

Public Records (Scotland) Act 2011

Scottish Public Pensions Agency (Part of Scottish Ministers) Assessment Report

The Keeper of the Records of Scotland

06AUG14

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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 the **Scottish Public Pensions Agency (Part of Scottish Ministers)** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on **03FEB14**.

The assessment considered whether the RMP of the **Scottish Public Pensions Agency (Part of Scottish Ministers)** 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 the **Scottish Public Pensions Agency (Part of Scottish Ministers)** complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

The Scottish Public Pensions Agency (SPPA) is an Agency of the Scottish Government. Its principal role is to administer the pensions, premature retirement and injury benefit schemes for employees of the National Health Service in Scotland (NHSS) and for members of the Scottish Teachers' Superannuation Scheme (STSS).

The Agency also has responsibility for providing policy advice to Ministers on public sector pensions for these schemes plus those for Local Government, Police and Fire; for developing the regulations for each of these schemes; and for determining appeals made by members of these schemes. It also provides a pension calculation service for the Legal Aid Board for Scotland and the Scottish Parliament.

<http://www.sppa.gov.uk/>

N.B. The Scottish Public Pensions Agency (SPPA) appears on the schedule to the Public Records (Scotland) Act 2011 under the umbrella body 'Scottish Ministers'. However, SPPA have chosen to submit their records management plan separately and the Keeper is entitled to consider and agree the plan in isolation from the rest of Scottish Ministers.

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 the Scottish Public Pensions Agency'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.
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Scottish Public Pensions Agency
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5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	G	G	<p>Marion Chapman, SPPA Director of Corporate Services is identified as the individual with overall responsibility for the Records Management Plan (RMP). Ms. Chapman’s responsibility for records management in the authority is confirmed by a covering letter dated 4th November 2013 (evidence 1.1)</p> <p>Marion Chapman is also the Agency Security Officer.</p> <p>The Keeper agrees that the Head of Corporate Services in SPPA is a suitable individual to be identified in this role.</p>
2. Records Manager <i>Compulsory element</i>	G	G	<p>Jonathan Sharp, SPPA’s Communications Manager, is identified as the individual who has responsibility for the operational implementation of the plan.</p> <p>This appointment is confirmed by a covering letter from Marion Chapman, SPPA Director of Corporate Services (see element 1), dated 4th November 2013 (evidence 1.1). <i>The Corporate Services Organisational Chart 2013/14</i> (part of evidence 13.1) confirms that the Communications Manager reports to the Director of Corporate Services.</p> <p>SPPA does not have a dedicated records manager; however Mr Sharp’s competency framework has been supplied (evidence 12.1). This makes clear that</p>

			<p>records management is part of the roles and responsibilities of the Communications Manager.</p> <p>Mr Sharp is the author of the RMP, the <i>Records Management Policy</i> (see element 3), the <i>Information Assurance Framework</i> (see element 8) and the <i>Business Continuity Plan</i> (see element 10). This indicates that he has an understanding of key records management process within SPPA.</p> <p>The Keeper agrees that Mr Sharp is a suitable individual to be identified in this role.</p>
3. Policy Compulsory element	G	G	<p>SPPA have a corporate <i>Records Management Policy</i> V1.0 approved by the Senior Management Team on 3rd February 2014. This policy has been submitted to the Keeper (evidence 3.1).</p> <p>The author of the <i>Records Management Policy</i> is the individual identified in element 2.</p> <p>The introduction to the RMP commits SPPA to review the <i>Records Management Policy</i> as part of its 'annual review cycle' (see Review under General Comments below).</p> <p>The Keeper agrees that SPPA has an operational and approved records management policy as required by the Act.</p>
4. Business Classification	G	G	<p>SPPA has a <i>Business Classification Scheme</i> covering all the functions of the authority in 33 subject headings. The full scheme has been supplied to the Keeper (evidence 4.1). The design is hierarchical mirroring the structure of the organisation.</p> <p>The Keeper understands that the directorate structure of SPPA is currently being amended. SPPA has established a Programme Office to take forward the business changes.</p>

	G	G	<p>If this adjustment results in a new business classification being created he asks that he is sent the revised version to keep the submission up-to-date. (See <i>Business Transformation</i> under General Comments below)</p> <p>The business classification was created with input from local service areas. The Keeper commends this principle as helping to ensure that the scheme is a useful business tool beyond the requirements of PRSA.</p> <p>A review of the <i>Business Classification Scheme</i> is to be added to SPPA's Information Assurance Schedule (see element 13 below)</p> <p>SPPA hold records electronically in a suite of systems such as AXISe, Resourcelink, EPICOR and a structured drive (G). They also hold files in paper format, although the covering letter by the CEO indicates that the authority is moving away from hard copy records. The RMP states clearly that it applies to all records management systems.</p> <p>SPPA have confirmed that no functions of the authority are carried out by a third party.</p> <p>The Keeper agrees that SPPA has a business classification scheme that covers their corporate activities.</p>
5. Retention schedule	G	G	<p>SPPA has 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 5.1).</p> <p>The RMP indicates legislation under which the retention periods have been imposed and the steps SPPA will take to maintain the integrity of this during the planned</p>

