

Public Records (Scotland) Act 2011

Independent Living Fund Scotland

The Keeper of the Records of Scotland

8 October 2019

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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 Independent Living Fund Scotland by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 29th May 2019.

The assessment considered whether the RMP of the Independent Living Fund Scotland 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 Independent Living Fund Scotland complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

Description of Authority: Following the closure of the UK Independent Living Fund (ILF) on 30th June 2015, the Scottish Government established a new organisation, Independent Living Fund (ILF) Scotland, to administer ILF for existing recipients of the fund in Scotland.

ILF Scotland is a public body, governed by a Board of Directors, appointed by and accountable to Scottish Ministers.

ILF Scotland operates as a discretionary fund providing financial awards to over 3,000 disabled people in Scotland and Northern Ireland to help them live independently.

Their funding enables individuals to pay for care so that they can be supported in their homes and within their local communities.

ILF Scotland Limited is a company limited by guarantee registered in Scotland Company Number SC500075.

<https://ilf.scot/about-us/>

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 Independent Living Fund Scotland'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

Independent Living Fund Scotland (ILF)

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	G	G	<p>Independent Living Fund Scotland (ILF) have identified Harvey Tilley, Chief Operating Officer as the individual with overall responsibility for records management in the organisation.</p> <p>Mr Tilley is the authority's Senior Information Risk Owner (SIRO). The Keeper agrees that as SIRO Mr Tilley is ideally placed to take on this role.</p> <p>The identification of the Chief Operating Officer to this role is supported by a <i>Covering Letter</i> from Mr Tilley (see under General Comments below). In this letter Mr Tilley emphasises that he has "full accountability for Information Management and Security." The identification of the SIRO to this role is confirmed in the <i>Information Governance Handbook</i> (see element 3) for example section 4 page 13.</p> <p>The Chief Operating Officer has line management responsibility for the Business Information and Data Protection Officer (see element 2).</p> <p>Mr Tilley is the document 'owner' of the ILF <i>Business Continuity Plan</i> (see element 10).</p> <p>The SIRO is responsible for investigating information security incidents (see</p>

			<p>element 8) (<i>Handbook</i> pages 18 and 19).</p> <p>The SIRO is also responsible for authorising ‘bulk’ data transfer agreements with third parties (see element 14). He is also responsible for authorising the removal of paper records from ILF offices (<i>Handbook</i> page 25).</p> <p>The Keeper agrees that Independent Living Fund Scotland have identified an appropriate individual to this role as required by the Public Records (Scotland) Act 2011 (the Act).</p>
<p>2. Records Manager <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>Independent Living Fund Scotland (ILF) have identified Marianne Craig, Business Information and Data Protection Officer, as the individual with day-to-day responsibility for implementing the <i>Records Management Plan</i> (the <i>Plan</i>).</p> <p>The identification of the Business Information and Data Protection Officer to this role is supported by a <i>Covering Letter</i> from the authority’s Chief Operating Officer (see element 1 and under General Comments below).</p> <p>ILF have provided the Competency Framework Ms Craig works to and the Keeper agrees this shows suitable requirements such as “Good understanding of records management theory and practice.” He also notes the requirement that the post holder should have an “Awareness of the information and guidance available from NRS.” The Keeper welcomes the inclusion of this competency.</p> <p>The Chief Operating Officer has line management responsibility for the Business Information and Data Protection Officer.</p> <p>Ms Craig is responsible for the completion of the <i>Plan</i>.</p> <p>Ms Craig is responsible for the latest revision of the <i>Information Governance</i></p>

