

Public Records (Scotland) Act 2011

North Ayrshire Council North Ayrshire Licensing Board Assessment Report

The Keeper of the Records of Scotland

24th July 2015

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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 **North Ayrshire Council and North Ayrshire Licensing Board** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on **31st March 2015**.

The assessment considered whether the RMP of North Ayrshire Council and North Ayrshire Licensing 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 North Ayrshire Council and North Ayrshire Licensing Board complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

North Ayrshire Council is one of 32 council areas in Scotland. It has a population of roughly 136,000 people. It is located in the southwest of Scotland, and borders the areas of Inverclyde to the North, Renfrewshire to the Northeast and East Ayrshire and South Ayrshire to the east and south respectively.

The area was created in 1996 as a successor to the district of Cunninghame. The council headquarters are located in Irvine, which is the largest town. The area also contains the towns of Ardrossan, Beith, Dalry, Kilbirnie, Kilwinning, Largs, Saltcoats, Skelmorlie, Stevenston, West Kilbride, as well as the Isle of Arran and the Cumbrae Isles.

North Ayrshire Licensing Board is the statutory licensing authority responsible for all Alcohol and Betting Licences in North Ayrshire. The Board is constituted under the Licensing (Scotland) Act 2005 and Gambling Act 2005.

<http://www.north-ayrshire.gov.uk/home.aspx>

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 North Ayrshire Council and North Ayrshire Licensing 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:

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

North Ayrshire Council and North Ayrshire Licensing Board (For simplicity these two authorities are described as 'The Council' in the assessment below)

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	G	G	<p>North Ayrshire Council (the Council) have appointed Elma Murray, Chief Executive of the Council, as having senior management responsibility for records management within the Council.</p> <p>North Ayrshire Council) have identified Elma Murray, Chief Executive of the Council, as having senior management responsibility for records management within the Licensing Board.</p> <p>The above is confirmed by a letter from Ms Murray (evidence 2).</p> <p>The abovementioned letter also states Ms Murray's endorsement of The Council's policy statement.</p> <p>The RMP states that the RMP has the backing of the Council's Corporate Management Team. The Keeper commends this statement of support.</p> <p>Also submitted as evidence is the Information and Records Management Policy (evidence 3). This sets out the responsibilities of all staff with regards to records management, but also specifically those relating to the Chief Executive and the Corporate Management Team. The Policy also explicitly states that the Chief Executive and the Corporate Management Team 'will provide appropriate resources to enable the Council's records to be effectively managed'. The Keeper welcomes</p>

			<p>this clear statement of support for records management within the Council.</p> <p>The Keeper agrees that a suitable individual has been appointed to take senior management responsibility for records management in both the Council and the Licensing Board.</p>
2. Records Manager <i>Compulsory element</i>	G	G	<p>The Council have designated Richard Sharp, Information Governance Manager, as the individual with operational responsibility for records management in both the Council and the Licensing Board.</p> <p>The Information and Records Management Policy (evidence 3) clearly states the role and responsibilities of the Information Governance Manager.</p> <p>The Keeper agrees that the Council have identified an appropriate individual to take operational responsibility for records management as required by the Act.</p>
3. Policy <i>Compulsory element</i>	G	G	<p>The Council have submitted their Information and Records Management Policy, version 4.0, approved by the Corporate Management Team and Cabinet in September 2014 (evidence 3). The Policy itself states that it will be reviewed every two years. The Policy is available to staff through the Council's intranet, Navigate.</p> <p>The policy clearly sets out its scope and the responsibilities of staff. It also commits the Council to setting up various information governance groups, such as the Data Protection Advisory Group and the Information Management Governance Group. It also sets out the Information Management Principles (section 4) which have been adopted by the Council. The policy also outlines the Council's corporate approach to various aspects of records management, such as retention and disposal, vital records, information security and archiving.</p> <p>The Policy is supported by a <i>Records Management Manual</i>, this is v.02, September</p>

			<p>2010. The <i>Manual</i> is currently under review. The Keeper requests that any revised version is forwarded in order that he may keep the Council's submission up-to-date.</p> <p>The Council has also submitted its Information Management Strategy (evidence 4) which sets out the Council's longer term approach to Information Management. It states the Council's commitment to move to a mainly electronic working environment and consequently creating mostly electronic records and to manage these accordingly. It also sets out a series of actions to improve information governance across the organisation.</p> <p>Also submitted is the Information Governance Procurement Framework (evidence 5). This document provides guidance on the management of information during the procurement process, in particular the management of personal and sensitive information. Highlighted in the text of the RMP itself is a clause from this document which sets out the records management responsibilities incumbent upon third party contractors carrying out work on behalf of the Council. The Keeper commends this approach.</p> <p>The Keeper agrees that the Council has in place an operational policy which sets out the Council's corporate approach to records management as required by the Act.</p>
<p>4. Business Classification</p>	<p>G</p>	<p>G</p>	<p>The Council has submitted details of its information asset register (evidence 6). Each service area has an Information Asset Owner (IAR) Co-ordinator who manages the service area's register and controls access to it. A series of screenshots from the Council's intranet are included as evidence showing the types of records/systems being used, the format, a review date, the information asset owners, where the information is held and which service the information relates to. This looks to be a very useful tool for the management of the types of records being</p>

