

## **Public Records (Scotland) Act 2011**

**Public Authority  
East Ayrshire Council  
and East Ayrshire Licensing Board**

**The Keeper of the Records of Scotland**

**29<sup>th</sup> November 2016**

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## 1. Public Records (Scotland) Act 2011

The Public Records (Scotland) Act 2011 (the Act) received Royal assent on 20 April 2011. It is the first new public records legislation in Scotland since 1937 and came fully into force on 1 January 2013. Its primary aim is to promote efficient and accountable record keeping by named Scottish public authorities.

The Act has its origins in *The Historical Abuse Systemic Review: Residential Schools and Children's Homes in Scotland 1950-1995* (The Shaw Report) published in 2007. The Shaw Report recorded how its investigations were hampered by poor record keeping and found that thousands of records had been created, but were then lost due to an inadequate legislative framework and poor records management. Crucially, it demonstrated how former residents of children's homes were denied access to information about their formative years. The Shaw Report demonstrated that management of records in all formats (paper and electronic) is not just a bureaucratic process, but central to good governance and should not be ignored. A follow-up review of public records legislation by the Keeper of the Records of Scotland (the Keeper) found further evidence of poor records management across the public sector. This resulted in the passage of the Act by the Scottish Parliament in March 2011.

The Act requires a named authority to prepare and implement a records management plan (RMP) which must set out proper arrangements for the management of its records. A plan must clearly describe the way the authority cares for the records that it creates, in any format, whilst carrying out its business activities. The RMP must be agreed with the Keeper and regularly reviewed.

## 2. Executive Summary

This report sets out the findings of the Keeper's assessment of the RMP of **East Ayrshire Council and East Ayrshire Licensing Board** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on **27<sup>th</sup> July 2016**.

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

## 3. Authority Background

East Ayrshire is one of thirty-two council areas of Scotland. It shares borders with Dumfries and Galloway, East Renfrewshire, North Ayrshire, South Ayrshire and South Lanarkshire. East Ayrshire has nine multi-member wards, five wards with four members and four wards with three members, giving a total of 32 Councillors.

<https://www.east-ayrshire.gov.uk/Home.aspx>

**East Ayrshire Licensing board:** East Ayrshire Licensing Board is responsible for the administration and enforcement of the provisions of the Licensing (Scotland) Act 2005 and the Gambling Act 2005. The Board is constituted as an independent regulatory body by virtue of Section 5 of the Licensing (Scotland) Act 2005, is made up of ten Councillors and is administered by Council employees.

The Licensing Unit within Governance Services is responsible for dealing with applications for licences submitted under the following:

- The Licensing (Scotland) Act 2005
- The Civic Government (Scotland) Act 1982

- The Gambling Act 2005
- Other miscellaneous licensing

<https://www.east-ayrshire.gov.uk/LawAndLicensing/LicensingInformationAndMeetings/AbouttheLicensingUnit.aspx>

## 4. Keeper’s Assessment Process

The RMP was assessed by the Public Records (Scotland) Act Assessment Team on behalf of the Keeper. Assessors used the checklist elements listed in section 5, to establish whether East Ayrshire Council and East Ayrshire Licensing Board’s RMP was developed with proper regard to the elements of the Model Plan and is compliant with the Act. The assessment also considered whether there was sufficient supporting evidence of such compliance.

