

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

### **North Lanarkshire Integration Joint Board**

### **The Keeper of the Records of Scotland**

**11 February 2021**

**Contents**

<b>1. Public Records (Scotland) Act 2011</b>	<b>3</b>
<b>2. Executive Summary</b>	<b>4</b>
<b>3. Authority Background</b>	<b>4</b>
<b>4. Assessment Process</b>	<b>6</b>
<b>5. Model Plan Elements: Checklist</b>	<b>7</b>
<b>6. Keeper's Summary</b>	<b>24</b>
<b>7. Keeper's Determination</b>	<b>24</b>
<b>8. Keeper's Endorsement</b>	<b>25</b>

## 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 Lanarkshire Integration Joint Board by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 26<sup>th</sup> June 2020.

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

## 3. Authority Background

North Lanarkshire Integration Joint Board ("IJB") was established under the Public Bodies (Joint Working) (Scotland) Act 2014. The IJB was formally established on 1st April 2016.

The IJB is responsible for the planning and oversight of delivery of health and social care functions, delegated to it by NHS Lanarkshire & North Lanarkshire Council. Functions include Adult Social Work & Social Care Services, Community Health and Social Care Services for Children and Adults and some hospital services. The area covered by the IJB is coterminous with North Lanarkshire Council and is divided into six localities.

The IJB operates as a separate legal entity from NHS Lanarkshire and North Lanarkshire Council. The IJB is made up of eight voting members appointed in equal number by NHS Lanarkshire and North Lanarkshire Council, with a number of representative members drawn from other sectors, including the independent and third sectors, and to represent other stakeholders including staff, carers, service users and professional advisors as set out in the Public Bodies (Joint Working) (Scotland) Act 2014.

The key IJB functions are to:

- Prepare a Strategic Commissioning Plan for integrated functions in accordance with national and local outcomes and integration principles;
- Allocate the integrated budget in accordance with the this Plan;
- Oversee the delivery of services that are within the scope of the Partnership

<https://www.northlanarkshire.gov.uk/index.aspx?articleid=31104>

## 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 Lanarkshire 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.
----------	--	--	----------	--	--	----------	--

**North Lanarkshire Integration Joint Board**  
For simplicity this authority is referred to as ‘the IJB’ in the assessment below

**Explanation:** The public records of North Lanarkshire Integration Joint Board (the IJB) are created and managed digitally on NHS Lanarkshire and North Lanarkshire Council systems.

A *Covering Letter* from Ross McGuffie Chief Officer of the IJB confirms: “The IJB will follow the Records Management Policy of North Lanarkshire Council where the IJB records are created and stored on the Council systems and will follow the Records Management Policy of NHS Lanarkshire where the IJB records are created on NHS systems.” The *Records Management Plan* (the *Plan*) makes it clear that no records are stored on NHS systems.

For reasons explained above, the IJB *Plan* relies heavily on the records management provision in the Council and, to a lesser extent, on that of NHS Lanarkshire.

On 8<sup>th</sup> June 2017 the Keeper of the Records of Scotland (the Keeper) agreed the RMP of North Lanarkshire Council:  
<https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/keepers-assessment-report-north-lanarkshire-council-and-licensing-board.pdf>

On 16<sup>th</sup> May 2016 the Keeper agreed the RMP of NHS Lanarkshire <https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/keepers-assessment-report-nhs-lanarkshire.pdf>

Since agreement NHS Lanarkshire has been providing the Keeper with annual updates on their RMP. For the latest:  
<https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/pur-final-report-by-prsa-team-nhs-lanarkshire.pdf>

On 24<sup>th</sup> September 2020 North Lanarkshire Council provided a Progress Update Review on their RMP. A report on that review can be found here: [NRS - Progress Update Review \(PUR\) Final Report by the PRSA Assessment Team for North Lanarkshire Council and Licensing Board, February 2021 \(nrscotland.gov.uk\)](#)