			<p>changes to corporate systems over the next few years (See <i>Business Transformation</i> under General Comments below).</p> <p>The Keeper agrees that SPPA has a functioning retention schedule that appears to cover all the record types created as the authority carries out its functions.</p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p>A</p>	<p>A</p>	<p>Paper: SPPA use an outside contractor Shred-It for disposal of paper records. As evidence they have submitted staff instructions regarding the destruction process for paper records and a sample certificate of destruction from Shred-It.</p> <p>Hardware: SPPA use the Scottish Government’s ISIS procedures for the destruction of computer media. The relevant guidance page on ‘Saltire’ has been supplied to the Keeper.</p> <p>Back-ups: Business continuity back-up copies of records are held on tapes that are routinely overwritten as part of a 30 day cycle.</p> <p>Electronic records: SPPA recognise the need to delete corporate records (as opposed to case files) that are held electronically when they reach the end of their retention period. Because of the nature of the authority’s core business, electronic case files are held indefinitely. The authority is in the process of redesigning their systems under an ‘Information Assurance Strategy’ and the Keeper understands that formal electronic record deletion procedures will be part of that design. The Keeper request that, when the new system is in place, he receives a copy of the staff instructions on deleting electronic records to keep the SPPA submission up-to-date. The Keeper would recommend that SPPA considers issuing staff guidance on the irretrievable deletion of e-mail as part of these instructions.</p> <p>Subject to the comments made under ‘electronic records’ above, the Keeper agrees</p>

			<p>this element under Improvement Model terms. This means that he is convinced of the authority's commitment to closing a gap in provision (electronic records). He will request that he is updated as work on this element progresses.</p>
7. Archiving and Transfer <i>Compulsory element</i>	G	G	<p>SPPA transfer their records to the National Records of Scotland for permanent preservation. This arrangement is confirmed by NRS client managers.</p> <p>The Keeper agrees that SPPA has arrangements in place to transfer records to an appropriate archive.</p>
8. Information Security <i>Compulsory element</i>	G	G	<p>SPPA does not seem to have a single SPPA information security policy available for its staff. 'Scots' users are covered by the relevant SG security policy (which has been included in the evidence package). They do have an <i>Information Assurance Framework</i> (V1.0 dated August supplied as evidence 8.1). This document is not intended to be a general reference for staff. The document uses the structure of the HMG Security Policy Framework to evidence compliance with the mandatory requirements.</p> <p>The author of the <i>Information Assurance Framework</i> is the individual identified in element 2.</p> <p>As stated above SPPA have chosen to follow HMG Security Policy Framework: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255910/HMG_Security_Policy_Framework_V11.0.pdf This is a major commitment by the agency and the Keeper acknowledges the difficulty of entirely complying with this standard. SPPA have embarked on an Information Security project that will take some considerable time to complete.</p> <p>To assist in this, SPPA have created an <i>Information Assurance Maturity</i></p>

