

**Public Records (Scotland) Act 2011**

**Moray Integration Joint Board**

**The Keeper of the Records of Scotland**

**8<sup>th</sup> May 2019**

**Contents**

1. Public Records (Scotland) Act 2011 ..... 3  
2. Executive Summary ..... 4  
3. Authority Background ..... 4  
4. Assessment Process ..... 5  
5. Model Plan Elements: Checklist ..... 6  
6. Keeper’s Summary ..... 17  
7. Keeper’s Determination ..... 17  
8. Keeper's Endorsement..... 18

## 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 Moray Integration Joint Board by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 3<sup>rd</sup> December 2018.

The assessment considered whether the RMP of Moray Integration 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 Moray Integration Joint Board complies with the Act can be found under section 7 of this report with relevant recommendations.

## **3. Authority Background**

In Moray the partnership of health and social care is governed by the Moray Integration Joint Board (IJB). The board had been operating in shadow form since April 2015 and took up its full powers on 1st April 2016

Membership comprises six voting members - three elected members of The Moray Council and three representatives of the NHS Board - supported by advisors from the council, NHS, third sector and the community.

The IJB has responsibility for the planning, delivery and resources for health and social care services as delegated by the NHS Board and Local Authority. It has a Chief Officer who is accountable to the IJB, Chief Executive of NHS Grampian and the Chief Executive of The Moray Council.

The framework for the governance and operation of the board is set out in the Integration Scheme which was signed off by the Scottish Government in February 2016.

[http://www.moray.gov.uk/moray\\_standard/page\\_100266.html](http://www.moray.gov.uk/moray_standard/page_100266.html)

## 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 Moray Integration Joint Board’s RMP was developed with proper regard to the elements of the Model Plan and is compliant with the Act. The assessment also considered whether there was sufficient supporting evidence of such compliance.

### Key:

<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.
----------	--	--	----------	--	--	----------	--

**Moray Integration Joint Board**  
(Referred to as 'The IJB' in the assessment below)

**5. Model Plan Elements: Checklist**

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>Moray Integration Joint Board (the IJB) have identified Pam Gowans, Chief Officer, as the individual with overall responsibility for records management in the authority.</p> <p>This is confirmed by a <i>Covering Letter</i> from Ms Gowans dated 21 November 2018 <b>(see under General Comments below)</b>.</p> <p>Ms Gowans is the authority's Senior Information Risk Owner (SIRO).</p> <p>The Keeper agrees that Moray Integration Joint Board have identified an appropriate individual to this role as required by the Public Records (Scotland) Act 2011(the Act).</p>
2. Records Manager <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>Moray Integration Joint Board have identified Alison Morris, Moray Council Records and Heritage Manager as the individual responsible for the implementation of the <i>Plan</i>.</p> <p>The records of the IJB are held entirely on the records management systems of Moray Council <b>(see element 4)</b> so it is appropriate for Ms Morris to be identified in this role.</p>

			<p>This is confirmed by Appendix 1 of the Plan which is a letter to the Keeper from Ms Morris dated 9<sup>th</sup> November 2018.</p> <p>Ms Morris is the author of the <i>Plan</i>.</p> <p>Ms. Morris is also the author of the Moray Council Data Protection Policy (and is Data Protection Officer) (<b>see element 9</b>).</p> <p>The Keeper agrees that Moray Integration Joint Board have identified an appropriate individual to this role as required by the Act.</p>
<p>3. Policy <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>As explained in Appendix 1 to the IJB <i>Plan</i> Moray Integration Joint Board have adopted the <i>Records Management Policy</i> of Moray Council. This is available at <a href="http://www.moray.gov.uk/minutes/archive/PR20051214/recordsmanagementpolicya pp1.PDF">http://www.moray.gov.uk/minutes/archive/PR20051214/recordsmanagementpolicya pp1.PDF</a></p> <p>The Keeper has already agreed that the <i>Records Management Policy</i> of Moray Council is appropriate.</p> <p>The Keeper agrees that the objectives of the IJB <i>Plan</i> are supported by the Council's <i>Records Management Policy</i>.</p> <p>The Keeper agrees that Moray Integration Joint Board have a records management policy statement as required by the Act.</p>
<p>4. Business Classification</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The introduction to the IJB Plan states the Board is committed to creating, managing...information effectively and legally.</p>

