

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

# **Scottish Further and Higher Education Funding Council Assessment Report**

**The Keeper of the Records of Scotland**

**19 November 2014**

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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 the **Scottish Further and Higher Education Funding Council** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on **31<sup>st</sup> July 2014**.

The assessment considered whether the RMP of the Scottish Further and Higher Education Funding Council 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 the Scottish Further and Higher Education Funding Council complies with the Act can be found under section 7 of this report with relevant recommendations.

### **3. Authority Background**

The Scottish Further and Higher Education Funding Council (SFC) is a Non-Departmental Public Body (NDPB) of the Scottish Government and was established on 3 October 2005. The Council replaced the former Scottish Further Education Funding Council (SFEFC) and the Scottish Higher Education Funding Council (SHEFC) and brought together funding and support for Scotland's colleges and universities under one body.

SFC is the national, strategic body that is responsible for funding teaching and learning provision, research and other activities in Scotland's 25 colleges and 19 universities and higher education institutions. Although scheduled under the Public Records (Scotland) Act 2011 as 'Scottish Further and Higher Education Funding Council', they are more commonly known as 'the Scottish Funding Council' or 'SFC'.

<http://www.sfc.ac.uk/>

#### **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 the Scottish Further and Higher Education Funding Council'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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**Scottish Further and Higher Education Funding Council  
(The Funding Council)**

**5. Model Plan Elements: Checklist**

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>Martin Fairbairn, Senior Director for Institutions and Corporate Services at the Funding Council has been identified as the individual with overall responsibility for records management in the authority.</p> <p>Mr Fairbairn is also the Funding Council's SIRO.</p>

			<p>Mr Fairbairn's responsibility for records management has been included in the Information Management Framework (evidence 001)</p> <p>The Keeper agrees that the Senior Director for Institutions and Corporate Services and SIRO is an appropriate individual to be identified in this role.</p>
<p>2. Records Manager <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>Simon Macauley, Information Management and Security Officer at the Funding Council has been identified as the individual with day-to-day responsibility for implementing the plan.</p> <p>Mr Macauley's job specification has been supplied and shows appropriate competencies for this role.</p> <p>Mr Macauley is the author of the <i>Information Management Policy (see element 3)</i>, <i>the Retention and Disposal Policy and Schedule (see elements 5 and 6)</i>, <i>the Information Security Policy (see element 8)</i>, <i>the Data Protection Policy (see element 9)</i> and the <i>ICT Equipment Disposal policy (see elements 6 and 8)</i>. His knowledge of the records management provision in the funding council cannot be questioned.</p> <p>The Information Management and Security Officer is responsible for the business classification scheme <b>(see element 4)</b> and the <i>Retention and Disposal Schedule (see element 5)</i>.</p> <p>Mr Macauley's forward job plan, submitted as part of evidence 002, makes clear his responsibility matters around information security <b>(see element 8)</b>.</p> <p>Mr Macauley is the Funding Council's Data Protection Officer.</p> <p>The Keeper agrees that the Information Management and Security Officer. Is an</p>

			appropriate individual to be identified in this role.
3. Policy <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>The Funding Council has submitted its <i>Information Management Framework</i> (evidence 001). This is version 1.4 dated October 2014. The document is clearly approved. This policy maps well against the RMP.</p> <p>The <i>Information Management Policy</i> (described in the evidence pack as Information Management framework) is written by the Information Management and Security Officer (<b>see element 2</b>)</p> <p>The <i>Policy</i> includes a good summary of 'records as an asset' in section 9.</p> <p>The <i>Policy</i> is scheduled for review in July 2015. <b>Should this review result in changes, the Keeper requests that he is provided with an updated version to keep the Funding Council's submission current.</b></p> <p>The Keeper agrees that The Funding Council has an approved and operational Records Management Policy as required by the Act.</p>
4. Business Classification	<b>G</b>	<b>G</b>	<p>The Funding Council have provided the Keeper with a full business classification scheme: <i>Corporate File Plan</i> (evidence 003). This plan was created at the time of the implementation of an EDRM in the authority (Opentext Link <a href="http://www.opentext.com/who-we-are">http://www.opentext.com/who-we-are</a>) in 2007. The <i>File Plan</i> is therefore embedded and fully operational in the Funding Council.</p> <p>The Funding Council have provided the Keeper with the user manual for the EDRM system (evidence 016).</p> <p>The <i>File Plan</i> is arranged by Function (called functionality in the RMP) Activity and Task. The design of the business classification scheme must remain a business</p>