## 5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer	<b>G</b>	<b>G</b>	<p>North Lanarkshire Integration Joint Board (the IJB) have identified Ross McGuffie, 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 the Chief Officer.</p> <p>The Chief Officer is the Corporate Owner of the <i>Plan</i> which he ‘fully endorses...and takes senior responsibility for implementation’ (<i>Plan</i> page 4).</p> <p>Statements under this element in the <i>Plan</i> confirm the <u>explanation</u> of arrangements above.</p> <p>The Keeper agrees that North Lanarkshire 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	<b>A</b>	<b>G</b>	<p>The Act requires that each authority identifies an individual staff member as holding operational responsibility for records management and has appropriate corporate responsibility, access to resources and skills. The Keeper has agreed that, due to</p>



			<p>the partnership nature of an integration joint board, two individuals may be identified under this element.</p> <p>North Lanarkshire Integration Joint Board have identified Fiona Hughes, Corporate Records Manager, as the individual with day-to-day responsibility for implementing the <i>Records Management Plan</i> (the <i>Plan</i>) in the authority.</p> <p>This is confirmed by a <i>Covering Letter</i> from the Chief Officer, which has been supplied to the Keeper.</p> <p>All the public records of the IJB are stored and managed digitally on North Lanarkshire Council systems (see explanation above and element 4 below). Ms. Hughes is the Council records manager and as such has full access to the IJB's public records. In 2017 the Keeper agreed that Ms Hughes was a suitable individual to take on this role for North Lanarkshire Council.</p> <p>Ms. Hughes is the author of the IJB <i>Plan</i>. She is also the creator of the <i>North Lanarkshire Council Records Management Plan</i> and the <i>North Lanarkshire Council Records Management Policy</i> (see element 3). The IJB relies heavily on both of these documents.</p> <p>North Lanarkshire Integration Joint Board have also identified Lorraine Taggart, Head of Information Management &amp; Interim Head of Health Records, as having responsibility for the public records of the IJB as they are created on NHS systems (to which the Council records manager has no access).</p> <p><b>The Keeper is aware that the NHS Lanarkshire records manager has recently retired and that Ms Taggart has assumed some of his duties while a replacement is sought. With this in mind, the Keeper can agree that Ms Taggart, as Head of Information Management, is a suitable individual to be</b></p>
--	--	--	--

			<p><b>temporarily identified under this element. However, the Keeper’s agreement remains at amber (under improvement) until a records manager is in post or until the IJB can provide the Keeper with evidence that Ms Taggart has the necessary skills, support and formal responsibility (such as annual objectives) to permanently undertake the role.</b></p> <p>The Keeper agrees that, for IJB records when they are managed by North Lanarkshire Council, Fiona Hughes is an appropriate individual to be identified to this role.</p>
3. Policy	<b>G</b>	<b>G</b>	<p>The Act requires an authority to have an appropriate policy statement on records management.</p> <p>The public records of the IJB are created on both North Lanarkshire Council and NHS Lanarkshire systems and by both council and health board staff. They are then stored and managed on North Lanarkshire Council records management systems.</p> <p>The IJB has adopted the records management policies of the council and the health board and manages records under the policy relevant to each particular stage in the record’s lifecycle. For example an IJB record created by NHS staff on NHS systems is subject to the <i>NHS Lanarkshire Records Management Policy</i> until it is transferred to the Council for storage/further management where it then becomes subject to the <i>Records Management Policy</i> of the Council. This arrangement is confirmed by a <i>Covering Letter</i> from the Chief Officer, which has been supplied to the Keeper.</p> <p>The Keeper has already agreed that the records management policies of the two partner authorities are appropriate (see ‘Explanation’ above for details of agreement).</p> <p>There is nothing in the IJB <i>Plan</i> that contradicts North Lanarkshire Council’s</p>

