

Public Records (Scotland) Act 2011

**Clackmannanshire Council and
Clackmannanshire Licensing Board**

The Keeper of the Records of Scotland

12th June 2017

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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 Clackmannanshire Council and Clackmannanshire Licensing Board by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 2nd December 2016.

The assessment considered whether the RMP of Clackmannanshire Council and Clackmannanshire Licensing Board 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 Clackmannanshire Council and Clackmannanshire Licensing Board complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

The County of Clackmannan is one of Scotland's 33 historic local government counties, bordering on Perthshire, Kinross-shire, Stirlingshire and Fife. The county town was originally Clackmannan, but by 1822 neighbouring Alloa had outgrown Clackmannan and replaced it as the county town. Some rationalisation of the county boundaries was undertaken in 1889-1890, and in 1971 the Muckhart and Glendevon areas, formerly in Perthshire, were transferred to Clackmannanshire.

In 1975, under the Local Government (Scotland) Act 1973, the 33 historic counties lost their administrative status, and a new hierarchy of regions and districts was created. Clackmannanshire became part of the Central Region, under the name Clackmannan District, together with Stirling District and Falkirk District. The historic name was restored in 1996, under the Local Government etc. (Scotland) Act 1994.

In terms of population, Clackmannanshire is the smallest council area in mainland Scotland.

<http://www.clacksweb.org.uk/>

The Clackmannanshire Licensing Board is established under the Licensing (Scotland) Act 2005 and deals with the administration of liquor licensing and certain other statutory duties. It comprises eight members, who are elected members of Clackmannanshire Council and are appointed to the Board by the Council.

<http://www.clacksweb.org.uk/regulation/licensingboard/>

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 [named public authority]'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

Clackmannanshire Council and Clackmannanshire Licensing Board (For simplicity, both these authorities are described as ‘the Council’ in the assessment below)

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	G	G	<p>Clackmannanshire Council have identified Stephen Coulter, Head of Resources and Governance, as the individual with overall responsibility for records management in the authority.</p> <p>The Head of Resources and Governance is the Council’s SIRO.</p> <p>Clackmannanshire Licensing Board have identified Andrew G Wyse, Clerk to the Board, as the individual with overall responsibility for records management in that authority.</p> <p>These appointments are confirmed by a letter of delegation from Elaine McPherson, Chief Executive, supplied to the Keeper and by a similar letter from Mr Wyse. Mr Coulter’s role is confirmed in the <i>Records Management Policy (see Element 3)</i> at section 8.1.</p> <p>Mr Coulter approved the <i>Records Management Plan (The Plan)</i> on 24th November 2016.</p>

			<p>Mr Coulter is the document owner of the <i>Records Management Policy</i> (see Element 3), the <i>Destruction Arrangements Policy</i>, <i>Email Retention Policy</i> (for both see Element 6), <i>The Archives Collection and Archival Policy</i> (see Element 7) and the draft <i>Records Management Competency Framework</i> (see Element 12).</p> <p>The Keeper agrees that Clackmannanshire Council and Clackmannanshire Licensing Board have identified appropriate individuals to these roles as required by the Act.</p>
<p>2. Records Manager <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>Clackmannanshire Council and Clackmannanshire Licensing Board have identified John Munro, ICT Services Manager, as the individual with day-to-day responsibility for implementing the <i>Plan</i>.</p> <p>This appointment is confirmed by letters from Elaine McPherson, Chief Executive, and from Mr Wyse (see Element 1) and by a minute of the Council’s Corporate Management Team.</p> <p>The Keeper notes that Mr Munro’s role in the Council’s records management structure may change in the future. The Keeper requests he is updated if there is any change in this Element (such as the appointment of a dedicated ‘Records Management Officer’). Please note that a change of identified individual will not invalidate the agreed plan, provided that the new appointee has similar skills and responsibilities to the current post-holder.</p> <p>Mr Munro’s role in the creation and implementation of the <i>Plan</i> is confirmed by his annual objectives (see Element 12).</p> <p>Mr Munro is the author of the <i>Plan</i>, the <i>Email Retention Policy</i> (see Element 6) and the draft <i>Records Management Competency Framework</i> (see Element 12).</p>

