

Public Records (Scotland) Act 2011

Aberdeen City Council Assessment Report

The Keeper of the Records of Scotland

28 January 2015

Contents

1. Public Records (Scotland) Act 2011 3
2. Executive Summary 4
3. Authority Background 4
4. Assessment Process 5
5. Model Plan Elements: Checklist 6
6. Keeper's Summary 19
7. Keeper's Determination X
8. Keeper's Endorsement X

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 **Aberdeen City Council** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on **5th December 2014**.

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

3. Authority Background

Description of Authority: Aberdeen is locally governed by the Aberdeen City Council, which comprises forty-three councillors who represent the city's wards and is headed by the Lord Provost. The council was created in 1996, under the Local Government etc. (Scotland) Act 1994. However, Aberdeen as a city, with its own city council, can be traced back to 1900, when the county of "City of Aberdeen" was created.

In 1975, under the Local Government (Scotland) Act 1973, the county of the city was combined with Bucksburn, Dyce, Newhills, Old Machar, Peterculter and the Stoneywood areas of the county of Aberdeen and the Nigg area of the county of Kincardine (including Cove Bay) to form 'Aberdeen District' of Grampian Region. This district became the now existing unitary council area in 1996.

On 9 May 1995 by resolution under section 23 of the Local Government (Scotland) Act 1973 the City of Aberdeen Council changed the name of the local government area of "City of Aberdeen" to "Aberdeen City".

Aberdeen City Council's activities are organised into six Directorates supported by eighteen Heads of Service.

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 Aberdeen City Council'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.
----------	--	--	----------	--	--	----------	--

5. Model Plan Elements: Checklist

Aberdeen City Council (Referred to in the Assessment below as 'The Council')

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	G	G	<p>The Council have identified Paul Fleming, Head of Service for IT, Customer Service and Performance and Senior Information Risk Officer (SIRO) as the individual with overall responsibility for records management in the authority. Mr Fleming is identified in the RMP as 'one of the Council's Chief Officers'.</p> <p>This has been confirmed by a covering letter from Mr Fleming dated 5th December 2014 (evidence 2), by the foreword to the RMP and by a report presented to The Council's Corporate Management Team on 4th December 2014. This report was authored by the Records Manager (see element 2) and has been provided to the Keeper as evidence 3.</p> <p>This report explains the reporting structure and operational responsibilities of records management. The minutes of the CMT meeting endorsing the Report have been provided as evidence 63.</p> <p>In a covering letter, Mr Fleming endorses the RMP. As SIRO, Mr Fleming is responsible for 'progressing and developing the appropriate governance and assurance mechanisms' to support the RMP. He will do this with the support of the Domain Officers (see Domains under General Comments below) who report to him.</p>

			The Keeper agrees that the SIRO is an appropriate individual to undertake this role.
2. Records Manager <i>Compulsory element</i>	G	G	<p>The Council have identified Caroline Anderson, Records Manager, as the individual with responsibility for implementing the submitted RMP.</p> <p>This is confirmed by a covering letter from Paul Fleming (see element 1), dated 5th December 2014.</p> <p>Ms Anderson’s job profile has been provided as evidence 4. It specifically mentions responsibilities under PRSA.</p> <p>Ms Anderson is the author of several key documents such as the <i>Corporate Information Management Strategy</i>, the <i>Information and Records Lifecycle Management Policy</i>, <i>Corporate Policy Information Asset Register</i> and the <i>Corporate Policy Records Management</i>.</p> <p>Ms Anderson is also the author of the report to The Council’s Corporate Management Team mentioned in element 1 above.</p> <p>The above provides evidence that Ms Anderson has a detailed understanding of the records management provision in The Council.</p> <p>The Keeper agrees that the Records Manager is an appropriate individual to undertake this role.</p>
3. Policy <i>Compulsory element</i>	G	G	Aberdeen City Council has provided the Keeper with a link to their <i>Information Management Strategy</i> . This is version 3 dated 2010 but regularly reviewed thereafter. The next review date is 2019. Ms Anderson (see element 2) is the author of this strategy.