			<p>The <i>Plan</i> states (Appendix 1): “The Board and Moray Council shared services such as Legal support, ICT support, administrative services as well as FOI and Records Management assistance. Given this shared working platform it has been reasonable that certain policies and procedures have been shared or replicated, especially within Records and Information Management. All records produced by the Board are digital and held within the shared working platforms of Moray Council.”</p> <p>The Keeper agreed the Records Management Plan of Moray Council in February 2014.</p> <p>The Keeper agrees that Moray Integration Joint Board have arrangements in place to ensure that public records are managed within a business classification scheme, a file plan or an information asset register and that this structure includes all records and information managed by the authority.</p>
<p>5. Retention schedule</p>			<p>All public records of the Moray Integration Joint Board are held digitally on the records management systems of Moray Council.</p> <p>The Keeper agreed the Records Management Plan of Moray Council in February 2014.</p> <p>The <i>Plan</i> states (Appendix 1): “Within the Council’s published RMP are element 5’s Retention Schedule; this schedule has been assessed and confirmed as encompassing the needs of the Board’s records retention requirements, specifically Democratic Service’s section 8.1.”</p> <p>The Keeper agrees that Moray Integration Joint Board have applied an operational retention schedule to their public records.</p>



<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The introduction to the <i>Plan</i> commits the IJB to “...disposing...information effectively and legally.”</p> <p>Moray Integration Joint Board use the records management systems of The Moray Council.</p> <p>Moray Council records destruction arrangements are available at <a href="http://www.moray.gov.uk/moray_standard/page_92821.html">http://www.moray.gov.uk/moray_standard/page_92821.html</a></p> <p>The Keeper has previously agreed that the destruction processes of The Moray Council are suitable.</p> <p>Therefore, the Keeper agrees that Moray Integration Joint Board have processes in place to ensure the secure and irretrievable destruction of records when appropriate.</p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>A</b></p>	<p>The introduction to the IJB Plan states that “Well managed records will help...[the] Preservation of vital and historical records”</p> <p>The <i>Plan</i> goes on to state (Appendix 1): “With regard to Element 7, as yet no records about or from the Board have been transferred to the Local Heritage Service... the reason for this is that records that will be retained for historical value are currently all available online as part of the Board’s webpages. A digital archive will be developed to house the key records of the Board in due course.”</p> <p>The Keeper agrees that, as the public records of the IJB are ‘born digital’, it is unlikely that an operational archiving system is in place. Digital archiving functionality is in very early stages in Scotland. As the IJB is a relatively new body, with no legacy material, it is also unlikely that there is an immediate requirement to transfer public records to archive. The <i>Plan</i> (Appendix 1) commits the IJB to explore</p>

			<p>the principles of digital archiving with the Council.</p> <p><b>However, the Keeper would expect to see some evidence of this arrangement (a formal MoU, SLA or similar between the IJB and the Council). The Keeper will expect to see a formal agreement between the IJB and the Council when available.</b></p> <p><b>The Keeper agrees that Moray Integration Joint Board have identified a suitable repository for the permanent preservation of public records. He agrees this element of the records management plan under an improvement model awaiting sight of a formal agreement between the authority and the archive.</b></p>
<p>8. Information Security <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The introduction to the IJB Plan states the Board is committed to creating...protecting...information effectively and legally.</p> <p>Appendix 1 to the IJB <i>Plan</i> Moray Integration Joint Board have adopted the <i>Information Security Policy</i> of The Moray Council. This is available at <a href="http://www.moray.gov.uk/downloads/file92748.pdf">http://www.moray.gov.uk/downloads/file92748.pdf</a></p> <p>This policy is supported by a suite of guidance including the Council's <i>Clear Desk Policy</i>: <a href="http://www.moray.gov.uk/downloads/file92732.pdf">http://www.moray.gov.uk/downloads/file92732.pdf</a></p> <p>The Keeper has already agreed that the information security procedures in Moray Council are appropriate.</p> <p>The Keeper agrees that Moray Integration Joint Board have arrangements in place to properly ensure that their public records are protected against unauthorised access, destruction, alteration or removal.</p>

