

Public Records (Scotland) Act 2011

**Dumfries and Galloway Council
Dumfries and Galloway Licensing Board
Dumfries and Galloway Assessor
Assessment Report**

The Keeper of the Records of Scotland

22 August 2014

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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 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 **Dumfries and Galloway Council, Dumfries and Galloway Licensing Board and the Dumfries and Galloway Assessor** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 20 March 2014.

The assessment considered whether the RMP of Dumfries and Galloway Council, Dumfries and Galloway Licensing Board and the Dumfries and Galloway Assessor 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 Dumfries and Galloway Council, Dumfries and Galloway Licensing Board and the Dumfries and Galloway Assessor complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

Description of Authority: Dumfries and Galloway is the third largest region in Scotland. It covers 2,380 square miles and has an estimated population of 148,060. People live mainly in small communities of 4,000 or less or in the countryside. The biggest town is Dumfries with an estimated population of 31,630, followed by Stranraer with an estimated population of 10,290 and Annan with 8,430 people. Dumfries and Galloway Council is a unitary authority which provides all local government services for the Dumfries and Galloway area. The Council Headquarters are located in Dumfries. There are 47 councilors.

Licensing is the responsibility of licensing boards under powers contained in the Licensing (Scotland) Act 2005. Local licensing boards have wide discretion to determine appropriate licensing arrangements according to local needs and circumstances and their own legal advice. Each local government area must have a licensing board. Dumfries and Galloway Licensing Board consists of 24 Board members divided into 4 districts.

Since the enactment of the Lands Valuation (Scotland) Act 1854, Assessors have been responsible for the valuation of all heritable properties for local taxation purposes within their respective valuation areas. Currently all rateable properties are shown in the Valuation Roll and domestic subjects are contained within the Council Tax List. These documents form the basis for levying non-domestic rates (Valuation Roll) and Council Tax (Council Tax Valuation Lists). Each of the 32 Councils within Scotland is a valuation authority and responsible for appointing an Assessor who must in turn compile and maintain a Valuation Roll and a Council Tax Valuation List. The Dumfries and Galloway Assessor is a Scottish public authority in their own right, separate from the Council.

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 **Dumfries and Galloway Council, Dumfries and Galloway Licensing Board and the Dumfries and Galloway Assessor’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.

For the purposes of this report the three authorities will henceforth be referred to a Dumfries and Galloway Council (The Council).

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.
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5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	G	G	<p>Alex Haswell Dumfries and Galloway Council's Director of Chief Executive Services is identified as the individual with overall responsibility for the Records Management Plan (RMP). Mr Haswell's responsibility for records management in the authority is confirmed by a letter from Chief Executive Gavin Stevenson dated 12 March 2014 (evidence 1).</p> <p>Mr Haswell is the Chief Information Officer for the Council. The responsibility for the <i>Records Management Policy</i> lies with this role and is confirmed in the policy itself (section 7)</p> <p>He is also the Clerk to the Licensing board, the Line Manager of the Assessor and is Chair of the Information Management Programme Board, who have responsibility for the Action Plan resulting from the self-assessment exercise carried out at the Council. The remit of the Programme Board has been supplied in the evidence pack.</p> <p>Mr Haswell has oversight of the Safety and Resilience Unit.</p> <p>The responsibility of Mr Haswell for the records of the Dumfries and Galloway Licensing Board and the Assessor is specifically stated in the RMP (page 5).</p> <p>The Keeper agrees that the Director of Chief Executive Services in Dumfries and Galloway Council is a suitable individual to be identified in this role.</p>
2. Records	G	G	Judex Paul, Dumfries and Galloway's Information Management and Complaints