			<p>Mr. Munro is the document owner of, among other critical policies, the <i>ICT Security Standards</i>, the <i>Internet Acceptable Use Standard</i>, the <i>End User Acceptable Use Standard</i>, the <i>Email Acceptable Use Standard</i>, the <i>Network Security Standard</i>, the <i>Account Management Standard</i>, the <i>Disposal of ICT Equipment Standard</i>, the <i>External 3rd Party Access Standard</i> and the <i>Acquisition, licensing and Use of Software</i> (see Element 8).</p> <p>Mr Munro sits on the Records Management Working Group (see Element 13), the Senior Management Forum and the Resource and Governance Senior Management team. He reports to the Head of Resources and Governance (see Element 1).</p> <p>The Keeper agrees that Clackmannanshire Council and Clackmannanshire Licensing Board have identified an appropriate individual to this role as required by the Act.</p>
<p>3. Policy <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>Clackmannanshire Council has a <i>Records Management Policy</i> which has been provided to the Keeper. This is version 1.0 'owned' by Stephen Coulter (see Element 1). Minutes of a Council meeting (24th September 2009) approving the adoption of the <i>Policy</i> have been provided.</p> <p>A screen-shot has been provided of the Council's intranet 'Connect' as evidence that staff have access to this and other information governance policies.</p> <p>The <i>Records Management Policy</i> is endorsed by a letter from Elaine McPherson, Chief Executive, supplied to the Keeper.</p> <p>The <i>Policy</i> specifically mentions the Public Records (Scotland) Act 2011 (section 1.3).</p> <p>The Keeper has been provided with a <i>Report to the Corporate Management Team</i></p>

			<p>in the Council showing that they have been made aware of the content, purpose and importance of the <i>Records Management Policy</i>. The Keeper thanks the Council for including this document as evidence that information governance issues are considered at the highest levels in the authority (see also Elements 4, 5 and 6).</p> <p>The Council has also provided their Information Strategy (Appendix 13) and Governance Strategy (Appendix 14). Although these documents are dated 2012 and 2011-2014 respectively, the Council has confirmed that they are the current versions of both documents as referred to in the records Management Policy.</p> <p>The Keeper agrees that Clackmannanshire Council and Clackmannanshire Licensing Board have a records management policy statement as required by the Act and that this is published to all staff.</p>
4. Business Classification	A	G	<p>The Council's <i>Records Management Policy</i> (see Element 3) explains that records should be maintained in a Business Classification Scheme in order to maintain the record in an efficient system (sections 3, 4 and 5).</p> <p>To this end the Council has created a Business Classification Scheme which has been provided to the Keeper. This is the version approved by the Corporate Management Team in July 2012.</p> <p>The <i>Business Classification Scheme</i> is structured around a function/activity/transaction scheme. This must remain a business decision for the Council, but the Keeper acknowledges that a function based scheme such as that adopted by the Council is currently considered best practice.</p> <p>However, the <i>Plan</i> states (page 9): "It was agreed that implementation of the BCS would be rescheduled until completion of the Server Replacement</p>

			<p>Programme (due early 2017).” And “A Project is underway on the corporate implementation of the BCS.” And “The EDRMS will be harmonised with the CFS [Corporate File Structure] in due course.” The Keeper agrees all these actions.</p> <p>Furthermore it is the intention to expand the <i>Business Classification Scheme</i> into an ‘information asset register’ style document by combining the <i>BCS</i> with the <i>Retention Schedule (see Element 5)</i> and inserting extra information such as whether records are ‘vital’ or not (see Element 10). The Keeper welcomes this proposal as likely to lead to a stronger business tool for the organisation.</p> <p>Records of the Licensing Board feature under ‘Community and Regulatory’ in the <i>Scheme</i>.</p> <p>The Keeper has been provided with a <i>Report to the Corporate Management Team</i> in the Council showing that they have been made aware of the purpose and importance of a <i>Corporate File Structure (Business Classification Scheme)</i>.</p> <p>The Keeper agrees this Element of the Council’s <i>Plan</i> on ‘improvement model’ terms. This means that he acknowledges that the authority has recognised a gap in provision (the <i>Business Classification Scheme</i> is not yet fully implemented) and have put processes into place to close that gap. The Keeper’s agreement is conditional on his being updated as the project progresses.</p>
5. Retention schedule	G	G	<p>The <i>Records Management Policy</i> (section 1.3) notes that it is a requirement of the Council’s publication scheme that a Retention Schedule must be in place.</p> <p>Clackmannanshire Council have provided the Keeper with their <i>Corporate Retention Schedule</i>. This is the version dated January 2014.</p>