			<p>The <i>Information Management Strategy</i> is available to the public on-line at: http://www.aberdeencity.gov.uk/council_government/dp_foi/freedom_information/policies_and_procedures.asp</p> <p>The Keeper commends the publication of this document.</p> <p>The Strategy contains an action plan, but in its introduction it provides a detailed explanation of the purposes of records management and the processes that The Council will introduce to support robust records management provision, with headings such as ‘Leadership’, ‘Compliance’ and ‘Training’.</p> <p>The Strategy is supported by the <i>Information & Records Lifecycle Management</i> document available to the public from the same web-page.</p> <p>The Keeper agrees that Aberdeen City Council has an approved and operational Records Management Policy as required by the Act and that it is available to all appropriate staff in the authority.</p>
4. Business Classification	A	G	<p>The Council has a full <i>Business Classification Scheme</i> published on its website at http://www.aberdeencity.gov.uk/council_government/dp_foi/freedom_information/dp_a_infron_FOI.asp both as PDF and as Excel. The Keeper commends the publication of this document.</p> <p>However, The council are clear in their RMP that this classification is still to be fully rolled out across the service areas of the authority (see <i>Improvement Programme under General Comments below</i>). The improvement programme is confirmed by the Covering Letter, dated 5th December 2014, from the officer named at element 1. The RMP states, under element 2, that: ‘...the next phase of Information and Records Lifecycle Management project work to pilot, test and refine the</p>

			<p>implementation of our corporate Business Classification Scheme..'</p> <p>In the next two years metadata standards will be built into the <i>Business Classification Scheme</i>.</p> <p>Samples from Corporate Governance have been provided (evidence 10) to demonstrate how the Scheme will appear when rolled out.</p> <p>Below the level of corporate/business functions it is intended that the scheme will be populated by local service areas. The Keeper commends the involvement of local teams in this project as likely to create a stronger business tool.</p> <p>Aberdeen City Council holds records in paper and electronic format. It does not operate an EDRM.</p> <p>The <i>Scheme</i> is arranged in a functional system. This arrangement must remain a business decision for the Council, but the Keeper would like to acknowledge that a functional system is currently considered 'best practice'.</p> <p>The <i>Business Classification Scheme</i> is supported by a <i>Business Classification Scheme Policy</i> available at http://committees.aberdeencity.gov.uk/documents/s42671/Appendix%202.pdf</p> <p>The Council contracts some functions out to third parties (see <i>Third Parties</i> under <i>General Comments</i> below).</p> <p>The Keeper agrees this element under Improvement Model terms. This means that he acknowledges that the authority have identified a gap in provision and have committed to a plan to close that gap. He requests that he is updated as the project progresses.</p>
--	--	--	---

<p>5. Retention schedule</p>	<p>A</p>	<p>G</p>	<p>The Council have a full <i>Retention Schedule</i> that matches the functions described in the Business Classification Scheme. It is published on The Council website at http://www.aberdeencity.gov.uk/council_government/dp_foi/freedom_information/dp_a_infron_FOI.asp both as PDF and as Excel. The Keeper commends the publication of this document.</p> <p>However, The council are clear in their RMP that the retention schedule is still to be fully rolled out corporately across the service areas of the authority (see element 4) (see <i>Improvement Programme</i> under General Comments below). The improvement programme is confirmed by the Covering Letter, dated 5th December 2014, from the officer named at element 1. The responsibility for the corporate rollout is explained under element 2.</p> <p>The Retention Schedule is supported by a Records Retention and Disposal Schedule Policy available at http://committees.aberdeencity.gov.uk/documents/s42672/Appendix%203.pdf</p> <p>The Keeper agrees this element of The Council’s RMP under Improvement Model terms. This means that he is convinced that the Council intends to roll out the published <i>Retention Schedule</i> as part of its Improvement Programme. He requests that he is updated as the project progresses.</p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>The RMP states (in their staff records management guidance document – evidence 12) “There are a number of methods in place across the Council for staff to ensure the appropriate destruction of all records in all formats.”</p> <p>The Council have provided the Keeper with an explanation of how they irretrievably and securely destroy:</p>

