

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

### **East Lothian Council East Lothian Licensing Board Assessment Report**

**The Keeper of the Records of Scotland**

**5<sup>th</sup> January 2015**

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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 Lothian Council and East Lothian Licensing Board** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on **5<sup>th</sup> November 2014**.

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

## 3. Authority Background

East Lothian borders the City of Edinburgh, Midlothian and the Scottish Borders. Its administrative centre is Haddington, although its largest town is Musselburgh.

The council area was created in 1996, replacing the East Lothian district of the Lothian region. The district had been created in 1975 under the Local Government (Scotland) Act 1973, consisting of the old county of East Lothian plus the burghs of Musselburgh and Inveresk, which until then had been in the county of Midlothian.

Licensing is the responsibility of licensing boards under powers contained in the Licensing (Scotland) Act 2005. Local licensing boards have wide discretion to determine appropriate licensing arrangements according to local needs and circumstances and their own legal advice. Each local government area must have a licensing board. East Lothian Licensing Board consists of 6 Board members.

## 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 Lothian Council and East Lothian 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 Lothian Council and East Lothian Licensing Board

For the purposes of this assessment the two scheduled authorities will be describes as 'East Lothian Council' or 'the Council'

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>The Council has appointed Jim Lamond, Head of Council Resources as the individual with overall responsibility for records management in East Lothian Council.</p> <p>This appointment is confirmed by a covering letter from Angela Leitch, Chief Executive (evidence 4)</p> <p>Mr Lamond chairs the Project Board for the Electronic Document and Records Management System (<b>see element 4</b>).</p> <p>Mr Lamond chairs the Records Management Steering Group. Membership of this board is made clear from a sample minute sent to the Keeper as evidence 3. Alex Fitzgerald sits on this group (<b>see element 2</b>). Kirstie MacNeill sits on this board.</p> <p>East Lothian Licensing Board has appointed Kirstie MacNeill, Clerk of the Licensing Board, as the individual with overall responsibility for records management in East Lothian Licensing Board.</p>

			<p>This appointment is confirmed by a covering letter from Ms. MacNeill (evidence 5).</p> <p>The Keeper agrees that East Lothian Council has identified an appropriate individual to undertake this role.</p> <p>The Keeper agrees that East Lothian Licensing Board have identified an appropriate individual to undertake this role.</p>
<p>2. Records Manager <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Council has appointed Alex Fitzgerald, Records Manager as the individual with the operational responsibility for the records management plan.</p> <p>This appointment is confirmed by a covering letter from Angela Leitch, Chief Executive (evidence 4).</p> <p>This appointment is clearly stated in the RMP which has been approved by the Clerk to the Licensing Board. Thus it can be agreed that the Licensing Board are content that Mr Fitzgerald has operational responsibility for Licensing Board records.</p> <p>The Records Manager holds a qualification in archives and records management field. This is confirmed by the Job Outline provided by to the Keeper (evidence 34)</p> <p>Mr Fitzgerald is part of the Records Management Steering Group, the EDRMS Project Board (<b>see element 4</b>), the Freedom of Information Working Group (<b>see element 15</b>) and the Information Security Forum (<b>see element 8</b>).</p> <p>Mr Fitzgerald wrote the <i>Information and Records Management Policy</i> (<b>see element 3</b>). Also he edited and adapted the <i>Business Classification Scheme</i> and <i>Records Retention Schedule</i> (<b>see elements 4 and 5</b>)</p> <p>The above demonstrates that Mr Fitzgerald has a detailed knowledge of the records</p>