			<p><i>Records Management Policy</i> or that of NHS Lanarkshire.</p> <p>The Keeper has previously seen screen-shots confirming that council and health board staff have access to their respective records management policies.</p> <p>Therefore the Keeper can agree that North Lanarkshire Integration Joint Board has adopted suitable records management policy statements as required by the Act.</p>
<p>4. Business Classification</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The Keeper of the Records of Scotland (the Keeper) expects that the public records of an authority are known and are identified within a structure.</p> <p>The introduction to the <i>Plan</i> notes that effective management of information ensures that the correct information is <u>stored and maintained</u>. The record keeping systems in operation in an authority is of fundamental importance to this aim.</p> <p>Although some public records of the IJB are created by NHS Lanarkshire staff on NHS systems, all records are subsequently stored and managed as part of the structure provided by North Lanarkshire Council.</p> <p>In evidence of this arrangement, the IJB have provided the Keeper with a screen-shot showing IJB records on the Council business classification scheme.</p> <p>The authority has confirmed that all the public records of the IJB are held digitally.</p> <p><b>In June 2017 the Keeper agreed this element of the North Lanarkshire Council <i>Records Management Plan</i>. However he did so under ‘Improvement Model’ terms. This means that he acknowledges that the Council had identified a gap in provision (the authority being in a state of transition between electronic records management solutions) and has put processes in place to close that gap. The Keeper’s agreement was conditional on his being updated on</b></p>

			<p>progress as the project develops. The Keeper confirms that the Council has been keeping the Keeper appropriately updated on the transition project as required.</p> <p>The IJB <i>Plan</i> recognises that certain elements of the Council records management plan was agreed under improvement model terms (IJB <i>Plan</i> introduction page 3).</p> <p>The Keeper agrees this element of the North Lanarkshire Integration Joint Board's <i>Records Management Plan</i> under the same 'improvement model' terms as its 'host' authority.</p>
5. Retention schedule	<b>G</b>	<b>A</b>	<p>The Keeper expects an authority to have allocated retention periods to its public records and for those records to be retained and disposed of in accordance with a Retention Schedule.</p> <p>Although some public records of the IJB are created by NHS Lanarkshire staff on NHS systems, all records are subsequently stored and managed as part of the structure provided by North Lanarkshire Council. This includes the allocation of retention decisions to IJB records.</p> <p>In evidence of this arrangement, the IJB have provided the Keeper with a copy of the Council <i>Retention Schedule</i>.</p> <p>The <i>Plan</i> explains how the retention decisions for IJB public records are applied. It is clear that the IJB is aware and has had involvement in these decisions.</p> <p>The Keeper agrees that the IJB features in the Retention Schedule. A sample entry: <i>05.01.08/Meeting records for North Lanarkshire Integration Joint Board/Documents establishing the committee, agenda, minutes, business papers &amp; reports/Date of</i></p>

			<p><i>meeting/Permanent/Retain/Business requirement/Held permanently in line with Council committee retention periods.</i></p> <p><b>The <i>Plan</i> (page 8) refers to the approval of the council Information Management Working Group for the IJB records to be included. The Keeper requests sight of the minutes confirming this in the same way that he was provided with Council confirmation of the DPO under element 9.</b></p> <p><b>The Keeper agrees that North Lanarkshire Integration Joint Board has ensured that all their public records are managed against an operational retention schedule. However, the evidence column remains at amber until the Keeper can be supplied with minutes confirming the IMWG approval for the inclusion of IJB records.</b></p>
6. Destruction Arrangements	<b>A</b>	<b>G</b>	<p>The Act requires that public records are destroyed in a timely, controlled and secure manner.</p> <p>The introduction to the <i>Plan</i> notes that effective management of information ensures that the correct information is destroyed or preserved (see element 7). The disposal procedures operated by an authority is of fundamental importance to this aim.</p> <p>Whether they were created in council or health board systems, all the public records of the IJB reach their disposition date (destruction or preservation) under the systems of North Lanarkshire Council.</p> <p>As the public records of the IJB have been shown to be managed on the file plan and retention schedule of North Lanarkshire Council (see elements 4 and 5). The Keeper can be confident that they should be destroyed under council provision.</p> <p><b>The Keeper agreed this element of North Lanarkshire Council's <i>Records</i></b></p>