<p>Manager <i>Compulsory element</i></p>			<p>Manager is identified as the individual who has responsibility for the operational implementation of the plan.</p> <p>This appointment is confirmed by a letter, from Gavin Stevenson, Chief Executive of the Council (evidence 1) dated 12 March 2014.</p> <p>Currently the Council does not have a dedicated records manager; however they are actively recruiting for this post and the <i>Job Description</i> and <i>Person Specification</i> have been supplied (evidence 15 and 16). This makes clear that records management will be an appropriate part of the roles and responsibilities of Records and Information Management Officer.</p> <p>The Keeper agrees that Judex Paul is a suitable individual to be identified in this role, but would like to be informed when the Records and Information Management Officer's post is filled. The Council has committed to do this.</p>
<p>3. Policy <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>Dumfries and Galloway Council have a corporate <i>Records Management Policy V1.0</i> approved by the Director, Chief Executive Services (see element 1) on 25th May 2012. This policy has been submitted to the Keeper (evidence 2).</p> <p>The <i>Records Management Policy</i> is specifically endorsed by the Council CEO, Gavin Stevenson, in his covering letter (evidence 1).</p> <p>The <i>Records Management Policy</i> is the responsibility of the Chief Information Officer (see element 1)</p> <p>Section 11 of the <i>Records Management Policy</i> commits the Council to review it as part of 'planned audits'. The Keeper understands that these audits are carried out by the Council's Internal Audit staff.</p>

			<p>The statement under element 3 of the RMP mentions the <i>Information Management Strategic Framework</i> document. However this document appears to be draft (see <i>Information Management Strategic Framework</i> under General Comments below.)</p> <p>The Keeper agrees that Dumfries and Galloway Council has an operational and approved records management policy as required by the Act.</p>
<p>4. Business Classification</p>	<p>A</p>	<p>A</p>	<p>Dumfries and Galloway Council has a <i>Business Classification Scheme</i> covering all the functions of the authority in 45 subject headings. These include the Licensing Board and the Assessor. The full scheme has been supplied to the Keeper (evidence 4), but has yet to be implemented fully.</p> <p>The classification schema chosen by the Council is a functional one. This must remain a business decision for the Council, but the Keeper notes that a functional structure is currently considered best practice for an organisation of the size and complexity of a local authority. The <i>Business Classification Scheme</i> features function/activity/transaction levels which is adequate for the purposes of the Keeper's agreement.</p> <p>The Council holds records as paper or other physical records; as electronic files in line of business systems; and in an EDRM system. The EDRM system is in its infancy, but the Council has committed to implement it (page 7 of the RMP). (See <i>SharePoint</i> under General Comments below)</p> <p>The Council has invested in a Microsoft Enterprise 6 contract with SharePoint licences and has piloted the business classification for one particular service (Social Work) in the system. The resources required to undertake this pilot and the assurance by the Chief Information Officer (see element 1) that 'The Business Classification Scheme will be fully reviewed and developed through the Information</p>

			<p>Management Programme Board in line with the Records Management Maturity Levels and Action Plan 2014-16' (RMP page 8) convinces the Keeper that the Council have identified a gap in provision but have developed plans to close that gap. Alex Haswell (see element 1) is Chair of the above mentioned Programme Board.</p> <p>When the business classification is fully realised throughout the council might it be combined with the retention schedule to create a single document? This may provide a stronger business tool for the Council.</p> <p>The Council contracts-out certain functions to third parties. The Keeper has viewed the contractual clauses utilised by the Council to ensure that the responsibilities for records management are appropriately passed on to these third parties. The RMP makes it clear in the introduction that the entire document applies to third parties carrying out the Council's functions.</p> <p>The Keeper agrees this element of Dumfries and Galloway Council's RMP on 'improvement model' terms. This means that he is convinced of the council's commitment to implement the BCS fully over time, but would request that he is updated as this project progresses. The Council has committed to do this.</p>
5. Retention schedule	A	A	<p>The Council has created a <i>Retention Schedule</i> covering all the activities listed in the <i>Business Classification Scheme</i>. The full schedule has been supplied to the Keeper (evidence 5). The retention schedule has not been fully rolled out, but is scheduled to be implemented along with the Business Classification Scheme (see element 4). The RMP includes a commitment to apply the retention decisions that have been shared with the Keeper and that it will provide 'consistent instructions on records retention and disposal for all staff who deal with records'.</p> <p>When the business classification is fully realised throughout the council might it be</p>