			<p>decision for the Funding Council, but the Keeper acknowledges that a ‘functional’ scheme is currently considered best practice.</p> <p>Despite operating a primarily electronic record keeping environment, the Funding Council has legacy paper records held internally or in an external commercial records store (Iron Mountain). These records are accounted for in the business classification scheme.</p> <p>The Information Management and Security Officer (<b>see element 2</b>) is responsible for the business classification scheme.</p> <p>No function of the Funding Council is carried out by a third party. The <i>File Plan</i> is reviewed annually.</p> <p>The Keeper agrees that the Funding Council has an operational business classification scheme that covers the functions of the whole authority.</p>
5. Retention schedule	<b>G</b>	<b>G</b>	<p>The Funding Council have provided the Keeper with a full (74 page) retention schedule: <i>Retention and Disposal Schedule</i> (evidence 004). This is version 2.8 approved by the Assistant Director for Learning, Governance and Sustainability in June 2014.</p> <p>The retention schedule maps the functions detailed in the business classification scheme (<b>see element 4</b>).</p> <p>The RMP (page 12) provides a good explanation of the importance of operating a retention schedule.</p> <p>The <i>Retention and Disposal Schedule</i> is under review at time of this assessment and a revised version is expected in March 2015. <b>The Keeper requests that the</b></p>

			<p><b>updated version is supplied, when available, to allow him to keep the Funding Council submission up-to-date.</b></p> <p>The Information Management and Security Officer (<b>see element 2</b>) is responsible for monitoring the <i>Retention and Disposal Schedule</i>.</p> <p>The Keeper agrees that the Funding Council has a functioning retention schedule that appears to cover all the record types created as the authority carries out its functions.</p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p><u>Electronic</u>: The Keeper has been provided with the funding Council's <i>Retention and Disposal Schedule</i> (evidence 004) and <i>ICT Equipment Disposal policy</i> (evidence 018). These show that proper arrangements exist for the irretrievable destruction of records held electronically and of <u>Hardware</u>. The latter is also evidenced by the provision of a sample hardware destruction certificate (evidence 006).</p> <p><u>Paper</u>: Despite operating a primarily electronic record keeping environment, the Funding Council has legacy paper records held internally or in an external commercial records store (Iron Mountain). The irretrievable destruction of paper records held in Funding Council offices is arranged through a commercial records-destruction company (Shred-it). The contract between the Funding Council and Shred-it has been included to evidence that this arrangement is in place. The destruction process for files held offsite at Iron Mountain has been explained.</p> <p><u>Back-Ups</u>: Explanation of the current backup procedure, including destruction/overwriting of old backups has been included.</p> <p>Responsibility for destruction is shared between 3 officers including the Information Management and Security Officer (<b>see element 2</b>).</p>

			The Keeper agrees that the Funding Council has properly considered the irretrievable destruction of records when appropriate as required by the Act.
7. Archiving and Transfer <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>The Funding Council transfer records selected for permanent preservation to the National Records of Scotland (NRS). This is confirmed by the Keeper's client managers.</p> <p>Arrangements are underway to deposit electronic records with NRS.</p> <p>Archiving arrangements are reviewed annually by the Information Management and Security Officer (<b>see element 2</b>) in conjunction with the Keeper's client managers.</p> <p>The Keeper agrees that the Funding Council has arrangements in place to transfer records to an appropriate archive.</p>
8. Information Security <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>The Funding Council have provided the Keeper with their <i>Information Security Policy</i> (evidence 009). This is version 1.7 dated 2010.</p> <p>The individual identified at element 2, is the Information Management and <u>Security</u> Officer and author of the <i>Policy</i>. He is the first contact given in the key contacts section (page 11).</p> <p>Mr Macauley's (<b>see element 2</b>) forward job plan, submitted as part of evidence 002, makes clear his responsibility matters around information security.</p> <p>There is a statement in the RMP (page 16) committing the funding council to staff training on the importance of information security. A PowerPoint presentation used in this training has been supplied to the Keeper as evidence 010.</p> <p>The Keeper has been provided with the Funding Council's <i>Remote Working Policy</i></p>

