

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

# **Highland and Western Isles Valuation Joint Board Assessment Report**

**The Keeper of the Records of Scotland**

**13 December 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 Highland and Western Isles Valuation Joint Board by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 24 December 2015.

The assessment considered whether the RMP of Highland and Western Isles Valuation Joint 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 Highland and Western Isles Valuation Joint Board complies with the Act can be found under section 7 of this report with relevant recommendations.

### **3. Authority Background**

The Highland and Western Isles Valuation Joint Board is made up of 10 elected members:

8 from the Highland Council and 2 from Comhairle nan Eilean Siar (The Western Isles Council).

The Board appoints and is responsible for the administrative oversight of the Assessor. The Assessor is responsible for assigning a value to properties for tax purposes:

The Council Tax list records the Council Tax band of every home in Highland and Western Isles

The Valuation Roll records the owners, occupiers and rateable values of business premises.

The Electoral Registration Officer is responsible for compiling the register of electors and related matters.

## 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 Highland and Western Isles Valuation Joint Board 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

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>William J Gillies, Assessor and Electoral Registration Officer, has been identified in the Records Management Plan (RMP) as the officer with senior management responsibility for records management within the Board.</p> <p>The Records Management Policy (evidence document 1) contains a statement of commitment from the Assessor which emphasises the Board's commitment to following best practice in records management. The Keeper commends this approach.</p> <p>Section 6.2 of the Policy confirms that the Assessor is the senior officer with responsibility for records management within the Board.</p> <p>The Keeper agrees that the Board has identified an appropriate individual to take senior management responsibility for records management as required by the Public Records (Scotland) Act 2011.</p>
2. Records Manager <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>The RMP identifies Frank Finlayson, Assistant Assessor, as having operational responsibility for records management within the Board.</p> <p>Section 6.2 of the Records Management Policy confirms that the Assistant Assessor is the records manager with day-to-day responsibility for records management within the Board.</p> <p>Section 6.7 also describes the records manager's responsibility for creating and maintaining records management procedures and issuing guidance to Assistant Assessors where necessary.</p>

			<p>The Job Specification of the Assistant Assessor has been supplied as evidence document 2 which clearly shows a responsibility for records management.</p> <p>The Keeper agrees that an appropriate individual has been identified to take operational responsibility for records management within the Board.</p>
<p>3. Policy <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Board has submitted its Records Management Policy as evidence document 1. This is version 1.0 approved on 26 November 2015.</p> <p>The Policy contains a statement from the Assessor (see Element 1) which outlines the Board’s commitment to complying with best practice records management. It also sets out the purpose of the policy, highlights the importance of records management and defines responsibilities. The RMP states that all of the Board’s systems are governed by the requirements of the Policy and the RMP.</p> <p>The Policy is published on the Board’s website. The Keeper commends the publication of key documents as a way of sharing information with stakeholders.</p> <p>The Board doesn’t have its own intranet site but is able to use that of Highland Council. The Board has published the Records Management Policy on its website and maintains the Policy on its shared drive network (a screenshot has been submitted showing where it sits) and staff are informed when policies are updated/changed. A sample email informing staff of changes to the Flexible Retirement Policy has been submitted as evidence that this takes place (document 3A).</p> <p>The Board also complies with Highland Council’s Information Security Policy (evidence document 3) which covers topics such as encryption, physical security and removable media.</p>

			The Keeper agrees that the Board has an operational Records Management Policy that outlines its corporate approach to records management and that staff are able to access this and are aware of their responsibilities.
4. Business Classification	<b>G</b>	<b>G</b>	<p>The Board has submitted its Records Retention and Disposal Arrangements Schedule (evidence document 5). This forms the basis of the Board’s Business Classification Scheme (BCS) and is a 3 tier functional structure (function, activity and transaction). This covers the Boards 3 functions of Electoral Registration, Non-Domestic Rating and Council Tax as well as the administrative processes which allow the Board to carry out these functions.</p> <p>This document also sets out the format in which the record exists, its retention period and the method of destruction. The Keeper commends the creation of a combined BCS/retention schedule as a useful tool for staff.</p> <p>The BCS/retention schedule is supported a Retention Schedule and Disposal Arrangements guidance document (evidence document 4). This provides useful guidance on the practical aspects of complying with the BCS/retention schedule. It includes guidance on the destruction of ephemeral information and the importance of maintaining a record of those records that have been disposed of.</p> <p>Page 21 of the RMP sets out the requirement for contractors to abide by the requirements of the Board’s RMP as part of the tendering process. The Keeper commends the consideration of 3<sup>rd</sup> parties’ responsibilities towards public records.</p> <p>The Keeper agrees that the Board has a BCS which identifies its record creating business activities.</p>
5. Retention schedule	<b>A</b>	<b>G</b>	<p>See Element 4 for comments on retention schedule.</p> <p>The RMP states that the retention schedule forms a fundamental part of the Boards</p>

