

Public Records (Scotland) Act 2011

East Lothian Integration Joint Board

The Keeper of the Records of Scotland

30th March 2023

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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 East Lothian Integration Joint Board by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 31st August 2022.

The assessment considered whether the RMP of East Lothian Integration Joint Board was developed with proper regard to the 15 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 East Lothian Integration Joint Board complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

The East Lothian Integration Joint Board is made up of representatives from NHS Lothian, East Lothian Council, the Third and Independent Sectors and those who use health and social care services. It was set up as part of the Public Bodies (Joint Working) (Scotland) Act 2014, which aims to integrate health and social care at a local level. East Lothian IJB is responsible for the planning, resourcing and operational oversight of health and social care services in East Lothian. The IJB operates as a body corporate (a separate legal entity) acting independently of Lothian Health Board and East Lothian Council.

[Our vision and aims | Integrating health and social care in East Lothian | East Lothian 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 East Lothian Integration Joint Board'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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5. Model Plan Elements: Checklist

East Lothian Integration Joint Board (‘The IJB’ in the assessment below)

Explanation: All public records of East Lothian Joint Board are held on East Lothian Council systems and, as this is the case, the IJB must adopt the records management provision of the council. This is made clear in the *Records Management Plan* (for example under element 3) and by a *Covering Statement* to the Keeper, dated August 2022, from the relevant officers in the council and the IJB (see element 2). The statement includes the following confirmation: “As set out in the Overarching Memorandum of Understanding between East Lothian Integration Joint Board (‘IJB’) and East Lothian Council (‘the Council’), the Parties have agreed that the responsibility for creating and maintaining the IJB’s records is delegated to officers of the East Lothian Health and Social Care Partnership, with the records stored on the Council’s recordkeeping systems. Accordingly, the IJB has committed to following the corporate Business Classification Scheme (‘BCS’) and Records Retention Schedule (‘RRS’) adopted by the Council.” The *RMP* supports this “The IJB has agreed with East Lothian Council that all the IJB’s records will be managed by East Lothian Council.” (*RMP* page 8).

The *RMP*, explaining the use of council systems to manage IJB records, has been endorsed by the Chief Officer of the IJB (see element 1) by a signature on the cover sheet.

The Keeper has been provided with a copy of the *Memorandum of Understanding* mentioned above, also dated August 2022, which supports these arrangements. For example: “All of the IJB’s records will be subject to policies and procedures compliant with Council and Board requirements. The nominated officers within the HSCP will have operational responsibility for records maintenance and will be empowered to access these policies and procedures, as well as undergoing appropriate training, e.g., Data Protection, Information Security, etc. IJB records are part of the East Lothian Council Committee Management System.”

The Keeper agreed the *Records Management Plan* of East Lothian Council in January 2015: [East Lothian Council - East Lothian Licensing Board Assessment Report \(nrscotland.gov.uk\)](http://nrscotland.gov.uk)

The introduction to the *RMP* points out that "The context of this plan is that most records including employment, service user and internal policies and procedures will continue to be managed in the parent body organisations, i.e., East Lothian Council and NHS Lothian and as such will be covered by their respective record management plans. " (*RMP* page 8). Also: "At this stage there is only a limited volume of records specific to the IJB (*RMP* page 14)". This is correct. The East Lothian Integration Joint Board *RMP* only applies to records created by the IJB and those created during the administration of the IJB itself (see element 4). It does not apply to the records used by the IJB that are created by NHS Lothian or by East Lothian Council. These are covered by the respective *RMPs* of those partner organisations.

Element	Present	Evidence	Notes
1. Senior Officer	G	G	<p>The Public Records (Scotland) Act 2011 (the Act) requires that an authority identifies an individual senior staff member as holding corporate responsibility for records management.</p> <p>East Lothian Integration Joint Board (the IJB) have identified Fiona Wilson, Chief Officer, as the individual with overall responsibility for records management in the authority.</p> <p>Ms Wilson endorses the plan (her signature appears on the cover) and therefore identifies herself as having overall responsibility for records management in the authority.</p>

			<p>The Chief Officer is the Senior Information Risk Owner (SIRO) for the IJB.</p> <p>The identification of the Chief Officer to this role is supported by a <i>Memorandum of Understanding (MoU)</i> between the IJB and the Council which has been shared with the Keeper (for example <i>MoU</i> section 2). Ms Wilson signed this <i>MoU</i>.</p> <p>The Chief Officer chairs the Joint Management Team, which has strategic responsibility for the Health and Social Care Partnership.</p> <p>The Keeper has been provided with <i>Chief Officer's Job Description</i>. He thanks Ms Wilson for this submission and agrees that the overarching responsibility for the information assets of the authority properly fit into the objectives of the Chief Officer role.</p> <p>The Keeper agrees that East Lothian Integration Joint Board have identified an appropriate individual to this role as required by the Public Records (Scotland) Act 2011 (the Act).</p>
2. Records Manager	A	G	<p>The Act requires that each authority identifies an individual staff member as holding operational responsibility for records management and has appropriate corporate responsibility and has access to the resources and support required to carry out this role.</p> <p>East Lothian Integration Joint board have, for the time being, identified Catriona Cockburn, Business Operations Manager as the individual with day-to-day responsibility for implementing the <i>RMP</i> in the authority.</p> <p>The identification of the Catriona Cockburn to this role is supported by a <i>Memorandum of Understanding (MoU)</i> between the IJB and the Council which has been shared with the Keeper (<i>MoU</i> section 3.2). The Chief Officer (see element 1)</p>