			<p>The Keeper agrees this <i>Schedule</i> appears to cover all the record types expected to be created by the activities of a Scottish local authority</p> <p>The <i>Retention Schedule</i> includes guidance for staff.</p> <p>Records of the Licensing Board feature at 4.3.4 of the <i>Schedule</i>.</p> <p>A screen-shot has been provided of the Council’s intranet ‘Connect’ as evidence that staff have access to this schedule and to other information governance policies.</p> <p>The Keeper has been provided with a <i>Report to the Corporate Management Team</i> in the Council showing that they have been made aware of the purpose and importance of a <i>Retention Schedule</i>.</p> <p>The Keeper agrees that Clackmannanshire Council has an approved and operational retention schedule that covers the expected record types created by a local authority.</p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>Clackmannanshire Council has a <i>Destruction Arrangements Policy</i> which has been provided to the Keeper. This is version 1.0 effective from December 2015. The purpose of this <i>Policy</i> is to “ensure that all information (confidential or non confidential) is disposed of in an effective and secure manner.”</p> <p>To this end the Council has the following procedures in place:</p> <p><u>Paper (internal)</u>: The Council destroys small volume confidential records internally using an in-house shredding arrangements. Staff guidance on this process is available in the <i>Destruction Arrangements Policy</i>.</p>

			<p>For large volume paper records destruction Clackmannanshire Council have the option to utilise external document shredding companies to pursue the large-scale destruction of paper records. A certificate has been supplied as an example of this being done (DS Smith). The Keeper supposes this system to be utilised during the scanning programme (see Element 11).</p> <p><u>Paper (external)</u>: There is a clear statement in the Plan that Clackmannanshire Council does not hold records with a third party storage supplier.</p> <p><u>Electronic</u>: It is the responsibility of staff (or 'system owners' in some line-of-business systems) to destroy records at the end of their retention period as this is not done automatically or by the records management unit centrally. Staff are advised of this in the <i>Destruction Arrangements Policy</i> (page 8). As evidence the Council have supplied Deleted document sample pages from the IDOX and the CFIS systems.</p> <p>The Council has specific destruction arrangements regarding e-mail. The Keeper welcomes the recognition of the particular risk associated with e-mail retention.</p> <p>The Council have provided the Keeper with their <i>Email Retention Policy</i>. This is version 1.0 effective from August 2016.</p> <p>The Keeper has been provided with a <i>Report to the Corporate Management Team</i> in the Council showing that they have been made aware of the importance of the controlled destruction of e-mails.</p> <p><u>Hardware</u>: Redundant hardware is stripped of records by an external contractor. A disposal certificate and other documentation has been provided as evidence that this procedure is approved and operational. Staff guidance on the use of this facility has also been provided.</p>
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			<p><u>Back-Ups</u>: Clackmannanshire Council, quite properly, keeps back-ups of electronic records for business continuity purposes. The responsibility for back-ups of the network servers falls to the Council’s IT Services unit. The Keeper has been made aware of a <i>Data Back-Up Standards</i> document “which describes the schedules and process” of the back-up system. The Council have supplied the Keeper with details of their Data back-up cycle so that the Keeper can be assured that the Council can be confident that back-up copies of records are irretrievably deleted as part of a structured cycle and that the Council is aware of how long backed-up records might remain available beyond the retention period of the original.</p> <p>The Council recognises the risks surrounding working-copies of documents and the Keeper welcomes their inclusion in the <i>Destruction Arrangements Policy</i> instructions.</p> <p>The Council notes the importance of retaining a log of destroyed records in the <i>Destruction Arrangements Policy</i> (page 9). The Keeper commends this recognition.</p> <p>The Keeper agrees that the Council have procedures in place to ensure the irretrievable and secure destruction of records when appropriate.</p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>The <i>Records Management Policy</i> (see Element 3) refers to the “archival preservation of the record” (<i>Policy</i> section 3.1) and the <i>Destruction Arrangements Policy</i> (see Element 6) refers to “Transfer of records with continuing value to the Council Archives” (<i>Policy</i> page 4).</p> <p>Clackmannanshire Council have selected Clackmannanshire Council Archives as the proper repository for records selected for permanent preservation. There is an arrangement whereby the Council Archives take Council records of historical interest.</p>

