Bodies (for example Scottish Enterprise and VisitScotland). Annual financial audit reports are produced.

The Accounts Commission for Scotland is the public spending watchdog for local government. They hold councils in Scotland to account and help them improve. They operate impartially and independently of councils and of the Scottish Government, and meet and report in public. The Accounts Commission for Scotland was established in 1975 by the Local Government (Scotland) Act 1973. It is a body of at least six and no more than 12 members. Members are appointed by Scottish Ministers, following open recruitment under the public appointments procedures. Ministers also appoint one of the members to chair the Commission and one to be deputy chair. The role of the Commission has evolved and been modified in a variety of ways since 1975. Its current role can be summarised as 'to secure the audit of Scottish local government and to consider reports arising from that audit'.

## **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 Audit Scotland, the Auditor General for Scotland and the Accounts Commission 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.

## 5. Model Plan Elements: Checklist

**N. B. For simplicity, as the plan relates to the records management provision for all three public authorities, the use of ‘Audit Scotland’ should be taken to refer to that organisation as well as the Auditor General for Scotland and the Accounts Commission for Scotland.**

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	✓	✓	<p>Diane McGiffen, Chief Operating Officer, and Senior Information Risk Officer, of Audit Scotland is the individual with responsibility for the management of the public records of all three authorities. Her appointment has been agreed by the Audit Scotland Board which includes the Auditor General and the Chair of the Accounts Commission. Minutes of a board meeting on 24 October 2013 approving the RMP have been supplied in evidence. The minutes show that John Baillie (Accounts Commission) and Caroline Gardner (Auditor General) were present, therefore the Keeper is confident that the latter bodies are content with Audit Scotland taking lead on the RMP.</p> <p>Ms McGiffen is an entirely appropriate individual to undertake this role and therefore the Keeper agrees that there is clear evidence that a Senior Responsible Officer has been allocated.</p>
2. Records Manager <i>Compulsory element</i>	✓	✓	<p>Alex Devlin, Corporate Governance Manager for Audit Scotland is responsible for the day-to-day records management provision for all three public authorities. Mr Devlin’s job description is included as evidence.</p> <p>The job description makes Mr Devlin’s responsibility for records management clear and specifies that he must have a ‘detailed knowledge and understanding of current and future legislative issues and developments’.</p>

			<p>Mr Devlin’s job description specifically mentions PRSA responsibilities.</p> <p>Training on data protection, data security and freedom of information is mentioned in the Corporate Governance Manager’s job description.</p> <p>The Keeper agrees that an appropriate person has been named to the records management role.</p>
3. Policy <i>Compulsory element</i>	✓	✓	<p>Audit Scotland has a records management policy (version 2), approved by the Audit Scotland Board at a board meeting on 24 October 2013. This document has been supplied.</p> <p>The Records Management Policy states that it applies to all three authorities covered by this assessment.</p> <p>The policy specifically mentions the PRSA.</p> <p>The Records Management Policy must be read by all staff. This is ensured by the use of the MetaCompliance system - <a href="http://www.metacompliance.com/">http://www.metacompliance.com/</a> - This system inhibits other work until important policy documents have been read. Audit Scotland has determined that the Records Management Policy should be one of these important documents.</p> <p>Furthermore, the policy instructs directors and managers to ensure that all staff are familiar with the policy.</p> <p>The Records Management Policy states in the introduction that: ‘Effective Knowledge and information management is recognised in our Corporate Plan’. The Audit Scotland Corporate Plan is publically available at <a href="http://www.audit-scotland.gov.uk/docs/corp/2013/as_12-15_corporate_plan_priorities_2013.pdf">http://www.audit-scotland.gov.uk/docs/corp/2013/as_12-15_corporate_plan_priorities_2013.pdf</a></p>

			<p>The policy clearly sets out the authority’s commitment to creating and managing authentic, reliable and useable records, capable of supporting business functions and activities for as long as they are required. It defines the records management roles and responsibilities of staff in the authority and the importance of managing their own records. This is embedded in Audit Scotland’s Code of Conduct. The Keeper has viewed this Code of Conduct and agrees that section six of the code ‘Openness, disclosure and protection of information’ makes clear the responsibilities of all staff regarding records management, data protection and information security.</p> <p>Therefore, the Keeper agrees Audit Scotland has fulfilled this compulsory requirement under PRSA.</p>
<p>4. Business Classification</p>	<p>✓</p>	<p>✓</p>	<p>Audit Scotland has submitted a full business classification (BCS) that covers the entire operation in 12 ‘business groups’.</p> <p>The BCS is in the form of an Information Asset Register. And includes a column for the identification of vital records (see element 10 below).</p> <p>Although currently arranged by business groups, the BCS is shortly to be rearranged into a ‘functional’ system. This is a business decision for Audit Scotland, but the Keeper acknowledges that the current thinking in the field would support this change. (See <i>Business Classification</i> under General Comments below). The advantages of a functional system are identified in the RMP: ‘to avoid having to restructure the information should business groups change’.</p> <p>The Corporate records of Audit Scotland are currently a hybrid of paper and electronic records. Audit Scotland use Microsoft SharePoint technology as their electronic solution. This system is referred to internally as ishare to reflect the sharing of</p>