			<p>(evidence 011).</p> <p>The Keeper has been provided with the Funding Council's <i>External Data Processing Policy</i> (evidence 011).</p> <p>The policies mentioned above, including the compulsory Information Security Policy are reviewed annually by the Information Management and Security Officer.</p> <p>The Keeper agrees that the Funding Council have properly considered the security of their records.</p>
<p>9. Data Protection</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Funding Council have provided the Keeper with their <i>Data Protection Policy</i> (evidence 013). This is version 1.4 dated 2014. The original policy was created by the Information Management and Security Officer (<b>see element 2</b>).</p> <p>The Funding Council are registered with the Information Commissioner (as 'Scottish Further and Higher Education Funding Council'): Z6668573</p> <p>Mr Macauley (<b>see element 2</b>) is the Funding Council's Data Protection Officer. Mr Fairbairn (<b>see element 1</b>) also accepts responsibility for this element (RMP page 17).</p> <p>The Funding Council data sharing agreement (evidence 017) specifically mentions data protection. The RMP states (page 22) that the authority operates data sharing in accordance with the Information Commissioner's Data Sharing Code of Practice. There is a statement in the RMP (page 16) committing the funding council to in-house staff training on the importance of data protection. A presentation used in this training has been supplied to the Keeper as evidence 010.</p> <p>The <i>Data Protection Policy</i> is available on-line at:  <a href="http://www.sfc.ac.uk/web/FILES/About_the_Council_Our_Conduct/SFC_Data_Prote">http://www.sfc.ac.uk/web/FILES/About the Council Our Conduct/SFC Data Prote</a></p>

			<p><a href="#">ction Policy[1].pdf</a></p> <p>The Keeper agrees that the Funding Council properly recognise their responsibilities under the Data Protection Act 1998.</p>
<p>10. Business Continuity and Vital Records</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Funding Council have provided the Keeper with their <i>Business Continuity Plan</i>. This is a section of the Financial Procedures Manual but acts as a standalone document. The plan is dated from 2013 and the RMP states that it has been “agreed by SFC’s Audit and Compliance Committee”.</p> <p>The <i>Plan</i> provides detail of the steps taken to recover the systems of the Funding Council in the case of a disaster. It explains the responsibilities of staff members both individually and as a group. The responsibility for the recovery of records rest with the Head of Information Systems. The responsibility for the whole <i>Business Continuity Plan</i> rests with the Chief Executive.</p> <p>The operational records of the Funding Council are electronic and there is evidence in the plan of electronic back-up/recovery. The identification of ‘vital records’ is potentially less important for an organisation whose entire system can be backed-up. The Keeper accepts the omission of identification of vital records on this basis.</p> <p>Minutes of the Audit and Compliance Committee meeting in which the Business Continuity Plan was agreed have been supplied (evidence 008)</p> <p>The <i>Business Continuity Plan</i> undergoes annual <u>testing</u> as well as a review. Details of the testing have been supplied as Annex F to the plan.</p> <p>The Keeper agrees that the Funding Council has an operational business continuity plan that properly considers the recovery of records in an emergency.</p>