<p>9. Data Protection</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>As explained in the IJB <i>Plan</i> (Appendix 1), Moray Integration Joint Board have adopted the <i>Data Protection Policy</i> of Moray Council.</p> <p>The IJB have provided the Keeper with the Council's <i>Data Protection Policy</i>. This is version 1.0 dated 25<sup>th</sup> May 2018 and created by Alison Morris (<b>see element 2</b>).</p> <p>The <i>Data Protection Policy</i> explains the six principles of data protection.</p> <p>The <i>Data Protection Policy</i> was developed with input from the Council's Information Assurance Group (<b>see under General Comments below</b>).</p> <p>This is available at: <a href="http://www.moray.gov.uk/moray_standard/page_119859.html">http://www.moray.gov.uk/moray_standard/page_119859.html</a></p> <p>The Keeper has already agreed that the data protection procedures in Moray Council are appropriate.</p> <p>Moray Integration Joint Board is a Data Controller registered as ZA313945. The Council's FOI Team coordinate requests for access to information under ... DPA, including Subject Access Requests.</p> <p>The IJB's identified Data Protection Officer is Alison Morris, Records and Heritage Manager for Moray Council (<b>see element 2</b>). As Data Protection Officer, Ms Morris has responsibility to:</p> <ul style="list-style-type: none"> <li>• Inform and advise the Council and its employees about their obligations to comply with Data Protection Legislation, including DPA and GDPR.</li> <li>• Monitor compliance of Data Protection, including the assignment of responsibilities, awareness raising and training of staff involved in the</li> </ul>
---------------------------	-----------------	-----------------	---

			<p>processing operations and related audits.</p> <ul style="list-style-type: none"> <li>• Provide advice about data protection impact assessments (DPIAs) and monitor their performance;</li> <li>• Co-operate with the supervisory authority (the ICO) and act as the contact point on issues related to the processing of personal data.</li> </ul> <p>The Keeper agrees that Moray Integration Joint Board have appropriately considered their responsibilities under the Data Protection Act 2018.</p>
10. Business Continuity and Vital Records	<b>G</b>	<b>G</b>	<p>All public records created or held by the Moray Integration Joint Board are managed digitally on the Moray Council records management systems.</p> <p>Moray Council business continuity arrangements are available at <a href="http://www.moray.gov.uk/moray_standard/page_92825.html">http://www.moray.gov.uk/moray_standard/page_92825.html</a></p> <p>The Keeper has already agreed that Moray Council records management systems have appropriate provision for the recovery of records in an emergency and that priority can be given to any records identified as vital (when applicable).</p> <p>Therefore, the Keeper can agree that Moray Integration Joint Board has taken steps to ensure that their public records can be recovered under established business continuity procedures.</p>
11. Audit trail	<b>G</b>	<b>G</b>	<p>All public records created or held by the Moray Integration Joint Board are managed digitally on the Moray Council records management systems.</p> <p>Moray Council audit trail arrangements are available at <a href="http://www.moray.gov.uk/moray_standard/page_92826.html">http://www.moray.gov.uk/moray_standard/page_92826.html</a></p>

			<p>The Keeper has already agreed that Moray Council records management systems have appropriate mechanisms to track public records.</p> <p>Therefore the Keeper can agree that Moray Integration Joint Board has taken steps to ensure that their public records can be located when required and that the relevant version of a document can be identified.</p>
<p>12. Competency Framework for records management staff</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Keeper has already agreed that the skills and access to training for the Moray Council Records Manager (who is here identified as the individual at element 2), are appropriate.</p> <p>Appendix 1 of the <i>Plan</i> notes that specific training is available for officers of the IJB: “A further suite of guidance and advice is available for IJB Officers on the Council’s Records Management and Information Security pages: <a href="http://www.moray.gov.uk/moray_standard/page_41220.html">http://www.moray.gov.uk/moray_standard/page_41220.html</a>. Furthermore, as the Data Protection Officer for both the Council and the Board there is consistent approach on Data Protection, with the underlying message that good records management is the foundation.”</p> <p>Specific Data Protection training was provided to the Board on Thursday 26th July 2018 by Alison Morris (<b>see element 2</b>). A sample of this training has been supplied as Appendix 3 of the <i>Plan</i>. This training is a response to commitments in the published <i>Data Protection Policy</i> of the Council (see element 9).</p> <p>The Keeper agrees that the individual identified at element 2 has the proper training, responsibilities and support to fulfil the role. Furthermore he acknowledges that Moray Integration Joint Board properly consider information governance training for all staff as appropriate.</p>