			<p>information and knowledge. SharePoint (ishare) is adapted in-house to meet their information and record management needs and is unconnected to the on-line training company of the same name.</p> <p>The current business classification/information asset register does not include retention periods (see element 5 below). Once the transfer to a functional arrangement is complete, the Audit Scotland retention schedule 'will also be developed on a functional basis'. It is understood that the business classification and retention schedule will be combined into a single document creating a useful management tool for the authority. He has seen a 'pilot' version of how this will look when finally rolled out.</p> <p>The Keeper agrees that Audit Scotland's current classification scheme meets the requirements for this element and looks forward to reviewing the new, functional, system when appropriate.</p>
5. Retention schedule	✓	✓	<p>Audit Scotland has provided a full retention schedule with a column detailing reasons for retention decisions. As the SharePoint system is rolled out throughout the organisation, retention periods will be imposed at creation.</p> <p>The retention schedule operated by Audit Scotland has previously been reviewed by NRS (for reasons outwith PRSA) and described as 'admirably complete'. There is no sign that this comment would not still apply to what has been provided.</p> <p>The Keeper agrees that Audit Scotland has a functioning retention schedule that appears to cover all the record types created as the authorities carry out their functions.</p>
6. Destruction Arrangements <i>Compulsory element</i>	✓	✓	<p>Many of the paper records of Audit Scotland are stored off-site. These records are held by a recognised storage specialist that is ISO compliant. This storage provider was reviewed by Audit Scotland this year and a copy of the review provided to the Keeper. The paper trail for the secure and timely destruction of paper records held by this</p>

			<p>storage company has been provided and is now agreed by the Keeper as being appropriate.</p> <p>The procedures for disposing of electronic records are set out in the 'Staff guide for managing records' under Element 12, page 13, sections 55-57. See page 9, section 22 for information regarding other electronic information. Page 10 section 28 covers emails. Page 13 section 57 covers back-ups.</p> <p>Audit Scotland have provided the Keeper with a copy of their Disposal of Media policy which covers the irretrievable destruction of information held on hardware such as: CDs and DVDs, memory keys, hard drives, mobile devices, RSA tokens, backup tapes and other legacy storage media. This policy is dated 2011.</p> <p>The Keeper agrees that Audit Scotland has properly considered the destruction of records.</p>
7. Archiving and Transfer <i>Compulsory element</i>	✓	✓	<p>Much of this section of the RMP relates to the external storage of material with a third party. This is a separate issue from archiving records for permanent preservation. Audit Scotland's archiving provision is with NRS.</p> <p>Audit Scotland has a MoU with the NRS for permanent preservation of records. This is confirmed by NRS client managers. Evidence was provided to show records dating from 1974 to 1994 for the Accounts Commission have been transferred to the NRS for permanent preservation. Transfer to the NRS Digital Archive has not yet started.</p> <p>The Keeper agrees that Audit Scotland has arrangements in place to transfer records to an appropriate archive.</p>
8. Information Security	✓	✓	<p>Audit Scotland has an information security policy (version 2) approved by the Audit Scotland Board on 29<sup>th</sup> August 2013. It has been submitted as evidence. The minutes</p>