			<p><i>Assessment</i> a RAG style self-assessment process. This has been provided the Keeper (evidence 8.2 – 8.7). This document shows the information security processes that are already fully in place in SPPA; those that are developing (such as the refreshment of business impact assessments from the directorates); and those that either do not apply or are not yet fully ‘optimised’ in the agency. The results of this assessment presumably populate the Information Assurance Action Plan mentioned in the <i>Corporate Services Directorate Key Tasks 2013-14</i> (part of evidence 13.1).</p> <p>The Keeper acknowledges that a great deal of the HMG Framework is already established in SPPA.</p> <p>The <i>Information Assurance Maturity Assessment</i> is updated annually and next due for review by the end of the second quarter 2014-15. This is a key target listed in the <i>Corporate Services Directorate Business Plan</i> (evidence 13.1). The Keeper requires these updates to keep the SPPA submission current. The Keeper would like to assure SPPA 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>As well as having responsibility for the RMP (see element 1), Marion Chapman is also the Agency Security Officer.</p> <p>All members of staff at SPPA undergo mandatory information security training, including ‘core briefings’ and team meetings.</p> <p>SPPA have a clear desk policy dated July 2009 which has been supplied to the Keeper.</p> <p>The Keeper agrees that SPPA have properly considered the security of their</p>
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			records.
9. Data Protection	G	G	<p>SPPA follow the main SG <i>Data Protection Policy</i> which is available to the public through a link from the SPPA website http://www.sppa.gov.uk/index.php?option=com_content&view=article&id=314&Itemid=456</p> <p>The agency is registered with the Information Commissioner under Scottish Ministers - Z4857137</p> <p>SPPA have provided the Keeper with staff instructions for handling subject access enquires. The response to these within 40 calendar days is a key target listed in the <i>Corporate Services Directorate Business Plan</i> (evidence 13.1).</p> <p>All members of staff at SPPA undergo mandatory information security training.</p> <p>The SPPA data sharing agreement specifically mentions data protection.</p> <p>The Keeper agrees that SPPA properly recognise their responsibilities under the Data Protection Act 1998.</p>
10. Business Continuity and Vital Records	G	G	<p>SPPA have an approved corporate <i>Business Continuity Plan</i> V7 dated July 2013. This has been supplied to the Keeper (evidence 10.1)</p> <p>The <i>Business Continuity Plan</i> is a protected document that contains sensitive information. The Keeper would like to assure SPPA 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>The <i>Business Continuity Plan</i> is updated as necessary on a quarterly basis and reviewed annually as part of the Information Assurance schedule (in evidence 13.1) (see Review under General Comments below).</p> <p>The author of the <i>Business Continuity Plan</i> is the individual identified in element 2.</p> <p>Vital records held in paper form are stored in a fireproof safe in the SPPA building.</p> <p>The Keeper agrees that SPPA has an operational business continuity plan that properly considers the recovery of records in an emergency. He also agrees that consideration has been given to the security of ‘vital records’.</p>
11. Audit trail	G	G	<p>SPPA have provided the Keeper with a suite of guidance documents (evidence 11.1 – 11.3) demonstrating the process used to access records on the various systems used in the authority. When a new electronic records solution is introduced to replace the shared ‘G’ drive for corporate records new record tracking facilities are also likely to be introduced in the organisation. The Keeper requests that he is sent a copy of these when available to ensure that the SPPA submission reflects the current situation in the agency.</p> <p>An example of SPPA naming conventions has been supplied (evidence 11.4) as evidence that they understand the importance of staff guidance in this area.</p> <p>The Keeper agrees that procedures are in place in SPPA that allow staff to locate the correct version of its public records when appropriate.</p>
12. Competency Framework	G	G	<p>SPPA does not have a dedicated records manager, however Mr Sharp’s (see element 2) competency framework has been supplied (evidence 12.1). This makes clear that records management is part of the roles and responsibilities of the</p>

<p>for records management staff</p>			<p>Communications Manager.</p> <p>The introduction to the RMP commits SPPA to ensure that ‘Record management procedures are understood by all staff and staff are appropriately trained’ (section 1.4). To this end the records management competencies are to be added to Mr Sharp’s Personal Learning Plan. SPPA have agreed to share the records management learning objectives, when created, with the Keeper.</p> <p>All members of staff at SPPA undergo mandatory information security training, including ‘core briefings’ and team meetings.</p> <p>A schedule of annual training and review forms Annex A of the <i>Information Assurance Framework</i> (v1.0 dated August supplied as evidence 8.1).</p> <p>The Keeper agrees that the individual identified as having day-to-day responsibility for implementing the RMP has appropriate skills for the role. Furthermore, the Keeper acknowledges that SPPA considers records management training for appropriate staff.</p>
<p>13. Assessment and Review</p>	<p>G</p>	<p>G</p>	<p>The covering letter from Neville Mackay, CEO and Accountable Officer, dated 3rd February commits SPPA to review the RMP on an annual basis as does that of Marion Chapman (see element 1) dated 4th November 2013 (evidence 1.1)</p> <p>The introduction to the RMP commits SPPA to review the <i>Records Management Policy</i> as part of its ‘annual review cycle’. It is planned that a review of the <i>Records Management Policy</i> will be added to SPPA’s Information Assurance schedule (see Review under General Comments below). The review is undertaken by the Communications Manager (see element 2) and reported to the Senior Management Team.</p>