			<p><i>Handbook (see element 3).</i></p> <p>As Data Protection Officer (see element 9), the Business Information and Data Protection Officer is responsible for logging all information security incidents (<i>Handbook</i> page 19 and 21) and has responsibility for subject access requests. This is all supported by the <i>Handbook</i> 'Roles and Organisation' (page 13).</p> <p>Ms Craig is a member of the ILF Digital and Information Services Team and is the organisation's Freedom of Information Response Officer.</p> <p>The Keeper agrees that Independent Living Fund Scotland have identified an appropriate individual to this role as required by the Act.</p>
<p>3. Policy Compulsory element</p>	<p>G</p>	<p>G</p>	<p>The Independent Living Fund have a <i>Records Management Policy</i> which features in an <i>Information Governance Handbook</i> (the <i>Handbook</i>) available to all staff. The Keeper has been provided with a copy of this <i>Handbook</i>. This is version 2.0 dated September 2019.</p> <p>The Keeper commends the principle of combining diverse information governance policies and guidance into a single easy-reference document.</p> <p>The Information Government Handbook is available through the ILF in-house system, YouManage. The authority has included a screenshot of this as evidence. This allows access to all the policies and guidance contained in the Handbook (for example see elements 8, 9).</p> <p>The Keeper agrees that the <i>Plan</i> supports the objectives of the <i>Records Management Policy</i>.</p> <p>The <i>Records Management Policy</i> is specifically supported in a <i>Covering Letter</i> from</p>

			<p>Linda Scott, Head of Policy (see under General Comments below).</p> <p>The <i>Records Management Policy</i> shows a hierarchical chart showing where the SIRO (see element 1) and Business Information and Data Protection Officer (see element 2) sit in the organisation.</p> <p>The Keeper agrees that Independent Living Fund Scotland have a ‘records management policy statement’ as required by the Act.</p>
<p>4. Business Classification</p>	<p>G</p>	<p>G</p>	<p>ILF operate a hybrid paper/electronic public record system. Although the majority of administrative records are digital it is clear from the <i>Handbook</i> (see element 3) that some record series exist in hard-copy (for example Recipient Files).</p> <p>ILF also note that paper copies of electronic documents temporally exist for business reasons. The Keeper commends the recognition of the particular risks associated with ‘working copies’.</p> <p>The authority has developed an Information Asset Register (<i>IAR</i>) which combines a ‘Business Classification Scheme’ with a retention schedule (see element 5) and other, supplementary, information about records types.</p> <p>The <i>IAR</i> provides a ‘risk profile’ which acts as a vital records identifier in the case an emergency records recovery is required (see element 10).</p> <p>The <i>IAR</i> provides each record series with an information asset owner (who tend to be senior managers in ILF) who have delegated records management responsibilities (and training) appropriate to the records held in their individual business areas. The Keeper commends this local involvement. The information asset owners are accountable to the SIRO (see element 1).</p>

