

Public Records (Scotland) Act 2011

Public Authority

**Orkney Islands Council
Orkney Islands Area Licensing Board**

The Keeper of the Records of Scotland

13th June 2016

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 Summary26
7. Keeper’s Determination26
8. Keeper’s Endorsement 27

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 **Orkney Islands Council** and **Orkney Islands Area Licensing Board** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 29th January 2016.

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

3. Authority Background

The Orkney Islands Council is the local authority for Orkney. It was established in 1975 by the Local Government (Scotland) Act 1973 and was largely unaffected by the Scottish local government changes of the mid-1990s.

It provides services in the areas of Environmental Health, Roads, Social Work, Community Development, Organisational Development, Economic Development, Building Standards, Trading Standards, Housing, Waste, Education, Burial Grounds, Port and Harbours and others. The council is allowed to collect Council Tax.

The council is also the harbour authority for Orkney and its Marine Services division manages the operation of the islands' 29 piers and harbours.

Orkney Islands Council is the smallest local authority in Scotland.

<http://www.orkney.gov.uk/>

Licensing is the responsibility of licensing boards under powers contained in the Licensing (Scotland) Act 2005. Local licensing boards have wide discretion to determine appropriate licensing arrangements according to local needs and circumstances and their own legal advice. Each local government area must have a licensing board. Orkney Islands Area Licensing Board handles the administration of a range of licences. The board has eight members.

<http://www.orkney.gov.uk/Service-Directory/L/Licensing-Board.htm>

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 Orkney Islands Council and Orkney Islands Area Licensing Board 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.
----------	--	--	----------	--	--	----------	--

5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	G	G	<p>Orkney Council and Orkney Islands Area Licensing Board (the Council) have identified Gillian Morrison, Executive Director for Corporate Services, 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 Morrison which accompanies the <i>Plan</i> and by the <i>Information Briefing</i> to the Council's Legal Services (September 2015) which has been shared with the Keeper.</p> <p>Ms Morrison is the Council's Senior Information Risk Owner.</p> <p>Gavin Mitchell, Clerk to the Orkney Islands Area Licensing Board has written to the Keeper separately (29th January 2016) agreeing that the Licensing Board will comply with the Plan. Mr Mitchell is also the Council's Head of legal Services who approved the submission of the <i>Records Management Plan</i> (the <i>Plan</i>). The introduction to the <i>Plan</i> makes it clear that it includes the Licensing Board.</p> <p>Gillian Morrison sits on the Council's Senior Management Team.</p> <p>The Keeper agrees that the Council have identified an appropriate individual to this role as required by the Act.</p>
2. Records	G	G	The Council have identified George Vickers, Information Governance Officer, as the

<p>Manager <i>Compulsory element</i></p>			<p>individual with responsibility for implementing the Council's <i>Plan</i>.</p> <p>This is confirmed by a <i>Covering Letter</i> from the Council's Executive Director for Corporate Services (see element 1) which accompanies the <i>Plan</i>, by the <i>Information Briefing</i> to the Council's Legal Services (September 2015), which has been shared with the Keeper, and by the <i>Records Management Policy</i> (see element 3)</p> <p>Mr Vickers created the <i>Plan</i>.</p> <p>Mr Vickers is the author or 'owner' of: the <i>Retention and Disposal Schedule</i>, <i>Procedure for handling Paper-based Non-current Records</i> document, the <i>Appendix to Data Protection Policy and Code of Practice</i>, <i>Data Protection - Essentials for all staff</i> and the <i>Project Initiation Document (PID)</i> for the <i>Plan</i>.</p> <p>He is responsible for reviewing the <i>Plan</i> and the <i>Policy</i>.</p> <p>Mr Vickers sits on the Council's Information Governance Group (see under General Comments below). He reports directly to the Head of Legal Services, who approved the <i>Plan</i> in January 2016.</p> <p>Mr Vickers has day-to-day responsibility for compliance with the requirements of the Data Protection Act 1998 (see element 9) and for providing data protection advice to Council staff.</p> <p>The above indicates that Mr Vickers has a detailed knowledge of the records management provision in the Council.</p> <p>The Keeper agrees that the Council have identified an appropriate individual to this role as required by the Act.</p>
--	--	--	---