### Key:

<b>G</b>	The Keeper agrees this element of an authority’s plan.		<b>A</b>	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.		<b>R</b>	There is a serious gap in provision for this element with no clear explanation of how this will be addressed. The Keeper may choose to return the RMP on this basis.
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## 5. Model Plan Elements: Checklist

### East Ayrshire Council and East Ayrshire Licensing Board (for simplicity these two scheduled authorities will be referred to as East Ayrshire Council)

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>East Ayrshire Council have identified Fiona Lees, Chief Executive, as the individual with overall responsibility for records management in the organisation.</p> <p>This is confirmed by the Records Management Policy (<b>see element 3</b>) section 6.</p> <p>East Ayrshire Licensing Board have identified David Mitchell, Chief Governance Officer/Clerk to the Licensing Board, as the individual with overall responsibility for records management in the Board.</p> <p>Both officers have endorsed the <i>Plan by Covering Letters</i> in which they also confirm their identification with overall responsibility. Both officers have also signed the Council's <i>Records Management Policy Statement</i> (<b>see element 3</b>).</p> <p>The Keeper agrees that the Chief Executive and the Clerk to the Board are appropriate individuals to undertake this role.</p>
2. Records Manager <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>East Ayrshire Council have identified Lindsay Maxwell, Records Manager, as the individual with day-to-day responsibility for implementing the <i>Records Management Plan</i>.</p> <p>This is confirmed by the Records Management Policy (<b>see element 3</b>) section 6</p>

			<p>and the <i>Plan</i> itself (page 24).</p> <p>Ms Maxwell’s identification to this role is also confirmed by <i>Covering Letters</i> from the Chief Executive of the Council and the Clerk of the Licensing Board.</p> <p>The role of the Records Manager is supported by a <i>Covering Letter</i> from John Griffiths, Chief Executive of East Ayrshire Leisure (<b>see <u>Third Parties</u> under General Comments below</b>).</p> <p>The Records Manager is answerable to senior management.</p> <p>The Records Manager is responsible for updating the <i>Plan</i> as items in the accompanying <i>Action Plan</i> come to fruition.</p> <p>The Records Manager is currently assisting in the creation of an East Ayrshire Council <i>Information Asset Register</i> (<b>see element 4</b>) and the creation of a “robust corporate method to document the movement and editing of all records” (<b>see element 11</b>).</p> <p>Ms Maxwell was the lead officer in the creation of the <i>Plan</i> and in the records management training module (<b>see element 12</b>). She is responsible for a quarterly review on progress of implementation which she passes to the CIGG (<b>see under General Comments below</b>).</p> <p>The Keeper agrees that the Records Manager is an appropriate individual to undertake this role.</p>
<p>3. Policy <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>East Ayrshire Council have a <i>Corporate Records Management Policy</i> (the <i>Policy</i>) which has been supplied to the Keeper. This is version 1.0.</p>

			<p>East Ayrshire Council also have a <i>Information Governance Strategy</i> which has been supplied to the Keeper. This is version 1 dated August 2015.</p> <p>The Keeper has been provided with screen shots of the Council’s intranet ‘eacintranet’ to demonstrate staff access to policies and other information governance documents and training.</p> <p>The Keeper agrees that the <i>Plan</i> supports the <i>Records Management Policy</i> and the <i>Information Governance Strategy</i>.</p> <p>Part of the <i>Records Management Policy</i> is a single page <i>Records Management Policy Statement</i> which has been created as an information sheet for public and staff awareness. The Keeper strongly commends this approach.</p> <p>The <i>Policy</i> and the <i>Policy Statement</i> both explain the purpose and benefits of robust records management.</p> <p>The <i>Policy</i> and the <i>Policy Statement</i> both mention the Public Records (Scotland) Act 2011.</p> <p>The <i>Policy</i> specifically confirms that it applies to the Council and to East Ayrshire Licensing Board.</p> <p>The Keeper agrees that the Council has an approved records management policy which reflects its corporate approach to records management.</p>
<p>4. Business Classification</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The introduction to the <i>Plan</i> states that “East Ayrshire Council is committed to implementing and embedding best practice recordkeeping systems across all Service areas of the Council to ensure that records are created, maintained and disposed of within a managed framework, regardless of their physical format.” (<i>Plan</i></p>

