# National Records of Scotland

**Public Records (Scotland) Act 2011**

**Scottish Enterprise
Assessment Report**

**The Keeper of the Records of Scotland**

**1 May 2015**

**Contents**

# 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 Scottish Enterprise by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 16 December 2014*.*

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

## 3. Authority Background

Scottish Enterprise started operations on 1 April 1991 under the Enterprise and New Towns (Scotland) Act 1990. That act merged the former Scottish Development Agency [SDA], created in 1975 and the Scottish Training Agency to form one integrated body. On 1 April 2008, the skills function of Scottish Enterprise moved out of the organisation to the newly formed Skills Development Scotland. Scottish Enterprise has approximately 1,100 staff and operates from 13 offices and its aim is to stimulate Scotland's economic ambition – creating an innovative, high-wage and highly productive economy with a competitive, international market presence and a focus on high value opportunities.

## 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 Scottish Enterprise'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:**

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| 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. |

## 5. Model Plan Elements: Checklist

| Element | Present | Evidence | Notes |
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| 1. Senior Officer *Compulsory element* | **G** | **G** | Dr Lena Wilson, Chief Executive of Scottish Enterprise (SE), has been named as the officer with senior management responsibility for records management within SE. A letter from the Chief Executive (evidence SE-E001) states that Dr Wilson fully supports the Records Management Plan (RMP) of SE and will ensure that it is complied with.<br><br>Also submitted as evidence is an organisation chart (evidence SE-E045) showing the structure of the Office Services and Corporate Governance department. |

| | | | The Keeper agrees that an appropriate individual has been identified to take strategic responsibility for records management within SE. |
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| 2. Records Manager *Compulsory element* | **G** | **G** | Mandy Bell, Senior Manager, Office Services and Corporate Governance, has been identified as the officer with operational responsibility for records management within SE. This is stated in the letter from the Chief Executive (evidence SE-E001).<br><br>A job description has also been submitted (evidence SE-E002) which shows that Ms Bell has a knowledge of Information Management and associated legislation.<br><br>The Keeper agrees that a suitable person has been identified to take operation responsibility for records management within SE. |
| 3. Policy *Compulsory element* | **G** | **G** | SE has provided their Records Management Policy and Handbook (evidence SE-E003). The Policy sets out SE's corporate approach to records management, who has responsibility for records management within SE and why records management is important.<br><br>The policy statement is supported by a handbook that sets out practical steps that SE staff should follow in complying with the Policy. The handbook provides useful advice to staff on topics such as version control, document naming conventions and email management, amongst others. It looks like a very useful document which can be used by staff as a central point of reference for general good practice records management advice. One very small point is that the page-numbering at the start of the policy is a bit unclear, but this doesn't affect the Keeper's views on the usefulness of the document.<br><br>In addition to the Policy and Handbook, SE has provided examples of staff guidance documents. These detail practical steps for filing paper records (evidence SE-E004), the consistent naming of documents (evidence SE-E005), a quick guide on when to create a record (evidence SE-E006), how to save emails in the appropriate folder |

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| | <td colspan="2" style="background-color:green"></td> | (evidence SE-E007 and E008), and on managing records (evidence SE-E010).<br><br>The Keeper agrees that SE has set out its corporate approach to records management and that this is supported by practical guidance which staff can easily follow. |
| 4. Business Classification | **A** | **A** | **SE is currently in the process of developing a business classification scheme. A draft business classification scheme has been submitted (evidence SE-E010), but this has not yet been finalised or approved and is therefore not operational. The Keeper notes that the draft takes the form of a functional scheme which is currently recognised as best practice. The Keeper also notes that in the letter from the Chief Executive (evidence SE-E001) there is evidence of a commitment to undertake this work.**<br><br>**SE have also submitted an ICT Update (evidence SE-E046) and IS Strategy (evidence SE-E047) which show that their IT systems will be changing and SharePoint will be implemented. The RMP commits SE to informing the Keeper of progress in this major project.**<br><br>**Until the business classification has been implemented SE will continue to manage its records using the practical guidance set out in the Handbook. These include records stored on shared drives, specific databases/systems or paper records.**<br><br>**The fileplan of the procurement team has been submitted (evidence SE-E011) showing that the relevant records have been identified for that business area.**<br><br>**Naming and Organising Electronic Folders (evidence SE-E012) describes how to organise folders and files on a shared drive.**<br><br>**Managing Documents – Tips (evidence SE-E035) provides general good** |

