

Public Records (Scotland) Act 2011

Fife Council Fife Licensing Board Fife Assessor Assessment Report

The Keeper of the Records of Scotland

17 November 2014

Assessment Report

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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 **Fife Council**, **Fife Licensing Board and the Fife Assessor** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 3rd **September 2014**.

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

3. Authority Background

Fife is Scotland's third largest local authority area by population. It has a resident population of just under 360,000, almost a third of whom live in the three principal towns of Dunfermline, Kirkcaldy and Glenrothes. Kirkcaldy is Fife's largest town by population (48,108 in 2006), followed by Dunfermline (45,462 in 2006) and then Glenrothes (38,927 in 2006). Fife Council is a unitary authority which provides all local government services for the Fife area. The Council Headquarters are located in Glenrothes. There are 78 councillors.

http://www.fifecouncil.co.uk/index.cfm

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. Fife Licensing Board consists of 10 Board members.

Since the enactment of the Lands Valuation (Scotland) Act 1854, Assessors have been responsible for the valuation of all heritable properties for local taxation purposes within their respective valuation areas. Currently all rateable properties are shown in the Valuation Roll and domestic subjects are contained within the Council Tax List. These documents form the basis for levying non-domestic rates (Valuation Roll) and Council Tax (Council Tax Valuation Lists). Each of the 32 Councils within Scotland is a valuation authority and responsible for appointing an Assessor who must in turn compile and maintain a Valuation Roll and a Council Tax Valuation List. The Fife Assessor is a Scottish public authority in their own right, separate from the Council.

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 **Fife Council**, **Fife Licensing Board and the Fife Assessor** 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	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
			progresses.		basis.

Fife Council, Fife Licensing Board and the Fife Assessor (For ease these three authorities will be referred to as 'Fife Council' in this report)

5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer Compulsory element	G	G	Fife Council have identified Steve Grimmond, Chief Executive, as the individual with overall strategic responsibility for records management in the authority. This is confirmed by a letter from Mr Grimmond dated 15 th July 2014 (evidence 1.1). Fife Licensing Board have identified Iain Matheson, Clerk to the Licensing Board, as the individual with overall responsibility for records management in the Board. This is confirmed by a letter from Mr Matheson dated 28 th July 2014 (evidence 1.2). A letter dated 30 th October 2014, agreeing to the RMP, has been received from Fife Assistant Assessor, Walter Smith in which he agrees with the RMP and Improvement Plan. The Keeper agrees that Fife Council have identified appropriate individuals to these
2. Records	G	G	roles as required by the Act. The seniority of these officers is commended by the Keeper, particularly as part of the submitted RMP is in the form of an 'improvement plan' (see <i>Improvement Plan</i> under General Comments below). Fife Council have identified Andrew Dowsey, Archives and Local Studies Team
Manager Compulsory			Leader at Fife Cultural Trust, as the individual with responsibility of the RMP.

element			This appointment is confirmed by letters from the Chief Executive, Fife Council and the Clerk to Fife Licensing Board (see element 1) (evidence 1.1 and 1.2). Mr Dowsey's suitability for this role has been confirmed by his Job Description (evidence 12.1) (see element 12). Tasks relating to the creation and implementation of the RMP in the Fife Cultural Trust Work Plan (provided as evidence 12.2) have clearly been assigned to Andrew Dowsey. This work plan also outlines Mr Dowsey's responsibility for liaising with the records management co-ordinators in the service areas (see Records Management Champions under General Comments below). Mr Dowsey is also responsible for publicising records management issues on the Intranet (see Intranet under General Comments below) and Fife Direct Website.
			The Keeper agrees that Fife Council have identified an appropriate individual to this role as required by the Act.
3. Policy Compulsory element	G	G	Fife Council have provided the Keeper with a copy of their <i>Records Management Policy</i> (evidence 3.1). This is version 4 approved November 2013. The <i>Records Management Policy</i> is available to the public on-line at: http://www.fifedirect.org.uk/topics/index.cfm?fuseaction=page.display&p2sid=2B282 C8B-3DA6-4A1D-84AA-B063205B583F&themeid=2B892409-722D-4F61-B1CC-7DE81CC06A90 The Keeper commends the publication of this document. The Keeper agrees that Fife Council has an approved and operational <i>Records Management Policy</i> as required by the Act and that it is available to all appropriate staff in the authority.