<p><i>Compulsory element</i></p>			<p>showing that approval have been provided.</p> <p>The Information Security Policy covers Hardware, Software, networks and IM.</p> <p>Audit Scotland protectively mark records: 'Information Classifications'</p> <p>Under appendix 2 of the Information Security Policy staff can find an explanation of the eight data protection principles (See element 9 below).</p> <p>Staff must read the policy as it features on the MetaCompliance policy management system (See element 3 above)</p> <p>PRSA is specifically mentioned in the Information Security Policy.</p> <p>The security of electronic records is the responsibility of Audit Scotland's IT manager and is subject to internal audit (Audit Plan provided as evidence). The next security audit is due in October 2013 (See <i>Security Audit</i> in General Comments below). A GAP analysis has been conducted by BSI to compare the security policy with ISO27001.</p> <p>Security of records is specifically mentioned in the Records Management Policy (13.8) (See element 3 above)</p> <p>Training on data security is mentioned in the Corporate Governance Manager's job description (see element 2 above). Staff have to complete this training. Participation is recorded in ishare and the Corporate Governance Manager keeps a record of all data and information training.</p> <p>N.B. The Keeper has been invited to view staff training records and has chosen not to do so. He thanks Audit Scotland for the invitation.</p>
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			The Keeper agrees that Audit Scotland have properly considered the security of their corporate records.
9. Data Protection	✓	✓	<p>The Audit Scotland data protection policy (version 9), which has been provided in evidence, was approved by the Audit Scotland Board at a board meeting on 24 October 2013. The minutes of the meeting showing that approval have been provided.</p> <p>Staff must be familiar with the Data Protection Policy as it features on the MetaCompliance suite (See element 3 above). Staff are provided with a checklist – How do you tell if the information you hold is personal data? This is a very handy guide and the Keeper commends it's inclusion in the Data Protection Policy.</p> <p>The ICO registration numbers for the three separate authorities have been provided as has a public privacy notice that Audit Scotland distributes to individuals whose information the organisation holds (such as staff).</p> <p>Training on data protection is mentioned in the Corporate Governance Manager's job description (see element 2 above). Staff are also trained in other aspects of information security (see element 8 above).</p> <p>The Keeper agrees that Audit Scotland has properly considered data protection as part of its records management provision.</p>
10. Business Continuity and Vital Records	✓	✓	<p>The Audit Scotland business continuity plan (version 8) was adopted at the Audit Scotland Board meeting 24 October 2013. They have provided their Business Continuity Policy and Guidance as well as minutes of the board meeting that approved it and a report by the chief operating officer</p> <p>An internal audit report from August 2012 'Business Continuity &amp; IT Disaster Recovery'</p>

			<p>has been provided. The RMP states (element 10 introduction item 4) that there were a number of recommendations that came out of this audit and that these recommendations are being actioned. A redacted version of the latest paper to the Audit Committee (October 2013) has been provided in evidence showing the business continuity recommendations and the action taken. Quite properly, Audit Scotland has withheld parts of this report that have no bearing on records management.</p> <p>The Information Asset Register (see element 4 above) indicates vital records in the organisation. The Information Asset Register covers all functions of the three authorities.</p> <p>The Keeper agrees that Audit Scotland have properly considered business continuity from a records management perspective. Also, the Information Asset Register (see 4 above) Allows Audit Scotland to properly identify vital records.</p>
11. Audit trail	✓	✓	<p>Audit Trails for electronic records and version control are specifically mentioned in the approved Records Management Policy (13.1) (See element 3 above).</p> <p>The corporate records of this authority, previously paper based, are gradually moving towards being entirely electronic. Going forward, audit trail development will focus on electronic media. The Keeper accepts this and notes that paper records are held in store by a third party (see element 6 above) the movement in and out of this store is audited.</p> <p>Audit Scotland is introducing SharePoint technology (ishare) which should impose an audit trail on electronic records as they are created and amended. Records management functionality within ishare prevents records from being altered or moved. Audit Scotland have provided the guidance document 'Declaring a record on ishare' which demonstrates to the Keeper how this system works. As well as this document there is a training video on the use of records management in the ishare system.</p>

			<p>The Keeper has been invited to view this training video and has declined for the moment. However, he thanks Audit Scotland for the invitation.</p> <p>Audit Scotland have provided their current version control and naming convention policies. It is understood that these will necessarily change as the ishare system become used more extensively throughout the organisation.</p> <p>The Keeper agrees, in principle, that the plans going forward seem sound, but would be keen to learn how successfully this system operates in practice. It is understood that it would be sensible to let this process bed-in over the next few years and that the BCS will be transforming to a functional system at the same time (See <i>Business Classification</i> in General Comments below).</p> <p>The Keeper agrees that Audit Scotland’s current ‘audit trail’ systems meet the requirements for this element and looks forward to reviewing the new policies when appropriate.</p>
<p>12. Competency Framework for records management staff</p>	<p>✓</p>	<p>✓</p>	<p>The competencies required by the Corporate Governance Manager are included in the job description provided as evidence to element 2.</p> <p>Audit Scotland has produced a Records Management Guide for Staff on Managing Records. This has been supplied to the Keeper.</p> <p>The importance of regular staff training is mentioned in the Records Management Policy (11). Training on data protection, data security and freedom of information is mentioned in the Corporate Governance Manager’s job description.</p> <p>The Keeper agrees that the person named in element 2 is properly competent to undertake the records manager role. He also acknowledges that Audit Scotland provide</p>