			<p>page 7).</p> <p>To this end the Council have implemented a <i>Business Classification Scheme</i> which has been supplied to the Keeper (version approved 9th November 216). This is three level (function/activity/transaction) scheme based on the functions of the authority. Section 19.005 of the Scheme relates to records created by the Licensing Board.</p> <p>This must remain a business decision for the Council, but the Keeper acknowledges that a <u>functional</u> system is currently considered best practice.</p> <p>The <i>Business Classification Scheme</i> was created with local input. This was done by a, now concluded, Records Management Plan Project Team comprising representatives from all service areas (supported centrally). In evidence the Keeper has been provided with a list of the various service area representatives and commends this approach as liable to help create a stronger business tool.</p> <p>Changes to the Business Classification Scheme must be controlled by the Records Manager (<b>see element 2</b>).</p> <p>The Keeper acknowledges that East Ayrshire Council are considering adopting a council-wide EDRM. He agrees this seems reasonable for an organisation of the size and complexity of a local authority. <b>The Keeper requests that he is informed if this proposal is adopted.</b></p> <p>The Keeper has been provided with screen shots of the Council's intranet 'eacintranet' to demonstrate staff access to policies and other information governance documents and training.</p> <p>The Keeper notes that East Ayrshire Council are "in the initial stages of developing</p>
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			<p>an Information Asset Register”. The Council have informed the Keeper that it is the intention to combine the Business Classification Scheme and Corporate Retention Schedule with a few additional columns to identify vital records and their formats. The Records Manager will update the Keeper in the annual report as to the progress of the corporate document and will submit the final document once complete. The Information Asset Register will be a separate document which will be based around the BCS/CRS document and will overlap in some areas.</p> <p>The Keeper agrees that the Council has a ‘business classification scheme’ that appropriately reflects the functions of the authority.</p>
<p>5. Retention schedule</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>East Ayrshire Council have a full <i>Retention Schedule</i> for all public records. This fulfils a requirement of the <i>Records Management Policy (see element 3)</i> (page 6).</p> <p>It is based on the Scottish Council on Archives SCARRS model and applies “to all record formats including paper, electronic, audio-visual and other media and contains descriptions of records associated with the functions of the Council.” (<i>Plan</i> page 11).</p> <p>The <i>Retention Schedule</i> offers explanation of allocated periods. A sample from the Schedule (which the Keeper has had sight of) would be: <i>Human Resources/Personnel administration/Employment Register – Casual Staff/Destroy when no longer required for business use./Much of the contents will be personal information. To comply with the Data Protection Act 1998 we must not keep it longer than necessary for business use.</i></p> <p>Changes to the <i>Retention Schedule</i> must be controlled by the Records Manager <b>(see element 2)</b>.</p> <p>The Keeper has been provided with screen shots of the Council’s intranet</p>

			<p>'eacintranet' to demonstrate staff access to policies and other information governance documents and training.</p> <p>The Keeper agrees that the Council has a retention schedule matched with the business classification scheme.</p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The East Ayrshire Council <i>Records Management Policy</i> (<b>see element 3</b>) explains that effective records managements ensures the efficient disposal of records (<i>Policy</i> page 4). This must be done in accordance with the Council's <i>Retention Schedule</i> (<b>see element 5</b>) (<i>Plan</i> page 12). The Information Governance Handbook (<b>see element 8</b>) states that the Council must "Ensure the proper, confidential destruction of records that are no longer required for business purposes." (Handbook section 4).</p> <p>The Council have provided the Keeper with their <i>Records Disposal Policy</i> and a detailed description of the procedures in place also appears in the Plan (pages 12 – 15).</p> <p>The <i>Records Disposal Policy</i> contains the following statement which the Keeper acknowledges and commends: "Records, regardless of their format, cannot and should not be retained permanently unless identified as an archive for permanent preservation. The passive accumulation of records and information leads eventually to access and storage difficulties as the volume of records grows. In addition, the retention of personal information, which is no longer needed for the purpose for which it was intended, is explicitly prohibited under Principle 5 of the Data Protection Act 1998."</p> <p><u>Paper Records</u>: The <i>Plan</i> (page 12) provides a good explanation of the irretrievable and secure destruction of hard copy records. Evidence has been provided to show that the Council has arrangements in place with a third-party confidential waste contractor. For records destroyed in-house the Keeper agrees that the Council</p>