			<p>created by the Council. The IAR is based on the Local Government Classification Scheme (LGCS) which was developed by the Information and Records Management Society. The Keeper acknowledges that this is a wholly appropriate guide to follow.</p> <p>The RMP states that the Council intends to implement an Electronic Document and Records Management System (EDRMS) and the existing scheme will form the structure of the file plan for managing records on the EDRMS. The Keeper would welcome further information as this project progresses, but in the meantime:</p> <p>The Keeper agrees that the Council has an operational business classification scheme that reflects the record types created as it carries out its functions.</p>
<p>5. Retention schedule</p>	<p>G</p>	<p>G</p>	<p>The Council has submitted their retention schedules (evidence 7) which shows the categories of records created by the Council and the retention actions assigned to them. The schedule clearly features the records created by North Ayrshire Licensing Board.</p> <p>The RMP states that the Council is currently developing new retention schedules in conjunction with each Service area. These new schedules will be based on those produced by the Scottish Council on Archives, which the Keeper recognises as an appropriate model. The Keeper commends the approach of consulting business areas when creating either a new Business Classification Scheme or retention schedule. The Keeper would welcome further information as this project progresses, but in the meantime:</p> <p>The Keeper agrees that the Council has retention schedules in place which determine the retention and disposition actions to be taken for the records featured in the Business Classification Scheme.</p>

<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p><u>Paper</u> The RMP states that the Council's Records Unit keeps a log of records destroyed. The Council has a confidential paper waste destruction contract with Shred All which destroys paper records to BS8470 standard. The <i>Records Management Manual</i> sets out the procedures for staff to follow to ensure that records are destroyed securely. Copies of destruction certificates for paper confidential waste have been seen by the Keeper.</p> <p>The Council have submitted the Council's <i>Information Classification Guidelines</i> (evidence 8) which details the security classifications that are applied to records and information created and held by the Council.</p> <p>Also submitted is a document entitled <i>Confidential Waste Guidelines for use by Services in Development of Own Guidelines or Policy</i> (evidence 9). This provides service areas with guidance and awareness of issues when they develop their own policies and procedures for the destruction of confidential information.</p> <p><u>Electronic</u> The RMP states that all records, irrespective of format, are destroyed in line with the retention schedule. As with paper records, the permission of the Information Asset Owner should be sought before deleting records and a log of destroyed records should be maintained which includes the name of the authorising officer and the date of authorisation.</p> <p>The <i>Records Management Manual</i> (evidence 3) also contains a useful section (Appendix 5) which highlights the importance of properly managing emails, some of which may contain corporate information.</p> <p><u>Hardware</u> The Council has provided a copy of its ICT guidelines (evidence 10) which sets out</p>
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			<p>the procedures to be followed when disposing of ICT equipment that can contain electronic information. The document mentions (page 4, section 7) that the Council has a contract with a 3rd party for the secure disposal of ICT hardware. Copies of destruction certificates for hardware have been seen by the Keeper.</p> <p>Back-ups A document outlining the back-up procedure for electronic records and showing the tape back-up cycle has been seen by the Keeper.</p> <p>The Keeper agrees that the Council has procedures in place that facilitate the irretrievable destruction of 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>North Ayrshire Council, in conjunction with East Ayrshire and South Ayrshire Councils, operates 'Ayrshire Archives'. North Ayrshire Council deposits records selected for permanent preservation in Ayrshire Archives.</p> <p>As evidence of archiving arrangements, the Council has provided: Flow chart: Records Management Unit – sending, accessing and disposing of records, the current Ayrshire Archives Acquisitions Policy (June 1997) and a sample of an Ayrshire Archives deposit form.</p> <p>The RMP states that the Council is developing a joint Archiving and Transfer Policy which will formalise the arrangements for transferring records selected for permanent preservation to an appropriate archive. The Keeper requests that he is provided with a copy of this document once it has been approved.</p> <p>The Keeper agrees that the Council has appropriate archiving arrangements in place with a suitable repository as required by the Act.</p>