			<p>signed this <i>MoU</i>.</p> <p>The <i>RMP</i> notes that the individual identified at element 2 is appointed on a temporary basis and is not a professional records manager. On this latter point the Keeper accepts that in the case of a small organisation, particularly one whose records are managed by another larger authority, it is not necessary to appoint a full-time trained records manager to this element. The Keeper requires that he is informed when the temporary appointment is permanently settled. He notes that the ‘future developments’ section against this element commits the IJB to do this. The IJB have confirmed this: “the Operational Business Manager post within Planning & Performance Service job description is being updated and is to be progressed through NHSL Job evaluation process. A copy of the approved post job description with confirmation of the post holder’s name will be provided to the Keeper as soon as possible.”</p> <p>The Keeper also notes a ‘future development’, elsewhere in the <i>RMP</i>, that “Work will be undertaken to develop a competency framework further” (<i>RMP</i> page 20). The Keeper accepts that this framework will be developed as the post becomes permanent.</p> <p>As noted in the ‘Explanation’ above, the Keeper has been provided with a <i>Memorandum of Understanding</i> between the IJB and the council which states that “The nominated officers within the HSCP will have operational responsibility for records maintenance and will be empowered to access these policies and procedures, as well as undergoing appropriate training, e.g., Data Protection, Information Security, etc” an NHS Lothian employee, will have access to East Lothian Council systems. The authority has confirmed that the Element 2 post holder, a NHS Lothian employee, has a Council-owned secure laptop and a Council user account which are used to securely access records held on the Council’s network and business applications.</p>
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			<p>The <i>RMP</i> explains that the IJB Business Operations Manager has access to the support and expertise of the East Lothian Council Information Governance Team Manager. This arrangement is confirmed in a statement from the Council and by the overarching <i>MoU</i> between the IJB and the Council mentioned in the explanation above (for example at section 3.2).</p> <p>The <i>RMP</i> identifies the relevant Officer of the council as Zarya Rathe, the Team Manager Information Governance and Data Protection Officer at East Lothian Council (<i>RMP</i> page 10). The Keeper has previously agreed that this officer has the appropriate skills, training and responsibilities to properly allow management of public records on East Lothian Council systems (which now include those of the IJB).</p> <p>As an example of council support, Ms Cockburn created the draft version of the <i>RMP</i> in 2021 which was then shared with the Council’s Information Governance Team Manager for comment. As all the public records of the IJB are managed on Council systems, liaison between relevant officers of the IJB and the council is vital.</p> <p>The Keeper can agree this element of the East Lothian Integration Joint Board <i>RMP</i> on ‘Improvement Model’ basis while a permanent appointment is made. Once the Keeper has been informed of the name of the individual whose permanent role is to include pursuing implementation of the plan (alongside evidence of this being a formal part of their annual objectives) he should be able to fully agree this element.</p>
3. Policy	G	G	<p>The Act requires an authority to have an appropriate policy statement on records management.</p> <p>All the public records of East Lothian IJB are held digitally on the record-keeping</p>

			<p>systems of East Lothian Council. "Because IJB records are stored on East Lothian Council Systems they are covered by East Lothian Records Management Policies." (<i>RMP</i> page 11).</p> <p>This arrangement is confirmed in a statement from the Council and by the overarching <i>MoU</i> between the IJB and the Council mentioned in the explanation above: "All of the IJB's records will be subject to policies and procedures compliant with Council and Board requirements" (<i>MoU</i> section 1.6) The <i>MoU</i> is signed by the Chief Officer of the IJB and by the Head of Council Support at East Lothian Council.</p> <p>With this agreement in mind, the IJB has adopted the <i>Records Management Policy</i> of East Lothian Council for their records. The Keeper agrees this is appropriate.</p> <p>In January 2015 the Keeper agreed that the <i>Records Management Policy</i> of East Lothian Council was appropriate for the management of public records in an authority.</p> <p>The Keeper agrees that East Lothian IJB have adopted a suitable records management policy statement as required by the Act.</p>
4. Business Classification	A	G	<p>The Keeper of the Records of Scotland (the Keeper) expects that the public records of an authority are known and are identified within a structure.</p> <p>The <i>RMP</i> states that: "For records to perform their various functions, some form of management is needed. Management includes control over what is created, development of effective and efficient filing systems to store records, and procedures for retention of records." (<i>RMP</i> page 7)</p> <p>The <i>RMP</i> also notes a service-user expectation "that the IJB is fully committed to</p>