			<p>provides staff with sufficient guidance to ensure this is carried out securely.</p> <p>The Keeper has been provided with the Council’s <i>Records Management User Guide</i> which explains procedures in the in-house Records Centre for the storage and disposal of semi-current and non-current records.</p> <p><b><u>Electronic Records:</u> East Ayrshire Council recognise that, as with many Scottish public authorities, “The destruction of electronic records is a particular area for improvement”. In the case of East Ayrshire Council, because they have not implemented a full EDRM, the destruction of electronic records must be a manual process and it is not clear whether this is being done to an authority-wide standard. However, the Plan commits the Council as follows: “The Records Manager, in consultation with all Service area representatives, will conduct audits to determine what arrangements are currently in place for the management and destruction of electronic records across all Service areas of the Council.” The Keeper commends this self-assessment and welcomes the interim solution suggested in the <i>Plan</i> (page 13) and confirmed in the accompanying <i>Action Plan</i>.</b></p> <p>The Council have provided a detailed description of procedures for “housekeeping” of e-mails supported by the service provider’s agreement to show these procedures are in place. <b>The Keeper notes that the automatic destruction date for e-mails may change in the future and asks that he is informed if this change takes place.</b></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>: East Ayrshire Council, quite properly, keeps back-ups of electronic records for business continuity purposes (<b>see element 10</b>). An explanation of the back-up cycle has been provided in the <i>Plan</i> (page 14).</p> <p>The <i>Records Disposal Policy</i> mentions the Public Records (Scotland) Act 2011.</p> <p>The importance of the timely and secure destruction of records is supported by the <i>Data Protection Policy</i> (<b>see element 9</b>).</p> <p>The Keeper has been provided with screen shots of the Council’s intranet ‘eacintranet’ to demonstrate staff access to policies and other information governance documents and training.</p> <p><b>The Keeper can agree this Element on an ‘improvement model’ basis. This means that the authority has identified a gap in provision (work being undertaken to standardise the destruction of electronic records) and have identified measures to close this gap. As part of this agreement the Keeper requests that he is kept informed of progress in closing this gap.</b></p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>East Ayrshire Council have selected Ayrshire Archives as the proper repository for records selected for permanent preservation. There is an arrangement whereby Ayrshire Archives take Council records of historical interest.</p> <p>The <i>Records Management Policy</i> (<b>see element 3</b>) underlines that records management ensures efficient preservation of records when appropriate. (<i>Policy</i> page 4). The <i>Plan</i> states that effective management of corporate records allows the protection of historically important records (page 5).</p> <p>The <i>Plan</i> (page 16) goes on to explain in detail the arrangements for transferring records to Ayrshire Archives.</p>

			<p>This system of transfer is supported by the Council's <i>Records Disposal Policy</i> (<b>see element 6</b>).</p> <p>The Records Management Policy Statement (<b>see element 3</b>), which is signed by the Chief Executive (<b>see element 1</b>) states: "All records produced or received by the Council in the course of its business, that are of continuing value for historical or legal reasons, will be transferred to the joint Ayrshire Archives service in accordance with the Council's Archiving and Transfer Policy." This <i>Policy</i> has been shared with the Keeper.</p> <p>The Keeper has been provided with a copy of the minute of agreement between East Ayrshire Council and Ayrshire Archives. He notes that this agreement is due to be reviewed in the near future (confirmed in the <i>Action Plan</i> which accompanies the <i>Plan</i>). The Council has confirmed to the Keeper that: "The Minute of Agreement is currently being reviewed and a copy will be sent to the Keeper when it has been agreed and signed off."</p> <p>The Keeper has also been provided with a sample deposit form to show that the transfer arrangements are operational.</p> <p>The <i>Records Management Policy</i> (<b>see element 3</b>) notes the benefit of using records for historical research (<i>Policy</i> page 4).</p> <p>The Keeper agrees that East Ayrshire Council have arrangements in place to transfer records for permanent preservation to an appropriate archive as required by the Act.</p>
8. Information Security	<b>G</b>	<b>G</b>	East Ayrshire Council have an <i>Information Security Policy</i> which has been supplied to the Keeper. This is version 1.0 dated August 2015. This <i>Policy</i> provides "security