<p>8. Information Security <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>The Council has submitted their <i>Information Security Policy</i> (evidence 11) which sets out the Council's approach to protecting information from unauthorised access and to protect the integrity of the information it holds. It details the responsibilities of staff and elected members.</p> <p>Also submitted is the <i>IT Security Policy</i> (evidence 12). This describes the Council's policy with regard to protecting its IT systems. It outlines the responsibilities of staff and also the provisions in place for third party access to Council systems. The <i>IT Security Policy</i> was agreed by the IT Manager, IT Management Team and Information and Records Manager in 2012</p> <p>The <i>Acceptable Computer Use Policy</i> (evidence 13) details the procedures to be followed by staff when using Council systems. This is supported by documents such as <i>Password Guidelines</i>, <i>Reporting of Security Incidents Policy</i> and <i>Internet and Email Access Control Policy</i>.</p> <p>The Third Party Access to Council Resources Guidelines (evidence 14) sets out the procedures that are in place for situations where third parties, such as contractors or volunteers require access to Council resources, such as information. The Keeper commends the consideration of this important aspect of information and records management.</p> <p>The <i>Information/Data Handling Guidelines</i> (evidence 15) have also been supplied. It supports the previous document and the Appendix sets out practical steps when handling data or information. The <i>Information Handling Guidelines</i> were authorised by the Information and Records Manager.</p> <p>The <i>Guidelines for Reporting ICT Security Incidents</i> (evidence 16) evidences the Council's procedures for identifying and reporting incidents where potential and real security breaches have occurred. The <i>Guidelines for Reporting ICT Security</i></p>
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			<p><i>Incidents</i> were authorised by the Information and Records Manager.</p> <p>The Keeper agrees that robust procedures are in place to ensure that the information and systems used by the Council are protected by appropriate policies and procedures as required by the Act.</p>
<p>9. Data Protection</p>	<p>G</p>	<p>G</p>	<p>The Council is registered as a Data Controller with the Information Commissioner's Office and has provided its registration number as evidence of this (Z4840237).</p> <p>In 2014 the Council appointed a Data Protection Officer to ensure compliance with the requirements of the Data Protection Act. Also in place within the Council is a Data Protection Advisory Group (DPAG) which was set up to ensure compliance with the Act and internal requirements, to promote best practice and to provide access to training. The DPAG reports to the Information Management Governance Group. The Keeper commends this approach.</p> <p>The Council has submitted its <i>Data Protection Policy</i> (evidence 18). It is currently undergoing review but the current operational version (version 1.0) has been submitted. The <i>Policy</i> sets out the Council's corporate approach to protecting personal information. The <i>Policy</i> and information on how to make a Subject Access Request are available on the Council's external website: http://www.north-ayrshire.gov.uk/Documents/CorporateServices/ITCustServices/DataProtectionPolicy.pdf</p> <p>A screenshot of the Council's <i>Privacy Policy</i> has also been submitted (evidence 21). The Keeper commends this public-facing approach. The Keeper requests that he is sent a copy of the revised <i>Policy</i> once operational.</p> <p>Also submitted is the <i>DPAG Terms of Reference</i> document (evidence 19) which sets out the scope of the Group and the reporting structure.</p>

			<p>The Council has also submitted a copy of its <i>Subject Access Request Procedure</i> (evidence 20). The Council is currently reviewing these processes to ensure consistency of practice across the organisation. The Keeper would be interested to see a revised copy of these once finalised.</p> <p>The Council has also create a <i>Privacy Impact Assessment Framework</i> (evidence 22) in line with the Information Commissioner’s Office recommended good practice. The document seeks to ensure that when new projects, ICT systems or business processes that involve the processing of personal information are being considered, the Council continues to meet its Data Protection obligations.</p> <p>The Keeper agrees that the Council has properly considered their responsibilities under the Data Protection Act 1998.</p>
<p>10. Business Continuity and Vital Records</p>	<p>G</p>	<p>A</p>	<p>The Council has submitted their <i>Vital Records Guidelines</i> (evidence 23) which highlights the importance of certain categories of records in restoring the Council’s ability to fulfil its functions in the event of a disaster occurring. The onus is on service areas to identify those records that are vital to their operation as part of their business continuity planning. The document also contains the Council’s policy on Vital Records and options available for their protection depending on format.</p> <p>Screenshots from the Information Asset Register (evidence 6) show the risk levels attached to series of records showing that the importance of certain types of records has been considered.</p> <p>As an example, the Council has also submitted the Business Continuity Plan for the Chief Executive’s Service (evidence 24) which sets out the procedures and priorities for when an interruption to service occurs. However, as this is currently ‘draft’ the Keeper is not able to consider it. He will need to receive an authorised version to agree the evidence part of this element.</p>

