

Public Records (Scotland) Act 2011

**East Renfrewshire Council
East Renfrewshire Licensing Board**

Assessment Report

The Keeper of the Records of Scotland

16 May 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 Renfrewshire Council and East Renfrewshire Licensing Board** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on **17th December 2015**.

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

3. Authority Background

East Renfrewshire is one of 32 council areas of Scotland. Until 1975 it formed part of the county of Renfrewshire for local government purposes along with the modern council areas of Renfrewshire and Inverclyde. Although no longer a local authority area, Renfrewshire still remains the registration county and lieutenancy area of East Renfrewshire.

The East Renfrewshire local authority was formed in 1996, as a successor to the Eastwood district, along with Barrhead, which came from Renfrew district. It borders onto the City of Glasgow, East Ayrshire, North Ayrshire, Renfrewshire and South Lanarkshire.

<http://www.eastrenfrewshire.gov.uk/>

The East Renfrewshire Licensing Board handles the administration of a range of licences. The Board is constituted as an independent regulatory body by virtue of Section 5 of the Licensing (Scotland) Act 2005.

The main function of the Board is to regulate premises that sell alcohol to the public. The Licensing Board is also required by the Gambling Act 2005 to regulate certain gambling activities within the Council area.

The board is made up of five councillors with various temporary licences granted under powers delegated to appointed East Renfrewshire Council officers, and all licensing fees are put back into the council to fund the licensing system which is entirely hosted and administered by council employees.

<http://www.eastrenfrewshire.gov.uk/article/2074/Licensing-Board>

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 Renfrewshire Council and East Renfrewshire 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:

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

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	G	G	<p>East Renfrewshire Council have identified Lorraine McMillan, Chief Executive, as the individual with overall responsibility for records management in the Council.</p> <p>East Renfrewshire Licensing Board have identified Gerry Mahon, Chief Officer - Legal & Procurement, as the individual with overall responsibility for records management in the Licensing Board.</p> <p>These appointments are confirmed by <i>Covering Letters</i> from Ms. McMillan and Mr. Mahon and by the minutes of the Corporate Management Team dated January 2015.</p> <p>Mr Mahon is responsible for the operation of the Council's retention schedule and for the review of the <i>Records Disposal Policy</i> (see <i>Records Disposal Policy</i> page 4)(see element 6).</p> <p>The Keeper agrees that East Renfrewshire Council and East Renfrewshire Licensing Board have identified appropriate individuals to this role as required by the Act.</p>
2. Records Manager <i>Compulsory element</i>	G	G	<p>The Council have identified Craig Geddes, Council Records Manager, as the individual with day-to-day responsibility for implementing their records management plan.</p>

