

Public Records (Scotland) Act 2011

**Public Authority
Highlands and Islands Transport Partnership (HITRANS)**

The Keeper of the Records of Scotland

28 June 2018

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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 Highlands and Islands Transport Partnership (HITRANS) by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 23 December 2017.

The assessment considered whether the RMP of HITRANS 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 HITRANS complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

HITRANS is one of seven Regional Transport Partnerships in Scotland which were established through the 2005 Transport (Scotland) Act. The Partnership has a range of powers, including those to:

- Require funding from its member councils;
- Give grants and loans in order to implement the regional transport strategy;
- Borrow money for specific capital expenditure.
- Participate in Community Planning.

Regional transport partnerships were established to strengthen the planning and delivery of regional transport so that it better serves the needs of people and businesses. HITRANS brings together local authorities and other key stakeholders to take a strategic approach to transport in their area.

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 HITRANS'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

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	G	G	<p>The Records Management Plan (RMP) of HITRANS identifies Ranald Robertson, Partnership Director, as the individual with senior management responsibility for records management. The RMP is fully endorsed by Mr Robertson and he will ensure that it is fully implemented and kept up-to-date.</p> <p>This appointment is also confirmed in the Records Management Policy. Section 3.5 states that ultimate responsibility for compliance with the Policy lies with the Partnership Director. The Policy is version 1.0 and was approved by HITRANS Partnership Board on 25 November 2016.</p> <p>The Keeper agrees that HITRANS has identified a suitable individual to take strategic responsibility for records management as required by the Public Records (Scotland) Act 2011.</p>
2. Records Manager <i>Compulsory element</i>	G	G	<p>The RMP identifies Katy Cunningham, Office Manager, as having operational responsibility for records management within HITRANS.</p> <p>Submitted as evidence under this Element is a covering letter from the Partnership Director (see Element 1). This explicitly states that Ms Cunningham, Office Manager for HITRANS, acts as records manager for the organisation.</p> <p>Also supplied as evidence is the Office Manager's Job Description. This shows that for one of her main duties, Ms Cunningham is the responsible officer for the RMP and the Information Management Policy</p> <p>The Keeper agrees that an appropriate individual has been identified to take</p>

			operational day-to-day responsibility for records management as required by the Public Records (Scotland) Act 2011.
3. Policy <i>Compulsory element</i>	G	G	<p>HITRANS has submitted its Records Management Policy as evidence under this Element. This is version 1.0 and was approved by the HITRANS Partnership Board on 25 November 2016. The Policy applies to all records, irrespective of format, created and received by HITRANS in the course of carrying out their business. The Policy is used, along with other guidance and supporting policies, to provide HITRANS with a framework for the management of its records.</p> <p>The RMP states that the Records Management Policy will be available on both HITRANS' intranet system and also on its website. The Keeper commends the publication of key information governance documents as an effective way of communicating with its stakeholders. Also supplied as evidence is a screenshot showing the location of the Policy on the HITRANS shared drives showing that staff are also able to access it.</p> <p>HITRANS has also provided its Information Management Policy, version 2.0, approved by the Partnership Director on 23 November 2017.</p> <p>Also submitted as evidence are the ICT Policy, version 2.0 approved on 31 January 2018, and Social Media Policy, approved on 25 November 2016. These policies set out how HITRANS staff should use ICT equipment and systems, email and mobile devices and also how they should use social media.</p> <p>The Keeper agrees that HITRANS has an operational policy statement which outlines its corporate approach to records management and that staff have access to this.</p>
4. Business Classification	G	G	The RMP states that HITRANS have developed and implemented a Business Classification Scheme (BCS) based on their departmental filing hierarchies. The