			<p><b>Management Plan</b> in June 2017. However, he did so under ‘improvement model’ terms. This means that he acknowledges that the authority has recognised a gap in provision (the systematic destruction of electronic records held on shared drives could be improved). He agrees that the authority has instigated processes to close that gap (migration to the new O365 solution). The Keeper’s agreement is conditional on him being updated as this project progresses (see element 4). The Council has satisfactorily updated the Keeper and the project remains ongoing.</p> <p>The IJB <i>Plan</i> recognises that some elements of their partner’s records management plans were agreed under improvement model terms (IJB <i>Plan</i> introduction page 3).</p> <p>Therefore, the Keeper can agree this element of the North Lanarkshire Integration Joint Board’s <i>Records Management Plan</i> under the same ‘improvement model’ terms as its ‘host’ authority.</p>
7. Archiving and Transfer	<b>G</b>	<b>G</b>	<p>The Act requires that all Scottish public authorities identify a suitable repository for the permanent preservation of any records considered suitable for archiving. A formal arrangement for transfer to that repository must be in place.</p> <p>Whether they were created in council or health board systems, all the public records of the IJB reach their disposition date (destruction or preservation) under the systems of North Lanarkshire Council.</p> <p>The IJB have identified North Lanarkshire Council Archive <a href="https://culturenl.co.uk/museums/archives-and-local-history-museums/north-lanarkshire-archives/">https://culturenl.co.uk/museums/archives-and-local-history-museums/north-lanarkshire-archives/</a> as a suitable repository for the public records of the IJB that are selected for permanent preservation. The Keeper agrees this is appropriate.</p>

			<p>The IJB <i>Plan</i> shows that the IJB is included in the Council Archives Collection Policy and a copy of this Policy (version 3.0) has been provided.</p> <p>The <i>Plan</i> (page 10) notes the situation around the preservation of digital records. The Keeper acknowledges that digital archiving in the Scottish public sector is in its infancy and it may be many years before those records selected for permanent preservation are transferred. However, it is important that arrangements are put in place as soon as possible and he recognises that North Lanark IJB has taken steps to pursue these arrangements.</p> <p>The Keeper agrees that North Lanarkshire Integration Joint Board have arrangements in place to ensure the permanent retention, in a suitable repository, of public records selected for historical preservation.</p>
8. Information Security	<b>G</b>	<b>G</b>	<p>The Act requires that public records are held in accordance with information security compliance requirements.</p> <p>The <i>Plan</i> explains that where public records are created in NHS systems they are protected by the NHS information security processes. Where public records are created on Council systems by the information security provision of the Council. All records, no matter which of the two systems are used for their creation, are eventually stored and managed on Council systems. They are then subject to Council information security processes.</p> <p>The Keeper has already agreed that the information security provision in NHS Lanarkshire and North Lanarkshire Council are suitable for compliance (May 2016 and June 2017 respectively).</p> <p>Therefore the Keeper can agree that North Lanarkshire Integration Joint Board have arrangements in place to ensure that their public records are adequately secure.</p>