			<p>creating, managing, disclosing, protecting and disposing of information effectively and legally." (<i>RMP</i> page 6)</p> <p>With these principles in mind the IJB have arranged for their records to be managed digitally on the systems of East Lothian Council. This arrangement is confirmed by the <i>Memorandum of Understanding</i> (the <i>MoU</i>) between the two organisations that has been shared with the Keeper.</p> <p>The <i>MoU</i> is signed by the Chief Officer of the IJB (see element 1) and states: "The IJB will follow the corporate Business Classification Scheme (BCS) adopted by the Council and the Council's BCS has been updated to include IJB records. This has been discussed and agreed as a sensible approach by the Board and the Council. IJB records are stored on ELC servers and made publicly available via the ELC website with the agreement of the IJB (<i>MoU</i> section 1.5)" and "The Chief Officer is content that all IJB Records will be managed by nominated HSCP Officers and stored by East Lothian Council in line with Council policies and in compliance with Board policies." (<i>MoU</i> section 2).</p> <p>Further to the <i>MoU</i> mentioned above, the Keeper has been provided with a separate statement from the East Lothian Council Team Manager Information Governance, countersigned by the IJB officer identified at element 2, in which it is stated that "the IJB has committed to following the corporate Business Classification Scheme ('BCS') and Records Retention Schedule ('RRS') adopted by the Council".</p> <p>The Keeper acknowledges that he has been provided with an excerpt from the East Lothian Council <i>Business Classification Scheme and Retention Schedule</i> that clearly shows the records of the IJB are included.</p> <p>The public records of the IJB fall in to two categories:</p>
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			<p>1. The 'output' from the Board. Which the <i>RMP</i> notes as "IJB Meetings and related committees - agendas and papers, including Directions, Audit and Risk Committee and Strategic Planning and IJB Strategies and Policies, including the Annual Report, Strategic Plan and Delivery Plan." (<i>RMP</i> page 8)</p> <p>2. The administration behind the Board, such as "Meeting notices, administrative arrangements for meetings, invites and events, meeting dates, briefing notes, schedules and public notices" or "Records documenting the preparation of the IJB's consolidated annual accounts" (these are quoted from the <i>Business Classification Scheme</i>). The accounts themselves are, of course, category 1.</p> <p>Records from category 1 are managed digitally in the East Lothian Council Committee Management Area and, as this is the case, are all allocated a permanent-retention disposal decision. They are also made available to the public on the East Lothian Council website.</p> <p>Records from category 2 are also managed digitally by East Lothian Council but, as they only have a short term business value, they have been allocated a fixed term retention (see element 5 below).</p> <p>The Keeper agrees this arrangement is appropriate.</p> <p>The Keeper notes that the <i>RMP</i> focuses on the category 1 'output' records quite heavily, for example at page 8 as quoted above and at page 12 where the IJB state that "IJB records are part of the Committee Management System and as such have permanent retention status." The <i>Memorandum of Understanding</i> between the IJB and the council (for example at section 1.3) also seems to refer only to the 'output', rather than the administration, of the board.</p> <p>However, the Keeper notes that the <i>Business Classification Scheme</i> excerpt clearly</p>
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			<p>includes IJB administration records with appropriate retention decisions applied. Furthermore the Keeper has been provided with the following statement by the IJB: “Regarding the definition of ‘public record’ in relation to ‘output’ (category 1) and ‘administrative’ (category 2) records: the ELIJB recognises that all records generated and used by the IJB in carrying out its functions and activities are public records within the meaning set out in the Public Records (Scotland) Act 2011. The IJB notes the Keeper’s comments regarding a lack of clarity in the Memorandum of Understanding and parts of the RMP, and shall endeavour to clarify these points in future in line with the routine review and update of relevant documentation.” The Keeper thanks the authority for this clarification.</p> <p>The Keeper has accepted, for the purposes of this assessment, that all the record of the IJB are managed digitally. The compliance statement on page 14 clearly states “All IJB Records will be held electronically on East Lothian Council’s system”. However, he notes a statement on RMP page 8 that refers to the storage of records held in paper format. There is no further elaboration around this elsewhere in the plan. The IJB have now confirmed to the Keeper that it does not currently make use of the Council’s paper records storage facilities mentioned on page 8, nor its professional Archives store in the John Gray Centre. They confirm that the IJB does not generate paper records with retention requirements beyond immediate use (working copy/print-outs etc).</p> <p>In 2015 the Keeper agreed this element of the East Lothian Council <i>Records Management Plan</i>. However, he did so under ‘amber’ improvement model terms as, at time of the agreement, the Council had not fully rolled-out their <i>Business Classification Scheme/Information Asset Register</i>. The Keeper understands that the Council intend to formally resubmit their <i>RMP</i> for his consideration, but until this has been agreed this element remains at Amber. The Keeper has determined that the element rating of a public authority, whose records are managed on another authority’s systems, cannot normally</p>
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			<p>be higher than that awarded to the ‘host’.</p> <p>Therefore, the Keeper agrees this element of the <i>RMP</i> on similar ‘improvement model terms’.</p>
<p>5. Retention schedule</p>	<p>A</p>	<p>G</p>	<p>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 the a Retention Schedule.</p> <p>The <i>RMP</i> states that: "For records to perform their various functions, some form of management is needed. Management includes control over what is created, development of effective and efficient filing systems to store records, and <u>procedures for retention of records.</u>" and that there should be "consistent and documented <u>retention</u> and disposal procedures, including provision for permanent preservation of archival records." (both <i>RMP</i> page 7)</p> <p>The public records of East Lothian Integration Joint Board are managed under the procedures of East Lothian Council.</p> <p>The Keeper has been provided with a separate statement from the East Lothian Council Team Manager Information Governance, countersigned by the IJB officer identified at element 2, in which it is stated that "the IJB has committed to following the corporate Business Classification Scheme (‘BCS’) and Records Retention Schedule (‘RRS’) adopted by the Council".</p> <p>As noted under element 4 above, the records of the IJB fall in to two categories. Output records that are made publically available on the council website and are retained permanently and administrative records that have a limited retention period. The IJB have provided the Keeper with an excerpt from the East Lothian Council <i>Business Classification Scheme and Retention Schedule</i> which shows both record</p>