<p>3. Policy Compulsory element</p>	<p>G</p>	<p>G</p>	<p>The Council has a <i>Records Management Policy</i> (the <i>Policy</i>) which is available online at: http://www.orkney.gov.uk/Council/C/records-management-policy.htm</p> <p>This is the version approved by the Head of Legal Services in December 2014.</p> <p>It is supported by a staff guidance document <i>Guide to the Council's Records Management</i> which has been supplied to the Keeper. A screen-shot has been provided showing that staff have access to this document on their intranet.</p> <p>The Keeper agrees that the <i>Plan</i> supports the objectives of the <i>Policy</i>.</p> <p>The <i>Policy</i> specifically mentions the Public Records (Scotland) Act 2011 (the Act).</p> <p>The <i>Policy</i> explains the benefits of robust records management (Policy section 5).</p> <p>The <i>Records Management Policy</i> makes up part of the Council's Information Governance Framework (<i>Information Security Policy</i> section 2.4).</p> <p>The Keeper agrees that the Council have an approved and operational records management policy statement as required by the Act.</p>
<p>4. Business Classification</p>	<p>A</p>	<p>G</p>	<p>One of the principles noted in section 4 of the <i>Policy</i> (see element 3) is that records should be stored "within record keeping systems...in a consistent manner that reflects Council functions." The style of the record keeping system must remain a business decision for the Council, but the Keeper notes that a <u>functional</u> structure is currently considered best practice for an organisation of the size and complexity of a local authority.</p> <p>Records are held in hybrid format: Hard copy, electronic in line of business systems and electronic in a structured management system (pilot) and on shared drives. The</p>

			<p><i>Plan</i> notes (page 8) that the Council intends to phase out the shared drive system and, over time, fully adopt a centralised management system, based on SharePoint, which they have called 'Portal'.</p> <p>To facilitate this the Council has created a <i>Business Classification Scheme</i> based on the Local Government model and has begun to roll it out through the organisation.</p> <p>As evidence of the introduction of the structured <i>Business Classification Scheme</i> the Keeper has been provided with details of a pilot project currently underway including screen shots of how the <i>Scheme</i> will look in practice. The Keeper notes that the retention decisions against each record type (see element 5) feature in the planned <i>Scheme</i>. The Keeper commends the combination of <i>Business Classification</i> and <i>Retention Schedule</i> as likely to lead to a stronger business tool in the authority.</p> <p>The <i>Scheme</i> is based on a Function/Activity/Transaction model. For example: Corporate Finance/Accountancy/Bank Statements.</p> <p>The proposed scheme has been advertised to the Council's staff (<i>Guide to Records Management</i> page 7). The Keeper accepts this as strong evidence of a commitment to proceed.</p> <p>In his foreword to the Plan, Alistair Buchan, the Council's Chief Executive acknowledges that some elements of the Council's records management provision are not yet fully realised (see also element 11).</p> <p>The <i>Guide to Records Management</i> (see element 3) emphasises the value of retaining electronic records on a central server (Orkney Islands Council's Portal) and providing users with links to this record rather than distributing copies. The Keeper endorses this principle and the explanation provided in the <i>Guide</i> (page 8).</p>
--	--	--	--

			<p>The Council recognises that implementing the ‘Portal’ system will take some time. The Guide states: “The long term aim is to have all our electronic records that are in shared drives and Windows Folders stored on the new Portal, but this will take some time.” The Keeper accepts this.</p> <p>The Keeper agrees this element of the Councils <i>Plan</i> under ‘improvement model’ terms. This means that he recognises that an authority have identified a gap in their provision (the <i>Business Classification</i> is not fully operational), but have put processes in place to close that gap. The Keeper’s agreement is conditional on his being kept up-to-date as this project progresses.</p>
5. Retention schedule	G	G	<p>In his foreword to the Plan, Alistair Buchan, the Council's Chief Executive, states the aim “that we do not waste valuable resources storing information which is no longer required is superseded or is duplicated elsewhere.”</p> <p>To this end the Council operates a retention schedule which is published online at: http://www.orkney.gov.uk/Files/Council/Council-Policies/OIC_Retention_Disposal_Schedule-Version_1.6.pdf</p> <p>Licensing activities are covered on pages 86 and 87 of the retention schedules.</p> <p>The Keeper notes that the retention decisions against each record type feature in the planned <i>Business Classification Scheme</i> (see element 4). For example: Corporate Finance/Accountancy/Bank Statements/Current +6. The Keeper commends the combination of Business Classification and Retention Schedule as likely to lead to a stronger business tool in the authority. This scheme will also feature retention reasoning where applicable.</p> <p>The retention schedule is based on the Scottish Council on Archives Records</p>