<p>9. Data Protection</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The Keeper expects a Scottish public authority to manage records involving personal data in compliance with data protection law.</p> <p>The IJB holds limited personal information and, although the records are created on Council and Health Board systems and managed on the systems of the Council, the IJB remains Data Controller.</p> <p>IJB staff follow the <i>Data Protection Policy</i> of North Lanarkshire Council. The Keeper has previously agreed that the data protection provision of the Council is appropriate (albeit that he has not done so since GDPR).</p> <p>As Data Controller, North Lanarkshire IJB is listed with the Information Commissioner. Registration Number: A8762111</p> <p>As Data Controller, North Lanarkshire IJB have appointed a Data Protection Officer. This is the Head of Legal &amp; Democratic Services in North Lanarkshire Council. The Keeper has been provided with a copy of the report appointing North Lanarkshire Council Data Protection Officer (DPO) as Integration Joint Board DPO.</p> <p><b>The Keeper would expect North Lanarkshire IJB, as Data Controller, to publish a privacy notice on its website. The <i>Plan</i> suggests this may be on its way - it states (page 12) “The NLC data protection page provides a link to the mailbox of the Data Protection Officer in respect of Subject Access Requests ...The NLC Privacy statement is also available on the this page. Work is currently underway in refining documents that are more specific to the IJB.” The Keeper agrees that, once developed and approved, an IJB specific Privacy Policy, explaining public rights under DPA2018, should be appropriate to comply with data protection expectations if it is made available from the IJB website pages.</b></p>
---------------------------	-----------------	-----------------	---



			<p>The Keeper agrees this element of the North Lanarkshire Integration Joint Board <i>Records Management Plan</i> under ‘improvement model’ terms. This means that the authority is working towards full compliance and has provided evidence of this (a statement around a bespoke IJB privacy statement). The Keeper’s agreement is conditional on his being updated as this work progresses. The Keeper will provide the IJB with the opportunity to submit a Progress Update Review a year after agreement. He would expect the <i>Privacy Policy</i> to be in place by that time.</p>
<p>10. Business Continuity and Vital Records</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The Keeper expects that record recovery, prioritising vital records, is an integral part of the authority’s business continuity planning.</p> <p>The public records of North Lanarkshire Integration Joint Board are managed digitally on the systems operated by North Lanarkshire Council and as such would be subject to the record recovery arrangements of the Council in an emergency.</p> <p>The Keeper has previously been provided with a screen-shot showing that staff can access the North Lanarkshire Council Business Continuity Management Policy and Procedures.</p> <p><b>In June 2017 the Keeper agreed this element of the North Lanarkshire Council <i>Records Management Plan</i>. However he did so under ‘Improvement Model’ terms. This means that he acknowledges that the Council had identified a gap in provision. This was around the identification and prioritisation of vital records. The Keeper notes that the IJB have determined that all their public records are vital, but the recovery processes remain those of the Council. The Keeper’s agreement with the Council was conditional on his being updated on progress as the project develops. The Keeper confirms that the Council has been keeping the Keeper appropriately updated as required.</b></p>

			<p>The IJB <i>Plan</i> recognises that certain elements of the Council records management plan was agreed under improvement model terms (IJB <i>Plan</i> introduction page 3).</p> <p>The Keeper agrees this element of the North Lanarkshire Integration Joint Board's <i>Records Management Plan</i> under the same 'improvement model' terms as its 'host' authority.</p>
11. Audit trail	<b>A</b>	<b>G</b>	<p>The Keeper expects an authority to have process in place to track public records in such a way that their location is known and changes recorded.</p> <p>Whether created by the council or by the health board, all IJB public records are managed on North Lanarkshire Council records management systems.</p> <p>Therefore, all IJB document tracking functionality is dependent on the provision of the Council.</p> <p>The Keeper notes the comment in the Plan (page 14) about version control being imposed in NHS systems. The IJB have confirmed, separately, that IJB public records are uploaded onto the council system by NHS staff using the same naming convention that is applied to council records.</p> <p><b>In June 2017 the Keeper agreed this element of the North Lanarkshire Council <i>Records Management Plan</i>. However he did so under 'Improvement Model' terms. This means that he acknowledges that the Council had identified a gap in provision and had put processes in place to close that gap.</b></p> <p>The IJB <i>Plan</i> recognises that partner records management plans were agreed under improvement model terms (IJB <i>Plan</i> introduction page 3).</p>