			<p>combined with the retention schedule to create a single document? This may provide a stronger business tool for the Council. However, it is recognised that the different formats of the BCS and Retention Schedule may make this complicated.</p> <p>The Keeper agrees this element of Dumfries and Galloway Council’s RMP on ‘improvement model’ terms. This means that he is convinced of the council’s commitment to implement the retention schedule fully over time, but would request that he is updated as this project progresses. The Council has committed to do this.</p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p><u>Paper:</u> Dumfries and Galloway Council use two outside contractors, Reisswolf Scotland and Shred-It for disposal of paper records. As evidence they have submitted staff instructions in the form of a comprehensive <i>Records Destruction Arrangements</i> document approved by Alex Haswell (see element 1) in June 2012. The Keeper has been provided with proof of this arrangement in the form of destruction certificates (one sample from each provider).</p> <p><u>Electronic:</u> Instructions for a two-stage destruction of electronic records are provided in the <i>Records Destruction Arrangements</i> document (evidence 8).</p> <p><u>Hardware:</u> Destruction of hardware is arranged in conjunction with Falkirk Council. It is carried out by an outside contractor, CCL (North) Ltd, the contract remains with Falkirk Council, but an explanatory e-mail from Dumfries and Galloway’s Mobile and Desktop Principal Officer together with a completed Quote Specification from 2010 convinces the Keeper that these arrangements are in place. The RMP quotes the contract as stating that ‘all hard drives will be erased to DoD 5220.22-M standard’ This provision seems to be particularly robust.</p> <p><u>Back-Ups:</u> The destruction of copies ‘kept as back-ups or held in off-site storage’ is specifically mentioned in the <i>Records Destruction Arrangements</i> document.</p>

			<p>Destruction of corporate records is specifically mentioned in the <i>Records Management Policy (see element 3)</i> section 5. The RMP section on destruction reiterates that the entire plan including destruction standards applies to 3rd parties carrying out functions of the Council.</p> <p>The Keeper agrees that Dumfries and Galloway Council has properly considered arrangements for the irretrievable destruction of its corporate records.</p>
7. Archiving and Transfer <i>Compulsory element</i>	G	G	<p>Dumfries and Galloway Council transfer records for permanent preservation to the council archive. They have provided the Keeper with staff instructions in the form of their <i>Records Archiving and Transfer Arrangements</i> document. This clearly explains the transfer process which is in line with section 5 of the <i>Records Management Policy (see element 3)</i></p> <p>The Keeper agrees that Dumfries and Galloway Council have proper arrangements in place to allow them to transfer records to an appropriate archive.</p>
8. Information Security <i>Compulsory element</i>	G	G	<p>Dumfries and Galloway Council has an <i>Information Security Policy</i> available for its staff. This policy 3.3 August 2012, has been submitted to the Keeper. The Information Security Policy lists the policies relating to the above document which shows that DGC has comprehensively considered information security, including for contractors and third parties.</p> <p>The Council has also provided the Keeper with their <i>Records Security Statement</i> v1.0 dated from 2012 and approved by Alex Haswell (see element 1)</p> <p>The Council has a clear desk policy which has been supplied to the Keeper as part of the <i>Information Security Policy</i>.</p>

			<p>The <i>Information Security Policy</i> states that ‘all staff must achieve a minimum competence in the use of information and communication facilities (ICT) and complete the Councils Information Security Awareness training courses.</p> <p>All staff must maintain awareness of information security issues and be aware of current information security policies and acceptable usage guidelines for the use of Council ICT facilities.’</p> <p>The <i>Records Security Statement</i> which refers staff to the main <i>Information Security Policy</i> also states: ‘An audit trail which documents the amendment and movement of records should be kept throughout the life of the record to provide assurances on the location and reliability of a record at any given time.’</p> <p>The Keeper agrees that Dumfries and Galloway Council have properly considered the security of their records.</p>
<p>9. Data Protection</p>	<p>G</p>	<p>G</p>	<p>Dumfries and Galloway Council have a <i>Data Protection Policy</i> which has been provided to the Keeper (evidence 14)</p> <p>The Data Protection Officer reports to Information Management and Complaints Manager (see element 2).</p> <p>The authority is registered with the Information Commissioner – Z5477233</p> <p>The Council publishes their entire ICO registration on their website along with instructions on how to make a subject access request: http://www.dumgal.gov.uk/index.aspx?articleid=1725</p> <p>The Keeper agrees that Dumfries and Galloway Council properly recognise their responsibilities under the Data Protection Act 1998.</p>