			<p>Retention Schedule.</p> <p>The Keeper agrees that Orkney Islands Council and Orkney Islands Area Licensing Board have a <i>Retention Schedule</i> that confirms retention decisions for expected functions of a Scottish local authority.</p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p>A</p>	<p>G</p>	<p>The Council has the following arrangements in place to ensure the secure and irretrievable destruction of records:</p> <p>Paper: The Council securely shred records internally using office shredders. Staff guidance is available as part of the <i>Retention and Disposal Schedule</i> which has been supplied to the Keeper. The Keeper notes that an ‘industrial’ shredder has been resourced which will help clear a back-log. Evidence of the approval for this resource has been shared with the Keeper.</p> <p>Electronic: The Information Asset Owners ensure a relevant member of staff is responsible for disposing of records at the end of their retention period. The <i>Guide to Records Management (see element 3)</i> reflects this. It is then the responsibility of that member of staff to delete or archive the records. As examples <i>FOI Guidance For Staff</i> and the <i>Procedure for Closing Legal Files</i> have been supplied as evidence of this. The Council have committed to undertake a full Information Asset Audit to ensure that destruction procedures are operational. However, the Council accepts that records held on shared drives present a problem in this area. The Keeper agrees that once the files are migrated to the Portal (see element 4) control of the destruction of electronic records will be greatly improved.</p> <p>Back-ups: The Council have explained the back-up schedule and how records are deleted/overwritten in different areas. For example schools back-ups are taken using a 3rd party recognised backup tool (Symantec) with a maximum retention of 1 month, again backing up to disk array etc. The Keeper notes that some Council</p>

			<p>information is held in ‘the Cloud’ and that the Council will investigate the measures adopted by the cloud-providers to back up data and then destroy the backups appropriately. The Keeper would be very interested in the results of this investigation and asks to be kept informed.</p> <p>Hardware. The Council have provided the Keeper with an <i>Operational Policy</i>, written by the Council’s Information Security Officer and approved by Information Governance Group (see under General Comments below) This Policy shows that the Council will purchase the equipment necessary to ‘wipe’ hardware locally when it becomes redundant. However, this Policy was not approved by the Senior Management Team at the time of this assessment.</p> <p>The Keeper is able to agree this element of Orkney Islands Council’s records management plan under ‘improvement model’ terms. This means that the Council have identified gaps in provision (electronic record destruction is not as effective as they would like and the hardware destruction procedure is not fully approved). The Keeper acknowledges that steps have been taken to close those gaps. This agreement is conditional on a) the Operational Policy on destruction of records held on redundant hardware is approved as forward to the Keeper and b) he is kept updated as the EDM project progresses.</p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>In the foreword to the <i>Plan</i> Alistair Buchan, the Council's Chief Executive, states “Our historical records and archives inform the historians of today and will provide a rich supply of material for the historians of the future. This is a heavy responsibility. The Council will protect and manage information like any other valuable asset that we are entrusted with.”</p> <p>To this end the Council have arrangements in place with Orkney Islands Archive Services: http://www.orkney.gov.uk/Service-Directory/S/orkney-library-and-archive.htm</p>