			<p>records management arrangements.</p> <p><b>The RMP also states that the schedule covers all records irrespective of format or medium but also that the schedule needs to be reviewed to ensure that provisions are in place for electronic records. The Future Development section of this Element states that ‘Rules need to be clarified for the structure of our electronic files within the shared drive and their subsequent destruction, retention or transfer to the archivist.’ This work is due to be completed in the 2016-2017 financial year. The Keeper requests that he is kept informed of the progress of this project.</b></p> <p><b>The Keeper can agree this element on an ‘improvement model’ basis. This means that the Board have identified a gap in provision (lack of a structure for storing electronic records on the shared drive and the ability to systematically destroy these at the end of their retention periods) and have committed to close this gap. As part of this agreement the Keeper expects to be kept informed as work progresses.</b></p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p><b>A</b></p>	<p><b>A</b></p>	<p>The RMP states that destruction of all paper, digital media and IT equipment takes place under the requirements of Highland Council’s Information Security Policy (evidence document 3). The Board has outlined its procedures for the secure destruction of the following:</p> <p><b><u>Paper Records</u></b> Small quantities of confidential waste are shredded locally using the appropriate specification of shredders. Bulk paper waste is uplifted by a contractor, Northern Recycling Solutions Ltd, and destroyed securely on their premises. Evidence, including a sample destruction certificate, has been submitted showing the procedures that are in place for the destruction of paper records (evidence documents 6-9).</p>

			<p><b><u>Electronic Records</u></b>  <b>The Future Development section of this Element describes that the Board is currently investigating with Corona Service the possibility of creating an easier way of destroying records held electronically within the council tax and valuation roll systems. The Keeper requests that he is kept informed as this work progresses.</b></p> <p><b>As well as bespoke business systems, the Board also maintains electronic records on a shared drive. The Future Development section of Element 5 states that the imposition of the BCS/retention schedule structure on the shared drive will assist with the destruction of electronic records at the end of their retention periods. As part of this work, the Board will identify individuals at a local and central level who will be responsible for the identification and destruction of records at the end of their retention periods. The RMP states that this work is scheduled for completion by the 2016/17 financial year. The Keeper will need to be kept informed of the progress of this work.</b></p> <p><b><u>Hardware</u></b>  <b>The RMP states that hardware is disposed of according to Highland Council’s Information Security Policy. Section 7.6 of the Policy sets out the high level requirements for the secure destruction of IT equipment. The Board uses Highland Council’s provider for the secure destruction of hardware. The Board has submitted the Asset Disposal Work Instruction (document 9A) as evidence of the procedures for the secure destruction/recycling of obsolete hardware.</b></p> <p><b><u>Back-ups</u></b>  <b>The Board, quite correctly, maintains a back-up of electronic systems for business continuity purposes. The Business Continuity Plan (evidence document 11) states that all systems are backed up daily over a weekly cycle. A weekly back-up is taken at the end of the week and this is retained securely off-site for a month.</b></p>
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			<p>The Keeper agrees that the Board has procedures in place to securely destroy paper records at the end of their retention periods, obsolete hardware, and that there is a schedule for the destruction of electronic back-ups. He can accept that work is underway to improve the levels of provision for the destruction of electronic records and can agree this Element on an 'Improvement Model' basis, provided he is regularly updated on the progress of this project.</p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p><b>A</b></p>	<p><b>A</b></p>	<p>The RMP states that guidance governing the transfer of records selected for permanent preservation from the Board to an appropriate archive will be developed. This guidance will set out the process for transferring these records. This is in line with a commitment in Section 5.1 of the Records Management Policy.</p> <p>Discussions have taken place between the Board and the archive services of Western Isles Council and Highland Council. This is evidenced by email discussions between the Board's records manager and archivists at each of these archives (documents 5A, 5A1 and 5B). The discussions centre on the Valuation Roll, Electoral Register and Council Tax lists which are the main series of records created by the Board, and confirm that the Councils' Archive Services have agreed to the transfer of these records. The discussions don't refer to other records, such as Board Minutes, which are identified as being selected for permanent preservation in the Board's retention schedule (document 5). The Board has indicated that regarding the 'guidance and retention of other archived records it will be necessary to create a new document which details both the transfer agreements and also the retention of documents within the office.' The Board commits to sending this document to the Keeper once it has been developed and approved.</p> <p>The Keeper can agree this Element on an 'Improvement Model' basis. This</p>