4. Business Classification	A	G	Fife Council have a <i>Business Classification Scheme</i> (Corporate File Plan) that has been provided to the Keeper (evidence 4.1). This scheme is being rolled out throughout the different service areas as part of a major redevelopment of records management systems based around the use of SharePoint 2013 (see <i>Improvement Plan</i> and <i>SharePoint</i> under General Comments below) The Council have adapted the well regarded, <i>Local Government Classification Scheme</i> as a template for their system. The Keeper has been provided with screen-shots of how the scheme appears in service areas (evidence 4.2 and 4.3) Fife Licensing Board feature in the <i>Business Classification Scheme</i> (section V) and the Assessor Service records are included in the classification scheme under local taxation.
			Fife Council holds records in paper and electronic format. It does not operate an EDRM. Fife Council also have an Information Asset Register. This 62 page document has
			been sent to the Keeper as evidence 10.6. It details all the significant data sets held by Fife Council. 'Significant' is defined as data sets which are identified as business critical or which hold personal information of 100 or more individuals. This Register includes data sets which contain customer and employee details. The Keeper thanks the Council for sharing this document and would like to assure Fife Council that all documents submitted in evidence are held securely by NRS and access is strictly limited to the PRSA Assessment Team, the Head of Government Records and himself.

			Fife Council contracts out some of its functions to third parties including three ALEOs. The individual identified in element 2 is employed by one of these ALEO (Fife Cultural Trust). 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 5.3 and 5.4). The Keeper agrees this element of Fife Council's RMP on 'improvement model' terms. This means that he is convinced of the authority's commitment to implement the BCS fully over time, but would request that he is updated as this project progresses. Fife Council has suggested that they provide an update every 6 months to alert the Keeper to progress. The Keeper welcomes this.
5. Retention schedule	A	G	Fife Council have a full retention schedule for their directorates. This has been provided to the Keeper (evidence 5.1). The retention schedule is being revised at time of submission using the well regarded SCARRS system. A note submitted with the Retention Schedule indicates that the Council will be adopting a functional system in the future. This must remain a business decision for Fife Council, but the Keeper acknowledges that a functional system is currently considered best practice. The retention schedule will be imposed on the shared drives as the SharePoint solution is rolled out through the authority (see Improvement Plan under General Comments below).
			Review of retention schedules is done locally be records management co-ordinators (see Records Management Champions under General Comments below). The Keeper agrees this element of Fife Council's RMP on 'improvement

			model' terms. This means that he is convinced of the authority's commitment to implement the revised <i>Retention Schedule</i> fully over time, but would request that he is updated as this project progresses. Fife Council has suggested that they provide an update every 6 months to alert the Keeper to progress. The Keeper welcomes this.
6. Destruction Arrangements Compulsory element	G	G	Electronic: Data Custodians locally destroy electronic records held by directorates when retention periods elapse. They create an audit trail and other relevant documentation. This process has been evidenced by example (evidence 6.9) Staff instructions regarding the destruction of electronic records has also been provided (evidence 3.2 and 6.8).
			Paper Internal: Each directorate identifies a suitable person to authorise destruction of paper records. Procedures for this destruction have been provided to the Keeper (evidence 6.1) as has evidence that a third party shredding company is employed by Fife Council (evidence 6.2).
			Paper External: Instructions for the destruction of Paper Files held by three external storage contractors have been provided to the Keeper (evidence 6.6 and 6.7).
			Back-Ups: Fife Council keep back-up copies of electronic records for business continuity purposes (see element 10)
			They have provided the Keeper with a statement from the Council's IT Service (evidence 6.5). This confirms that processes are in place for the routine destruction of information held on these back-up tapes.
			Hardware: Fife Council have provided the Keeper with their IT Services Disposal Work Instruction (evidence 6.4). This is evidence that the Council properly considers the secure disposal of IT equipment.

			The Keeper agrees that Fife Council has appropriate procedures in place for the irretrievable destruction of records when required.
7. Archiving and Transfer Compulsory element	G	G	Fife Council transfer records to the Fife Cultural Trust Archive Centre for permanent preservation. The individual identified at element 2 above is the Archives Team Leader at the
			Trust. The Keeper has been provided with a copy of the collections agreement between the Council and the Trust as evidence that proper arrangements are in place (evidence 5.3). He has also been provided with a transfer receipt (evidence 7.1) that shows these arrangements are operational.
			The Keeper agrees that Fife Council has proper arrangements in place for the archiving of its records as required by the Act.
8. Information Security Compulsory element	G	G	Fife Council have supplied their <i>Information Security Policy</i> (evidence 8.1). This is version 6 approved July 2013. The public are made aware of Fife Council's commitment to information security on their website: http://www.fifedirect.org.uk/news/index.cfm?fuseaction=feature.display&objectid=A0 E6A55B-F82D-99F5-CA1FCF16C1E79E32
			The Information Security Policy is available to Fife Council staff on their Intranet (see <i>Intranet</i> under General Comments below).