			<p>The Keeper agrees that the Council has an approved and operational business continuity policy, which is made available to appropriate staff. The recovery plan includes records identified as 'vital'. The Keeper makes this agreement on the understanding that once the evidential sample has been fully signed-off the Council will submit it to him.</p>
11. Audit trail	G	G	<p>The Council has submitted their <i>File Naming Convention Guidelines</i> (evidence 25) which shows how the Council intends to impose control on the creation of electronic records. This document has a list of 11 rules for staff to follow and contains an Appendix which shows how these rules can be followed in practice.</p> <p>The Keeper has received in evidence a document entitled <i>Document Control Guidelines</i>.</p> <p>Also submitted are screenshots of the Records Unit's database (evidence 26). This database is used to monitor the destruction or archiving of files.</p> <p>Obviously, the adoption of an EDRM (see element 4) will radically change document tracking in the Council. The Keeper requires to be informed if and when the EDRM is operational.</p> <p>The Keeper agrees that the Council has procedures in place to ensure that the correct version of a record can be located.</p>
12. Competency Framework for records management	G	G	<p>The Council has provided the Role Profile of the Information Governance Manager (evidence 27), who is named above in Element 2. The Role Profile sets out the key roles and responsibilities for the post, in particular relating to records management. One of the key responsibilities is to produce and maintain a RMP.</p>

<p>staff</p>			<p>The Information Governance Manager is a qualified records manager.</p> <p>Section 1.8 of the Information and Records Management Policy (evidence 3) highlights the Council’s commitment to training in information management. The Keeper commends this. Additionally, the RMP states that all staff must complete online training in Information Security and Data Protection before being allowed access to Council systems.</p> <p>The Keeper can agree, provided he is sent the above document, that staff are aware of their records management responsibilities and that there is a commitment to ensure that staff are appropriately trained.</p>
<p>13. Assessment and Review</p>	<p>G</p>	<p>G</p>	<p>The RMP states that the Internal Audit and Risk Management section will include the assessment of information and records management provision into their audit programme. The Keeper commends the inclusion of internal auditors into the process of assessing and reviewing the level compliance with information and records management policies and procedures.</p> <p>In addition to the above, the Council has developed an <i>Information Management Self-Assessment Workbook</i> (evidence 28). This tool has been developed for Services to undertake a self-assessment, assisted by the Information Governance Team, of their levels of compliance with Council policies and procedures.</p> <p>Once the RMP has been agreed the Information Governance Manager will undertake a formal assessment of compliance with the RMP after a year. This will be followed by an annual review of progress. Progress will be reported to the Corporate Management Team and the Scrutiny and Petitions Committee.</p> <p>The Keeper agrees that the Council has in place appropriate measures to measure their compliance with their RMP.</p>

14. Shared Information	G	G	<p>The Council is part of the Ayrshire Data Sharing Partnership Steering Group. It is also part of the Ayrshire and Arran Protocol for Sharing Information (evidence 30). This is a binding agreement between the Council, East Ayrshire Council, South Ayrshire Council, NHS Ayrshire and Arran, Scottish Fire and Rescue Service and Police Scotland. This agreement follows the Data Sharing Code of Practice issued by the Information Commissioner’s Office and sets out the protocols to be followed when sharing information.</p> <p>Also submitted as evidence is an Information Sharing Protocol between NHS Ayrshire and Arran and the Council (evidence 29). This has been created for the purpose of carrying out the functions outlined in the Public Bodies (Joint Working) (Scotland) Act 2014. This is based on the Scottish Accord for the Sharing of Personal Information (SASPI) which is a commonly used protocol among public bodies for sharing information. The Information Sharing Protocol was approved by the Chief Executive of North Ayrshire Council in December 2014.</p> <p>The Keeper agrees that North Ayrshire Council correctly considers records governance when undertaking information sharing projects.</p>
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General Notes on RMP, Including Concerns:

Version

The plan submitted and assessed is dated June 2015 (version 8.0).

6. Keeper's Summary

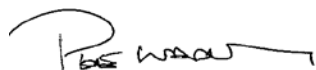
Elements **1 - 14** that the Keeper considers should be in a public authority records management plan have been properly considered by North Ayrshire Council and North Ayrshire Licensing Board. Policies and governance structures are in place to implement the actions required by the plan.

7 . Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of North Ayrshire Council and North Ayrshire Licensing Board.

- The Keeper recommends that North Ayrshire Council should publish its agreed RMP as an example of good practice within the authority and the sector.

This report follows the Keeper's assessment carried out by,



.....
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 **North Ayrshire Council** and **North Ayrshire Licensing Board**. In agreeing this RMP, the Keeper expects the authorities to fully implement the agreed RMP and meet their obligations under the Act.



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Tim Ellis
Keeper of the Records of Scotland