<p><i>Compulsory element</i></p>			<p>and confidentiality of information, information systems, applications and networks owned or held by East Ayrshire Council...” (section 1 – Introduction).</p> <p>The Council also operates an <i>Information Governance Handbook</i> which offers staff guidance to ensure compliance with the <i>Information Security Policy</i>. This has also been provided to the Keeper (version 1 August 2015).</p> <p>The Council has adopted ISO27001 as their security model. The Plan contains (pages 18/19) a good description of the fundamentals of information security and an explanation of the physical security standards imposed on Council premises.</p> <p>The Information Security Policy is supported by a suite of related policies and guidance such as the <i>Policy Governing the Use of Communications System</i>. The Keeper acknowledges that he has had sight of these supporting documents.</p> <p>The Keeper has been provided with screen shots of the Council’s intranet ‘eacintranet’ to demonstrate staff access to policies and other information governance documents and training.</p> <p>The Keeper agrees that East Ayrshire Council have properly considered the security of their records.</p>
<p>9. Data Protection</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>East Ayrshire Council have a <i>Data Protection Policy</i>, which has been supplied to the Keeper. This is version 1 dated November 2016.</p> <p>This <i>Policy</i> is imposed on staff to “establish a framework for the processing of personal data (regardless of format) which ensures we meet all our responsibilities and safeguards the rights of individuals.” (<i>Data Protection Policy</i> ‘Purpose’).</p> <p>The <i>Data Protection Policy</i> is supported internally by staff guidance which has also</p>