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| | | | **practice records management to SE staff. This guidance document seems to duplicate evidence item SE-E009.**<br><br>**SE have included a statement in the RMP which states that no functions of SE are contracted out to a third party. When this does occur the details will be recorded on SE's Customer Relationships Management (CRM) database.**<br><br>**The Keeper can agree this element on an 'improvement model' basis. This means that he is convinced of SE's commitment to close the gap in provision in this area. He requests that he kept informed as progress is made.** |
| 5. Retention schedule | **G** | **G** | SE has provided their retention schedule (evidence SE-E013). This has been developed and approved by the business units within SE and applies to both electronic and hard copy records. The Keeper commends the approach of enabling business areas to contribute to the development of the schedule which will encourage buy-in from staff. The document control sheet shows that it is due for review in June 2015.<br><br>The schedule includes links to records management guidance which is available on SE's Intranet, which provides staff with assistance on, for example, 'What to keep as a record' or 'Creating new files'.<br><br>Changes to the schedule are communicated to staff via an email distribution system (evidence SE-E014) which is controlled by a document entitled Information Management Schedule of Communications (evidence SE-E044).<br><br>The Keeper agrees that SE has properly considered the retention requirements of the records it creates and holds. |
| 6. Destruction Arrangements | **G** | **A** | **SE has outlined its destruction arrangements for the following:** |

| Compulsory element | | | Paper – SE has provided details of how it disposes of paper records at the end of their lifecycle. The records management Handbook (evidence SE-E003) sets out the practical procedures to be followed by staff when disposing of paper records held onsite and at their offsite storage facility. Also provided as evidence are destruction certificates (evidence SE-E015-17) that show that the abovementioned procedures are being followed and that a list of destroyed records is also maintained. SE has also provided information on its ongoing weeding processes to dispose of unnecessary documents.<br><br>Electronic – The destruction practices outlined in the records management Handbook are also applicable to electronic records. SE have submitted an ICT Update dated Dec 2014 and IS Strategy from 2013  (evidence SE-E046 and 47) showing that IT change within the organisation is part of SE's long term electronic strategy. The RMP states that the implementation of an EDRMS will allow SE to better control the destruction of electronic records. The Keeper requests sight of the procedures that will allow staff to systematically destroy electronic records once the EDRMS has been implemented.<br><br>Back-Ups<br>SE have submitted details of the procedures in place for backing up electronic records (evidence SE-E052).<br><br>Hardware – As outlined in the Information Security Operational Standard for the Secure Disposal of Hardware (evidence SE-E018) SE's Information Services provider is responsible for the secure destruction of hardware, such as CDs, DVDs and floppy discs and this is undertaken in-house. PCs, laptops, and servers are sent to a third party service provider for secure destruction. Servers containing confidential information and other mobile data carrying devices are purged of data before being sent to the contractor for secure destruction. It also sets out the roles and responsibilities for the secure |
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| | | | **destruction of hardware and also the standards required for a commercial company to be able to undertake this work. SE have submitted documents (evidence SE-E048-51 and 53) which outline the destruction procedures in place for the secure destruction of hardware.**<br><br>**The Keeper can agree this element on the basis that once the project to implement the EDRMS has been completed he is provided with the procedures that will allow staff to systematically destroy electronic records.** |
| 7. Archiving and Transfer *Compulsory element* | **G** | **A** | **SE outlines on page 18 of the records management Handbook (evidence SE-E003) their arrangements for transferring records selected for permanent preservation to an appropriate archive.**<br><br>**Also submitted as evidence is a contract with a commercial storage company (evidence SE-E019) for the long-term storage of paper records. SE has submitted correspondence between itself and client managers at the National Records of Scotland (NRS) regarding the development of a Memorandum of Understanding to set out the transfer arrangements for records selected for permanent preservation (evidence SE-E054).**<br><br>**The Keeper can agree that discussions are currently taking place with the relevant staff at NRS to develop a MoU to formalise transfer arrangements for records selected for permanent preservation. He requests a copy of the MoU once it has been finalised.** |
| 8. Information Security *Compulsory element* | **G** | **G** | SE endeavours to comply with International Standard ISO27001 on Information Security. To this end it has submitted its Information Security Policy (evidence SE-E022). The policy sets out the standards of behaviour required by SE staff in order to protect the information it creates/holds.<br><br>Also submitted as evidence is SE's Information Classification and Handling Policy |

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| | | | (evidence SE-E021) which details the different levels of security afforded to the different types of information used by SE. This useful document sets out the actions to be taken in different scenarios. The Keeper commends the use of this practical tool.<br><br>Staff are routinely alerted to changes of practice or potential issues by bulletins (evidence SE-E023) and there are regular bulletins issued as part of the Information Management Schedule of Communications (evidence SE-E044). Just to point out that the number of the latter piece of evidence is omitted from the list provided in the RMP. This will not affect the Keepers agreement for this element.<br><br>Underpinning the above policies and procedures is the compulsory training undertaken by SE staff. This information security awareness training is provided by the UK Government through SE's i-Learn platform. There are 3 different levels of training depending on staff's responsibility for information management.<br><br>The Keeper agrees that SE have robust policies and procedures in place to protect their information from unauthorised access and misuse and commends the commitment to staff training in this area. |
| 9. Data Protection | G | G | SE is registered as a Data Controller by the Information Commissioner's Office. Their registration number is Z4606732.<br><br>SE also has a Data Protection Policy (evidence SE-E024) which sets out the roles and responsibilities of staff, the scope of the policy and highlights the importance of a high-level consistent corporate approach to protecting personal information. This is supported by a Supplementary Guidance document (evidence SE-E025). Also submitted was the Data Protection Subject Access Procedure (evidence SE-E026) which provides staff with guidance on how to deal with Subject Access Requests.<br><br>SE have also submitted a suite of policy and procedural documents indicating how |