			<p>The Keeper has been provided with a copy of the <i>IAR</i> which is clearly a key document in the authority's records management provision. The Keeper commends the combination of the various aspects of a record type (such as retention, location, sensitivity, personal data (see element 9) and review date). The <i>IAR</i> as developed by ILF appears to be a strong business tool.</p> <p>A record type entry from the <i>IAR</i> includes the record's: <i>Asset Title/Asset Description/Geographic/Coverage/Storage Location/ Type/ Retention/ Owning Organisation/ Owning DG, Directorate, Division/ Owner Name/ Local Responsible Person/ Subject/ Category (IPSV)/ Source/ Current Status/ Rights/ Security Classification/ Language/ Updating Frequency/ Next Review Date/Published?/Personal Data?</i> The Keeper acknowledges that this seems a particularly thorough <i>IAR</i>.</p> <p>The use of an information asset register and information asset owners is supported by the formal policy of the authority as shown in the <i>Handbook</i> (for example page 26).</p> <p>ILF have provided the Keeper with a screen-shot showing staff can access the <i>Information Asset Register</i> on their shared network drive.</p> <p>It is noted in the <i>Plan</i>, under element 4, that local information asset owners have responsibility for aspects of records management pertinent to the records in their care (such as setting retention periods and ensuring timely destruction – see elements 5 and 6). However, the Keeper notes that only the central Information Services Team can actually amend the <i>IAR</i> itself. The Keeper agrees that this is a good arrangement and one that is liable to be mirrored in the eDRM system that ILF are considering (see below). The Keeper acknowledges that he has had sight of the ILF <i>Information Asset Owner Responsibility Policy</i> (section 11 of the <i>Handbook</i>).</p>
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			<p>Currently the organisation’s digital records are held on line of business systems, a case file database and on shared drives.</p> <p>However, the <i>Plan</i> explains that ILF intend to migrate their shared drives to Objective EDRM. The Keeper is familiar with this system and agrees that, if appropriately implemented, this solution should work well for ILF. Clearly, until full details are available, the effect of this migration on the IAR, and therefore the agreed <i>Plan</i>, is not known. The Keeper looks forward to future updates on this move. He notes that ILF intend to use the PUR process to provide annual updates (see element 13) and welcomes this.</p> <p>The Keeper agrees that ILF has a ‘business classification scheme’, in the form of an <i>Information Asset Register</i>, that appropriately reflects the activities of the authority.</p>
<p>5. Retention schedule</p>	<p>G</p>	<p>G</p>	<p>See Element 4</p> <p>It is a requirement of the ILF <i>Records Management Policy (see element 3)</i> that “...records are retained and disposed of appropriately - using consistent and documented retention and disposal procedures...” (<i>Handbook</i> page 38) and that “all of ILF Scotland’s records are retained for a minimum period of time for legal, operational, research and safety reasons.”</p> <p>‘Consistent and documented retention’ is available in the authority’s IAR which has been provided to the Keeper. He agrees that retention periods have been allocated to all record types.</p> <p>Furthermore, the <i>Plan</i> makes it clear that local business areas through the information asset owner, have direct input to retention decisions. This is to be commended. Information asset owners for each record types are detailed in the IAR.</p>

			<p>For comments regarding the migration to Objective EDRM, see element 4. It is possible that retention decisions will have to be revisited as part of this work.</p> <p>The Keeper agrees that ILF has a retention schedule matched (and, in fact, combined) with the business classification scheme.</p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>The ILF <i>Records Management Policy</i> (part of the <i>Handbook</i> see element 3) notes that a 'key component' of records management is the control of "disposal".</p> <p>It is also a requirement of the ILF <i>Records Management Policy</i> that "...records are retained and disposed of appropriately - using consistent and documented retention and disposal procedures..." (<i>Handbook</i> page 38)</p> <p>The <i>Information Asset Register</i> identifies disposal requirements against each record type. The Keeper commends this staff guidance.</p> <p>ILF have the following procedures in place to ensure the timely, secure and irretrievable destruction of public records when required:</p> <p><u>Paper</u>: The long term plan for paper records is that it will be scanned and then securely destroyed. The <i>Handbook</i> (see element 3) provides staff guidance on the routine disposal of paper records (page 23/24).</p> <p><u>Electronic</u>: Currently the organisation's digital records are held on line of business systems, a case file database and on shared drives.</p> <p>The Keeper can accept that the line of business systems have automated disposal as part of their functionality although this is not specifically stated.</p>

			<p>Deletion of digital records held on shared drives must be done manually. This is done by the Information Asset Owners. Detailed instructions on how and when to delete appear in the Information Asset Register itself.</p> <p>That said, the Keeper notes that ILF intend to migrate their shared drive records to Objective EDRM (see element 4). The EDRM should offer the facility to automatically delete digital records at the end of their retention period and the Keeper agrees that this, if implemented, should alleviate the difficulties of monitoring the secure and irretrievable destruction of records held on shared drives.</p> <p>He also notes that ILF have acknowledged that this move will provide an opportunity to implement a data cleanse (<i>Handbook</i> page 40). As ILF is a relatively new organisation this should not prove too onerous.</p> <p><u>Hardware</u> All redundant hardware is returned to the Scottish Government for secure disposal. ILF have provided the Keeper with evidence that this arrangement is operational (for example an equipment register).</p> <p><u>Back-Ups</u>: ILF, quite properly, keep back-up copies for business continuity purposes (see element 10). The retention of electronic backups is explained in the Information Governance Handbook (see element 3).</p> <p>The Keeper agrees that Independent Living fund Scotland can be confident that their public records are suitably destroyed in a controlled, secure and irretrievable manner when applicable.</p>
7. Archiving and Transfer <i>Compulsory element</i>	A	G	<p>The <i>Records Management Policy</i> (see element 3) indicates that the authority recognises the importance of "...preserving an appropriate historical record" (<i>Handbook</i> page 37) and of the "permanent preservation of records with archival value" (page 38).</p>

