

Public Records (Scotland) Act 2011

Local Government Boundary Commission for Scotland 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 **Local Government Boundary Commission for Scotland** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on **15th August 2014**.

The assessment considered whether the RMP of the Local Government Boundary Commission for 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 Local Government Boundary Commission for Scotland complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

The Local Government Boundary Commission for Scotland is responsible for:

- carrying out reviews of the boundaries of local authority areas;
- carrying out reviews of electoral wards for local authorities;
- responding to requests for reviews of electoral wards or local authority areas.

The Commission is an Advisory Non-Departmental Public Body sponsored and wholly funded by the Scottish Government. It is an independent, non-political body created by the Local Government (Scotland) Act 1973.

The Commission is supported in its work by a small Secretariat.

<http://www.lgbc-scotland.gov.uk/commission/>

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 **[named public authority’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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Local Government Boundary Commission for Scotland (LGBCS)

5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	G	G	<p>Isabel Drummond-Murray, Secretary to the Scottish Boundary Commissions has been identified as the officer with overall responsibility for records management in LGBCS.</p> <p>The RMP states (page 3) that Ms Drummond-Murray is responsible for considering the reports of the Records Manager (see element 2). The stated objective (RMP page 3) of “add responsibility for Records Management to the B2 Casework Managers job description” appears to have been accomplished.</p> <p>She states that she fully supports the Records Manager (RMP page 3).</p> <p>The responsibility for the information security framework lies with the Secretary to the Scottish Boundary Commissions as does information assurance generally. The LGBCS <i>Information Assurance Policy</i> has been supplied.</p> <p>The Keeper agrees that the Secretary to the Scottish Boundary Commissions is a suitable individual to be identified in this role.</p>
2. Records Manager <i>Compulsory element</i>	G	G	<p>Colin Wilson, Records Manager has been identified as the individual with day to day responsibility for records management in LGBCS. Mr Wilson is a Casework Manager in the Commission.</p>

			<p>LGBCS do not have a full time records manager. This is appropriate for an authority of this size.</p> <p>Mr Wilson’s job description has been provided and this shows that proper consideration has been given to his role as Records Manager. This inclusion was one of the objectives of the Secretary to the Scottish Boundary Commissions, Isabel Drummond-Murray (see element 1)</p> <p>Mr Wilson reports on records management issues to the Secretary to the Scottish Boundary Commissions. Ms Drummond-Murray states (RMP page 3) “Through a direct reporting structure, the Records Manager can highlight issues and discuss strategies for the improvement of records keeping across the Scottish Boundary Commissions...” The Keeper welcomes this statement.</p> <p>She states that she fully supports the Records Manager (RMP page 3). The Records Manager reports to Senior Management on records management issues.</p> <p>The Records Manager is responsible for authorising the destruction of records.</p> <p>The Records Manager is responsible for the day to day operation of the <i>Information Assurance Policy</i> (supplied). This work is carried out in conjunction with the IT Manager.</p> <p>One of the objectives of the Records Manager is to ensure appropriate records management training is available for LGBCS staff. A further objective is to create and maintain a record keeping manual. When this manual is available the Keeper would appreciate a copy for his records.</p> <p>Ensuring that the Boundary Commission meets the requirements of the Public Records (Scotland) Act 2011 is a stated responsibility of the Records Manager</p>
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			<p>(RMP page 4)</p> <p>The Keeper agrees that the Records Manager is a suitable individual to be identified in this role.</p>
3. Policy <i>Compulsory element</i>	G	G	<p>LGBCS does not have a separate records management policy, but the RMP contains a records management statement which will suffice. The statement is signed by Isabel Drummond-Murray (see element 1).</p> <p>The Records Management Policy Statement (RMP page 5) recognises records as an asset.</p> <p>The records management policy statement is signed by the Secretary to the Scottish Boundary Commissions (see element 1). In the RMP she confirms that she fully endorses the framework set out in the statement (page 2).</p> <p>The Keeper agrees that LGBCS have an approved records management policy as required by the Act.</p>
4. Business Classification	G	G	<p>LGBCS hold records in hard copy and electronic format (on a network).</p> <p>LGBCS have a full business classification (BCS) that has been provided to the Keeper as part of the submitted plan. It features retention decisions for each category of record (see element 5). The structure of the BCS is clear and covers electronic and paper records.</p> <p>The submitted BCS includes records of boundary reviews and of the Scottish Boundary Commission (see General Comments below regarding the limit of the Keeper’s authority under the Act).</p>