			<p>been provided to the Keeper.</p> <p>The Council and Licensing Board are registered with the Information Commissioner: Z6911362</p> <p>The <i>Data Protection Policy</i> (and the <i>Plan</i> page 20) itemises the 8 (current) principles of data protection.</p> <p>The <i>Plan</i> states (page 20): “All Data Protection Act subject access requests are recorded centrally to ensure consistency of process and achievement of timescales”.</p> <p>Data Protection information is made available to the public at <a href="https://www.east-ayrshire.gov.uk/CouncilAndGovernment/About-the-Council/Information-and-statistics/DataProtectionAndFreedomOfInformation/DataProtectionandFreedomofInformation.aspx">https://www.east-ayrshire.gov.uk/CouncilAndGovernment/About-the-Council/Information-and-statistics/DataProtectionAndFreedomOfInformation/DataProtectionandFreedomofInformation.aspx</a> and specific subject access information at <a href="https://www.east-ayrshire.gov.uk/CouncilAndGovernment/About-the-Council/Information-and-statistics/Privacy-Statement.aspx">https://www.east-ayrshire.gov.uk/CouncilAndGovernment/About-the-Council/Information-and-statistics/Privacy-Statement.aspx</a></p> <p>The Keeper has been provided with screen shots of the Council’s intranet ‘eacintranet’ to demonstrate staff access to policies and other information governance documents and training.</p> <p>The introduction to the <i>Plan</i> specifically mentions the Data Protection Act 1998 (<i>Plan</i> page 6).</p> <p>The Keeper agrees that East Ayrshire Council properly recognise their responsibilities under the Data Protection Act 1998.</p>
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<p>10. Business Continuity and Vital Records</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The <i>Information Security Policy (see element 8)</i> commits East Ayrshire Council to “ensure that business impact assessment, Business Continuity and Disaster Recovery Plans are produced for all mission critical information, applications, systems and networks.”</p> <p>The <i>Plan</i> (page 22) explains the structure of the business continuity arrangements in East Ayrshire Council. The Council-Wide <i>Recovery Plan</i> has been supplied as has a sample from a local service area (Democratic Services).</p> <p>The <i>Plan</i> states that effective management of corporate records allows the protection of vital records (page 5). This is supported by the <i>Records Management Policy (see element 3)</i> which lists the protection of vital records as a key benefit of a records management system (<i>Policy</i> page 4) and goes on to provide a succinct definition: “Vital records are those records required by the Council in order to function effectively. In the event of a disaster, vital records would include those records that: are unique and irreplaceable; are essential for the continuing operation of the Council; and contain information essential to recreate the Council’s legal and financial position and preserve its rights and those of its employees, customers, stakeholders and the public.” The Keeper agrees this definition.</p> <p>To this end the Council are identifying vital records with the assistance of local area service representatives. These will be added to local Business Continuity Plans.</p> <p>East Ayrshire Council has a <i>Vital Records Policy</i>, intended to provide guidance on identifying and managing vital records, which has been provided to the Keeper.</p> <p>The Council have made the following statement regarding vital records: “The Records Manager is currently undertaking a review of the Council’s Corporate Retention Schedule. It is intended that the updated Schedule will include a column which will identify if a record is vital or not. This information will be used as and</p>
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			<p>when it is ready, by Service Areas when updating their individual Service Area Business Continuity Plans. Each Service Area will identify unique vital records therefore, each plan will be modified at section 2.4 to suit their Service Area.” The Keeper agrees this action.</p> <p>The Keeper agrees that East Ayrshire Council has an operational business continuity plan that properly considers the recovery of records in an emergency. He also agrees that consideration has been given to the identification of ‘vital records’.</p>
11. Audit trail	<b>A</b>	<b>G</b>	<p>It is one of the identified “specific benefits” of the <i>Information Governance Strategy (see element 3)</i> “Improved information searching capability, saving employee and customer time.”</p> <p>This is supported by the <i>East Ayrshire Council Records Management Policy Statement (see element 3)</i> which explains that effective records management will “allow for information to be located and retrieved effectively and efficiently.”</p> <p>That said the Plan states (page 23) “It is acknowledged that the process of maintaining audit trails for the majority of records throughout the Council requires work.”</p> <p>The <i>Plan</i> states (page 23): “...it is anticipated that a records audit, in questionnaire format, be conducted by the Records Manager, in consultation with all Service area representatives, to ascertain what arrangements are in place for the movement and document control of records. As a consequence of the audit, the Records Manager will work with all Service area representatives to establish and develop a robust corporate method to document the movement and editing of all records.” The Keeper agrees this improvement plan and commends the use of local service area representatives in the procedure.</p>

			<p>This work features as a key ‘improvement’ in the <i>Action Plan</i> that accompanies the RMP.</p> <p>The Keeper agrees that many of the line-of-business systems used by the Council will impose suitable naming convention/version control at time of record-creation to adequately track records subsequently. East Ayrshire Council have suggestions in the <i>Plan</i> (page 23) when this is likely to be the case.</p> <p><b>The Keeper can agree this element on an ‘improvement model’ basis. This means that the Council has identified a gap in provision (lack of audit trail provision for some electronic records) and has identified a solution to close this gap. This agreement is conditional upon the Keeper being kept informed of progress.</b></p>
<p>12. Competency Framework for records management staff</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Council have provided the job profile of the Records Manager (<b>see element 2</b>) which states that the post holder will “Ensure the strategic management, development, protection and compliance of all records management activities across all departments within the Council in accordance with the provisions of the Public Records (Scotland) Act 2011”</p> <p>Ms. Maxwell has a post-graduate diploma in records management and information rights and is a member of several relevant professional organisations.</p> <p>The Keeper has been provided with a sample job description from the Council which shows one of the “General Management Responsibilities” being the promotion of “the Councils’ policies and procedures for good records management” (Job Description objective 32). The Keeper welcomes this inclusion.</p> <p>Data protection training is mandatory in the Council (<i>Plan</i> page 20) as is Information Security and Records Management. There is an e-learning module for each and the</p>