			<p>SPPA has recently approved an Information Assurance Strategy 2014 – 18 and Action Plan 2014-15, both of which have been supplied to the Keeper (Evidence 13.1 and 13.2). The Action Plan correctly reflects the commitments made in the SPPA’s submitted records management plan. The SPPA Information Assurance Strategy Action Plan commits SPPA’s Corporate Communications to ensuring ‘RMP document remains updated and accurate’.</p> <p>The <i>Business Continuity Plan</i> is updated as necessary on a quarterly basis and reviewed annually as part of the Information Assurance schedule (in evidence 13.1)</p> <p>A review of the <i>Business Classification Scheme</i> is to be added to SPPA’s Information Assurance Schedule.</p> <p>A schedule of annual training and review forms Annex A of the <i>Information Assurance Framework</i> (V1.0 dated August supplied as evidence 8.1).</p> <p>SPPA’s accounts are audited by Audit Scotland</p> <p>The Keeper agrees that SPPA have arrangements in place to properly review their RMP and other key records management policies.</p>
<p>14. Shared Information</p>	<p>G</p>	<p>G</p>	<p>SPPA shares information with a range of other bodies as part of their business. They do so under a template data sharing agreement a sample of which has been submitted to the Keeper.</p> <p>The data sharing agreement provided to the Keeper clearly recognises the importance of records governance (section 2) including destruction (sections 2 and 7). It makes clear that the ‘ownership’ of the records remains with SPPA.</p>

			<p>They have also submitted a suite of staff guidance regarding information sharing.</p> <p>The SPPA data sharing agreement specifically mentions data protection.</p> <p>The Keeper agrees that SPPA have considered the records management implications of information sharing as is appropriate to their business.</p>
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General Notes on RMP, Including Concerns:

The RMP, created by Jonathan Sharp SPPA’s Communications Manager (see element 2), is V1.0 which the Senior Management Team approved 3rd February 2014. The plan is accompanied by a covering letter from Neville Mackay, CEO and Accountable Officer also dated 3rd February. This letter acknowledges the importance of records to the business of SPPA and indicates the potential usage of the RMP as a means of identifying areas for further improvement. The introduction to the RMP reiterates the principle of records as an asset that informs its corporate plan. The current corporate plan can be found at http://www.sppa.gov.uk/index.php?option=com_content&view=article&id=320&Itemid=753

The preparation and submission of the RMP was listed as a key target in the *Corporate Services Directorate Key Tasks 2013-14* (part of evidence 13.1). The *SPPA Information Assurance Strategy Action Plan* (Evidence 13.2) commits SPPA’s Corporate Communications to ensuring ‘RMP document remains updated and accurate’.

The covering letter also points out that SPPA is currently in something of a transition: Moving away from Paper Records to electronic line of business systems.

Compliance with the Public Records (Scotland) Act 2011 falls to 'Communications' under Corporate Services. As does Freedom of Information, Information Assurance and Data Protection.

The introduction to the RMP provides links to the NRS PRSA pages and to the Act itself.

Review

The introduction to the RMP commits SPPA to review the *Records Management Policy* as part of its 'annual review cycle'. It is planned that a review of the *Records Management Policy* and the *Business Classification Scheme* will be added to SPPA's Information Assurance schedule alongside that for the *Business Continuity Plan* and other key procedures. A review under this schedule is part of *Corporate Services Directorate Key Tasks* in the SPPA Business Plan and reflects the SPPA 'Core Value' of delivering continuous improvement (*Corporate Services Directorate Business Plan* – evidence 13.1).

SPPA has recently approved an Information Assurance Strategy 2014 – 18 and Action Plan 2014-15, both of which have been supplied to the Keeper (Evidence 13.1 and 13.2). The *Action Plan* correctly reflects the commitments made in the SPPA's submitted records management plan.

The SPPA *Information Assurance Strategy Action Plan* (Evidence 13.2) commits SPPA's Corporate Communications to ensuring 'RMP document remains updated and accurate'.

Business Transformation

SPPA is undergoing a business transformation programme which may reassign business areas among the directorates. SPPA has established a Programme Office to take forward the business changes. When this programme is complete – target stated in RMP is

2018 – the RMP should be reviewed and the Keeper informed of any changes. Business reorganisation is particularly likely to affect a business classification scheme/file plan that is based on the hierarchical plan of the authority.

Information Strategy 2014

SPPA have included in their evidence pack an *Information Strategy 2014* document (evidence 3.2). The Keeper has read this with interest. However, as it is marked 'draft' it cannot be accepted as representing a formal SPPA position. The Keeper's agreement of the SPPA plan is unaffected by the acceptance, or otherwise, of this document.

6. Keeper's Summary

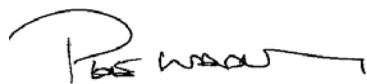
Elements **1 - 14** that the Keeper considers should be in a public authority records management plan have been properly considered by the Scottish Public Pensions Agency. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of the **Scottish Public Pensions Agency (Part of Scottish Ministers)**.

- The Keeper recommends that the Scottish Public Pensions Agency 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 **the Scottish Public Pensions Agency (Part of Scottish Ministers)**. In agreeing this RMP, the Keeper expects the Scottish Public Pensions Agency to fully implement the agreed RMP and meet its obligations under the Act.



.....
Tim Ellis
Keeper of the Records of Scotland