			<p>means that the Board has undertaken to make arrangements for the archiving of all records selected for permanent preservation. The Keeper will require a copy of the guidance document mentioned above, which is under development, and also evidence showing that the arrangements cover all records selected for archiving, including for example, minutes of Board meetings. The Keeper will expect to receive the guidance document and further evidence no later than four months after the agreement of the RMP. Should he fail to receive this, the Keeper may re-consider his agreement of this Element.</p>
<p>8. Information Security <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The RMP states that the Board follows Highland Council’s Information Security Policy (evidence document 3). This describes the Board’s approach to areas such as physical security, encryption, portable media, passwords and clear desk/screen working.</p> <p>Similar to the Records Management Policy (see Element 3), the Board maintains the Information Security Policy on its shared drive network (a screenshot has been submitted showing where it sits) and staff are informed when policies are updated/changed. All Board staff are required to complete the Civil Service Learning Protecting Information (Level 1) module. Valuation staff and administration assistants are required to complete Level 2 of this training. A screenshot of the training has been supplied as evidence (document 9B).</p> <p>Staff are vetted to a basic level by Disclosure Scotland.</p> <p>All staff are required to sign a confidentiality agreement. A blank agreement has been supplied as evidence (document 9D). Highland Council is accredited as being a part of the Public Services Network (PSN) which ensures the security of networks and systems of subscribing bodies. This extends to the Board as part of its relationship with Highland Council. This is confirmed by a screenshot taken from Highland Council’s intranet (document 9E).</p>

			The Keeper agrees that the Board has measures in place to protect the information it creates and holds and has evidenced a commitment to staff training.
9. Data Protection	<b>G</b>	<b>G</b>	<p>The RMP states that the Board is registered as a Data Controller with the Information Commissioner’s Office (registration number Z7182146) and has also submitted this as evidence document 10).</p> <p>The RMP also contains a statement highlighting the importance of complying with the Data Protection Act 1998 whilst carrying out its functions.</p> <p>The Board has submitted its newly approved Data Protection Policy (document 10B). This sets out the Board’s corporate approach to complying with the Data Protection Act 1998 and outlines the responsibilities for ensuring this. The Policy is available to staff on the Board’s shared drive network (a screenshot has been submitted showing where it sits) and staff are informed when policies are updated/changed. It is also published on the Board’s website. The Keeper commends this approach of letting key stakeholders know the authority’s approach to Data Protection.</p> <p>Subject access request information and a form for requesting personal data is available on the Board’s website.</p> <p>The Keeper agrees that the Board has measures in place to protect personal data and that staff are made aware of their responsibilities.</p>
10. Business Continuity and Vital Records	<b>A</b>	<b>A</b>	The Board has submitted its Business Continuity Plan (BCP) (evidence document 11) which details the procedures in place for ensuring it can resume its business functions in the event of an interruption to service. A large part of the Board’s systems, such as the IT infrastructure, are covered by the business continuity provisions of Highland Council.

			<p>The BCP also explains the Board’s back-up schedule which should allow it to restore access to business information in the event of a disaster.</p> <p><b>The RMP states that the senior management team are responsible for identifying vital records and will reflect this in the retention schedule. Once this has been completed measures will be developed to ensure that these can be accessed in the event of an emergency. The Keeper commends the commitment to identifying vital records and requests that he is kept informed of progress as this work moves forward.</b></p> <p><b>The Keeper can agree this Element on an ‘improvement model’ basis. This means that the Board has identified a gap in provision (lack of identification of and measures in place to protect vital records in all formats) and has identified measures to close this gap. As part of this agreement the Keeper will require to be updated as work progresses.</b></p>
11. Audit trail	<b>G</b>	<b>G</b>	<p>The RMP states that audit trail provision is not comprehensive across the Board.</p> <p>The electronic systems used to carry out the functions of electoral registration, valuation roll and council tax have audit trail functionality built into them. Evidence document 13 is a screenshot showing a sample of the capabilities of the Strand IDOX registration system. Evidence document 14 is a screenshot of the Corona Service A2K system for managing the valuation roll and council tax audit trail provisions.</p> <p>Paper files are logged out of their storage locations using a sheet which shows when a file was removed and returned. Evidence document 12 is a sample log sheet. The RMP states that the Board is looking to incorporate this logging information into software developed by Corona Service. The Keeper commends this commitment to develop a new system of tracking the movement of paper records</p>