			<p>management provision in East Lothian Council.</p> <p>The Keeper agrees that East Lothian Council has identified 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 Lothian Council has an operational and approved <i>Records Management Policy</i> (version 1.5 dated June 2013) a link to which has been supplied to the Keeper <a href="http://www.live365.com/index.live?curl=http://www.live365.com/web/components/top/loginpage.live">http://www.live365.com/index.live?curl=http://www.live365.com/web/components/top/loginpage.live</a></p> <p>The Council have provided a link to minutes of the cabinet meeting (evidence 2) at which the Information and Records Management Policy was approved (11<sup>th</sup> June 2013 – “The Cabinet agreed to approve the Information and Records Management Policy and adopt it as Council policy”). The minutes show that Mrs A Leitch, Chief Executive; Dr R Gertz, Data Protection, Freedom of Information &amp; Surveillance Law Compliance Officer and Mrs K MacNeill, Corporate Legal Adviser (<b>see element 1</b>) were present.</p> <p>As this document is published online, the Keeper can agree that it is published to all staff. The RMP states (page 4) “all Council policies once approved by the appropriate formal process are made available to both members of staff and also to the public via electronic means” The Keeper commends this approach.</p> <p>Mr Fitzgerald wrote the <i>Information and Records Management Policy</i> (<b>see element 2</b>).</p> <p>The RMP (page 4) includes an ‘action’ point to review the <i>Information and Records Management Policy</i> before June 2016.</p> <p>The Keeper agrees that East Lothian Council has an approved and operational</p>

			<p><i>Records Management Policy</i> that is available to appropriate council employees.</p>
<p>4. Business Classification</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>East Lothian Council have a full (213 page) <i>Business Classification Scheme</i> which is published online at <a href="http://www.eastlothian.gov.uk/downloads/file/3630/retention_schedules_june_2014">http://www.eastlothian.gov.uk/downloads/file/3630/retention_schedules_june_2014</a> <b>(see <i>Publication</i> under ‘General Comments’ below)</b>. The Keeper acknowledges that this scheme features records relating to the Licensing Board.</p> <p>The <i>Business Classification Scheme</i> is based on the Local Government Classification Scheme - <a href="http://www.irms.org.uk/resources/information-guides/198-local-government-classification-scheme-v203">http://www.irms.org.uk/resources/information-guides/198-local-government-classification-scheme-v203</a> and has been adapted by Alex Fitzgerald <b>(see element 2)</b>.</p> <p>The classification schema chosen by the Council is a functional one to make it more “resilient to organisational change”. This must remain a business decision for the Council, but the Keeper notes that a functional structure is currently considered best practice for an organisation of the size and complexity of a local authority.</p> <p>As with many large public authorities, the Council operates several structured electronic document management solutions alongside shared drives and hard copy records systems. This arrangement has developed over time with separate solutions adopted by separate service areas. This makes centralised control over records complicated.</p> <p>In response to this, the Council is currently undertaking a survey of local service areas to determine the exact position (a sample survey sheet has been provided to the Keeper as evidence 7). Once complete the business classification could be imposed on the shared drives and physical file storage more effectively (see <i>Records Management Survey</i> under General Comments below). <b>The Keeper would like to know when this survey is complete and potentially view the “targeted</b></p>