			<p>The Licensing Board have approved Mr Geddes to take on this role for their public records in a <i>Covering Letter</i> from Gerry Mahon, Chief Officer - Legal & Procurement (see element 1).</p> <p>Mr Geddes appointment to the 'element 2' role is confirmed by a <i>Covering Letter</i> from Lorraine McMillan, Chief Executive (see element 1); by a <i>Covering Letter</i> from Mr Geddes; the submitted <i>Records Manager's Work Objectives</i> and by a minute of the Corporate Management Team which "identified Craig Geddes as the officer who will have the continuing responsibility for the practical implementation of the Plan."</p> <p>Mr Geddes is the corporate lead on Freedom of Information, maintains the Council's historic archive, and has roles in data protection, information security, and risk management.</p> <p>Mr Geddes is the author of the following Council documents: <i>Managing Your Files, Email Guidance, Document & Version Control, Archival Collecting & Acquisition Policy (see element 7), Using the Records Store, RMP review plan (see element 13)</i></p> <p>Mr Geddes finalised the <i>Records Management Policy (see element 3)</i>.</p> <p>The above demonstrates that Mr Geddes has a detailed knowledge of the records management provision in the Council.</p> <p>The Keeper agrees that East Renfrewshire Council and East Renfrewshire Licensing Board have identified an appropriate individual to this role as required by the Act.</p>
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<p>3. Policy Compulsory element</p>	<p>G</p>	<p>G</p>	<p>East Renfrewshire Council and East Renfrewshire Licensing Board have a <i>Records Management Policy</i>. It is available online at http://www.eastrenfrewshire.gov.uk/records-management-policy</p> <p>This is the version approved by the Corporate Management Team in January 2015 (v1.1).</p> <p>The <i>Policy</i> explains the benefits of robust records management to the organisation.</p> <p>The <i>Policy</i> specifically mentions the Public Records (Scotland) Act 2011.</p> <p>The <i>Records Management Policy</i> is supported by a suite of guidance documents such as <i>Email Guidance</i> and <i>Document & Version Control</i>.</p> <p>The Keeper agrees that the submitted <i>Plan</i> supports the ideas expressed in the <i>Policy</i>.</p> <p>The Keeper agrees that East Renfrewshire Council and East Renfrewshire Licensing Board have an approved and operational records management policy as required by the Act.</p>
<p>4. Business Classification</p>	<p>G</p>	<p>G</p>	<p>East Renfrewshire Council and East Renfrewshire Licensing Board have a <i>Business Classification Scheme</i> which is available online at http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=14284&p=0</p> <p>This is the version approved by the Council's Chief Officer - Legal & Procurement (see element 1) in September 2015.</p> <p>The <i>Business Classification Scheme</i> shows records in three levels (function/activity/transaction). For example Consumer affairs/Registration,</p>

			<p>certification and licensing/Licence premises.</p> <p>The Keeper agrees that the <i>Business Classification Scheme</i> appears to cover all the likely activities of the authority.</p> <p>The Council operate a hybrid system; their public records are both in electronic and in paper format.</p> <p>The Council operate a <i>Email Guidance</i> document which contains detailed instructions on the management of e-mails including destruction.</p> <p>The Keeper agrees that East Renfrewshire Council and East Renfrewshire Licensing Board have a <i>Business Classification Scheme</i> that encompasses all of the functions of the authority.</p>
5. Retention schedule	G	G	<p>The <i>Records Management Policy</i> states “Records will be disposed of in accordance with the Council’s Records Retention Schedule” (<i>Policy Principles of Records Management</i>).</p> <p>To this end the Council operates a full <i>Retention Schedule</i> which can be found online at http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=14286&p=0</p> <p>The <i>Retention Schedule</i> gives the citations upon which the retention decisions are based. For example, applications for premises licence are retained for 5 years before destruction under the authority of the Licensing (Scotland) Act 2005.</p> <p>Guidance on the use of the <i>Retention Schedule</i> is available on the same webpage.</p> <p>The <i>Retention Schedule</i> has been agreed upon by the Records Manager (see element 2) and the Chief Officer – Legal and Procurement (see element 1).</p>

			<p>This is a 'living' document that the Keeper notes has been updated during the assessment period.</p> <p>The retention schedule is based on the Scottish Council on Archives Records Retention Schedule.</p> <p>The Keeper agrees that East Renfrewshire Council and East Renfrewshire Licensing Board have a <i>Retention Schedule</i> that confirms retention decisions for the records indicated in the <i>Business Classification Scheme</i>.</p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>East Renfrewshire Council and East Renfrewshire Licensing Board have a <i>Records Disposal Policy</i> which is available online at http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=13527&p=0</p> <p>The purpose of this Policy is given as, among other things, “to ensure the disposal of time-expired records no longer required for legal or working purposes in order to aid effective access to information, and economic use of physical and electronic storage space.”</p> <p>This is version 1.1 approved by the Chief Officer – Legal and Procurement (see element 1) in April 2016.</p> <p>The <i>Records Disposal Policy</i> cross references the <i>Records Management Policy</i> (see element 3) and specifically mentions the Data protection Act (see element 9) and the Public Records (Scotland) Act.</p> <p><u>Paper</u>: The Council contract out the secure destruction of paper records to a third party. Certificates of destruction have been provided to the Keeper as evidence that these arrangements are in operation.</p>