			<p>types and retention decisions.</p> <p>For example: The IJB Strategic Plan is retained permanently The Register of gifts and hospitality are destroyed 10 years after the member leaves office. The Correspondence of Office Holders of the IJB are destroyed after 3 years.</p> <p>These retention decisions are based on the Scottish Council on Archives SCARRS template. The Keeper has previously endorsed this system as appropriate for applying retention decisions to record created by Scottish public authorities.</p> <p>In January 2015 the Keeper agreed this element of East Lothian Council’s <i>Records Management Plan</i>. However, he did so under ‘amber’ improvement model terms as, at time of the agreement, the Council had not fully rolled-out their retention schedule. The Keeper understands that the Council intend to formally resubmit their <i>RMP</i> for his consideration, but until this has been agreed this element remains at Amber. The Keeper has determined that the element rating of a public authority, whose records are managed on another authority’s systems, cannot normally be higher than that awarded to the ‘host’.</p> <p>Therefore, the Keeper agrees this element of the IJB <i>RMP</i> under the same ‘improvement model’ terms as the ‘host’ authority.</p>
6. Destruction Arrangements	A	G	<p>The Act requires that public records are destroyed in a timely, controlled and secure manner.</p> <p>The <i>RMP</i> notes a service-user expectation "that the IJB is fully committed to creating, managing, disclosing, protecting and <u>disposing of information</u> effectively</p>

			<p>and legally." (<i>RMP</i> page 6) and also notes the records management principle that there should be "consistent and documented retention and <u>disposal procedures</u>, including provision for permanent preservation of archival records." (<i>RMP</i> page 7)</p> <p>As explained under element 4 above, the public records of the IJB are managed digitally by East Lothian Council and, those records that have been allocated a limited retention period (see element 5) are destroyed under the procedures of the council.</p> <p>This arrangement is confirmed by a <i>MoU</i> between the IJB and the Council, signed by both the Chief Officer of the IJB (see element 1) and the Head of Council Support at East Lothian Council.</p> <p>Records of the decisions of the IJB and the forward plans and financial statements (noted as 'output' in element 4 above) are retained permanently and no destruction of these is required. This is confirmed by an <i>MoU</i> that has been shared with the Keeper. It states: "currently, the IJB records ...have permanent retention status, which comply with statutory obligations set out under the Public Records (Scotland) Act 2011 and all other relevant legislation."</p> <p>Administrative records of the IJB that have retention applied (see element 5) are destroyed under the processes in place in East Lothian Council.</p> <p>As with other elements the Keeper agreed this element of East Lothian Council's <i>RMP</i> under improvement model terms and, as this is the case, the Keeper can agree this element of the East Lothian Integration Joint Board's <i>RMP</i> on similar 'improvement model terms'.</p>
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