| | | | SE ensures that personal information is protected in various scenarios. These include; a Mobile IT Equipment Policy (evidence SE-E027) outlining the procedures in place for remote working, an Internet and Email Policy (evidence SE-E028) setting out SE's expectations for staff use of email and the internet, and a Using Removable Storage Devices Policy (evidence SE-E029). |
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| | | | SE has also built data processing into its procurement processes when purchasing goods and services (evidence SE-E030). The Keeper commends this proactive approach. |
| | | | SE has also outlined its legal approach to Data Sharing (evidence SE-E031). SE currently doesn't plan to share personal data with a third party but if that situation changed its lawyers would create a data sharing agreement based on the Data Protection Act and guidance from the Information Commissioner's Office. |
| | | | The Keeper agrees that there are robust policies and procedures in place to protect personal information. |
| 10. Business Continuity and Vital Records | G | G | SE has provided a statement to the effect that they have identified vital records as part of their business continuity procedures to ensure that they can resume normal business activities in the event of an interruption in service. This is outlined in their Resilience Management Plan. As this is a confidential internal document SE has not provided this as evidence. This is outlined in the letter from the Chief Executive (evidence SE-E001). |
| | | | The Keeper accepts that suitable business continuity procedures are in place and that it is appropriate that SE does not wish to divulge confidential business information. |
| 11. Audit trail | G | G | SE has provided details of the audit trail provisions that are in place. The RMP states that IT systems and databases have audit logs built in to show changes to |

| | | | records. As evidence, SE has submitted a sample of the Procurement File Plan (evidence SE-E011) showing that this functionality is in place.

The RMP also states that current paper records are managed on site by the relevant business teams by adhering to the procedures, including version control, set out in the Records Management Handbook (evidence SE-E003) and in the Document Naming Conventions policy (evidence SE-E005).

The procedures for sending and requesting semi-current records from commercial off-site storage have also been outlined in evidence documents SE-E032-34b.

The Keeper agrees that appropriate measures are in place to ensure that the correct versions of records can be located as and when required. |
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| 12. Competency Framework for records management staff | **G** | **G** | SE has submitted several job descriptions covering those staff with records management responsibility.

Evidence SE-E002 outlines the responsibilities of the individual named in Element 2 in terms of information management.

The job descriptions for the Senior Information Management Executive (evidence SE-E036) and a Senior Information Management Administrator (evidence SE-E037) have also been provided. The Keeper appreciates having sight of the job descriptions of the members of the Information Management Team.

All SE staff are required to undergo mandatory online Information Security and Data Protection training before they are permitted to access IT systems. The Keeper commends this commitment to staff training.

The Keeper agrees that records and information management are formally included in the roles and responsibilities of relevant staff. |

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| 13. Assessment and Review | **G** | **G** | SE has set out its plans for ensuring that the RMP is kept up-to-date.<br><br>The Information Management Team monitors policies and procedures on a monthly basis and compliance with the RMP is monitored using the RMP Compliance Review document (evidence SE-E055). An annual review of the RMP will take place on an annual basis and be carried out by the Information Management Team, the Business Security Forum and the Executive Director of People Services.<br><br>Also submitted is an extract from the Internal Audit Key Controls Work Programme 2014-2015 (evidence SE-E056) which shows that SE have involved their internal auditors in monitoring compliance with records management procedures. The Keeper commends this commitment to self-regulation.<br><br>The Business Security Forum has a remit for supporting the information governance policies and procedures produced by the Information Management Team and for producing their own where relevant to information management. They are also responsible for monitoring projects that may impact upon the RMP. They report on a quarterly basis to the Executive Director of People Services.<br><br>The Executive Director of People Services, on behalf of the Executive Leadership Team, is responsible for reviewing the RMP and associated strategies and policies on an annual basis.<br><br>The Keeper agrees that there are appropriate mechanisms in place to ensure that the RMP and associated policies and procedures are kept updated and fit for purpose. |
| 14. Shared Information | **G** | **G** | SE has outlined its procedures for sharing information under Element 9. SE currently doesn't plan to share personal data with a third party but if that situation changed its lawyers would create a data sharing agreement based on the Data Protection Act and guidance from the Information Commissioner's Office. |

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| | | | SE monitors the sharing of information between business units. |
| | | | Contractors who are permitted to use SE systems must abide by the appropriate policies and procedures |
| | | | SE has built in clauses to its procurement processes in order to ensure that the requirements around data processing are recognised and adhered to. |
| | | | The Keeper agrees that although SE currently does not share information with a third party it would appear to have suitable safeguards in place to protect information should sharing be necessary. |

## 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 Scottish Enterprise. 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 Scottish Enterprise.

The Keeper recommends that Scottish Enterprise should publish its agreed RMP as an example of good practice within the authority and the sector.

Assessment Report

This report follows the Keeper's assessment carried out by,

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**Pete Wadley**                   **Robert Fotheringham**
Public Records Officer           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 Scottish Enterprise. In agreeing this RMP, the Keeper expects Scottish Enterprise to fully implement the agreed RMP and meet its obligations under the Act.

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