			<p><b>plan of implementation of classification Scheme” planned for 2015 (RMP page 6).</b></p> <p>This results of this work will fundamentally effect elements 5 and 11 (<b>see below</b>).</p> <p>As explained above, East Lothian Council currently operate several document management systems within their separate service areas. The Council acknowledges that the restructuring of the shared areas to reflect a functional business classification will be completed gradually over approximately 5 years (RMP page 6). The Keeper agrees this is a reasonable timeframe for this major project.</p> <p>The RMP suggests that it is possible that the Civica Electronic Document and Records Management System, which the Council currently licenses, may be rolled out as the ‘Corporate EDRMS solution’. A decision has not yet been taken on this proposal. Mr Lamond (<b>see element 1</b>) chairs the Project Board for the Electronic Document and Records Management System. Alex Fitzgerald sits on this board (<b>see element 2</b>). <b>The Keeper requests that he is kept informed on the development of this proposal and that he may view the outcome of the “EDRMS Review” planned for 2015 (RMP page 6). He would be especially interested in information regarding any alternative solution should the Civica proposal be rejected.</b></p> <p>The progress of the adoption of the business classification scheme can be followed on the East Lothian Council Action Plan which makes up part of the approved RMP. For example “Development of targeted Plan of implementation of Classification Scheme” is scheduled for March 2015.</p> <p>East Lothian Council contracts out some of its functions to third parties including an ALEO. Evidence that proper arrangements are in place to ensure that the terms of the RMP apply to these third parties has been provided to the Keeper (evidence 7a -</p>
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			<p>d).</p> <p>The RMP indicates (page 5) that a restructuring of the paper file store <u>may</u> be undertaken as part of this project. The Keeper will be interested to know what decision is taken regarding this.</p> <p>The Keeper agrees this element of the submitted RMP under ‘Improvement Model’ terms. This means that he is convinced that East Lothian Council has made a firm commitment to restructure their hybrid document management systems around their published business classification but requires to be updated as the project progresses.</p>
5. Retention schedule	<b>A</b>	<b>G</b>	<p>Please refer to comments against element 4.</p> <p>East Lothian Council’s <i>Business Classification Scheme</i>  <a href="http://www.eastlothian.gov.uk/downloads/file/3630/retention_schedules_june_2014">http://www.eastlothian.gov.uk/downloads/file/3630/retention_schedules_june_2014</a>  <b>(see element 4)</b> features retention decisions against each record series. These are based on the Scottish Council on Archives Records Retention Schedules  <a href="http://www.scottisharchives.org.uk/projects/toolsstandards/retentionschedules">http://www.scottisharchives.org.uk/projects/toolsstandards/retentionschedules</a>  and adapted for use in the Council by Alex Fitzgerald <b>(see element 2)</b></p> <p>As with the <i>Business Classification Scheme</i>, a project is in place to impose these retention decisions on the hybrid record systems currently operating. This project is commencing with a full survey of the Council’s service areas. The target date for completion of this project is 2018. <b>The Keeper requires East Lothian Council to keep him up-to-date on progress.</b></p> <p>The Keeper agrees this element of the submitted RMP under ‘Improvement Model’ terms. This means that he is convinced that East Lothian Council has made a firm commitment to apply their published retention schedule. He</p>

			<p><b>requires to be updated as the project progresses.</b></p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The RMP states (page 7) “There are currently a range of different destruction arrangements in place across the Council all focused on ensuring that information is destroyed securely.”</p> <p>The survey (see <i>Records Survey</i> under General Comments below) will help those arrangements to be implemented fully in line with the published retention schedule <b>(see element 5)</b>.</p> <p>The results of the survey will also help with what is described as a ‘physical file backlog’ (RMP page 6).</p> <p>Paper: The Council have a contract with external document shredding organisation (Shred-It) and operate internal secure shredding using Shred-It units and some in-house shredders. These comply with recognised standards. The process of destruction and quality of shredding is explained in the RMP (page 7). A destruction certificate has been provided as evidence (evidence 12). <b>The Council is planning to set protocols for use of internal shredders. The Keeper requests sight of these protocols when they are available.</b></p> <p>Hardware: All electronic data storing assets are processed by a specialist destruction company (Tes-Amm) who destroy to EN15713:2009 (Secure Destruction of Confidential Material) standard. A destruction certificate has been provided as evidence (evidence 9). The destruction of hardware is overseen by the Infrastructure and Security Team Leader. The Licensing Board’s equipment is managed by the Council’s IT Department.</p> <p>Back-Ups: Out of date backup tapes are shredded onsite by (Tes-Amm). Backup tapes are held for one year to serve as both a safeguard against accidental</p>