			<p>Keeper has been provided with a screen-shot demonstrating staff access through the Council’s intranet. Completion of mandatory e-learning modules for all staff feature in the <i>Action Plan</i> that accompanies the <i>Plan</i>.</p> <p>Records management training is also provided at induction.</p> <p>The Keeper has been provided with screen shots of the Council’s intranet ‘eacintranet’ to demonstrate staff access records management e-training.</p> <p>The Keeper agrees that East Ayrshire Council have ensured that the individual identified at element 2 has the required authority and skills to implement the <i>Plan</i>. They also consider training opportunities for other members of staff when appropriate.</p>
<p>13. Assessment and Review</p>	<p><b>G</b></p>	<p><b>G</b></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>The Plan makes the following commitment: “The updated RMP will be presented, on an annual basis, to the Corporate Information Governance Group (CIGG) for approval and then the Council Management Team (CMT) for endorsement. Quarterly review and assessment reports on progress against the Improvement Plan will be submitted to CIGG.” (<i>Plan</i> page 4, <b>for CIGG see under General Comments below</b>).</p> <p>The review of the Plan is endorsed by the Chief Executive and by the Clerk to the Licensing Board (<b>see element 1</b>).</p> <p>The <i>Plan</i> will be reviewed on an annual basis by the CIGG reporting up to the Council Management Team. They will use the Scottish Council on Archives ARMS model as a self-assessment tool. The Keeper is familiar with this model and</p>

			<p>endorses its usefulness.</p> <p>The Council's security systems (<b>see element 8</b>) are tested annually by an external security consultant.</p> <p>The <i>Business Classification Scheme</i> (<b>see element 4</b>) and <i>Retention Schedule</i> (<b>see element 5</b>) are scheduled for review every two years.</p> <p>The Keeper notes that a "Review of Records Management Policies and procedures" is the first item in the <i>Action Plan</i> which accompanied the <i>Plan</i>. He welcomes this commitment. <b>In order to keep East Ayrshire Council's submission up-to-date he requests that he is provided with any updated evidence documents when appropriate.</b></p> <p>The Council's registration with the Information Commissioner must be renewed by 30 June 2017.</p> <p>The Keeper agrees that East Ayrshire 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>
<p>14. Shared Information</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Council is a partner in an Information Sharing Protocol with other Ayrshire public authorities.</p> <p>For example, they enter into data sharing agreements using the Ayrshire &amp; Arran Protocol for Sharing Information. Their partners in this accord are NHS Ayrshire &amp; Arran, North Ayrshire Council, South Ayrshire Council, Police Scotland and the Scottish Fire and Rescue Service.</p> <p>The Keeper acknowledges that he has previously seen (from another source) a</p>

			<p>sample <i>Information Sharing Protocol</i> guidelines, featuring East Ayrshire Council, developed using Scottish Accord for the Sharing of Personal Information (SASPI). The Keeper is familiar with SASPI and agrees it appropriately considers information governance.</p> <p>East Ayrshire Council have themselves provided a sample of an inter-agency information sharing protocol. The Keeper agrees this considers information governance issues.</p> <p>Another example can be found with a link from the East Ayrshire Council publication scheme to: <a href="http://www.nhsaaa.net/media/349985/20151019p07.pdf">http://www.nhsaaa.net/media/349985/20151019p07.pdf</a></p> <p>The Keeper agrees that there are robust procedures in place to safely share information with other bodies when required.</p>
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**East Ayrshire Council and East Ayrshire Licensing Board**  
(for simplicity these two scheduled authorities will be referred to as East Ayrshire Council)

**General Notes on RMP, Including Concerns:**

Version:

This assessment is on the *Records Management Plan* (the *Plan*) of East Ayrshire Council version 1.06 submitted to the Keeper of the Records of Scotland on 11<sup>th</sup> November 2016. This is a slightly amended version of that signed off by the Corporate Information Governance Group (**see below**) in June 2016.