			<p>ILF have identified the National Records of Scotland (NRS) as the appropriate repository for records identified as suitable for permanent preservation. This is confirmed in the introduction of the <i>Plan</i>.</p> <p>A Memorandum of Understanding (MoU) regarding the transfer of records from ILF to NRS is being negotiated at the time of this assessment. This is confirmed by the NRS Client Management Team.</p> <p>The Keeper can agree this element of the ILF <i>Plan</i> under ‘improvement model’ terms. This mean that the authority has identified a suitable repository for records selected for permanent preservation and have put processes in place to formalise transfer arrangements. The Keeper’s agreement is conditional on the MOU, between NRS and ILF being created, signed and forwarded to the PRSA Assessment Team.</p>
<p>8. Information Security <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>ILF’s <i>Information Security Policy</i> forms part of the <i>Handbook</i> (section 5). It shows a policy of the organisation that “Information is protected against the consequences of breaches of confidentiality, failures of integrity or interruptions to availability.”</p> <p>They also publically state: “We have procedures and security features in place to keep your data secure” (ILF website: https://ilf.scot/wp-content/uploads/2018/05/ILF_Scotland_Privacy_Notice.pdf)</p> <p>“...records are secure - from unauthorised or inadvertent alteration or erasure, that access and disclosure are properly controlled...” (<i>Handbook</i> page 38)</p> <p>The ILF <i>Records Management Policy</i> (part of the <i>Handbook</i> see element 3) notes that a ‘key component’ of records management is the control of “access and</p>

			<p>disclosure” and that key responsibilities of the organisation include to “lead and foster a culture that values, <u>protects</u> and uses information for the public good” and “know who has access and why, and ensure their use of the asset is monitored.” (Handbook page 15).</p> <p>With these aspirations in mind, ILF support their <i>Information Security Policy</i> with a suite of other information security policies and guidance, such as their <i>Desk and Workspace Policy</i>, in the <i>Handbook (see element 3)</i> which has been provided to the Keeper. These include the physical security of offices where public records may be accessed or stored and the security of terminals where digital public records might be accessed (for example <i>Handbook</i> pages 17 and 19).</p> <p>The Keeper agrees that the ILF security guidance includes instructions on reporting incidents (for example <i>Handbook Information Security Breach Procedure</i> page 18). The Keeper acknowledges that he has had sight of the ILF <i>Data Incident Reporting Form</i> and thanks the authority for sharing this important document with him. ILF have also provided a screen-shot showing how staff can access the <i>Reporting Form</i>.</p> <p>The information security procedures in ILF also consider remote and home working (for example <i>Handbook</i> pages 23-25). The Keeper welcomes the acknowledgement of the particular risks associated with this activity. For example, digital records should be transported on encrypted devices.</p> <p>The Keeper notes that the <i>Information Asset Register</i> identifies security requirements (such as access restrictions) for record types. The Keeper commends this useful guidance.</p> <p>The ILF Digital Information Security Team have undergone ‘Incident Management and Decision Making Pressure’ training with the Scottish Government.</p>
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			<p>The Keeper agrees that Independent Living Fund Scotland 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>Independent Living Fund Scotland have a <i>Data Protection Policy/Privacy Notice</i> which is publically available at: https://ilf.scot/wp-content/uploads/2018/05/ILF_Scotland_Privacy_Notice.pdf</p> <p>This is supported by a new Privacy Statement (August 2019): https://ilf.scot/wp-content/uploads/2019/08/ILF_Privacy_Statement_Aug_19.pdf</p> <p>The authority has a <i>Data Protection Policy</i> which appears in the <i>Handbook</i> (see element 3). This <i>Policy</i> appropriately considers the 6 principles of GDPR and provides staff guidance on the ILF subject access request procedures. The authority’s responsibility to the public is appropriately explained on their website (see the Privacy Notice above).</p> <p>The <i>Plan</i> notes that the authority has adopted the ‘Privacy by Design’ model when undertaking new projects. This is to be commended.</p> <p>Marianne Craig (see element 2) is the authority’s Data Protection Officer.</p> <p>The authority makes this formal commitment in the <i>Plan</i> (Element 14): “ILF Scotland will continue to undertake Data Privacy Impact Assessments for any new data sharing requirement which is highlighted in the future.” See also element 14.</p> <p>ILF is registered with the Information Commissioner: ZA112101.</p> <p>The Keeper agrees that Independent Living Fund Scotland have appropriately considered their responsibilities under the Data Protection Act 2018.</p>