			<p>but is satisfied that the current log sheet system provides adequate information to be able to locate a file when required. This is of course a business decision for the Board.</p> <p>The Board has submitted its revised File Naming Conventions (document 12A) as evidence. This is used to impose control on the shared drive area as part of the work to impose the BCS upon records stored in this area.</p> <p>The Keeper agrees that the Board has procedures in place to locate records when required.</p>
<p>12. Competency Framework for records management staff</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The job specification of the records manager (submitted as evidence document 2 under Element 2) contains a clear statement that records management forms a key part of his responsibilities.</p> <p>Section 5.1 of the Records Management Policy (evidence document 1) shows the Board's commitment to training of staff. All staff are required to complete the Civil Service Learning Protecting Information (Level 1) module. Valuation staff and administration assistants are required to complete Level 2 of this training. A screenshot of the training has been supplied as evidence (document 9B).</p> <p>A screenshot of the My Online Learning section of Highland Council's website (document 9C) shows that staff have access to training modules relating to Information Management and that this forms part of new staff members' induction process.</p> <p>The RMP also states that the records manager will have access to any relevant training if required.</p> <p>The Keeper agrees that relevant staff have records management built into their formal job descriptions and have access to training, if required.</p>

<p>13. Assessment and Review</p>	A	G	<p>The Board has outlined its procedure for assessing and reviewing the RMP and supporting policies.</p> <p><b>The RMP and the Records Management Policy will be assessed on an annual basis by the records manager. Any projects relating to the RMP will also be monitored by the records manager. The assessment and review of the RMP and associated policies will be reported to the Senior Management Team, who are responsible for approving the RMP and related policies. The Board will be trialling the use of the Archives and Records Management System (ARMS) tool and may in future use internal auditors to assess compliance with their RMP. The Keeper will be interested to know the results of the trial especially if the Board decides not to proceed with the use of the ARMS self-assessment mechanism. If this is the case he will need to be provided with details of how the Board will ensure that their RMP is kept fit for purpose.</b></p> <p><b>The Keeper can agree this Element on an ‘Improvement Model’ basis. This means that the authority has identified a gap in provision (lack of methodology for ensuring regular assessment and review of the RMP and associated policies and procedures) and has identified a potential solution. As part of this agreement, the Keeper will need to be informed of the assessment and review methodology the Board intends to use if it decides that the ARMS Tool is not appropriate.</b></p>
<p>14. Shared Information</p>	G	G	<p>The RMP states that the Board shares information with a third party in limited circumstances but when it does an appropriate agreement is entered into. Section 7.3 of Highland Council’s Information Security Policy (evidence document 3) covers data sharing and confidentiality agreements and states that prior to any systematic sharing of personal information a data sharing agreement must be entered into which will then be added to a Corporate Data Sharing Register.</p> <p>Also submitted is a Minute of Agreement (evidence document 15) between all</p>

			<p>Assessors and Valuation Joint Boards. The Agreement governs the development of a portal website to allow access to information relating to council tax banding, electoral registration and non-domestic rating. The Agreement commits each Assessor to complying with the Data Protection Act 1998.</p> <p>A Minute of Agreement between Scottish Electoral Registration Officers for sharing the data of 14 to 17 year olds (evidence document 16) has been submitted. Section 7 of the Agreement relates to information governance.</p> <p>The Keeper agrees that there are procedures in place to ensure that information can be shared with other bodies in a secure manner and with consideration given to information governance.</p>
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## 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 Highland and Western Isles Valuation Joint Board. Policies and governance structures are in place to implement the actions required by the plan.

Elements that require development by Highland and Western Isles Valuation Joint Board are as follows:

**Element 6 – The Keeper can accept that work is underway to improve the levels of provision for the destruction of electronic records and can agree this Element on an ‘Improvement Model’ basis, provided he is regularly updated on the progress of this project.**

**Element 7 - The Keeper will require a copy of the guidance document once it has been developed and also evidence showing that the arrangements cover all records selected for archiving, including for example, minutes of Board**

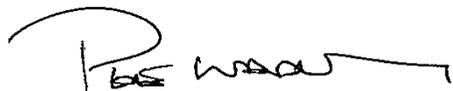
meetings. The Keeper will expect to receive the guidance document and further evidence no later than four months after the agreement of the RMP. Should he fail to receive this, the Keeper may re-consider his agreement of this Element.

## 7. Keeper's Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of Highland and Western Isles Valuation Joint Board.

The Keeper recommends that Highland and Western Isles Valuation Joint 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 Highland and Western Isles Valuation Joint Board. In agreeing this RMP, the Keeper expects Highland and Western Isles Valuation Joint 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