			<p>deletions and for business continuity purposes (<b>see element 10</b>). Tapes are then re-used and overwritten with newer versions of data. The Licensing Board's records are backed up as part of the Council's system.</p> <p>Electronic: There is an acknowledgement that the irretrievable destruction of records held electronically is problematic. The Council has instigated an approved action plan to address this. The RMP (page 8) explains how the destruction of electronic records occurs currently (where it does) and provides a statement regarding the current thinking of how the process will work once the retention schedules are properly imposed. <b>The Keeper accepts that the Council has properly identified a gap in provision and has appropriate mechanisms in place to close that gap.</b></p> <p><b>The Keeper agrees this element of the Council's plan on Improvement Model terms and requires to be updated as the project discussed under elements 4, 5 and 11 progresses.</b></p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<b>G</b>	<b>G</b>	<p>East Lothian Council transfer records to its own Archive Centre for permanent preservation. <a href="http://www.johngraycentre.org/">http://www.johngraycentre.org/</a></p> <p>The individual identified at element 2 above is the Archivist at the Council.</p> <p>The Keeper has been provided with a copy of the Acquisitions Policy of the Council as evidence that proper arrangements are in place (evidence 15). He has also been provided with a link to the Archive information page (evidence 14) that shows appropriate arrangements are in place for preservation of records and for public access where appropriate.</p> <p>The East Lothian Archivist's job description has been provided (evidence 16).</p>

			<p>The Keeper notes from the <i>Action Plan</i> that two new documents are planned relating to the preservation of the Council’s records (RMP page 10). <b>The Keeper requests that they are forwarded to him when appropriate.</b></p> <p>The Keeper agrees that East Lothian 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><b>G</b></p>	<p><b>G</b></p>	<p>The Council has a single page <i>Information Security Policy</i> dated October 2011 and signed by Chief Executive, Angela Leitch. It is supported by a detailed <i>Security Policy Manual</i>. Because of the sensitive nature of this manual the Council has opted not to share it with the Keeper. The Keeper accepts this as appropriate. The covering letter from the Head of Council Resources (<b>see element 1</b>) indicates that the Council has approved the submitted plan and therefore has approved the statements regarding information security made under element 8 (page 9). The Keeper agrees that this provides evidence of the existence of a <i>Security Policy Manual</i>.</p> <p>The Chief Executive has overall responsibility for the <i>Information Security Policy</i>.</p> <p>The <i>Information Security Policy</i> states that it is the policy of the Council to ensure that all staff will be provided with information security training. A sample screen-shot from the training module has been provided (evidence 27)</p> <p>The council has an Information Security Forum and an Information Security Manager who chairs this forum. Mr Fitzgerald is part of the Information Security forum (<b>see element 2</b>).</p> <p>The Council have supplied a copy of their <i>IT Acceptable Use Policy</i> (evidence 20). All users of the Council’s systems are required to sign up to this policy.</p>

			<p>The Council has provided the Keeper with a link to their <i>IT Service Plan</i> (version 1.5 August 2013) which includes the following statement: “A key challenge for IT is to maintain a secure environment for data while enabling Council staff to work flexibly and efficiently with access to all relevant information.” This plan is available online at: <a href="http://www.eastlothian.gov.uk/download/downloads/id/8156/ict_strategy-march_2014">http://www.eastlothian.gov.uk/download/downloads/id/8156/ict_strategy-march_2014</a></p> <p>The Council's security system aligns with ISO27001 Information Security Management standard.</p> <p>The <i>Information Security Policy</i> is due for review in December 2015. <b>The Keeper requests that, if any changes result from the review, he is provided with the updated version.</b></p> <p>The Keeper agrees that East Lothian Council appreciate the importance of information security and have an <i>Information Security Policy</i> approved at the highest level.</p>
9. Data Protection	<b>G</b>	<b>G</b>	<p>The Council has combined the Keeper’s elements 9 and 14.</p> <p>The Council has a full explanation of their Data Protection responsibilities on their website:  <a href="http://www.eastlothian.gov.uk/info/704/data_protection_and_freedom_of_information/535/a_guide_to_the_data_protection_act_1998">http://www.eastlothian.gov.uk/info/704/data_protection_and_freedom_of_information/535/a_guide_to_the_data_protection_act_1998</a></p> <p>This area of the site includes instructions for subject access enquiries under “Your Rights to Requesting Information from East Lothian Council”.</p> <p>The Council is registered with the Information Commissioner registration: Z5759571.</p>