<p>10. Business Continuity and Vital Records</p>	<p>G</p>	<p>G</p>	<p>Independent Living Fund Scotland have a <i>Business Continuity Plan</i> a copy of which has been provided to the Keeper. This is version 0.6 dated October 2017.</p> <p>This document fulfils the requirement in the ILF Information Security Policy (see element 8) that “Business Continuity Plans will be produced, maintained and tested.”(Handbook page 16).</p> <p>The Keeper agrees that the <i>Business Continuity Plan</i> properly considers the recovery of records in an emergency.</p> <p>ILF have provided the Keeper with a screen-shot showing staff can access the <i>Business Continuity Plan</i> on their shared network drive.</p> <p>The authority’s <i>Information Asset Register</i> (see element 4) provides a ‘risk profile’ which acts as a vital records identifier in the case an emergency records recovery is required.</p> <p>The Keeper agrees that Independent Living Fund Scotland has approved and operational business continuity arrangements and that these properly consider the recovery of records.</p>
<p>11. Audit trail</p>	<p>A</p>	<p>G</p>	<p>See elements 4 and 5 above.</p> <p>It is policy of ILF that "records are available when needed", that a ‘Key Component of records management is “records maintenance (including tracking of record movements)” and that "records and the information within them can be located and displayed in a way consistent with its initial use, and that the current version is identified where multiple versions exist". These aspirations require that records can</p>

			<p>be effectively tracked within record-keeping systems.</p> <p>The Keeper notes that the <i>Information Asset Register</i> identifies finding aids for record types. The Keeper commends this useful guidance.</p> <p>The authority is migrating to an EDRM system which should provide strong version control on records held in the system. This, clearly, will not apply to hard-copy records or any records held outwith the EDRM.</p> <p>The Keeper understands that many of the line-of-business systems used by ILF, particularly around client management, will impose suitable naming convention/version control at time of record-creation to adequately track records subsequently. ILF offer their ICI database and their Privacy Engine as examples of systems when this is likely to be the case.</p> <p>However, to be fully compliant with this element staff guidance will be necessary particularly around the handling of paper records in such a way that they can be tracked and also around the consistent naming of records in all formats. The EDRM should offer a reasonably powerful search facility, nevertheless this relies on standardised document naming.</p> <p>ILF recognise this and the <i>Plan</i> states (under element 11): "...the implementation project will include our commitment to offer staff guidance on naming conventions and version control..." The Keeper agrees this action.</p> <p>The Keeper agrees that ILF consider the tracking of paper files removed from the ILF Offices (<i>Handbook</i> page 25).</p> <p>The Keeper can agree this element of the Independent Living Fund Scotland <i>Records Management Plan</i> under 'improvement model' terms. This means that</p>
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			<p>the authority has identified a gap in provision (in this case that naming convention guidance is not fully developed and rolled-out), but have put process in place to close that gap. The Keeper’s agreement is conditional on the work suggested in the Plan progressing and on him being updated when appropriate.</p>
<p>12. Competency Framework for records management staff</p>	<p>G</p>	<p>G</p>	<p>The ILF Business Information and Data Protection Officer (see element 2) is not a full time records manager and has no Professional records management qualification. The Keeper agrees that this is acceptable in an authority of the size and complexity of ILF.</p> <p>However, it is important that the officer with responsibility for implementing the <i>Plan</i> is properly supported in this role. The Keeper acknowledges that this support, in the form of formal responsibility and appropriate training, has been committed to in the <i>Plan</i> and in the <i>Covering Letter</i> from the Chief Operations Officer (see element 1 and under General Comments below).</p> <p>It is the policy of ILF that staff are trained so that all staff are made aware of their responsibilities for record-keeping and record management.” <i>Records Management Policy (Handbook section 16)</i>. The Keeper welcomes this commitment. Generally, training appears prominently in the <i>Handbook</i> (for example page 14 or 15). This is to be commended.</p> <p>ILF staff are required to undertake the Scottish Government’s annual mandatory data protection training.</p> <p>The ILF Digital Information Security Team have undergone ‘Incident Management and Decision Making Pressure’ training with the Scottish Government.</p> <p>As noted above, staff training is specifically supported in the <i>Information</i></p>