	G	G	<p>Paper: The Council have a contract with external document shredding organisation (Shred-It) and operate internal secure shredding using corporate confidential waste bins/sacks. The process of destruction and quality of shredding is explained in the RMP. A contract for this work has been provided as evidence (evidence 11).</p> <p>Electronic: The Keeper has been provided with guidance <i>Managing our Records: Corporate Practice & Procedures</i>, dated 2013 (evidence 12) which details the importance of managing the retention and disposal of electronic records (section 5 and 6) and provides instruction to staff how this management should be implemented. The same document also explains The Councils position on the management of e-mail.</p> <p>Hardware: The Council uses an external company (Computer Recycling Services) to recycle all hardware. A waste transfer receipt has been provided as evidence that these arrangements are in operation (evidence 15).</p> <p>Back-Ups: The Council backs-up its records for business continuity purposes. A schedule from the contractor carrying out this service (ATOS) has been provided as evidence 18. This makes clear that back-ups are retained for 3 months.</p> <p>The Keeper agrees that Aberdeen City Council has processes in place to irretrievably destroy their records when appropriate.</p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	G	G	<p>Aberdeen City Council transfer records to its own archive centre for permanent preservation. http://www.aberdeencity.gov.uk/education_learning/local_history/archives/loc_archiveshomepage.asp</p> <p>The Keeper has been provided with a link to the Corporate Archival Transfer and</p>

			<p>Acquisition Policy Council (dated December 2014) as evidence that proper arrangements are in place (http://committees.aberdeencity.gov.uk/documents/s42779/2014-11%20V0%201%20Archival%20Transfer%20and%20Aquisition%20Policy%203.pdf).</p> <p>The Keeper agrees that Aberdeen City Council has proper arrangements in place for the archiving of its records as required by the Act.</p>
<p>8. Information Security <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>Aberdeen City Council has a <i>Management of Information Security Policy</i> issued by Corporate Governance and originating from The Council's Information Security Officer. The Keeper has been provided with version 10 dated 30th September 2014 marked 'Final'.</p> <p>It is available publically at: http://committees.aberdeencity.gov.uk/documents/s40901/Management%20of%20Information%20Security%20Policy%20Document.pdf</p> <p>It is described as being 'The Council's main management policy for ensuring effective and efficient Information Security throughout the Council and interaction with partners'. The submitted RMP explains a further suit of documents, such as <i>Security Breach Reporting Procedures</i> and <i>Good Practice ICT Guidance</i> which support this policy. The Keeper has been provided with the <i>ICT Acceptable Use Policy</i> both for staff (evidence 20) and for elected members (evidence 21).</p> <p>The document provides a good explanation of the need for Information Security (at 1.1.2 and 1.6.1) for the protection of a Council 'asset'.</p> <p>The <i>Management of Information Security Policy</i> states that 'Information is fundamental to the Council satisfying its corporate governance and legal obligations,</p>

			<p>the successful operation of its business processes and the delivery of its public services.” The Keeper welcomes this acknowledgement.</p> <p>Paul Fleming (see element 1) is The Council’s SIRO.</p> <p>The <i>Policy</i> is designed to meet appropriate industry standards.</p> <p>The Keeper agrees that Aberdeen City Council has an approved and operational information security policy as required by the Act.</p>
9. Data Protection	G	G	<p>The Council has a Corporate Data Protection Policy which has been supplied to the Keeper. This is version 2, dated 2012 (evidence 33).</p> <p>Subject Access procedure is made available to the public on The Council’s website at http://www.aberdeencity.gov.uk/council_government/dp_foi/freedom_information/dp_a_infron_FOI.asp</p> <p>The Council is registered with the Information Commissioner: Registration Number: Z5018566</p> <p>The Keeper agrees The Council properly considers its responsibilities under the Data Protection Act 1998.</p>
10. Business Continuity and Vital Records	G	G	<p>The Council has a Business Continuity Policy which has been supplied to the Keeper. This is the version dated April 2014 (evidence 55).</p> <p>The RMP states that the management of records under this policy may well change as ‘The Council is currently conducting a test and review phase of work’ The</p>