			<p>combined BCS and retention schedule has been submitted as evidence. This covers the business activities carried out by HITRANS. This is appropriate given the size and complexity of the organisation. The keeper commends the use of a joint BCS/retention schedule as this provides a central point of reference for staff.</p> <p>A screenshot of HITRANS' shared drive structure has been submitted, which shows how that follows the structure of the BCS/retention schedule.</p> <p>The Keeper agrees that HITRANS has an operational BCS/retention schedule which provides the structure for the management of its records and information and determines the retention and disposal actions to be taken against these.</p>
5. Retention schedule	G	G	Please see Element 4 for comments regarding the joint BCS/retention schedule.
6. Destruction Arrangements <i>Compulsory element</i>	G	G	<p>Section 5 of the HITRANS Records Management Policy states that when records are no longer required for business purposes they will be securely destroyed. To this end, HITRANS has outlined how it disposes of records and information at the end of their retention periods:</p> <p><u>Paper (on-site)</u> – The RMP states that HITRANS destroys paper records securely by using on-site shredders which is also used to dispose of optical media such as CDs and DVDs. The RMP also states that HITRANS also engages an external contractor (Northern Recycling) to securely dispose of paper waste. A sample destruction certificate has been provided as evidence of these arrangements.</p> <p><u>Paper (off-site)</u> – The RMP confirms that HITRANS does not store any paper records off-site.</p>

			<p>Electronic – The RMP states that the Office Manager (see Element 2) is responsible for deleting records in accordance with the timescales set out within the BCS/retention schedule.</p> <p>Hardware – The RMP states that the Office Manager is responsible for arranging the secure destruction of hardware. Section 5.4 of the ICT Policy states that all hardware at the end of its life is returned to the Office Manager who then liaises with a specialist contractor to arrange for its secure destruction. The RMP states that destruction certificates for hardware are retained in line with the requirements of the BCS/retention schedule. HITRANS has submitted a sample destruction certificate from the specialist contractor showing that obsolete hardware is securely disposed of.</p> <p>Back-ups – HITRANS uses the Cloud to store its electronic records and, in the event of an issue with the data or access to it, these are can be retrieved for a period of 120 days before being overwritten.</p> <p>The Keeper agrees that there are procedures in place to ensure that HITRANS can securely dispose of all records when required.</p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p>A</p>	<p>G</p>	<p>The RMP states that the arrangements for the archiving of records of enduring value will take place on an ad-hoc basis. The Keeper accepts that HITRANS will probably not need to transfer records selected for permanent preservation to an appropriate archive frequently due to the quantities of records likely to be transferred but he will however need to see evidence that there are arrangements in place with a suitable archive to allow HITRANS to transfer archival records when required.</p> <p>One Future Development action for HITRANS is to liaise with the Council archive services within the area covered by HITRANS. This will allow them to identify a suitable archive enabling them to transfer records selected for</p>

			<p>permanent preservation. Once it has identified an appropriate archive, HITRANS will enter into a formal agreement, such as a Service Level Agreement or Memorandum of Understanding, to set out arrangements for the transfer of records selected for permanent preservation. This is also confirmed in the covering letter from the Partnership Director (see Element 1). The Keeper can accept this but recommends that this is taken forward at soon as possible because negotiations can sometimes take a long time to finalise. The Keeper also requests that he is sent a copy of the formal agreement once it has been concluded.</p> <p>Also in response to the Keeper’s Interim Report, HITRANS has committed to creating an archiving protocol for use by staff when applying the retention schedules to records managed using the shared drive. The Keeper requests that he is sent this protocol once it has been developed and approved.</p> <p>The Keeper can agree this Element on an ‘Improvement Model’ basis. This means that the authority has identified a gap in provision (it has not yet identified, or entered into a formal agreement with, a suitable archive to transfer records selected for permanent preservation and also intends to develop guidance for staff in identifying records for archiving) and has identified how it intends to close this gap. This agreement is dependent upon the Keeper receiving a copy of a formal agreement with an appropriate archive service and any staff guidance developed to assist in the transfer of records to the archive.</p>
<p>8. Information Security <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>The RMP states that HITRANS operates an information security management system in accordance with the international standard ISO 27001. The ICT Policy is based on the standard and therefore provides a framework for ensuring the security of HITRANS’ records and systems.</p> <p>The RMP states that all staff receive information security awareness training.</p>