			<p><i>Governance Handbook (see element 3)</i> for example in the Introduction (section 1 page 4). Specifically ILF commit to training and supporting the designated Information Asset Owners (see element 4) (<i>Handbook</i> page 27) and to provide information security training (<i>Handbook</i> page 16).</p> <p>The Keeper agrees that the individual identified at element 2 has the appropriate skills and clear responsibility to carry out her role. Furthermore, he agrees that ILF considers information governance training for its staff as appropriate.</p>
<p>13. Assessment and Review</p>	<p>G</p>	<p>G</p>	<p>The Public Records Act 2011 requires scheduled public authorities to “keep its records management plan under review” (part 1 5.1 (a)).</p> <p>“ILF Scotland is committed to monitoring the effectiveness of the RMP.” (<i>Plan</i> element 13).</p> <p>The ILF <i>Records Management Plan</i> is subject to annual review by the Business Information and Data Protection Officer (see element 2) and reported to the Senior Management Team. The Keeper notes that information asset owners are required to review the records held in their local areas. The input of local ‘champions’ may be invaluable in reviewing the implementation of the <i>Plan</i> in the various business areas. The Keeper commends this.</p> <p>The ILF have committed to using the Keeper’s own Progress Update Review (PUR) procedure. This is welcomed. It is to be hoped that PUR will prompt scrutiny of ‘improvement’ actions by the reviewers. The Keeper’s Assessment Team will provide a report and letter which might be used as part of the authority’s annual report to Senior Management.</p> <p>The <i>Records Management Policy</i> has been reviewed and updated annually since the creation of ILF (<i>Covering Letter</i> from the Head of Policy – see under General</p>