<p>13. Assessment and Review</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Act requires a scheduled public authority to “keep its records management plan under review” (part 1 5.1 (a)).</p> <p>The Moray Integration Joint Board records management plan commits the authority to an annual review in the form of a report produced by the Records and Heritage Manager (<b>see element 2</b>). This report will focus on the data protection and information sharing elements of the plan and is presented to the Board. Furthermore, the scheduled reviews of the Moray Council records management plan, will also be shared with the Integration Joint Board.</p> <p>The Keeper acknowledges that as all public records created or held by the Moray Integration Joint Board are managed digitally on the Moray Council records management systems, the Moray Council Records Management Plan Review will also act as a review of the records management provision of the Integration Joint Board.</p> <p>The Keeper has already agreed that Moray Council has put an appropriate assessment mechanism in place.</p> <p>Therefore the Keeper can agree that that Moray Integration Joint Board have processes in place to review their <i>Plan</i> as required by the Act and have determined a time when this will take place. The responsibility for undertaking the review and the review reporting procedure are also clearly laid out.</p>
<p>14. Shared Information</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>Moray Integration Joint Board share information with third parties (such as the Health Board) as part of their function.</p> <p>The <i>Plan</i> suggests that this is done through formal agreements: “All Information Sharing Protocols or Data Sharing Agreements are verified with either Legal or the Records and Heritage Manager”.</p>

			<p>As evidence, Moray IJB have provided the Keeper with a sample Data Sharing Agreement between Moray Council, Grampian Health Board, Moray Integration Joint Board and The Common Services Agency for the Scottish Health Service.</p> <p>The Keeper agrees that Moray Integration Joint Board properly considers records governance when undertaking information sharing programmes.</p>
--	--	--	--

**Moray Integration Joint Board**  
(Referred to as 'The IJB' in the assessment below)

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

**Version**

This assessment is on the *Records Management Plan* of the Moray Integration Joint Board version 1.0 approved on 29<sup>th</sup> November 2018 and submitted to the Keeper of the Records of Scotland for his agreement on 3<sup>rd</sup> December 2018 (the *Plan*).

The Plan is accompanied by a covering letter of support from the IJB Chief Officer (**see element 1**) confirming her role and that the IJB shares resources with The Moray Council. The letter commits the IJB to “manage its records in accordance with good records management practices...”

Appendix 1 of the Plan makes it clear that the IJB has for the most part adopted the *Records Management Plan* of The Moray Council: [http://www.moray.gov.uk/moray\\_standard/page\\_92812.html](http://www.moray.gov.uk/moray_standard/page_92812.html) where the IJB has its own arrangements for an element they have explained what these are in the *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).

The IJB makes the following statement in the Plan (section 1.8 page 8): "MIJB will therefore follow procedures that aim to ensure that all of its officers, employees of constituent authorities supporting its work...and other trusted third parties who create public records on behalf of the Board.... are fully aware of and abide by this plan's arrangements". It is noted that Moray Council has contracted out functions to third parties.

However, the IJB has separately confirmed to the Keeper that "No third party carries out an IJB function on its behalf".

### **Moray Council Information Assurance Group**

This group oversees information governance in Moray Council and therefore, by extension, the IJB whose records are held on Council systems. Membership of the Information Assurance Group includes the Council's Records and Heritage Manager (**see element 2**), ICT Security Officer and Internal Audit Manager.



## 6. Keeper's Summary

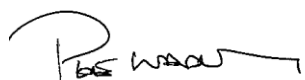
Elements 1 - 14 that the Keeper considers should be in a public authority records management plan have been properly considered by Moray Integration Joint Board. Policies and governance structures are in place to implement the actions required by the plan.

## 7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of **Moray Integration Joint Board**.

- The Keeper recommends that Moray Integration 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 Moray Integration Joint Board. In agreeing this RMP, the Keeper expects Moray Integration Joint Board to fully implement the agreed RMP and meet its obligations under the Act.



.....  
**Paul Lowe**  
Keeper of the Records of Scotland