			<p>Keeper requests that he is kept abreast of any changes to this element that result from this review.</p> <p>Arrangements for the continuity back-up of records are explained in a schedule from the contractor carrying out this service (ATOS) (evidence 18).</p> <p>Business Continuity and Disaster Management is one of the ‘Domains’ of the Information Management Strategy Framework (see <i>Domains under General Comments below</i>).</p> <p>The Council have provided a link to their <i>Corporate Policy - Information Asset Register</i> version 1 authored by Caroline Anderson in October 2014. This policy introduces the idea of using an information asset register to identify ‘high risk Information Assets’ to support business continuity and disaster recovery. This register will be created by local service area ‘information asset administrators. The Keeper commends the local involvement in creating records management tools.</p> <p>The Keeper agrees that Aberdeen City Council have an approved and operational Business Continuity policy and that Information Management and records recovery properly feature in the council’s plans.</p>
11. Audit trail	G	G	<p>The submitted RMP explains the procedures in place to track hard-copy records and sample logs and a sample register have been provided as evidence that these procedures are in operation (evidence 57 -59).</p> <p>Staff guidance on naming conventions and version control of electronic records has been supplied as part of the <i>Managing Our Records: Corporate Practice & Procedures</i> document (evidence 12).</p> <p>If the improvements programme (see <i>Improvement Programme under General</i></p>

			<p>Comments below) results in changes to the record tracking procedures in The council, please inform the Keeper of these changes.</p> <p>The Keeper agrees the Aberdeen City Council has procedures in place that will allow them to locate their records and assure themselves that the located record is the correct version.</p>
12. Competency Framework for records management staff	G	G	<p>The Council have provided the job profile of the Records Manager (see element 2) which states that the post holder will “Provide a lead in the development, monitoring and implementation of the corporate Records Management Plan and Information Management Strategy”</p> <p>Culture, Training & Communications is one of the information management ‘Domains’ (see <i>Domains</i> under General Comments below).</p> <p>Under element 3 The Council give an example of information management training: a recent externally hosted workshop.</p> <p>The Keeper agrees that the individual who will carry the responsibility for having day-to-day responsibility for implementing the RMP will have appropriate skills for the role. Furthermore, the Keeper acknowledges that Aberdeen City Council considers records management training for appropriate staff.</p>
13. Assessment and Review	G	G	<p>It is a requirement of the Public Records (Scotland) Act 2011 that “An authority must— (a) keep its records management plan under review” (PRSA Part 1 5.1.a.)</p> <p>The RMP will be reviewed in 2015 by The Council’s Internal Audit as a follow up from a baseline assessment created in 2014 (and supplied as evidence).</p>

			<p>Responsibility for the review falls to the SIRO (see element 1) who reports to the Corporate Management Team quarterly.</p> <p>The <i>Management of Information Security Policy</i> (see element 8) is to be reviewed annually. As with all policy documents, the Keeper requests that he is provided with updated versions (issue 11?) in order that he may keep The Council's submission up-to-date.</p> <p><i>Corporate Policy Information Asset Register</i> is due for review in November 2015.</p> <p>The Keeper agrees that Aberdeen City Council have made a firm commitment to review their RMP as required by the Act and have explained who will carry out this review and by what methodology.</p>
14. Shared Information	G	G	<p>The Council has provided the Keeper with guidance of how staff create information sharing protocols when embarking on data sharing projects and have supplied a sample showing a data sharing agreement between the Council and the Police and NHS. The sample shows evidence of the consideration of records governance.</p> <p>The Keeper can agree that Aberdeen City Council properly considers records governance when undertaking information sharing programmes.</p>

Aberdeen City Council
(Referred to in the Assessment below as 'The Council')

General Comments

Version

This Assessment is based on the RMP submitted to the Keeper on 23th January 2015 (dated January 2015). There is no version number or author indicated.