			<p><u>Electronic</u>: The Council's RM Policy states that all staff are responsible for the records that they manage. This applies equally to electronic records: the same principles in terms of responsibility for their management and disposal as hard copy records apply. This means that the application of retention periods and the disposal of electronic records is the responsibility of the officers who manage and maintain these records.</p> <p>This has been re-emphasised in the Records Disposal Policy and in the Retention Schedule Guidance. Both these documents have been included in the evidence package and on the Council's RMP webpage.</p> <p><u>Hardware</u>: Guidance on the destruction of the records held on redundant hardware is given in the <i>Records Disposal Policy</i>. A certificate of erasure has been provided as evidence that these arrangements are operational.</p> <p><u>Back-Ups</u>: The Council, quite properly, backs-up records for business continuity purposes (see element 10) they have provided the following statement "The Council has a process for the re-use and destruction of back-up media, using Backup Exec to manage and control the contents of tape libraries, and the transition of scratch tapes to live use and then back again after expiration of the data. When media is deemed to be beyond its useful life, it is de-commissioned from live use and disposed of by our supplier Media Resources Ltd for which they provide appropriate destruction certificates." A <i>Destruction of Back-Ups Certificate</i> has been provided in evidence of this.</p> <p>A log of records that have been destroyed is kept. The Keeper commends this practice.</p> <p>The Keeper agrees that the Council have arrangements in place to ensure the methodological, secure and irretrievable destruction of records when appropriate.</p>
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<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>The Council's <i>Records Management Policy</i> (see element 3) states "that information of a long-term archival value is kept as the permanent corporate memory of the Council" (<i>Policy</i> introduction).</p> <p>To this end, the Council has an <i>Archival Collecting & Acquisition Policy</i> which is published online at http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=13744&p=0</p> <p>This is the version approved by the Council's Chief Officer - Legal & Procurement (see element 1) in February 2015 (v1.1)</p> <p>The Council transfers records to the East Renfrewshire archives at Williamwood High School http://www.eastrenfrewshire.gov.uk/archives</p> <p>The Council archivist is Craig Geddes (see element 2).</p> <p>The Council have provided an <i>Accession Control Sheet</i> and samples to show that the transfer arrangements from the Council to the archive repository are operational.</p> <p>The Keeper agrees that East Renfrewshire Council and East Renfrewshire Licensing Board have arrangements in place to transfer records, selected for permanent preservation, to a suitable repository as required by the Act.</p>
<p>8. Information Security <i>Compulsory</i></p>	<p>G</p>	<p>G</p>	<p>East Renfrewshire Council and East Renfrewshire Licensing Board have an <i>Information Security Policy</i> which is available online at http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=13532&p=0</p>

<p><i>element</i></p>			<p>This is version 4 updated by the Information Security Officer in 2014.</p> <p>The <i>Information Security Policy</i> is supported by a suite of other policies and guidance such as the Council's <i>Information Handling Policy</i> http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=13534&p=0 and the IS Classification Procedure http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=13533&p=0 These and others have been supplied to the Keeper in evidence.</p> <p>The Keeper agrees that East Renfrewshire Council and East Renfrewshire Licensing Board have procedures in place to appropriately ensure the security of their records as required by the Act.</p>
<p>9. Data Protection</p>	<p>G</p>	<p>G</p>	<p>East Renfrewshire Council and East Renfrewshire Licensing Board have a <i>Data Protection Policy</i> which is available online at http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=5561&p=0</p> <p>This is version 1.2 approved by the Chief Officer - Legal & Procurement (see element 1) in March 2016.</p> <p>East Renfrewshire Council is registered with the Information Commissioner Z7145991. The Council have confirmed separately that the Licensing Board is included in the Council's DP registration.</p> <p>The <i>Data Protection Policy</i> features the current 8 principles of Data protection.</p> <p>Subject access information is available to service users on the Council's website: http://www.eastrenfrewshire.gov.uk/dataprotection</p>