			<p>The Keeper has been provided with <i>Appraisal Procedures</i> and <i>Archive Collection Policy</i> (both of which clearly show consideration of transfer of records from the Council), and an <i>Archive Catalogue Screen-Shot</i> and <i>Transfer Receipt</i> (showing that the arrangement is in operation).</p> <p>The Keeper agrees that Orkney Islands Council and Orkney Islands Area Licensing Board have arrangements in place to transfer records selected for permanent preservation to a suitable repository as required by the Act.</p>
<p>8. Information Security Compulsory element</p>	<p>G</p>	<p>G</p>	<p>One of the principles noted in section 4 of the <i>Policy</i> (see element 3) is that records should be “appropriately secured”</p> <p>To this end the Council have an <i>Information Security Policy</i> which has been shared with the Keeper and can be accessed online at: http://www.orkney.gov.uk/Files/Committees-and-Agendas/Asset%20Management/2016/Asset%20Management%20-%2028%20January%202016/I03_App1_Information_Security_Policy.pdf</p> <p>The Keeper acknowledges that a revised version of this policy is currently being considered. The draft of the new policy has been supplied for which the Keeper thanks the Council. For the purposes of this assessment the Keeper has considered the current, approved operational policy.</p> <p>This is the ‘final’ version dated January 2016.</p> <p>Minutes of the approval of the <i>Information Security Policy</i> have been supplied to the Keeper and are online at http://www.orkney.gov.uk/Council/C/asset-management-28-january-2016.htm</p>

	G	G	<p>The Council have mapped their information security arrangement to the international standard 27002 and commit to its 11 general principles (Information Security Policy section 1.1 and 2.2). The Council has created an Information Security Management System. It is based on the Standard's expectations and is managed by the Information Security Officer. Details of this system have been supplied to the Keeper.</p> <p>Staff are supplied with a booklet: <i>Information Security Staff Guidance</i> which outlines key security responsibilities and which has been supplied to the Keeper.</p> <p>All staff (with Council log-ins) must complete Information Security and Data Protection e-learning courses. The content of these courses have been shared with the Keeper. The Head of each service is responsible for ensuring their staff have completed this course (<i>Information Security Policy</i> section 2.6.3)</p> <p>The <i>Information Security Policy</i> makes up part of the Council's Information Governance Framework (<i>Information Security Policy</i> section 2.4).</p> <p>The Keeper agrees that Orkney Islands Council and Orkney Islands Area Licensing Board have procedures in place to appropriately ensure the security of their records as required by the Act.</p>
9. Data Protection	G	G	<p>The Council has a <i>Data Protection Policy and Code of Practice</i> which has been supplied to the Keeper and which is available online at: http://www.orkney.gov.uk/Council/D/Data-Protection-Policy.htm</p> <p>This is version 1.1 created by George Vickers (see element 2) and approved by the acting Head of Legal in October 2015.</p> <p>The Council also has Privacy Policy outlining the (current) 8 principles of Data</p>

			<p>Protection. It is available online at: http://www.orkney.gov.uk/Online-Services/privacy.htm The 8 principles are repeated in the <i>Plan</i> (page 20).</p> <p>The Council is registered with the Information Commissioner: Z534547X</p> <p>The Council features subject access information on their public facing website: http://www.orkney.gov.uk/Files/Council/Council-Policies/OIC_Leaflet_Personal_Information_Your_Right_to_Know.pdf</p> <p>The Council confirms that the Licensing Board is included in the Council's registration.</p> <p>The <i>Records Management Policy</i> (see element 3) and <i>Information Security Policy</i> (see element 8) specifically mention compliance with the Data Protection Act 1998 (<i>Policy</i> section 7).</p> <p>Staff are supplied with a booklet: <i>Information Security Staff Guidance</i> which outlines data protection responsibilities and which has been supplied to the Keeper.</p> <p>All staff (with Council log-ins) must complete Information Security and Data Protection e-learning courses. The content of these courses have been shared with the Keeper. The Head of each service is responsible for ensuring their staff have completed this course (<i>Information Security Policy</i> section 2.6.3)</p> <p>The <i>Data Protection Policy</i> makes up part of the Council's Information Governance Framework (<i>Information Security Policy</i> section 2.4).</p> <p>The Head of Legal Services, who approved the <i>Plan</i> and the <i>Policy</i>, is the Council's Data Protection Officer.</p>
--	--	--	---