			<p>formal arrangement for transfer to that repository must be in place.</p> <p>The IJB recognises this. They state in the <i>RMP</i> that: “Well managed records will help...Preservation of vital and historical records.” (<i>RMP</i> page 6) and a commitment that “There are consistent and documented retention and disposal procedures, including provision for permanent preservation of archival records.” (<i>RMP</i> page 7).</p> <p>The public records of East Lothian IJB are managed digitally on the record-keeping systems of East Lothian Council. As this is the case, the IJB relies on the archiving procedures operated by the council.</p> <p>The Keeper has been provided with a <i>MoU</i> between the IJB and the Council, signed by the Chief Officer of the IJB (see element 1), that states: “Currently, the IJB records on the website date back to 2015 and as such have permanent retention status” (see element 4 above).</p> <p>The <i>RMP</i> also notes that “Work is ongoing at East Lothian Council to develop more robust policies and procedures regarding Digital preservation”. (<i>RMP</i> page 15). The Keeper agrees. It is appropriate that the IJB recognise the need for their ‘host’ archive to pursue digital preservation provision for its records and the Keeper requires the IJB to liaise with the council over this. It seems there are plans in place to do this: The Keeper recognises that the <i>MoU</i> states “The Council agrees to consult with the IJB regarding any changes or improvements to the Council’s provision for the long-term preservation of records in digital format. (<i>MoU</i> section 1.6)</p> <p>Since the submission of the <i>RMP</i> for the Keeper’s assessment the IJB have provided an update on the current situation as follows: “Arrangements are currently in place between East Lothian Council’s Democratic Services team</p>
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			<p>and the Council Archives to transfer all permanent Committees records to a separate drive in the custody of the Council’s professional Archivists. These records are held in electronic format and include permanent IJB records. Committee Services retain access copies of these permanent records on the Council’s file network for business purposes, as well as ‘administrative’ or ‘category 2’ records relating to the IJB. These administrative records are regularly reviewed for destruction in line with the Retention Schedule under Element 4 [5?]and destroyed in line with the Council’s provisions under Element 6. As noted in the body of the IJB’s RMP, the Council is currently progressing improvements to its provisions for the long-term preservation of its digital records of enduring value, and will continue to engage actively with the IJB as its work in this area progresses” The Keeper appreciates this update and agrees that the IJB are properly engaged with the archiving of their public records (Statement from the IJB provided during the assessment process).</p> <p>The Keeper agrees this element of the IJB plan under improvement model terms, while a digital preservation solution is identified, and rolled-out, by East Lothian Council.</p>
8. Information Security	G	G	<p>The Act requires that public records are held in accordance with information security compliance requirements.</p> <p>The <i>RMP</i> notes a service user expectation "that the IJB is fully committed to creating, managing, disclosing, protecting and disposing of information effectively and legally." (<i>RMP</i> page 6) and that records management principles includes "Security: Records will be secure from unauthorised or inadvertent alteration or erasure. Access and disclosure will be properly controlled, and audit trails will track all use and changes." (<i>RMP</i> page 7).</p>

	G	G	<p>The public records of East Lothian Integration Joint Board are managed on the record-keeping systems of East Lothian Council and, as this is the case, must be subject to the information security provision of the council. The Keeper agrees this arrangement is suitable.</p> <p>The Keeper notes that the <i>RMP</i> acknowledges that staff in both the council and in the health board are subject to the security obligations contractual imposed on their activities by their employer.</p> <p>The Keeper also acknowledges that there is an intention to include IJB representation on the East Lothian Council Information Governance and Security Forum. This is a welcome development that will help ensure that IJB staff are fully aware of the information security provision in the council. The Keeper notes that informing the IJB of developments is a commitment made by the council elsewhere (see element 13).</p> <p>In 2015 the Keeper agreed that the information security provisions in East Lothian Council was appropriate.</p> <p>Therefore, the Keeper agrees that East Lothian Integration Joint Board have ensured that adequate information security arrangements have been applied to their public records as required by the Act.</p>
9. Data Protection	G	G	<p>As with all other Scottish public authorities East Lothian Integration Joint Board have been required to comply with data protection procedures imposed by the 2018 data protection legislation (GDPR and DP2018).</p> <p>The IJB is registered as a data controller: ZA259857</p> <p>The IJB have appointed a Data Protection Officer: Paul Currie, Interim General</p>

			<p>Manager Strategic Integration. However, the Keeper notes that an application has been made to delegate this role to the Data Protection Officer at east Lothian Council. As the records of the IJB are held on Council systems this is a sensible proposal. Mr Currie holds a suitably senior position in NHS Lothian, but has little control over the <u>Council's</u> information security provision.</p> <p>Aside from registering as a separate data controller, the IJB have adopted the data protection processes in East Lothian Council. As all the public records of the IJB are managed on the record-keeping systems of East Lothian Council, the Keeper agrees this is appropriate.</p> <p>The Keeper has previously agreed that the data protection arrangements in East Lothian council are consistent with expectations.</p> <p>The Keeper agrees that East Lothian Integration Joint Board have arrangements in place that allow them to properly comply with data protection legislation.</p>
<p>10. Business Continuity and Vital Records</p>	<p>A</p>	<p>G</p>	<p>The Keeper expects that record recovery, prioritising vital records if necessary, is an integral part of the authority's business continuity planning.</p> <p>The public records of East Lothian Integration Joint Board are managed on the record-keeping systems of East Lothian Council. As this is the case the IJB must rely on the record recovery function of the East Lothian Council business continuity programme.</p> <p>"The IJB's records will be subject to the policies and procedures of the partner body in relation to business continuity" and "This plan will be managed In line with East Lothian Council Business Continuity "(both <i>RMP</i> page 18)</p> <p>This arrangement is supported by a <i>Memorandum of Understanding (MoU)</i> between</p>