<p>11. Audit trail</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Scottish Funding Council operates a corporate environment that is principally electronic. They utilise an EDRM records management system (<b>see element 4</b>). This system imposes an audit trail on records. The system user manual has been provided to the Keeper of evidence of this.</p> <p>The authority also holds legacy paper records both in-house and in a commercial storage facility. The RMP (page 19) discusses the potential of combining an inventory of these records with the EDRM. The Keeper commends this in principal, but notes that there is no firm commitment to do this yet.</p> <p>Explanation of the tracking of paper files is given.</p> <p>The Keeper agrees that the Funding Council has systems in place to facilitate records location when necessary and to ensure version control of those records.</p>
<p>12. Competency Framework for records management staff</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Funding Council have provided the current forward job plan for the Information Management and Security Officer (<b>see element 2</b>). This document (evidence 002) clearly demonstrates the records management aspect of the role.</p> <p>Regular training is specifically mentioned in the CEO's <i>Covering Letter</i>. There is a statement in the RMP (page 16) committing the funding council to staff training on the importance of information security and data protection. A presentation used in this training has been supplied to the Keeper as evidence 010. The Information Management and Security Officer has an objective to: "Introduce RM training into the mandatory FOI/DP and information security training for staff. Continue to roll out and update training in-house for all staff." (evidence 002 item 9). This officers own training is reviewed in conjunction with Mr. Hancock <b>see <i>Responsible Officer under General Comments below</i></b></p> <p>The Keeper agrees that the individual identified as having day-to-day responsibility</p>

			for implementing the RMP has appropriate skills for the role. Furthermore, the Keeper acknowledges that the Funding Council considers records management training for appropriate staff.
13. Assessment and Review	<b>G</b>	<b>G</b>	<p>The control sheet for the submitted RMP states that it will be reviewed annually for the first two years and thereafter biennially.</p> <p>The <i>File Plan</i> (<b>see element 4</b>) is reviewed annually.</p> <p>According to its control sheet, the <i>Retention and Disposal Policy and Schedule</i> (<b>see element 5</b>) is due for review in June 2015. However, the Keeper understands that this policy is under review at time of this assessment.</p> <p>Archiving arrangements are reviewed annually by the Information Management and Security Officer (<b>see element 7</b>).</p> <p>The current review process for Information Policies has been provided to the Keeper along with plans for future development of this process.</p> <p>The Information Security Policy (<b>see element 8</b>) is reviewed annually by the Information Management and Security Officer.</p> <p>Evidence Number 021: Draft Guidance for reviewing the SFC Records Management Plan is provided to support this.</p> <p>The Keeper agrees that the Funding Council have arrangements in place to properly review their RMP and other key records management policies.</p>
14. Shared Information	<b>G</b>	<b>G</b>	The Funding Council shares information with other bodies as part of their business. They do so under a template data sharing agreement a sample of which has been

			<p>submitted to the Keeper (evidence 017).</p> <p>The data sharing agreement provided to the Keeper clearly recognises the importance of records governance and clauses in the sample agreement make clear that the 'ownership' of the records remains with the Funding council.</p> <p>The RMP states (page 22) that the authority operates data sharing in accordance with the Information Commissioner's Data Sharing Code of Practice. It also states that "Data sharing agreements determine the retention periods and disposition procedures..."</p> <p>They have also submitted staff guidance regarding information sharing (evidence 012).</p> <p>The Funding Council data sharing agreement specifically mentions data protection.</p> <p>The Keeper agrees that the Funding Council have considered the records management implications of information sharing as is appropriate</p>
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**Scottish Further and Higher Education Funding Council  
(The Funding Council)**

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

The assessed RMP is version 1.1 dated October 2014. It has been created by the information Management and Security Officer (**see element 2**) and approved by the SIRO (**see element 1**). It is endorsed by Laurence Howells, Chief Executive of the Funding Council, in a *Covering Letter* dated July 2014.



The Records Management Plan is supported by the *Records Management Policy* (**see element 3**)

There is a statement below the control sheet of the RMP committing the Funding Council to alert the Keeper to any changes that are made to the plan. The Keeper welcomes this commitment.

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

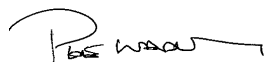
Elements **1 – 14** that the Keeper considers should be in a public authority records management plan have been properly considered by the Scottish Further and Higher Education Funding Council. Policies and governance structures are in place to implement the actions required by the plan.

## 7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of the Scottish Further and Higher Education Funding Council.

- The Keeper recommends that the Scottish Further and Higher Education Funding Council 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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**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 the Scottish Further and Higher Education Funding Council. In agreeing this RMP, the Keeper expects the Scottish Further and Higher Education Funding Council 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