			<p>Comments below).</p> <p>ILF have provided the Keeper with their <i>Policy Review Schedule</i>. This shows that:</p> <p>The <i>Information Governance Policy</i> (see element 3), the <i>Retention Policy</i> (see element 5) and the <i>Data Protection Policy</i> (see element 9) are all due for review by July 2020</p> <p>Also, the Data Protection – TF13 statement was due to be reviewed at the time of this assessment.</p> <p>The ILF Scotland Patch Management Policy should be reviewed at least annually (PM Policy section 5).</p> <p>The <i>Information Asset Register</i> is reviewed annually.</p> <p>The <i>Business Continuity Plan</i> (see element 10) provides for regular testing (section 8 of <i>Business Continuity Plan</i> and page 15 of <i>Handbook</i>).</p> <p><i>Data Sharing Agreements</i> (see element 14) are reviewed annually (<i>Plan</i> under Element 14).</p> <p>Senior Management perform random checks to ensure that the <i>Desk and Workspace Policy</i> (see element 8) is being adhered to.</p> <p>Information Asset Owners (see element 4) are responsible for reviewing their section of the Information Asset Register 'on a regular basis'.</p> <p>The Keeper agrees that Independent Living Fund Scotland has installed a formal review procedure as part of their records management plan as required by the Act,</p>
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			<p>and that clear review periods have been allocated to policy documents supplied in evidence.</p>
<p>14. Shared Information</p>	<p>G</p>	<p>G</p>	<p>In order to effectively carry out its functions (https://ilf.scot/wp-content/uploads/2019/04/ILF-Scotland-Strategic-Plan-2016-2020.pdf) ILF is routinely required to share data with third parties such as Scottish local authorities or the Department of Work and Pensions.</p> <p>Data is shared with third parties under formal <i>Data Sharing Agreements</i>. When personal information is passed on ILF have ensured that this is done in a transparent manner: https://ilf.scot/wp-content/uploads/2018/05/ILF_Scotland_Privacy_Notice.pdf</p> <p>ILF have provided the Keeper with two sample <i>Data Sharing Agreements</i>. These clearly consider information governance issues at their core.</p> <p>The authority makes this formal commitment in the <i>Plan</i> (Element 14): “ILF Scotland will continue to undertake Data Privacy Impact Assessments for any new data sharing requirement which is highlighted in the future.” See also element 9.</p> <p>Staff guidance on data transfer is available in the Handbook (see element 3) for example section 14.</p> <p>The Keeper agrees that Independent Living Fund considers the governance of records as part of its data sharing procedures.</p>

Independent Living Fund Scotland (ILF)

General Notes on RMP, Including Concerns:

Version: This assessment is on the *Records Management Plan* (the *Plan*) of Independent Living Fund Scotland (ILF). This is the version submitted for the agreement of the Keeper of the Records of Scotland (the Keeper) on 30th September 2019.

The *Plan* was accompanied by letters of endorsement from:
Harvey Tilley, Chief Operating Officer (**see element 1**) dated 22nd May 2019
Linda Scott, Head of Policy dated 24th May 2019
and
Paul Hayllor, Head of Digital and Information Services, dated 15th May 2019

The authority refers to records as a business 'asset' (for example *Handbook* - **see element 3** - page 15 or *Plan* under Element 8). This is an important recognition and the Keeper commends it.

The Keeper notes that efficient records management will assist ILF in attaining their goal to "maximise the effectiveness" of the fund and that the records management provision explained in the *Plan* represents part of a commitment by the authority to develop "Systems and practices [that will deliver] comparable or best in class performance". (See ILF *Strategic Plan* <https://ilf.scot/news-post/ilf-scotland-launches-strategic-plan/>)

The *Plan* mentions the Act and is based on the Keeper's, 14 element, Model Plan <http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources/model-records-management-plan>.

Third Parties

The Public Records (Scotland) Act 2011 (PRSA) makes it clear that records created by third parties when carrying out the functions of a scheduled authority should be considered 'public records' - PRSA Part 1 3 (1)(b).

This is recognised in the *Plan* where ILF confirm:

“ILF Scotland can confirm that currently no other third party carries out an ILF function on behalf of the organisation. We commit to amending out RMP and notifying The Keeper if this situation changes.” (*Plan*, Element 4)

6. Keeper's Summary

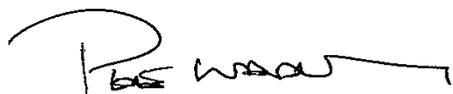
Elements 1 - 14 that the Keeper considers should be in a public authority records management plan have been properly considered by Independent Living Fund Scotland. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of **Independent Living Fund Scotland**.

- The Keeper recommends that Independent Living Fund Scotland 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 Independent Living Fund Scotland. In agreeing this RMP, the Keeper expects Independent Living Fund Scotland to fully implement the agreed RMP and meet its obligations under the Act.



.....

Paul Lowe
Keeper of the Records of Scotland