			<p>The RMP (page 6) states that “Any records recognised as being of vital importance are scanned to ensure they can be recovered in case of a disaster for business continuity purposes (see element 10).</p> <p>It is not thought that any of the <u>functions</u> of LGBCS are carried out by a third party.</p> <p>The Keeper agrees that LGBCS operate a full business classification that reflects the functions of the authority.</p>
<p>5. Retention schedule</p>	<p>G</p>	<p>G</p>	<p>LGBCS have a retention schedule that appears as part of the business classification scheme (see element 4). The retention decision allocated to records series are clearly identified.</p> <p>The Keeper commends the idea of combining the BCS and Retention Schedule as likely to create a stronger business tool for LGBCS staff.</p> <p>Therefore the Keeper agrees that the authority has a retention schedule that matches the record classes in the business classification scheme.</p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>Paper: Paper records are irretrievably destroyed by in-house shredding. Full details of the shredder have been supplied as has the standard that is used in irretrievably shredding confidential documents. Alternatively, LGBCS use an external contractor Shred-it www.shredit.co.uk (proof of contract with Shred-it supplied). It is not thought that LGBCS store records with a third party storage provider.</p> <p>Shredding receipts are retained and the Records Manager is responsible for updating the file contents and retention schedule documents to indicate that this has been done.</p>

			<p>Hardware: Hardware is irretrievably destroyed by an external contractor. The Keeper has been provided with evidence that this arrangement (with Computer Disposals Limited) is in operation.</p> <p>Electronic: The retention schedule/business classification document identifies <u>when</u> electronic documents should be destroyed and the RMP explains how this is done. This takes the form of a bullet point structure. The approval for destruction system is the same for both paper and electronic records. The RMP confirms (page 8) that the Commission documents “all files that have been shredded and all electronic records that have been deleted”.</p> <p>Back-Ups: The Commission backs-up its electronic information for business continuity purposes (see element 10). Daily and monthly back-up tapes are stored within a fire proof safe within the premises. Tapes are overwritten when they are updated daily/monthly. Tapes are destroyed at the end of their lifecycle, after approximately 200 updates or every 3 years.</p> <p>The Keeper agrees that LGBCS have arrangements in place to irretrievably destroy records when appropriate as required by the Act.</p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>LGBCS transfer records to the National Records of Scotland (NRS) for permanent preservation. This is confirmed by the Keeper’s client managers and by a MOU between LGBCS and the Keeper which has been provided as part of the submission.</p> <p>The RMP (page 8) clearly shows the process LGBCS undertakes when approving records for transfer.</p> <p>The supplied BCS (see element 4) clearly indicates what records have been transferred to NRS (or will be transferred - one series has ‘to archive with NRS</p>

			<p>2015' entered against 'action').</p> <p>A receipt from NRS has been provided as proof that this arrangement is in operation.</p> <p>The Keeper agrees that LGBCS has proper arrangements in place for the archiving of their records when necessary.</p>
<p>8. Information Security <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>LGBCS have an <i>Information Security Policy</i> and <i>Information Assurance Policy</i> which have been supplied to the Keeper as part of the submitted RMP.</p> <p>The responsibility for the information security framework lies with the Secretary to the Scottish Boundary Commissions (see element 1). Access to electronic systems is controlled by the IT Manager and to paper files by the Records Manager (see element 2).</p> <p>Physical access to information is covered by the <i>Information Assurance Policy</i> (provided). That policy also states that LGBCS undergo mandatory training on information security, data handling and data protection. The data protection training includes "incident management".</p> <p>The RMP (page 10) states that "It is the responsibility of each employee to adhere to the Information Security Policy".</p> <p>The Boundary Commissions' IT Code of Conduct has been supplied. This is, in fact, based entirely on the Scottish Government IT Code of Conduct with which the Keeper is familiar. The Keeper agrees this is an appropriate standard. It is noted, however, that the IT systems operated by the LGBCS are not identical to those of the Scottish Government. The Code of Conduct statement is signed by Hugh Buchanan, former Secretary to the Commission in 2010. If a new version of this</p>