			<p>Gerry Mahon, Chief Officer - Legal & Procurement (see element 1) is the Council's Data Protection Officer.</p> <p>The Council has a screenshot of training material on the website as an example of good practice and a commitment to ensuring staff receive training.</p> <p>The Keeper agrees that the Council have appropriately considered their responsibilities under the Data Protection Act 1998.</p>
10. Business Continuity and Vital Records	G	G	<p>The Civil Contingencies Service heads emergency planning for East Renfrewshire, Renfrewshire and Inverclyde Council.</p> <p>As part of the business continuity planning process each key service is required to complete a <i>Business Impact Analysis</i>. The services must identify any vital records they hold, how they are stored and if there are any back-ups. Templates and a redacted sample of service assessments have been provided to the Keeper.</p> <p>The Keeper agrees that the service level <i>Business Impact Analysis</i> includes Vital Records / Documentation.</p> <p>The Keeper agrees that East Renfrewshire Council and East Renfrewshire Licensing Board have arrangements in place to recover records in a 'disaster'.</p>
11. Audit trail	G	G	<p>East Renfrewshire Council and East Renfrewshire Licensing Board do not operate a full EDRM.</p> <p>Records must be managed by the imposition of version control and naming conventions at the time of file creation.</p>

			<p>Staff have access to the following key documents through the website:</p> <p>Document and Version Control: http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=13939&p=0</p> <p>Using the Records Store: http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=13953&p=0</p> <p>Managing your files: http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=13526&p=0</p> <p>Email Guidance: http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=13572&p=0</p> <p>Furthermore, certain line-of-business systems operated by the Council are capable of monitoring the movement and amending of these records. Examples include Social Work (SWIS), Human Resources (Resource Link), Accountancy (Northgate) and Education (SEEMIS).</p> <p>The Keeper agrees that the staff guidance above provides a structure that should facilitate the organisation of the Council’s public records in such a way that they can be efficiently retrieved and the correct version identified.</p>
<p>12. Competency Framework for records management staff</p>	<p>G</p>	<p>G</p>	<p>The Council has provided the <i>Job Description</i> for the Council Records Manager (see element 2). This clearly shows that responsibility for records management rest with the post-holder.</p> <p>The Council have made the following statement: “the Council is committed to providing access to appropriate learning and development opportunities to all</p>

			<p>employees. The Council has also developed a records management e-learning training module and will be raising awareness of all staff of the RMP” (<i>Plan</i> section 12). The Council have provided the Keeper with a sample training slide from the proposed package.</p> <p>Team Managers are responsible for ensuring their staff understand the operation of the retention schedule and the secure destruction of records (<i>Records Disposal Policy</i>).</p> <p>The Council has developed Information Security and Data protection training for staff. Screen shots of these training modules have been supplied.</p> <p>The Keeper agrees that the individual identified at element 2 has the required authority and skills to implement the Plan. They also consider information governance training opportunities for staff where appropriate.</p>
<p>13. Assessment and Review</p>	<p>G</p>	<p>G</p>	<p>The Act requires a scheduled public authority to “keep its records management plan under review” (part 1 5.1 (a)).</p> <p>The Council’s Records Manager (see element 2), with the approval of the Chief Officer for Legal & Procurement (see element 1), has developed a records management plan review program. This program is available online at http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=13721&p=0</p> <p>A review of parts of the plan has be incorporated into the Council's current five years Internal Audit timetable. The Keeper commends the use of internal audit where possible.</p> <p>The Council has submitted a confirmation e-mail from Internal Audit endorsing this plan.</p>