			<p>HITRANS has submitted the programme for induction of new members of staff. The programme includes training on the BCS/retention schedule, the RMP and associated policies, Data Protection, Freedom of Information requests and information security.</p> <p>The RMP also states that HITRANS staff are reminded of information security issues through the intranet and that samples of these reminders had been submitted as evidence. HITRANS has submitted their Team Meeting Agenda Template. Information security, Data Protection and the RMP appear as standing items on the agenda of these meetings.</p> <p>The Keeper agrees that HITRANS has appropriate information security processes in place to protect its information and systems.</p>
9. Data Protection	G	G	<p>HITRANS is registered as a Data Controller with the Information Commissioner's Office (ICO) (registration number: Z9382377).</p> <p>HITRANS also has a Data Protection Policy which sits on their website. The Policy outlines the authority's commitment to complying with the eight principles of the Data Protection Act 1998 and how it intends to do this. The Keeper commends the publication of the Policy on the HITRANS website as a means of informing its stakeholders of how it protects their personal information. HITRANS has submitted a screenshot showing the availability of information governance policies and procedures. There is also a section on the shared drive relating to Data Protection.</p> <p>The RMP states that the public are made aware of their right to submit a Subject Access Request through the publication of the Data Protection Policy on the website. HITRANS has submitted its Data Protection Policy. This has been recently amended to take account of the requirements of the General Data Protection Regulation (GDPR). It also describes how Data Subjects can access their personal information. The Keeper commends the publication of key corporate documents to</p>

			<p>provide information to stakeholders.</p> <p>The Data Protection Policy states that ‘everyone managing and handling personal data understands that they are contractually responsible for following good data protection practice’. HITRANS has submitted the programme for induction of new members of staff. The programme includes training on the BCS/retention schedule, the RMP and associated policies, Data Protection, Freedom of Information requests and information security.</p> <p>HITRANS have also submitted their Team Meeting Agenda Template. Information security, Data Protection and the RMP appear as standing items on the agenda of these meetings. HITRANS has also provided evidence of General Data Protection Regulation undertaken by the Records Manager.</p> <p>Also submitted as evidence is the ICT Policy which details the procedures in place to protect HITRANS information and systems</p> <p>The Keeper can agree that HITRANS understands its Data Protection obligations and has measures and training in place to protect the personal information that it creates and manages.</p>
10. Business Continuity and Vital Records	G	G	<p>HITRANS has a Business Continuity Plan (BCP), which has been supplied as evidence. This describes the measures in place to ensure that HITRANS can resume its business activities in the event of a disaster.</p> <p>Section 9 of the BCP indicates that HITRANS backs up its electronic folders and files on an external hard drive which is stored off-site in the Office Manager’s fireproof safe.</p> <p>The RMP also describes its back-up procedures for electronic records. HITRANS uses Cloud storage to store its records and, in the event of an issue with the data or</p>

			<p>access to it, these are can be retrieved for a period of 120 days before being overwritten.</p> <p>Page 17 of the BCP advises staff not to destroy any records and to recover any records and preserve them somewhere they can be easily retrieved. All meetings and briefings should be appropriately documented.</p> <p>HITRANS has stated that it considers paper records to be working copies of the electronic master copy. These are routinely securely destroyed in-house by using a shredder.</p> <p>The Keeper agrees that HITRANS has suitable business continuity arrangements in place to allow it to resume the carrying out of its functions in the event of a disaster.</p>
11. Audit trail	G	G	<p>The RMP states that HITRANS records are managed in accordance with the relevant departmental filing hierarchy, the top levels of which are described in the BCS.</p> <p>HITRANS uses shared drives to manage its electronic records and that these are managed in accordance with the structure outlined in the BCS/retention schedule. A screenshot sample of the structure of the shared drive has been submitted as evidence.</p> <p>HITRANS does operate Document Control Procedures for its electronic records and these have been submitted as evidence. The document outlines that staff are not able to alter or edit documents out-with their remit. Access controls are in place across the HITRANS network and staff will have 'read-only' access to network folders out-with their area of responsibility. Key documents such as the minutes of Board meetings, policies and reports are converted to PDF versions once approved. The document also contains a small amount of guidance on document control and version control. The RMP states that all members of staff are required to save</p>