			appropriate training to staff regarding their records management, data protection and information security responsibilities.
13. Assessment and Review	✓	✓	<p>In her report to the Audit Scotland Board on 24<sup>th</sup> October 2013, the Chief Operating Officer affirms that 'Audit Scotland reviews its key policies on a regular basis, normally yearly'.</p> <p>Records management is a named risk in the Audit Scotland information Risk Register which is reviewed quarterly and then reported to the Audit Committee in an information management and risk report six-monthly.</p> <p>In 2012 the records management provision within the authority was reviewed by an external records management expert. This person's details have been supplied under element 12. The Keeper is aware of the reputation of this individual and agrees that she was an entirely appropriate individual to 'draft in' in the early stages of PRSA implementation. The Keeper commends the principle of self assessment before undertaking a major records management project.</p> <p>Audit Scotland also underwent a FOISA compliance assessment in 2012.</p> <p>The Audit Scotland Records management policy is due for review in October 2014. A self assessment checklist will be utilised during this review. A copy of the checklist has been supplied in evidence.</p> <p>The Keeper agrees that Audit Scotland properly acknowledges the importance of assessment and review and clearly commits a reasonable internal body (the Knowledge, Information and Technology Governance Group) to take responsibility for that review.</p>
14. Shared			Audit Scotland has a requirement to share information with other authorities in Scotland

Information	✓	✓	<p>and in the UK. This data sharing is part of an initiative to detect fraud in the public sector and the requirement to do this is laid down in statute.</p> <p>The authority follows a clear procedure when sharing information, laid down in the <i>Code of Data Matching Practice 2010</i>. The Code has been endorsed by the Information Commissioner (who actually supplies a foreword to the document). The Keeper also points to the Code as an example of good practice in his Guidance Document (<a href="http://www.nas.gov.uk/recordKeeping/PRSA/modelPlanGuidance.asp">http://www.nas.gov.uk/recordKeeping/PRSA/modelPlanGuidance.asp</a>)</p> <p>It is not thought that Audit Scotland routinely shares information other than as described above.</p> <p>Therefore, the Keeper agrees that Audit Scotland has proper procedures in place when undertaking information sharing.</p>
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Minutes of a board meeting on 24 October 2013 approving the RMP have been supplied in evidence. The minutes show that John Baillie (Accounts Commission Chair) and Caroline Gardner (Auditor General) were present; therefore the Keeper is confident that the latter bodies are content that Audit Scotland takes the lead on the RMP.

Where the supporting evidence contains sensitive information it has been redacted by Audit Scotland. The Keeper considers this appropriate.

The Knowledge, Information & Technology Governance Group is mentioned in several places (in the plan itself on page 1, in the Records Management Policy on page 2, in the COOs report to the Board, the retention schedule, information security policy etc.) The terms of reference for this group have been supplied to the Keeper including their reporting structure.

**Business Classification:** Audit Scotland intends to roll out a functional business classification. When the functional system is complete and bedded-in, the Keeper would appreciate receiving a copy of it. This will allow him to keep the RMP up to date. Also details of the new electronic record creation and record storage system might be revisited at the same time.



Security Audit: A Security Audit was due to take place in October. When the results of this are available, the Keeper would be pleased to see them. However, this is not necessary for agreement. The Keeper has been permitted to view the GAP analysis conducted by BSI (June 2012) as it is mentioned in the RMP. As with all documents submitted by Audit Scotland, including the RMP itself, the Keeper will not make these available beyond the Assessment Team without the express permission of Audit Scotland.

## 6. Keeper's Summary

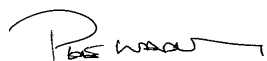
Elements 1 - 14 that the Keeper considers should be in a public authority records management plan have been properly considered by Audit Scotland, the Auditor General for Scotland and the Accounts Commission for Scotland. Policies and governance structures are in place to implement the actions required by the plan.

## 7. Keeper's Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of Audit Scotland, the Auditor General for Scotland and the Accounts Commission for Scotland.

- The Keeper recommends that Audit Scotland should publish the 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



.....  
**Robert Fotheringham**  
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 Audit Scotland, the Auditor General for Scotland and the Accounts Commission for Scotland. In agreeing this RMP, the Keeper expects Audit Scotland, the Auditor General for Scotland and the Accounts Commission for Scotland to fully implement the agreed RMP and meet its obligations under the Act.



... ..

**Tim Ellis**  
Keeper of the Records of Scotland