			<p>The <i>Records Management Policy</i> is due for review by December 2017.</p> <p>The <i>Archival Collecting & Acquisition Policy</i> is due for review by February 2017.</p> <p>The <i>Records Disposal Policy</i> is due to be reviewed by December 2016.</p> <p>The Managing your files guidance is due to be reviewed by 21/01/18 The Email Guidance is due to be reviewed by 13/12/16</p> <p>The Document & Version Control guidance document is due to be reviewed by 10/09/17</p> <p>The Using the Records Store guidance document is due to be reviewed by 11/03/17</p> <p>The Business Classification Scheme is due to be reviewed by 14/09/16</p> <p>The Retention Schedule is due to be reviewed by 1/06/16</p> <p>The Archival Listing and Description is due to be reviewed by 5/10/17</p> <p>The Keeper requests that the Council provide him with updates to these documents as they become available, in order that he may keep the authority's submission up-to-date.</p> <p>The Keeper agrees that East Renfrewshire Council and East Renfrewshire Licensing Board have arrangements in place to review their RMP as required by the Act. Furthermore he acknowledges that key information governance documents have appropriate review periods allocated to them.</p>
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14. Shared Information	G	G	<p>As is the case with all Scottish local authorities, East Renfrewshire Council routinely shares information with other bodies while carrying out its functions.</p> <p>The Council have provided their <i>Information Sharing Checklist</i> which explains the operation of these information sharing ventures in detail.</p> <p>The council is a partner agency in the <i>Greater Glasgow and Clyde Protocol</i>. The Keeper is familiar with this arrangement and agrees that it features information governance among its clauses (for example 1.5).</p> <p>The Council commits to following the Information Commissioners <i>Data Sharing Code of Practice</i>: https://ico.org.uk/about-the-ico/consultations/data-sharing-code-of-practice/</p> <p>The Keeper agrees that East Renfrewshire Council and East Renfrewshire Licensing Board properly considers information governance when implementing information sharing arrangements with third parties.</p>
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General Notes on RMP, Including Concerns:

Version:

This assessment is on the *Records Management Plan* (the *Plan*) of East Renfrewshire Council and East Renfrewshire Licensing Board (the Council). The version assessed is that published online at <http://www.eastrenfrewshire.gov.uk/records-management> at April 2016.

The *Plan* is accompanied by a *Covering Letter* dated 3rd December 2015 from Lorraine McMillan, Chief Executive (**see element 1**) endorsing the submission.

The Council publish their Plan and most of the evidence.

The Council have published a minute and a report from their Corporate Management Team showing they are familiar with the submission of the Council's *Plan*.

The *Plan* refers to the Public Records (Scotland) Act and follows the 14 element structure of the Keeper's Model Plan <http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources/model-records-management-plan>

Third Parties:

As a Local Authority it is very likely that East Renfrewshire Council contracts out some of its functions to third parties, such as charities or ALEOs. The Act makes it clear that records created by these third parties when carrying out these functions are subject to the Act. It is the responsibility of the scheduled authority (the Council) to ensure that procedures are in place to satisfy themselves that third parties are carrying out records management appropriately (Part 1 section 3(1)(b) "records created by or on behalf of a contractor in carrying out the authority's functions").

For the Council this issue is dealt with in the document entitled 'Conditions of Contract for the Purchase of Services' which appears as the final link entitled 'terms and conditions' beside Element 14. There is a section at the end of this document which specifically deals with Contractors complying with requirements under PRSA.

6. Keeper's Summary

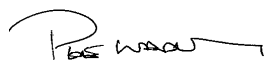
Elements 1 - 14 that the Keeper considers should be in a public authority records management plan have been properly considered by East Renfrewshire Council and East Renfrewshire Licensing Board. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper's Determination

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

- The Keeper recommends that East Renfrewshire Council and East Renfrewshire 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 Renfrewshire Council and East Renfrewshire Licensing Board. In agreeing this RMP, the Keeper expects East Renfrewshire Council and East Renfrewshire 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