			<p>The Council has provided the Keeper with their <i>Data Protection Policy</i> (evidence 26).</p> <p><b>The Council is initiating procedures to register East Lothian Licensing Board with the Information Commissioner. The Keeper requests that he is provided with the Board’s registration number when it becomes available.</b></p> <p>The Council's corporate induction includes a section on data protection and every employee handling personal information must undergo DP training every two years. A sample screen-shot from the training module has been provided (evidence 27)</p> <p>Each service area has a Data Protection Compliance Officer.</p> <p>The East Lothian Data Protection Officer’s job description has been provided (evidence 24).</p> <p>The Council shares information with public bodies and others using the Pan Lothian Protocol (link provided to the Keeper as evidence 25) and standard template data sharing agreements.</p> <p>The Council has provided their <i>Register of Agreements</i> as an example of the organisations that the Council enters into data sharing agreements with.</p> <p>The Keeper agrees that East Lothian Council has properly considered their responsibilities under the Data Protection Act 1998. Furthermore he agrees that East Lothian Council have considered the records management implications of information sharing as is appropriate.</p>
10. Business Continuity	<b>A</b>	<b>G</b>	<p>The <i>Information Security Policy</i> (see element 8) states that it is the policy of the Council to ensure that it maintains business continuity planning.</p>

<p>and Vital Records</p>			<p>East Lothian Council has a Risk Management Strategy, version 2 dated 2012, details of which are published online.  <a href="http://www.eastlothian.gov.uk/download/meetings/id/14163/04_council_risk_management_strategy">http://www.eastlothian.gov.uk/download/meetings/id/14163/04_council_risk_management_strategy</a></p> <p>To support this strategy the Council is currently developing service level Continuity Plans. The local approach is a sensible one. These should be available, at least in part, by early 2015. <b>The Keeper requires the Council to send a sample, redacted if necessary, of these when they are completed.</b></p> <p>The local continuity plans will be developed according to guidelines available to service heads as a document <i>East Lothian Council Business Continuity Management System</i>. The stated purpose of this document is to allow service areas to build “robust, effective and flexible Business Continuity plans” (page 7). This document is dated 2014 and approved by an introduction from Chief Executive, Angela Leitch. Section 14 of the <i>Business Continuity Management System</i> deals with the recovery of records. The Keeper has been provided with a copy of this document (evidence 30).</p> <p>The <i>Business Continuity Management System</i> discussed (page 5) the appointment of ‘Single Points of Contact’ within service areas for continuity management purposes. These contacts (and a deputy for each) will be trained on business continuity process. This commitment forms part of the introduction to the guidance signed by Angela Leitch, Chief Executive. Setting up these ‘points of contact’ is the responsibility of the Emergency Planning and Risk Manager, Sandy Baptie.</p> <p>The Keeper has also been provided with the Business Continuity Plan template (evidence 31) that service areas will be working to as they develop their local area plans. The Keeper thanks the Council for this and accepts it as clear evidence that</p>
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			<p>there is a commitment to develop this element.</p> <p>East Lothian Council has a Business Continuity Planning Group overseeing the above process and reporting, through the Head of Communities and Partnerships, to the Chief Executive.</p> <p><b>The Keeper is happy to agree this element of East Lothian’s RMP under ‘Improvement Model’ terms. This means that he convinced that the Council intends to develop business continuity plans for its service areas and has explained a coherent strategy to enable this to be done.</b></p>
11. Audit trail	<b>A</b>	<b>G</b>	<p><b>Please refer to comments against element 4.</b></p> <p>As explained under element 4 above, East Lothian Council operate several electronic systems within different service areas as well as shared drives and paper records. A programme is underway to investigate the possibility of greater centralised control of the records held in these systems. This programme has been initiated by surveying current holdings at a local level.</p> <p>An audit trail function is supposed in most electronic systems However, the RMP states (page 14) “There is a need to explore the details of these software applications and confirm the scope and method of their recording”.</p> <p>Evidence for the recording of paper record moves has been supplied (evidence 32).</p> <p>It is likely that considerable work will be required to properly account for records held on shared drives even where local practices have been formalised.</p> <p>The RMP notes (page 14) the value of sharing good practice between service areas. The Keeper commends this principle.</p>