			<p>the board and the council which has been shared with the Keeper “The IJB’s records are managed in accordance with the Council’s Business Continuity and Vital Records arrangements.” (<i>MoU</i> section 1.6)</p> <p>In 2015 the Keeper agreed the business continuity arrangements of East Lothian Council. However, this agreement was under ‘improvement model’ terms on the grounds that their <i>Business Continuity Plan</i> had not been rolled out. The Keeper’s PRSA Assessment Team is pleased to report that this has now been done. However, as the council have not yet officially resubmitted their reviewed <i>RMP</i> for the Keeper’s formal agreement he is unable to formally change the RAG status against this element and, as this is the case, this element of the IJB is, for the present, awarded a matching amber RAG status.</p>
11. Audit trail	A	G	<p>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.</p> <p>The <i>RMP</i> notes that records management principles includes " Access and disclosure will be properly controlled, and audit trails will track all use and changes." and "Records and the information within them, can be efficiently retrieved by those with a legitimate right of access, for as long as the records are held by the organisation." (both <i>RMP</i> page 7).</p> <p>The public records of East Lothian Integration Joint Board are managed on the records management systems of East Lothian Council. Therefore, the IJB is reliant on the record tracking systems of that system. The Keeper agrees this is appropriate.</p> <p>This arrangement is supported by an <i>Overarching Memorandum of Understanding (MoU)</i> between the IJB and East Lothian Council, which is signed by the Chief Officer (see element 1) "The Council’s audit trail arrangements will ensure that</p>

			<p>records are retrievable and offers certainty around version control." (<i>MoU</i> section 1)</p> <p>In 2015 the Keeper agreed the ‘audit trail’ provision of East Lothian Council. However, he did so under ‘improvement model’ terms stating: “The Keeper can agree this element on ‘Improvement Model’ terms. This means that he is convinced that tighter oversight of record location and of version control will result ... he requests that he is kept up-to-date with the project as it progresses.” The Keeper acknowledges that East Lothian Council have been proactive in keeping him up-to-date with progress in their digital records management transformation process. However, as at 2022 this element of the council <i>RMP</i> remains an improvement model.</p> <p>As with other elements above, the Keeper has determined that the RAG status awarded any element of an authority’s records management plan must not be higher than that of the authority on whose systems the records are managed.</p> <p>Therefore, the Keeper agrees this element of the East Lothian <i>RMP</i> on the same improvement model basis as that of the ‘host’ authority.</p>
<p>12. Competency Framework for records management staff</p>	<p>G</p>	<p>G</p>	<p>The Keeper expects staff creating, or otherwise processing records, to be appropriately trained and supported.</p> <p>The <i>RMP</i> notes the records management principle that "All staff are informed of their record-keeping responsibilities through appropriate training and guidance and if required, further support as necessary." (<i>RMP</i> page 7)</p> <p>As noted under element 2 above, the <i>RMP</i> explains that the individual identified at element 2 is appointed to the role on a temporary basis and is not a professional records manager. As previously stated, the Keeper accepts that in the case of a small organisation, particularly one whose records are managed by another larger</p>