			<p>document is produced with Ms Drummond-Murray’s signature, the Keeper requests that he is provided with a copy to enable him to keep the LGBCS submission up-to-date.</p> <p>The <i>Information Security Policy</i> covers data protection responsibilities (see element 9). It states a commitment to “take all reasonable steps to protect information we hold on our customers, from downtime, corruption or unauthorised disclosure.”</p> <p>The <i>Information Security Policy</i> refers to business continuity (see element 10).</p> <p>On page 5 of the RMP there is a commitment to regularly review Information Security Policies. On page 10 of the RMP there is a commitment to offer information security training to all staff.</p> <p>The LGBCS <i>Risk Management Policy</i> is published on their website at: http://www.lgbc-scotland.gov.uk/publications/index.asp</p> <p>The Keeper agrees that LGBCS have an approved and operational Information Security Policy as required by the Act.</p>
<p>9. Data Protection</p>	<p>G</p>	<p>G</p>	<p>LGBCS do not have a separate Data Protection Policy. Instead the RMP identifies the eight data protection principles for staff.</p> <p>LGBCS have registered with the Information Commissioner: Z1877135</p> <p>The Information Security Policy (see element 8) covers data protection responsibilities. It states a commitment to “take all reasonable steps to protect information we hold on our customers, from downtime, corruption or unauthorised disclosure.”</p>

			<p>The <i>Information Assurance Policy</i> (supplied) states that LGBCS undergo mandatory training on information security, data handling and data protection. Guidance on data protection is given to all new starts on induction.</p> <p>Ensuring that the Boundary Commission meets the requirements of the Data Protection Act 1998 is a stated responsibility of the Records Manager (RMP page 3)</p> <p>The Keeper agrees that LGBCS are aware of their responsibilities under the Data Protection Act 1998.</p>
10. Business Continuity and Vital Records	G	G	<p>LGBCS have a business continuity plan: 'Essential & Core Functions for Secretariat to the Scottish Boundary Commission for Scotland'. This document details expected responses to service disruptions and other unexpected events. The document has been provided to the Keeper as part of the submitted RMP. The 'Action' section of this document explain the recovery of documents from back-up tapes.</p> <p>The RMP (page 6) states that "Any records recognised as being of vital importance are scanned to ensure they can be recovered in case of a disaster for business continuity purposes</p> <p>The RMP (page 10) commits LGBCS to produced business continuity plans and test them. The <i>Information Assurance Policy</i> (provided) confirms this (section 9).</p> <p>The Keeper agrees that LGBCS have continuity arrangements in place which account for the recovery of records and which could be instigated in the event of a disaster.</p>
11. Audit trail	A	G	<p>The Keeper accepts that all LGBCS files are referenced on the <i>Business Classification</i></p>

			<p><i>Scheme</i> as stated in the RMP.</p> <p>However, although the filing system has been well explained in the RMP (page 13) LGBCS recognise that there is a gap around the issue of version control. They state “the Records Manager will research and discuss possible systems that can be easily implemented to improve version control, once the Records Management Plan has been implemented”. This is entirely within the spirit of the Act. That the creation of the RMP has brought this issue to the attention of senior management in the authority can be considered a positive outcome.</p> <p>The Keeper is happy to agree this element of the RMP under Improvement Model terms. This means that he is convinced that LGBCS have acknowledged a gap in provision and are taking sensible steps to close that gap. He requests that he is supplied with any updates to this element as they become available.</p>
<p>12. Competency Framework for records management staff</p>	<p>G</p>	<p>G</p>	<p>LGBCS have provided the Job Profile for the Records Manager (see element 2). This clearly demonstrates that records management is properly considered in this profile.</p> <p>The Casework Manager’s responsibility for records management is confirmed in the RMP statement on Senior Management Responsibility (page 3).</p> <p>One of the objectives of the Records Manager is to ensure appropriate records management training is available for LGBCS staff.</p> <p>The Records Management Policy Statement (RMP page 5) recognises the importance of staff training “in relation to records management”.</p> <p>The RMP states (page 9) “It is the aim of the Scottish Boundary Commission to</p>