<p>10. Business Continuity and Vital Records</p>	<p>G</p>	<p>G</p>	<p>There is no over-arching business continuity plan for Dumfries and Galloway Council. However, each service area operates its own plan. The Keeper has been provided with a sample of such a plan. The Keeper would like to assure Dumfries and Galloway Council that all documents submitted in evidence are held securely by NRS and access is strictly limited to the PRSA Assessment Team, the Head of Government Records and himself.</p> <p>Dumfries and Galloway Council has identified its vital records in a <i>Corporate Critical Activities</i> document which has been supplied to the Keeper.</p> <p>The Council operates a Safety and Resilience Unit. Mr Haswell (see element 1) has oversight of the Safety and Resilience Unit.</p>
<p>11. Audit trail</p>	<p>A</p>	<p>A</p>	<p>Dumfries and Galloway Council does not yet have audit trail systems in place to track the movement and version control of all its corporate records. However, they have clearly recognised this gap in provision and have an action plan tied in to the roll-out of the <i>Business Continuity Plan (see element 4)</i> and <i>Retention Schedule (element 5)</i>, to remedy this situation. The Action Plan has been provided to the Keeper.</p> <p>The chosen EDRM system, SharePoint 2010, should impose an audit trail on the electronic records captured in that system. (See SharePoint under General Comments below).</p> <p>The <i>Records Security Statement</i> which refers staff to the main <i>Information Security Policy</i> also states: ‘An audit trail which documents the amendment and movement of records should be kept throughout the life of the record to provide assurances on</p>

			<p>the location and reliability of a record at any given time.’ This is further evidence that the Council recognises the importance of this element.</p> <p>The Keeper agrees this element of Dumfries and Galloway Council’s RMP on ‘improvement model’ terms. This means that he is convinced of the council’s commitment to implement an audit trail fully over time, but would request that he is updated as this project progresses. The Council have committed to do this.</p>
<p>12. Competency Framework for records management staff</p>	<p>G</p>	<p>G</p>	<p>The RMP makes it clear that a Records and Information Management Officer is to be appointed at the Council and that individual’s <i>Job Description</i> and <i>Person Specification</i> have been supplied (evidence 15 and 16). As this individual has yet to be appointed the Council have identified Judex Paul, who will be the appointee’s manager, in the role at element 2. This is acceptable to the Keeper. The <i>Job Description</i> and <i>Person Specification</i> clearly demonstrate that the Council understands the specialist skill set required for the records management role.</p> <p>The Keeper requests that he is informed when the Records and Information Management Officer is in post in order that he can establish a key contact within the Council. The Council have committed to do this.</p> <p>The corporate <i>Records Management Policy</i> V1.0 approved by the Director, Chief Executive Services includes objectives to train appropriate staff in records management (section 12) and the Council is investigating implementing an e-learning course on records management that is already in use in another authority. The Keeper commends the principle of sharing best practice and wishes to be informed if this proposal is, in fact, put in place.</p> <p>The <i>Information Security Policy</i> states that ‘all staff must achieve a minimum competence in the use of information and communication facilities (ICT) and</p>