			<p>authority, it is not necessary to appoint a full-time, trained, records manager to this element.</p> <p>However it is important that the individual identified at element 2 is provided the opportunity to undertake appropriate training to allow them to undertake the role, whether on a temporary or permanent basis. The Keeper agrees that the compliance statement makes it clear that the IJB recognises this requirement:</p> <p>“We are committed...to promoting the Officer’s continuing personal development in this area via the following measures:</p> <ul style="list-style-type: none"> • Ongoing consultation with the Council’s Element 2 Officer for relevant advice and guidance. A professional postgraduate records management/archives administration qualification is an essential requirement of this post; • Participation in the Council’s Information Governance and Security Forum; • Records Management training delivered by external providers; • Continuous review of ELC Records Management guidance and training for staff; • Engagement with professional networks such as the Public Records (Scotland) Act Discussion Group <p>(RMP page 20).</p> <p>The Keeper welcomes this commitment in a document which has been signed by the IJB Chief Officer.</p> <p>Furthermore, the Keeper agrees that there is ample evidence that the individual identified at element 2 is fully supported by the Team Manager Information Governance and Data Protection Officer at East Lothian Council. The Keeper has previously agreed that this officer has the appropriate skills, training and responsibilities to properly allow management of public records on East Lothian</p>
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			<p>Council systems (which now include those the IJB).</p> <p>The Keeper has been provided with a <i>MoU</i> between the IJB and the Council, signed by the Chief Officer of the IJB (see element 1), that states: “nominated officers within the HSCP will have operational responsibility for records maintenance and will be empowered to access these policies and procedures, as well as undergoing appropriate training, e.g., Data Protection, Information Security, etc.” and “East Lothian Council agrees to make its staff training and guidance materials regarding records management, data protection and information governance available to IJB members and Health and Social Care Partnership staff as needed and relevant to roles.”</p> <p>The Keeper has also been provided with a statement from the council’s Team Manager Information Governance and Data Protection Officer confirming these arrangements and committing to properly engaging with the IJB around records management issues and training. With this in mind, the Keeper has also been provided with a example e-mail showing the council alerting the IJB’s Business Operations Manager to a records management training opportunity.</p> <p>As noted in the <i>MoU</i> quote above, other staff managing IJB records will be subject to the training regime of East Lothian Council. The Keeper has previously agreed that this is appropriate for the management of public records. Screen-shots of the council’s information governance training modules have been provided to the Keeper by the IJB.</p> <p>The Keeper agrees that East Lothian Integration Joint Board has committed to appropriate training and support for staff managing their public records, appropriate to their role.</p>
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<p>13. Assessment and Review</p>	<p>G</p>	<p>G</p>	<p>Section 1(5)(i)(a) of the Act says that an authority must keep its <i>RMP</i> under review. This is acknowledged by the IJB (<i>RMP</i> page 7).</p> <p>The <i>RMP</i> commits to an annual review (<i>RMP</i> page 5).</p> <p>This review will be carried out by The IJB working in collaboration with the Council. This annual assessment and review activity will be carried out by the nominated individual under Element 2, whose name is to be provided as soon as the revised job description has completed the NHSL job evaluation process. This individual will work with the Council’s officer under Element 2 of the Council RMP to conduct this review.</p> <p>Separately from the <i>RMP</i>, the Keeper has been provided with a statement, signed by both the Chief Officer of the IJB (see element 1) and the Head of Council Support at East Lothian Council, which states: “The IJB will rely on the Council to ensure that the systems, policies and procedures that govern its records are being regularly assessed. An annual review will be undertaken by a group nominated by the IJB to ensure this is being done effectively.”</p> <p>The Keeper has previously agreed that the records management review procedures operated by East Lothian Council are appropriate (2015). He accepts that these procedures will now, automatically, include the public records of the IJB. Furthermore, the IJB have provided the Keeper with examples of the East Lothian Council review procedure.</p> <p>It is important that when a review of the records management systems on which an authority’s records are managed is undertaken by another body (in this case the Council) a procedure is in place to ensure that the results of that review are shared with the authority. The <i>MoU</i> can be taken as evidence that the results of the</p>
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			<p>council's review, and any actions arising from those results, will be communicated to the IJB as appropriate.</p> <p>The overarching <i>MoU</i> between the IJB and East Lothian Council, on which the records management arrangements explained above are based, is itself due for review by August 2027.</p> <p>The Keeper agrees that East Lothian IJB have properly considered the ongoing review of the <i>RMP</i> as required by the Act.</p>
<p>14. Shared Information</p>	<p>G</p>	<p>G</p>	<p>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.</p> <p>The IJB shares information under the processes put in place by East Lothian Council using template agreements created by the council and previously agreed by the Keeper as being suitable for secure and controlled data sharing. The <i>RMP</i> confirms this arrangement: "An information sharing MoU has been agreed between NHS Lothian, East Lothian Council and IJB to enable the safe and effective sharing of information. Specific Data Sharing activities are covered by agreements between the IJB and relevant parties with reference to templates used by those parties i.e. East Lothian Council Templates" (<i>RMP</i> page 22).</p> <p>The IJB have provided the Keeper with a sample of the data sharing agreement document they will use. He agrees that it includes appropriate governance clauses, including review and actions taken on records at the termination of the agreement.</p> <p>The Keeper agrees that East Lothian Integration Joint Board have processes in place to ensure that appropriate records management is considered when undertaking information sharing activities.</p>