			<b>The Keeper can agree this element of the North Lanarkshire Integration Joint Board’s <i>Records Management Plan</i> under the same ‘improvement model’ terms as its ‘host’ authority.</b>
12. Competency Framework for records management staff	<b>G</b>	<b>G</b>	<p>The Keeper expects staff creating, or otherwise processing records, to be appropriately trained and supported.</p> <p>“The NLC RMP outlines the training, guidance and awareness campaigns in place for NLC staff in Information Security, Data Protection and Records and Information Management. The NHSL RMP outlines training and guidance arrangements that are in place for NHSL staff in Records, Management, Safe Handling of Information and Information Security.” (<i>Plan</i> page 15)</p> <p>The <i>Plan</i> particularly notes that all Council officers are required to undertake data protection and information security training to ensure that personal data is processed in accordance with the data protection principles and that all staff within NHS Lanarkshire are required to undertake data protection training both at induction and via an online training tool.</p> <p>The Keeper has previously agreed that the training provision in the council and in the health board is appropriate (June 2017 and May 2016 respectively).</p> <p>The Keeper agrees that North Lanarkshire Integration Joint Board considers information governance training for its staff as appropriate.</p>
13. Assessment and Review	<b>G</b>	<b>G</b>	<p>Section 1(5)(i)(a) of the Act says that an authority must keep its RMP under review.</p> <p>The public records of North Lanarkshire Integration Joint Board are managed on the</p>

			<p>systems of North Lanarkshire Council. It is therefore reasonable that the IJB relies on the review processes in the Council to comply with this element under PRSA. In 2017 the Keeper agreed that the review mechanism of North Lanarkshire Council is compliant.</p> <p>The IJB Plan explains that review will take place annually and results will be reported through the Keeper’s Progress Update Review (PUR) mechanism.</p> <p>The Keeper agrees that North Lanarkshire Integration Joint Board has processes in place to ensure that their records management provision and the implementation of the <i>Plan</i> are properly kept under review as required by the Act.</p>
<p>14. Shared Information</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Keeper expects a Scottish public authority to ensure that information sharing, both within the Authority and with other bodies or individuals, is necessary, lawful and controlled.</p> <p>As part of its function, North Lanarkshire Integration Joint Board shares information with other bodies when appropriate and does so under information sharing processes set out in an <i>Information Sharing Agreement</i> which has been supplied to the Keeper.</p> <p>The Keeper agrees this <i>Information Sharing Agreement</i> specifically includes the IJB.</p> <p>The Keeper agrees that the <i>Information Sharing Agreement</i> appropriately considers information governance issues.</p> <p>The Keeper agrees that North Lanarkshire Integration Joint Board shares information under the terms of a formal information sharing agreement which properly ensures that sharing is necessary, lawful and controlled.</p>

<p>15. Public records created or held by third parties</p>	<p><b>N/A</b></p>	<p><b>N/A</b></p>	<p>The Public Records (Scotland) Act 2011 (PRSA) makes it clear that records created by third parties when carrying out the <u>functions</u> of a scheduled authority should be considered 'public records' - PRSA Part 1 3 (1)(b).</p> <p>This is recognised in the <i>Plan</i> where the IJB specifically confirms that they do not contract out records creation or management to third parties (Plan page 18): "The IJB does not make direct arrangements with third parties to carry out functions on its behalf".</p> <p>The Keeper notes a commitment that should this situation change in the future the IJB will follow the practices of the partner authorities, who have had already had the Keeper's agreement in this area.</p>
--	-------------------	-------------------	--

### North Lanarkshire Integration Joint Board

For simplicity this authority is referred to as 'the IJB' in the assessment below

**Explanation:** The public records of North Lanarkshire Integration Joint Board (the IJB) are created and managed digitally on NHS Lanarkshire and North Lanarkshire Council systems.

A *Covering Letter* from Ross McGuffie Chief Officer of the IJB confirms: "The IJB will follow the Records Management Policy of North Lanarkshire Council where the IJB records are created and stored on the Council systems and will follow the Records Management

Policy of NHS Lanarkshire where the IJB records are created on NHS systems.” The *Records Management Plan* (the *Plan*) makes it clear that no records are stored on NHS systems.