			<p>http://www.clacksweb.org.uk/culture/archives/</p> <p>The Council has supplied the Keeper with the archive's <i>Collection and Archival Policy</i> which shows a commitment "to act as a place of deposit for all official archives of Clackmannanshire Council." (<i>Collection and Archival Policy</i> 6.1). The <i>Archives Collection and Archival Policy</i> is 'owned' by Stephen Coulter (see Element 1).</p> <p>The Keeper agrees that Clackmannanshire Council have arrangements in place to transfer records for permanent preservation to an appropriate archive as required by the Act.</p>
<p>8. Information Security <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>Clackmannanshire Council has a <i>ICT Security Standards Policy</i> which has been provided to the Keeper. This is version 1.1 approved in April 2016.</p> <p>The <i>Security Standards Policy</i> is supported by a suite of information security policy and guidance documents such as <i>Network Security Standard</i> and <i>Removable Media Acceptable Use Standard</i>. These supporting documents have been provided in evidence.</p> <p>The <i>Plan</i> explains the arrangements for protecting paper records (section 8.4 and 8.5). This is supported by a <i>Physical Access Standard</i> which has been provided to the Keeper. This is version 1.1 approved December 2013.</p> <p>The Council have also supplied sample pages from their <i>Electronic Information Management Handbook</i> (mentioned in the <i>Plan</i>). Specifically the pages relevant to records management.</p> <p>The Keeper agrees that Clackmannanshire Council and Licensing Board have procedures in place to ensure the security of their records as required by the Act.</p>

<p>9. Data Protection</p>	<p>G</p>	<p>G</p>	<p>Clackmannanshire Council have a <i>Data Protection Policy</i>, which has been supplied to the Keeper. This is version 1.1 authorised by the Governance Service Manager in July 2012.</p> <p>The <i>Policy</i> is available at: http://www.clacksweb.org.uk/regulation/dataprotectionpolicy/</p> <p>The <i>Policy</i> explains the (current) eight principles of data protection.</p> <p>The Council is registered with the Information Commissioner: Z5777954</p> <p>The Licensing Boards is registered with the Information Commissioner: Z577808X</p> <p>Subject access request information is available to the public at: http://www.clacksweb.org.uk/council/forms/informationandlegislation/dataprotections/subjectaccessrequest/</p> <p>The Council’s commitment to data protection is specifically emphasised in a letter from Elaine McPherson, Chief Executive, supplied to the Keeper.</p> <p>A screen-shot has been provided of the Council’s intranet ‘Connect’ as evidence that staff have access to this and other information governance policies.</p> <p>The Keeper agrees that Clackmannanshire Council and Clackmannanshire Licensing Board have properly considered their responsibilities under the Data Protection Act 1998.</p>
<p>10. Business Continuity and Vital</p>	<p>G</p>	<p>G</p>	<p>Clackmannanshire Council operate local <i>Business Continuity Plans</i> for the “restoration of Services in the event of a business continuity incident” (<i>Plan</i> page 16). The front page and introduction from a sample local <i>Continuity Plan</i> has been</p>