			<p><b>The Keeper can agree this element on ‘Improvement Model’ terms. This means that he is convinced that tighter oversight of record location and of version control will result from the project set out in the approved Action Plan. As with elements 4 and 5 above he requests that he is kept up-to-date with the project as it progresses.</b></p>
<p>12. Competency Framework for records management staff</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The RMP states that the Council Records Manager (<b>see element 2</b>) must hold a qualification in archives and records management. The Keeper cannot insist on this under PRSA but agrees it is an entirely appropriate business decision for an authority of the size and complexity of a local authority.</p> <p>This statement is confirmed by the Job Outline provided by to the Keeper (evidence 34).</p> <p>The East Lothian Archivist’s job description has also been provided (evidence 16).</p> <p>The <i>Information Security Policy</i> (<b>see element 8</b>) states that it is the policy of the Council to ensure that all staff will be provided with information security training.</p> <p>The Council have supplied a copy of their <i>IT Acceptable Use Policy</i> (evidence 20). All users of the Council’s systems are required to sign up to this policy.</p> <p>The Council’s corporate induction includes a section on data protection and every employee handling personal information must undergo DP training every two years.</p> <p>The Council operates an online records management training module. A sample screen-shot from this module has been provided (evidence 27)</p> <p>New policies, including the <i>Records Management Policy</i> (<b>see element 3</b>) and the</p>

			<p><i>Information Security Policy (see element 8)</i>, are intimated to Council staff via an e-news alert.</p> <p>The Council have included a sample screen-shot of the records management page of their intranet, ELNet (evidence 42).</p> <p>The <i>Business Continuity Management System</i> discussed (page 5) the appointment of ‘Single Points of Contact’ within service areas for continuity management purposes. These contacts (and a deputy for each) will be trained on business continuity process.</p> <p>Licensing Board staff receive training as Council employees.</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 East Lothian Council considers records management training for appropriate staff.</p>
<p>13. Assessment and Review</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Council’s Internal Audit team have already reviewed the records management to create a baseline. There is commitment in the RMP that they will revisit this following the Keeper’s agreement. A reporting structure has been explained. The involvement of Internal Audit is commended.</p> <p>A link to the work of the Internal Audit Manager and their team has been provided to the Keeper.</p> <p>The ‘Background’ paragraph in the RMP (page 3) states “The following plan is designed to be responsive to the changing environment in which we operate and timings may alter based upon any new information.” The Keeper appreciates the recognition of these practicalities.</p>

			<p>The RMP includes an ‘action’ point to review the <i>Information and Records Management Policy</i> before June 2016 (page 4).</p> <p>The RMP states (page 10) that “The ISMS [Information Security Management System] is continually updated to ensure it meets requirements to allow the Council to deal with new and evolving threats”. The Council commits to arranging a security review by an External agent (RMP page 11). The <i>Information Security Policy</i> is due for review in December 2015. <b>The Keeper requests that, if any changes result from the review, he is provided with the updated version.</b></p> <p>The Council has committed to a Data Protection Health Check in December 2016. <b>The Keeper would be interested in the results of that check, if appropriate.</b></p> <p>The Keeper agrees that East Lothian 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			<p>The Council has chosen to combine a response to elements 9 and 14. This is perfectly acceptable. <b>Therefore see element 9 above.</b></p>
15. Freedom of Information	<b>G</b>	<b>G</b>	<p>The Council has chosen to make a feature of Freedom of Information compliance as part of its RMP. Although the Keeper has not included this as a separate subject in his Model Plan, he agrees it is entirely appropriate to address it as the Council has.</p> <p>The Council has provided their Freedom of Information Policy (evidence 44).</p>