			<p>complete the Councils Information Security Awareness training courses.</p> <p>All staff must maintain awareness of information security issues and be aware of current information security policies and acceptable usage guidelines for the use of Council ICT facilities.'</p> <p>The Council operates 'core skills training' through its Corporate Development Unit. The Keeper would be interested to know when records management related training is included in the 'core skills' suite of training modules.</p> <p>The Keeper agrees that the individual who will carry the responsibility for having day-to-day responsibility for implementing the RMP will have appropriate skills for the role. Furthermore, the Keeper acknowledges that Dumfries and Galloway Council considers records management training for appropriate staff.</p>
<p>13. Assessment and Review</p>	<p>G</p>	<p>G</p>	<p>Dumfries and Galloway Council have implemented a self-assessment programme based on the JISC Infonet. From this the have created a <i>Maturity Model and Action Plan</i> document supplied to the Keeper as evidence 18. This should be a key document for the Council going forward and the Keeper commends it in principle and requests to be updated as the various action points are progressed.</p> <p>The introduction to the RMP commits the Council to review the document annually commencing 1 year after the Keeper's agreement.</p> <p>The reporting structure for the review of the RMP is clearly indicated in the plan (page 17).</p> <p>Section 11 of the <i>Records Management Policy</i> commits the Council to review it as part of 'planned audits', The Keeper understands that these audits are carried out by the Council's Internal Audit staff.</p>

			The Keeper agrees that Dumfries and Galloway Council have arrangements in place to properly review their RMP and other key records management policies.
14. Shared Information	G	G	<p>Dumfries and Galloway Council have adopted the Scottish Accord for Sharing of Personal Information (SASPI). The Keeper agrees that SASPI properly considers the governance of records.</p> <p>In their evidence package, the Council have provided a sample of an information sharing protocol (Adult Support and Protection)</p> <p>The Keeper agrees that Dumfries and Galloway Council have considered the records management implications of information sharing as is appropriate.</p>

General Notes on RMP, Including Concerns:

The assessed RMP is version 1.0 dated May 2014. The introduction to the RMP mentions the PRSA. It identifies records as representing a 'vital asset' to the Council.

The RMP makes clear that it applies to all records despite the format in which they are held. It specifically lists the three scheduled authorities it applies to: Dumfries and Galloway Council, Dumfries and Galloway Licensing Board, The Dumfries and Galloway Assessor.

Maturity Model

Dumfries and Galloway Council have submitted, as part of their evidence package, a *Records Management Maturity Levels and Action Plan* (evidence 18) and the associated *Summary Report* (evidence 19). The Keeper strongly encourages authorities to undertake self-assessment. The Keeper acknowledges the JISC info system to be an appropriate method for carrying out this self-assessment. The Keeper agrees that, in order to be of real value, a self-assessment should provide constructive criticism of current provision.

SharePoint

On page 7 of the RMP the Council states ‘Our Council will be implementing SharePoint 2010 as a central corporate repository for Electronic Documents and Records Management’. Many Scottish public authorities have opted for the SharePoint solution. The Keeper would remind the Council that SharePoint is not in itself a records management system and for full functionality, particularly relating to ensuring that metadata travels with the record when extracted from the system – for the purposes archiving for example – a records management bolt-on may be required.

Information Management Strategic Framework

Dumfries and Galloway Council have provided their *Information Management Strategic Framework* document (evidence 3) which the Keeper will study with interest. However, as this document is clearly marked as draft, it cannot be taken as a formal council document nor accepted as evidence of records management provision. This document is not crucial to the Keeper’s decision regarding whether to agree the Council’s RMP.

6. Keeper's Summary

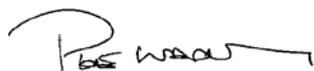
Elements 1 - 14 that the Keeper considers should be in a public authority records management plan have been properly considered by Dumfries and Galloway Council, Dumfries and Galloway Licensing Board and the Dumfries and Galloway Assessor. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of **Dumfries and Galloway Council, Dumfries and Galloway Licensing Board and the Dumfries and Galloway Assessor.**

The Keeper recommends that Dumfries and Galloway Council, Dumfries and Galloway Licensing Board and the Dumfries and Galloway Assessor 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

.....
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 **Dumfries and Galloway Council, Dumfries and Galloway Licensing Board and the Dumfries and Galloway Assessor**. In agreeing this RMP, the Keeper expects Dumfries and Galloway Council, Dumfries and Galloway Licensing Board and the Dumfries and Galloway Assessor to fully implement the agreed RMP and meet its obligations under the Act.



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Tim Ellis
Keeper of the Records of Scotland