Records			<p>provided to the Keeper (ICT Service). The Keeper agrees that this sample indicates that the full document would include the recovery of records.</p> <p>The Council have also provide the Keeper with sight of a sample from their <i>Emergency Planning, Business Continuity Operational Procedures</i> and their <i>Critical functions document</i> which are specifically mentioned in the <i>Records Management Plan</i>.</p> <p>Each service area has a 'Vital Records List'. A sample of one of these lists has been provided (Environmental Health). There is a plan to include vital records in the "Information Asset Register" (see Element 4).</p> <p>A screen-shot has been provided of the Council's intranet 'Connect' as evidence that staff have access to this and other information governance policies.</p> <p>The Keeper agrees that the Council considers recovery of records as part of their business continuity procedures.</p>
11. Audit trail	G	G	<p>The <i>Plan</i> states (section 11.1) that "The Council uses an Electronic Document Records Management Store (EDRMS) to hold the bulk of its paper records." The Keeper agrees that this, slightly counter-intuitive, statement refers to a major scanning programme currently operating in the council.</p> <p>The Keeper agrees that IDOX, properly structured, provides adequate tracking for electronic records whether scanned or 'born-digital'.</p> <p>Furthermore he agrees that certain line of business systems operated by the Council will have document tracking functionality built-in.</p> <p>Paper records can be tracked using 'signing out sheets' 'paper registers' and other</p>

			<p>paper-trail documents. The Keeper accepts that the Council is moving towards a all-electronic system from the current hybrid arrangement. The Keeper has been provided with a sample page from a paper records registry.</p> <p>The Keeper agrees that Clackmannanshire 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>
<p>12. Competency Framework for records management staff</p>	<p>G</p>	<p>G</p>	<p>Clackmannanshire Council have submitted an extract from John Munro’s <i>Performance Review and Development Objectives</i>. This shows that he is responsible for designing and delivering “the project to implement the Council’s Records Management Plan...”</p> <p>The Council’s <i>Records Management Policy (see Element 3)</i> commits the Council to provide training on “obligations and responsibilities towards records management, Data protection and Freedom of Information.” (<i>Policy</i> section 7.1)</p> <p>Staff in the Council must complete mandatory data protection and information security training. A screen-shot has been provided as evidence that these training modules are available to staff on the ‘Clacks Academy’ pages of the Council’s intranet ‘Connect’.</p> <p>The Keeper acknowledges that at time of submission the Council had created draft <i>Records Management Competency Framework</i> document which may be used to recruit further records management/information governance staff. The Council have recently provided the Keeper with a fully approved version of this document and he thanks them for this update.</p> <p>The Keeper agrees that the individual identified at Element 2 has the authority and skills required to implement the <i>Plan</i> and that training is provided for staff.</p>

<p>13. Assessment and Review</p>	<p>G</p>	<p>G</p>	<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>With this in mind, the Council has established a Records Management Working Group, led by Head of Resources and Governance (see Element 1), with a remit to review Elements of the <i>Plan</i> to an established timetable which is explained in the <i>Plan</i> (section 13.1).</p> <p>The Terms of Reference of the Working Group have been provided.</p> <p>The outcome of this review is provided to the Council’s Senior Management Team in the form of an <i>Annual Governance Statement</i> (sample supplied).</p> <p>Furthermore, the Council’s Internal Audit Group have committed to review the implementation of the Plan 5 years after agreement. A report on the Internal Audit review will be provided to the Senior Management Team and the Chief Executive. A sample of the format of this report has been provided to the Keeper.</p> <p>The Keeper also acknowledges that policies and procedures submitted in evidence have review dates included and commends this. For example:</p> <p>The <i>ICT Security Standard</i> and <i>Email Acceptable Use Standard</i> (for both see Element 8) are due for review by April 2017.</p> <p>The <i>Destruction Arrangements Policy</i> (see Element 6) is due for review by December 2017.</p> <p>The <i>Archives Collection and Archival Policy</i> (see Element 7) is due for review by July 2018.</p>
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			<p>The <i>Email Retention Policy</i> (see Element 6) is due for review by August 2019.</p> <p>The Council's registration with the Information Commissioner must be renewed by 21 October 2017.</p> <p>The Keeper agrees that Clackmannanshire Council have a process in place to review the implementation of the <i>Plan</i> as required by the Act and that the Council have made it clear the timescale, responsibility and methodology of this process.</p>
14. Shared Information	G	G	<p>The Council is a partner in a Information Sharing Protocol with other Scottish public authorities.</p> <p>A sample of the <i>Forth Valley Accord for Sharing Personal Information</i> has been supplied to the Keeper to show this in operation. The Accord is developed from the <i>Scottish Accord for Sharing of Personal Information (SASPI)</i>. The Keeper agrees that <i>SASPI</i> properly considers the governance of records.</p> <p>The Council has also supplied the Keeper with guidance and a template to be used in the creation of information sharing protocols. The Keeper agrees that this template considers information governance.</p> <p>John Munro (see Element 2) sits on the Forth Valley Health and Social Care Data Sharing Partnership.</p> <p>The Keeper agrees that Clackmannanshire Council have considered the records management implications of information sharing as is appropriate.</p>