			<p>ensure that: information security awareness training is made available to all staff". The Keeper welcomes this commitment. (See General Comments below for information regarding Scottish Boundary Commission/Local Government Boundary Commission for Scotland)</p> <p>The <i>Information Assurance Policy</i> (supplied) states that LGBCS undergo mandatory training on information security, data handling and data protection. Guidance on data protection is given to all new starts on induction.</p> <p>The Keeper agrees that the individual identified as having day-to-day responsibility for implementing the RMP has appropriate skills for the role. Furthermore, the Keeper acknowledges that LGBCS considers records management training for appropriate staff.</p>
<p>13. Assessment and Review</p>	<p>G</p>	<p>G</p>	<p>LGBCS commit to review the RMP annually. This review will be carried out by the Records Manager (see element 2) using a <i>Review Schedule and Evaluation Report</i>. A sample of this report has been provided to the Keeper. The results of the review will be reported to the Secretary (see element 1)</p> <p>An interim report will be conducted as a one-off once the RMP has been implemented (RMP page 16). The Keeper commends this decision.</p> <p>The Records Management Policy Statement (RMP page 5) states the aim of "completing records management self-assessment reviews" and, separately, that the records manager is authorised to conduct an annual review of records. On the same page there is a commitment to regularly review Information Security Policies (see element 8).</p> <p>The RMP (page 10) commits LGBCS to produced business continuity plans and test them.</p>

			The Keeper agrees that LGBCS have arrangements in place to properly review their RMP and other key records management policies.
14. Shared Information			<p>'Shared Information' is not applicable to the Scottish Boundary Commissions.</p> <p>The Local Government Boundary Commission for Scotland does not routinely share information with a third party when carrying out its functions, nor does it create records on a platform shared with other parties.</p>

Local Government Boundary Commission for Scotland (LGBCS)

General Notes on RMP, Including Concerns:

The assessed plan and evidence package is a single, undated, document signed by Isabel Drummond-Murray Secretary, Scottish Boundary Commissions (**see element 1**). It is accompanied by a covering letter from Colin Wilson, Casework Manager dated 13 August 2014. This letter is addressed to a member of the Assessment Team, rather than to the Keeper. There is no control sheet for the RMP. It appears that the document has been created for PRSA purposes.

There is a commitment in the RMP (page 1) that the Secretary to the Scottish Boundary Commissions has a responsibility for including record keeping in the authority's business planning process.

The RMP covers the records management provision in the Scottish Boundary Commissions as a whole. The Scottish Boundary Commissions are The Scottish Boundary Commission and The Local Government Boundary Commission for

Scotland. Only the latter body is scheduled under the Public Records (Scotland) Act 2011 and therefore the Keeper's agreement can only be for the parts of the plan that apply to the LGBCS.

Similarly, the Keeper cannot formally 'agree' the evidence included in the document such as the Information Security Policy or Job Description as this is outside his remit under the Act.

6. Keeper's Summary

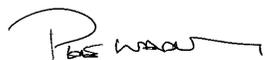
Elements 1-13 that the Keeper considers should be in a public authority records management plan have been properly considered by the Local Government Boundary Commission for Scotland. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of the Local Government Boundary Commission for Scotland.

- The Keeper recommends that LGBCS 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 the Local Government Boundary Commission for Scotland. In agreeing this RMP, the Keeper expects the Local Government Boundary Commission for Scotland to fully implement the agreed RMP and meet its obligations under the Act.

A handwritten signature in black ink, appearing to read 'Tim Ellis', written in a cursive style.

.....
Tim Ellis
Keeper of the Records of Scotland