			<p>Each service area has a Freedom of Information Compliance Officer.</p> <p>The East Lothian FOI Officer's job description has been provided (evidence 24).</p> <p>Mr Fitzgerald is part of the Freedom of Information Working Group (<b>see element 2</b>).</p> <p>A sample screen-shot from the FOI training module has been provided (evidence 27)</p> <p>An assessment of East Lothian Council by the Scottish Information Commissioner, under FOI, can be found at <a href="http://www.itspublicknowledge.info/ScottishPublicAuthorities/Practice/AssessmentReportingandAction.aspx">http://www.itspublicknowledge.info/ScottishPublicAuthorities/Practice/AssessmentReportingandAction.aspx</a></p> <p>In which the Commissioner states "Overall, East Lothian Council manages FOI well. The Council's robust FOI structures and procedures, with emphasis on providing guidance and support to staff via a well organised, knowledgeable and experienced central FOI team, merit particular mention."</p> <p>The Keeper agrees that East Lothian Council has properly considered their responsibilities under the Freedom of Information (Scotland) Act 2002.</p>
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## **East Lothian Council and East Lothian Licensing Board**

**For the purposes of this assessment the two scheduled authorities will be describes as 'East Lothian Council' or 'the Council'**

### Version

The assessed plan is Version Two approved on 19<sup>th</sup> December 2014. The author of the plan is Alex Fitzgerald (**see element 2**).

The plan makes it clear that it is a joint plan for both East Lothian Council and for the East Lothian Licensing Board. This is agreed by the Keeper.

The submitted plan is accompanied by covering letters from Jim Lamond, Head of Council Resources and Kirstie MacNeill, Clerk of Licensing Board approving the submission (**see element 1**).

The RMP includes an Action Plan 2014-19. By including this within the plan the Council can be assured that the Action Plan is approved at the appropriate level. The Action Plan is mapped against the elements of the RMP. For example, under element 4, "Development of targeted Plan of implementation of Classification Scheme" is scheduled for March 2015. The Keeper commends the inclusion of the Action Plan in the RMP.

The RMP has followed the elements of the Keeper's Model Plan other than combining elements 9 and 14 and adding element 15 'Freedom of Information'.

### Records Management Survey

East Lothian Council are currently undertaking a large-scale survey of its service areas to determine what information assets are held locally and in what format. This survey commenced in September 2014 and quotes PRSA. The results of this survey will greatly influence the development of systems in the future and therefore elements 4, 5 and 11. The process how this will be done is explained in the action plan that makes up part of the submitted RMP. The Keeper has been provided with a sample of the

survey document (evidence 7). The Keeper commends the involvement of record creators in the service areas in the design of any system.

### Publication

Much of the evidence package submitted with the RMP is published on the East Lothian Council website, for example the business classification is at [http://www.eastlothian.gov.uk/downloads/file/3630/retention\\_schedules\\_june\\_2014](http://www.eastlothian.gov.uk/downloads/file/3630/retention_schedules_june_2014). The Keeper commends this approach.

## **6. Keeper's Summary**

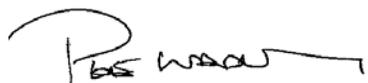
Elements **1 - 14** that the Keeper considers should be in a public authority records management plan have been properly considered by East Lothian Council and East Lothian Licensing Board. Policies and governance structures are in place to implement the actions required by the plan.

## 7. Keeper's Determination

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

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



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