Clackmannanshire Council and Clackmannanshire Licensing Board
(For simplicity, both these authorities are described as 'the Council' in the assessment below)

General Notes on RMP, Including Concerns:

Version:

This assessment is on the *Records Management Plan* (the *Plan*) of Clackmannanshire Council and Clackmannanshire Licensing Board version 1.1 approved by the Head of Resources and Governance (**see Element 1**) and issued 24th November 2016.

The Keeper has been provided with an extract from the minutes of the Resources and Audit Committee (December 2015) showing agreement of the adoption of the *Plan*.

The *Plan* is accompanied by a *Covering Letter* from Elaine McPherson, Chief Executive dated 23rd November 2016. This letter specifically endorses the Council's commitment to the Public Records (Scotland) Act 2011, delegates responsibility to the Head of Resources and Governance and Clerk to the Board and supports the *Records Management Policy* (**see Element 3**).

The Plan clearly applies to Clackmannanshire Licensing Board.

A report on the *Plan* and the work the Council is engaged in around PRSA is available at <http://www.clacksweb.org.uk/document/meeting/226/673/5167.pdf>

The Keeper agrees that the *Plan* supports the principle of "Good Governance" explained in the Council's *Corporate Priorities* document available at <http://www.clacksweb.org.uk/document/4506.pdf>

Clackmannanshire Council recognise records as a business asset (for example *Records Management Policy* section 1.1). The Keeper welcomes this recognition.

In the introduction, the *Plan* provides an explanation of records management in the authority and of the Public Records (Scotland) Act 2011.

Third Parties:

The Act makes it clear that records created by a contractor in carrying out a scheduled authority's functions are public records (Part 1 section 3.1 (b)).

This is acknowledged in the introduction to the Plan (page 4) and further recognised in the Records Management Policy (see Element 3) which states at 8.8 that "third Parties, including volunteers and contractors that carry services or functions on behalf of the Council must adhere to this Policy and its associated guidance and procedures." The Keeper commends this inclusion.

The Plan (section 14.6) states "The Council ensures that ownership of shared information is clearly established, especially where third party partners or contractors are involved..." This is effected by Guidance on Development of an ISP which is provided for staff on the Intranet 'Connect'. This guidance has been provided (Version 1.0). The Keeper agrees that this considers the ownership of records shared between the Council and a third party.

The Keeper has been provided with a Tender Acceptance Letter Template showing that information governance clauses are inserted to ensure that third-party records management provision is adequate

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>.

6. Keeper's Summary

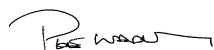
Elements 1 - 14 that the Keeper considers should be in a public authority records management plan have been properly considered by Clackmannanshire Council and Clackmannanshire Licensing Board. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of **Clackmannanshire Council and Clackmannanshire Licensing Board**.

- The Keeper recommends that Clackmannanshire Council and Clackmannanshire Licensing 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



.....
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 Clackmannanshire Council and Clackmannanshire Licensing Board. In agreeing this RMP, the Keeper expects Clackmannanshire Council and Clackmannanshire Licensing Board 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