For reasons explained above, the IJB *Plan* relies heavily on the records management provision in the Council and, to a lesser extent, on that of NHS Lanarkshire.

On 8<sup>th</sup> June 2017 the Keeper of the Records of Scotland (the Keeper) agreed the RMP of North Lanarkshire Council:  
<https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/keepers-assessment-report-north-lanarkshire-council-and-licensing-board.pdf>

On 16<sup>th</sup> May 2016 the Keeper agreed the RMP of NHS Lanarkshire <https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/keepers-assessment-report-nhs-lanarkshire.pdf>

Since agreement NHS Lanarkshire has been providing the Keeper with annual updates on their RMP. For the latest:  
<https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/pur-final-report-by-prsa-team-nhs-lanarkshire.pdf>

On 24<sup>th</sup> September 2020 North Lanarkshire Council provided a Progress Update Review on their RMP. A report on that revue can be found here: [NRS - Progress Update Review \(PUR\) Final Report by the PRSA Assessment Team for North Lanarkshire Council and Licensing Board, February 2021 \(nrscotland.gov.uk\)](#)

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

This assessment is on the *Records Management Plan* of the North Lanarkshire Integration Joint Board version 2.0 submitted to the Keeper of the Records of Scotland for his agreement on 1<sup>st</sup> December 2020 (the *Plan*).

The *RMP* is accompanied by a covering letter of endorsement from Ross McGuffie the IJB Chief Officer (**see element 1**), dated 16<sup>th</sup> January 2020 confirming his role and identifying the individual at element 2.

The submission to the Keeper included

- The *Plan*
- A letter from the Chief Officer (see element 1)
- North Lanarkshire Council file plan with the Integration Joint Board highlighted
- Screen shots showing IJB staff access to relevant North Lanarkshire Council documents
- Report appointing North Lanarkshire Council Data Protection Officer (DPO) as Integration Joint Board DPO
- Integration Joint Board *Data Sharing Agreement*
- North Lanarkshire Archives Collection Policy v3.0
- Information Commissioners Office (ICO) Registration Entry Details

The introduction to the *Plan* (page 2) states: “The IJB recognises the importance information and recordkeeping plays in underpinning its over-arching strategic objectives and helping it to meet national and local outcomes.” The Keeper agrees and commends this introductory statement.

The Keeper recommends that North Lanarkshire Integration Joint Board publish their Records Management Plan (once agreed) under North Lanarkshire Joint Integration Board Guide to Information (<https://www.hscnorthlan.scot/wp-content/uploads/2017/04/North-Lanarkshire-Joint-Integration-Board-FOI-Publication-Scheme-April-2017.pdf>)

The *RMP* mentions the Act and is based on the Keeper’s, 15 element, Model Plan <http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources/model-records-management-plan>.

## 6. Keeper's Summary

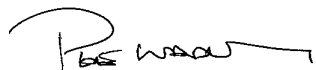
Elements 1 - 15 that the Keeper considers should be in a public authority records management plan have been properly considered by North Lanarkshire Integration Joint Board. Policies and governance structures are in place to implement the actions required by the plan.

## 7. Keeper's Determination

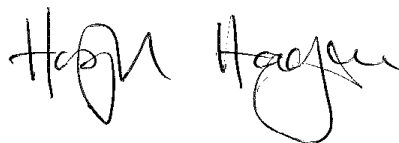
Based on the assessment process detailed above, the Keeper **agrees** the RMP of **North Lanarkshire Integration Joint Board**.

- The Keeper recommends that North Lanarkshire 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



.....  
**Hugh Hagan**  
Senior 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 Lanarkshire Integration Joint Board. In agreeing this RMP, the Keeper expects North Lanarkshire Integration Joint Board to fully implement the agreed RMP and meet its obligations under the Act.



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