			<p>documents with a name appropriate to the content so that it can be readily located.</p> <p>Paper HR files are mainly held within the HR department of Comhairle nan Eilean Siar (Western Isles Council) which is also covered by the Public Records (Scotland) Act 2011. Those held within HITRANS are locked in a secure cabinet which can only be accessed by the Partnership Director (see Element 1) and the Records Manager (see Element 2). Paper financial records are held by the TECS Finance Department of Highland Council, which already has an agreed RMP governing the management of its records. Procurement is conducted through the Public Contracts Scotland portal, but no paper records are kept.</p> <p>The Keeper agrees that there are procedures in place to allow HITRANS to be able to locate the correct version of records when required.</p>
<p>12. Competency Framework for records management staff</p>	<p>G</p>	<p>G</p>	<p>The RMP states that HITRANS will provide staff with appropriate records management training to ensure that they are aware of their responsibilities. There is also a commitment to providing guidance in the Records Management Policy. HITRANS has submitted the programme for induction of new members of staff. The programme includes training on the BCS/retention schedule, the RMP and associated policies, Data Protection, Freedom of Information requests and information security. HITRANS have also submitted their Team Meeting Agenda Template. Information security, Data Protection and the RMP appear as standing items on the agenda of these meetings.</p> <p>HITRANS has also supplied as evidence the Office Manager’s Job Description. This shows that for one of her main duties, Ms Cunningham is the responsible officer for the RMP and the Information Management Policy. Also submitted is a certificate showing training in the requirements of the Public Records (Scotland) Act 2011 undertaken by the Records Manager. Also provided is the attendees list for events on the Act run by National Records of Scotland showing that the Records Manager was in attendance.</p>

			The Keeper agrees that records management is recognised as being a key part of the jobs of relevant staff and that they are provided with access to appropriate training.
13. Assessment and Review	G	G	<p>The RMP states that records management systems will be subject to regular assessment and review. The Records Management Policy also contains a commitment to maintain its records and record-keeping systems in accordance with current legislation and best practice.</p> <p>The RMP states that records management systems will be reviewed by both the Partnership Director and the Office Manager (see Elements 1 and 2) on a biannual basis. Progress and issues will be reported to the HITRANS Partnership Board. The records management systems in place will be measured against the provisions set out in the RMP.</p> <p>The Keeper agrees that HITRANS has measures in place to ensure that the RMP and supporting policies and procedures are kept up-to-date.</p>
14. Shared Information	G	G	The RMP states that HITRANS does not engage in any information sharing which requires it to enter into any Information Sharing Protocols. The RMP also states that any information shared by HITRANS is characteristically open and non-sensitive and that it is statutorily obliged to publish its strategy. Where required, HITRANS will comply with the reasonable confidentiality requirements of third parties but this is anticipated to be rare.

6. Keeper's Summary

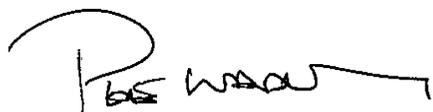
Elements 1-14 that the Keeper considers should be in a public authority records management plan have been properly considered by HITRANS. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of HITRANS.

The Keeper recommends that HITRANS 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,



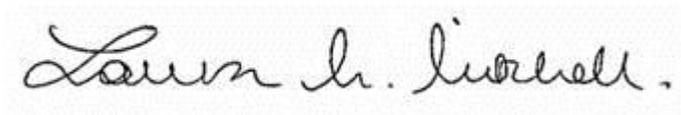
.....
Pete Wadley
Public Records Officer



.....
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 HITRANS. In agreeing this RMP, the Keeper expects HITRANS to fully implement the agreed RMP and meet its obligations under the Act.

A handwritten signature in cursive script, reading "Laura M. Mitchell", is displayed within a light grey rectangular box.

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Laura Mitchell
Deputy Keeper of the Records of Scotland