			The Fife Council employee Code of Conduct makes it clear that each employee has a responsibility for complying with the Information Security Policy. The Code of Conduct can be viewed at: http://www.fifedirect.org.uk/publications/index.cfm?fuseaction=publication.pop&pubid=978DCF3C-788E-444C-B3BDF5DF549F922D Fife Council have provided a suite of information assurance policies and guidelines that support the Information Security Policy (evidence 8.2 - 8.13) In March 2014 the Council was reviewed by Audit Scotland and a draft survey and action plan has been provided relating to this. The most recent update to the Action Plan has been provided to the Keeper during this Assessment. The Keeper thanks Fife Council for this update. The Corporate Services Induction Checklist (supplied as evidence 12.4) features actions relating to familiarising new staff regarding Information Security. There is a compulsory Information Security e-learning module that all staff must consult. Data Protection Act training is also mandatory for all staff. The Keeper agrees that Fife Council has an approved Information Security Policy in operation in the authority as required by the Act. He agrees that appropriate staff have access to this policy.
9. Data Protection	G	G	Fife Council have supplied their <i>Data Protection Policy</i> (evidence 9.1). This is version 3 approved March 2013. The <i>Policy</i> is available on the Council's website at: http://www.fifedirect.org.uk/publications/index.cfm?fuseaction=publication.pop&publid=23EA47EB-9876-C415-654E50839378E8BF

10. Business G G	Fife Assessor is registered with the Information Commissioner as: Z6954898 Fife Licensing Board is registered with the Information Commissioner as: A8018692 The Corporate Services Induction Checklist (supplied as evidence 12.4) features actions relating to familiarising new staff regarding Data Protection. Data Protection Act training is mandatory for all staff. Details of this training appear in the RMP (page 8). The Data Protection Policy states that the council must "ensure that everyone managing and handling personal data is appropriately trained and supervised; and is fully aware of their data protection responsibilities." (page 3). The Officer in the council responsible for data protection is the Executive Director, Corporate Services, Mike Enston. The Keeper agrees that Fife Council has properly considered its responsibilities under the Data Protection Act 1998. Fife Council has an overarching Corporate Business Continuity Plan which has
Continuity	been supplied. This is version 4 dated September 2014 (evidence 10.2).

and Vital Records			Each directorate has a service specific continuity plan a sample of one of these (from the Assessor) has also been supplied (evidence 10.3). Fife Council have also provided an example of a <i>Critical Activity Plan</i> (evidence 10.4) which includes vital records (page 7). Business critical data sets are also identified in the Information Asset Register (see element 4).
			Fife Council keep back-up copies of electronic records for business continuity purposes (see element 6)
			Staff are informed of the latest developments in business continuity planning through a regular newsletter issued by the Council. The copy for winter 2013/14 has been provided to the Keeper as an example (evidence 10.5). It describes a major IT failure in December 2013 that lead to process being put in place to recover systems including those holding corporate records. The unfortunate event provides the Keeper with evidence that continuity planning is operational. The Keeper agrees that Fife Council have properly considered the recovery of key business systems and records in an emergency.
11. Audit trail	Α	G	The roll-out of SharePoint (see <i>Improvement Plan</i> under General Comments below) will greatly enhance the audit function relating to electronic records.
			The Council have provided a procedural document explaining the tracking of paper records. The Keeper is aware that the council is creating a centralised records store in a new repository Fife Council has suggested that they update the Keeper on this re-location project in six months' time. The Keeper welcomes this.

			A sample of file naming procedures from one particular directorate has been supplied as evidence as this aspect of record tracking (evidence 11.4). The Keeper agrees this element of Fife Council's RMP on 'improvement model' terms. This means that he is convinced of the authority's commitment to implement systems to track and identify records fully over time, but would request that he is updated as this project progresses.
12. Competency Framework for records management staff	G	G	Fife Council have provided the job description for the Archives and Local Studies Team Leader (see element 2) (evidence 12.1). This demonstrates his responsibility to "Co-ordinate the implementation and maintenance of Fife Council's Records Management Plan in accordance with the Public Records (Scotland) Act 2011" (section 8). Tasks relating to the creation and implementation of the RMP in the Fife Cultural Trust Work Plan (provided as evidence 12.2) have clearly been assigned to Andrew Dowsey (see element 2). The Council have also provided a suite of evidence demonstrating that appropriate training and relevant information is routinely made available to the Council's staff This includes online (see Intranet under General Comments below), a weekly bulletin to frontline staff (evidence 5.3), an Information Security Roadshow and a newsletter (evidence 10.5) (see element 10). There are compulsory Information Security and Information Governance e-learning modules that all staff must consult. Data Protection Act training is mandatory for all staff (see element 9). 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 Fife Council considers records management training for appropriate staff.
13. Assessment	G	G	The RMP will be revisited annually with a major review every three years.
and Review			These reviews will be carried out by the Information Policy Development Group.
			There is a commitment in the RMP for them to use an adapted form of the ARMA Information Governance Maturity Model in these reviews (see ARMA under General Comments below). This system was adapted using some of the measures featuring in the ARMS Quality Improvement Tool. This maturity model will be used to monitor progress on the elements of the RMP that have been agreed under Improvement Model terms (see elements 4, 5 and 11).
			The Council have provided a sample survey form (evidence 13.1)
			Fife Council have set a target for all service areas to be at level 3 or 4 in the Maturity Model within 5 years. This would seem a realistic target.
			Furthermore, Fife Council have access to an internal audit department and they produce reports on information management. A sample of one such report has been sent to the Keeper (evidence 13.2). The Keeper commends the use of an internal audit facility, when available, to measure the success of the implementation of a RMP.
			The internal audit will use ISO15489 as a benchmark.
			The Information Asset Register (see element 4) is updated annually.
			The Data Protection Policy (see element 9) states that the council must "regularly