The *Plan* clearly applies to East Ayrshire Licensing Board (see *Plan* page 6 and a *Covering Letter* – see below).

The *Plan* is accompanied by letter of endorsement from the Council's Chief Executive and from the Clerk of the Licensing Board (**for both, see element 1**). The council have also provided a letter of endorsement from the Chief Executive of Ayrshire Leisure (**see Third Parties below**).

The *Plan* is accompanied by a forward *Action Plan* (*Plan* page 27). The Keeper welcomes this inclusion.

East Ayrshire Council have committed to provide the Keeper with an annual update on the *Plan*. Although this is not a requirement of the Act, the Keeper commends the principle of an annual review and would certainly welcome a copy of any update.

East Ayrshire Council recognise records as a business asset (for example *Plan* page 6 and *Records Management Policy Statement*) 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.

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>.

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)).

At several points the policies submitted in evidence correctly indicates that clauses therein apply to third parties carrying out the functions of East Ayrshire Council under contract. (For example *Plan* page 5).

East Ayrshire Leisure Trust make the following statement in the Plan: "The Trust will ensure compliance with the Plan, as a third party contractor conducting business on behalf of the Council, and will adhere to any policies, procedures, schemes and guidance issued by the Council in relation to the management and destruction of all records managed by the Trust on the Council's behalf." This is supported by a *Covering Letter* from the Trust (**see above**).

There is commitment in the Plan (page 27) to adopt the contractual clauses approved by SOLAR with regard to passing on the provisions explained in the Council's Records Management Plan to third parties carrying out the Council's functions. The Keeper welcomes this.

Contractual clauses specifically referring to the sharing of personal information with third parties have been provided as supporting evidence to element 9 (Data Protection).

Corporate Information Governance Group (CIGG)

The Corporate Information Governance Group signed off the *Plan* in June 2016. They will monitor the review of the *Plan* on an annual basis and report their approval to the Council Management Team. The CIGG assisted the Records Manager (**see element 2**) in the creation of the *Plan*.

The CIGG meets on a quarterly basis, is chaired by the Council's Senior Information Risk Owner. The Records Manager (**see element 2**) is a member.

The CIGG have supplanted the Records Management Plan Project team as the key group involved in the implementation of records management initiatives explained in the *Plan*. It includes local areas representatives who have specific responsibility for supporting the *Business Classification Scheme* (**see element 4**) and *Retention Schedule* (**see element 5**). The Keeper commends the utilisation of local 'champions' when devising a records management action plan.

The CIGG is responsible for initialising the annual review of the *Plan*.

The CIGG will be responsible of the *Information Asset Register* when it is operational (**see element 4**).

The CIGG are responsible for considering a replacement system for e-mail 'housekeeping' and for considering a document classification security system (both *Action Plan*).

The *Plan* states (page 18): "The CIGG reviews and monitors progress in developing policies and procedures to promote good practice in information management."

This group is clearly of fundamental importance to records management in the authority and the Keeper thanks East Ayrshire Council for including information about its work in their submission.

## 6. Keeper's Summary

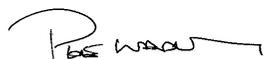
Elements **1 - 14** that the Keeper considers should be in a public authority records management plan have been properly considered by East Ayrshire Council and East Ayrshire Licensing Board. Policies and governance structures are in place to implement the actions required by the plan.

## 7. Keeper's Determination

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

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



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