The RMP is accompanied by a Covering Letter, dated 5th December 2014, from Paul Fleming Head of IT, Customer Service and Performance at The Council (**see element 1**). In this letter Mr Fleming endorses the RMP.

The letter is repeated in the Foreword of the RMP itself. This will be useful when the RMP is published.

The RMP recognises information as an asset. There is a statement, under element 1, indicating that the RMP supports The Council's 5 year corporate plan: http://www.aberdeencity.gov.uk/NextFiveYears/nfy_home.asp

Under element 1, the RMP provides a good explanation of the purpose of robust records management. The Keeper welcomes this explanation.

The RMP is based on the Keeper's, 14 element, Model Plan <http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources/model-records-management-plan>.

This RMP is not the formal submission from Aberdeen City Licensing Board.

Domains

Information Management in The Council is divided into 7 'domains' each the responsibility of manager. The Records Manager (**see element 2**). Takes lead on the 'Information & Records Lifecycle Management' domain. This is explained in the RMP under element 3. Each domain area within the Information Management Strategy will align to the governance and reporting structure led by the SIRO (**see element 1**).

Under element 3 The Council gives an example of these Domains working jointly: Information and Records Lifecycle Management and Physical Technical Systems Management developing guidance around 'Migrating and Transferring electronic records from one system to another'. Once created, the guidance will be rolled out by a third domain, Culture Communication and Training. **As well as being a good example of cross domain working the Keeper would be interested in seeing these guidelines when appropriate, as they would seem to refer to a sector-wide records management issue.**

Third Parties

As a Local Authority, Aberdeen City Council contracts out some of its functions to third parties, such as charities or ALEOs. The Act makes it clear that records created by these third parties when carrying out these functions are subject to the Act. It is the responsibility of the scheduled authority (the Council) to ensure that procedures are in place to satisfy themselves that third parties are carrying out records management appropriately.

The RMP gives the following commitment under element 3:

“The Information & Records Lifecycle Management Policy comprises the Council's Policy Statement on Records Management, which covers the records created and managed by third parties, where third parties carry out functions on behalf of the Council. In practice, ensuring appropriate records management practice in such cases will be managed through contractual agreement. Going forward, under the corporate Information Management Strategy Improvement Programme, the Council will drive implementation of the appropriate contractual agreement, and on-going contract management through the Risk and Governance domain, which will allow all key stakeholders to work together to reach maturity in this area of information management practice through the SIRO governance and reporting mechanisms.”

The Keeper welcomes this commitment and asks the Aberdeen City Council provide him with a sample of the contractual clauses used (redacted if necessary) when these are in place. This will allow the Keeper to keep the Council's submission up-to-date.

Improvement Programme

Several documents mention that The Council is rolling out an improvement programme to impose the *Business Classification Scheme* (see element 4) and *Retention Schedule* (see element 5) on its separate service areas. This project is explained in the *Information Management Strategy* which is a published document. The Keeper can therefore have confidence that Aberdeen City Council has committed to this programme of work and he is happy to agree this RMP on that basis. **The Keeper would like to be kept informed of the progress of this project.**

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 Aberdeen City Council. 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 **Aberdeen City Council**.

- The Keeper recommends that Aberdeen City Council 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 Aberdeen City Council. In agreeing this RMP, the Keeper expects Aberdeen City Council to fully implement the agreed RMP and meet its obligations under the Act.



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