			review and audit internal data handling processes and procedures." (page 3). The Keeper agrees that Fife 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.
14. Shared Information	G	G	Fife Council have adopted the Scottish Accord for Sharing of Personal Information (SASPI). The Keeper agrees that SASPI properly considers the governance of records. In their evidence package, the Council have provided a sample of an information sharing protocol (Children's Services). An example of partnership working has been provided (Council/NHS Board) The Keeper agrees that Fife Council have considered the records management implications of information sharing as is appropriate.

Fife Council, Fife Licensing Board and the Fife Assessor (For ease these three authorities will be referred to as 'Fife Council' in this report)

Version

This assessment is of *Fife Council and Fife Licensing Board Records Management Plan* Revision Number 1 approved 01/09/2014 and owned by the Executive Director, Corporate Services. It is accompanied by a covering letter from Fife Council Chief Executive

Steve Grimmond (evidence 1.1). Mr Grimmond has identified himself as the senior officer with responsibility for records management (see element 1). The RMP is also accompanied by a letter from Iain Matheson, Clerk to the Fife Licensing Board, identifying himself as senior officer for that authority.

The RMP specifically indicates that the Fife Assessor is included in the Fife Council plan.

The submitted RMP is based on the 14 elements of the *Keeper's Model Plan*.

Improvement Plan

The Keeper is free under the terms of the Public Records (Scotland) Act to agree a records management plan that is not yet fully implemented in an authority. It is entirely in the spirit of the Act to support an action plan that appears to direct an authority towards better records management provision. He is willing to do this where there is evidence of a firm commitment to pursue this action plan and where senior management approval is in place. In the case of Fife Council the Keeper notes that the authority is rolling out SharePoint 2013 and that the submitted file plan will be imposed on this solution as it is implemented. This process is clearly explained in the RMP and the Keeper is willing to agree those elements of the RMP that hinge on this roll-out on an 'Improvement Plan' basis. He requires Fife Council to keep him informed of progress when appropriate (see elements 4, 5 and 11).

SharePoint

Many Scottish public authorities have opted for the SharePoint solution. The Keeper would remind public authorities that SharePoint is not in itself a records management system and for full functionality, particularly relating to ensuring that metadata travels with the record when extracted from the system – for the purposes archiving for example – a records management bolt-on may be required. The Fife Council RMP indicates the proposed use of 'third party records management software' (page 5) alongside the SharePoint system. The Keeper understands that this will be RecordPoint.

Intranet

Fife Council communicates with its staff using their intranet 'FISH' and it is through this medium that staff access policies and procedures relating to records management. The Council has provided the Keeper with two sample screen shots to show how this appears in practice (*Clear Desk Policy* and *Information Governance - Privacy Statement* evidence 9.2).

Records Management Champions

Local records management champions, called by the Council 'Records Management Co-Ordinators', have been set up in each directorate. They work with the Archives and Local Studies Team Leader (see element 2) to implement aspects of the RMP at a local level. The Keeper commends the principle of having local co-ordinators in service areas. A sample objective from one of these champions has been provided to the Keeper (evidence 12.3). It states "Ensure our contract documentation is kept in accordance with the Document Management Policies of the Council and assists in meeting our obligations under the Public Records (Scotland) Act 2011".

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 Fife Council, Fife Licensing Board and the Fife Assessor. 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 Fife Council, Fife Licensing Board and the Fife Assessor.

The Keeper recommends that Fife Council, Fife Licensing Board and the Fife Assessor 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,

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Robert Fotheringham
Public Records Officer

Khart Fathyson

Pete Wadley
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 Fife Council, Fife Licensing Board and the Fife Assessor. In agreeing this RMP, the Keeper expects these authorities 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