<p>15. Public records created or held by third parties</p>	<p>N/A</p>	<p>N/A</p>	<p><u>Third Parties:</u></p> <p>The Public Records (Scotland) Act 2011 (PRSA) makes it clear that records created by third parties when carrying out the functions of a scheduled authority should be considered ‘public records’ - PRSA Part 1 3 (1)(b).</p> <p>The <i>RMP</i> is arranged according to the 14 element version of the Keeper’s Model Plan. In May 2019 the Keeper introduced a 15th “Third Party Contractors” element: https://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources/model-records-management-plan</p> <p>However, it should be noted that the requirement to address the issue of third party contractors carrying out functions of an authority has always been integral to the Act.</p> <p>The IJB have confirmed to the Keeper that they do not use any third parties to provide IJB functions.</p> <p>This meets the Keeper expectation and he is content to agree that this element is not applicable in the case of East Lothian Integration Joint Board.</p>
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Explanation: All public records of East Lothian Joint Board are held on East Lothian Council systems and, as this is the case, the IJB must adopt the records management provision of the council. This is made clear in the *Records Management Plan* (for example under element 3) and by a *Covering Statement* to the Keeper, dated August 2022, from the relevant officers in the council and the IJB (see element 2). The statement includes the following confirmation: “As set out in the Overarching Memorandum of Understanding between East Lothian Integration Joint Board (‘IJB’) and East Lothian Council (‘the Council’), the Parties have agreed that the responsibility for creating and maintaining the IJB’s records is delegated to officers of the East Lothian Health and Social Care Partnership, with the records stored on the Council’s recordkeeping systems. Accordingly, the IJB has committed to following the corporate Business Classification Scheme (‘BCS’) and Records Retention Schedule (‘RRS’) adopted by the Council.” The *RMP* supports this “The IJB has agreed with East Lothian Council that all the IJB’s records will be managed by East Lothian Council.” (*RMP* page 8).

The *RMP*, explaining the use of council systems to manage IJB records, has been endorsed by the Chief Officer of the IJB (see element 1) by a signature on the cover sheet.

The Keeper has been provided with a copy of the *Memorandum of Understanding* mentioned above, also dated August 2022, which supports these arrangements. For example: “All of the IJB’s records will be subject to policies and procedures compliant with Council and Board requirements. The nominated officers within the HSCP will have operational responsibility for records maintenance and will be empowered to access these policies and procedures, as well as undergoing appropriate training, e.g., Data Protection, Information Security, etc. IJB records are part of the East Lothian Council Committee Management System.”

The Keeper agreed the *Records Management Plan* of East Lothian Council in January 2015: [East Lothian Council - East Lothian Licensing Board Assessment Report \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk/publications/east-lothian-council-east-lothian-licensing-board-assessment-report)

The introduction to the *RMP* points out that "The context of this plan is that most records including employment, service user and internal policies and procedures will continue to be managed in the parent body organisations, i.e., East Lothian Council and NHS Lothian and as such will be covered by their respective record management plans. " (*RMP* page 8). Also: “At this stage there is only a limited volume of records specific to the IJB (*RMP* page 14)”. This is correct. The East

Lothian Integration Joint Board *RMP* only applies to records created by the IJB and those created during the administration of the IJB itself (see element 4). It does not apply to the records used by the IJB that are created by NHS Lothian or by East Lothian Council. These are covered by the respective *RMPs* of those partner organisations.

General Notes on submission:

This assessment is on the *Records Management Plan* (the *RMP*) of East Lothian Integration Joint Board (the IJB) submitted to the Keeper of the Records of Scotland for his agreement on 31st August 2022.

This is version 1 of the *RMP* approved by the board on 25th August 2022 and signed, on the cover, by Fiona Wilson the IJB Chief Officer (see element 1).

The *RMP* recognises compliance with the Public Records (Scotland) Act 2011 (for example on the cover).

The *RMP* states that: “Good record keeping practices lead to greater productivity as less time is taken to locate information. Well managed records will help the IJB make:

- Better decisions based on complete information.
- Smarter and smoother work practices.
- Consistent and collaborative workgroup practices.
- Better resource management.
- Support for research and development.
- Preservation of vital and historical records.” (*RMP* page 6)

The Keeper fully agrees this statement and agrees that the *RMP*, if implemented, will help support these objectives.

The authority refers to records as a business ‘asset’ (for example *RMP* page 16). This is an important recognition and the Keeper commends it.

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 East Lothian Integration Joint Board. Policies and governance structures are in place to implement the actions required by the plan.

Elements that require development by **East Lothian Integration Joint Board** are as follows:

2. Records Manager
4. Business Classification
5. Retention schedule
6. Destruction Arrangements
7. Archiving and Transfer
10. Business Continuity and Vital Records
11. Audit trail

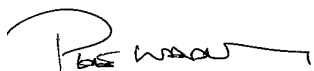
The Keeper acknowledges that most of these elements require improvement action on the part of the authority on whose systems the IJB's public records are managed rather than by the IJB itself. However, the permanent appointment of an individual to the records management role is a matter for the IJB.

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of **East Lothian Integration Joint Board**.

- The Keeper recommends that East Lothian Integration Joint Board 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

.....
Liz Course
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 **East Lothian Integration Joint Board** In agreeing this RMP, the Keeper expects East Lothian Integration Joint Board to fully implement the agreed RMP and meet its obligations under the Act.



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Laura Mitchell
Deputy Keeper of the Records of Scotland