			<p>The Keeper agree that Orkney Islands Council and Orkney Islands Area Licensing Board have properly considered their responsibilities under the Data Protection Act 1998.</p>
<p>10. Business Continuity and Vital Records</p>	<p>G</p>	<p>G</p>	<p>The Council has an overarching <i>Business Continuity Management Policy</i> that states each service area should operate a local <i>Service Area Continuity Plan</i>. The <i>Policy</i> and a sample of a local plan (Finance) have been provided to the Keeper. The <i>Policy</i> requires local plans to consider the recovery of records (<i>Policy</i> section 1.3.2).</p> <p>The Keeper agrees that the <i>Continuity Plan</i> considers the recovery of records (appropriate to their area).</p> <p>A screen shot showing staff access to this <i>Continuity Plan</i> has been supplied.</p> <p>The <i>Plan</i> states (page 23) “ As part of the Business Continuity Plans, each service will make contingency plans to ensure they have access to their Vital Records.”</p> <p>The value of vital records to the business of the Council is explained to staff in the <i>Guide to Records Management</i> (page 6).</p> <p>Vital records are recognised in the <i>Policy</i> (see element 3) for example page 3.</p> <p>The Keeper notes that the identification of vital records will be a feature in the planned <i>Business Classification Scheme</i> (see element 4).</p> <p>The Keeper agrees that the Council has arrangements in place to recover records in a ‘disaster’ and that they have properly considered the identification of certain records that are ‘vital’ to the authority.</p>

11. Audit trail	A	G	<p>One of the principles noted in section 4 of the <i>Policy (see element 3)</i> is that records should be “easily accessible for as long as they are required”</p> <p>The Council do not operate a full EDRM.</p> <p>Records must be managed by the imposition of version control and naming conventions at the time of file creation.</p> <p>In his foreword to the Plan, Alistair Buchan, the Council's Chief Executive acknowledges that some elements of the Council's records management provision are not yet fully realised (see also element 4).</p> <p>Under element 11 the Council states: “It is recognised that at present, the Council does not have adequate procedures in place in relation to audit trails covering all transactions undertaken”.</p> <p>And</p> <p>“The team working on the new Asset Management System have drawn up a document entitled “Asset Document Conventions and Best Practice” and it is proposed that these Conventions and Best Practice should also be adopted for documents that will be held on the New Portal/SharePoint”.</p> <p>The draft Asset Document Conventions document has been shared with the Keeper. Although this is draft only the Keeper acknowledges that it provides evidence of a commitment to impose naming conventions and version control.</p> <p>The commitment to pursue this project is confirmed by the <i>Report to the Corporate Management Team</i> (December 2015) and the <i>Information Briefing</i> to the Council's Legal Services (September 2015) all of which have been shared with the Keeper.</p>
-----------------	----------	----------	---

			<p>The Keeper agrees that the proposed naming conventions/version control instructions, combined with the roll-out of the <i>Business Classification Scheme</i> (see element 4) will greatly enhance the ‘audit trail’ functionality of the Council’s records management system.</p> <p>The Keeper notes that the Plan also states: “At present, paper records of an operational nature are maintained on site and identified within the paper records inventories”.</p> <p>As evidence the Council have submitted the inventory used for Economic Development Client Files and for Roads.</p> <p>The Keeper agrees this element of the Councils <i>Plan</i> under ‘improvement model’ terms. This means that he recognises that an authority have identified a gap in their provision (naming convention and version control are not fully operational), but have put processes in place to close that gap. The Keeper’s agreement is conditional on his being kept up-to-date as this project progresses.</p>
<p>12. Competency Framework for records management staff</p>	<p>G</p>	<p>G</p>	<p>The Council have provided the Keeper with the <i>Job Description</i> for the Information Governance Officer.</p> <p>It refers to Mr Vickers’ responsibilities under the Act.</p> <p>The Council have also provided the <i>Personal Development Plan</i> (and a table of training events attended) for Mr Vickers.</p> <p>These documents make it clear that the Information Governance Officer has specific responsibility for records management generally and for the implementation of the</p>

	G	G	<p><i>Plan.</i></p> <p>One of the principles noted in section 4 of the <i>Policy (see element 3)</i> is that “records management procedures are understood by all staff and staff are appropriately trained.”</p> <p>Records Management eLearning Training slides have been shared with the Keeper.</p> <p>All staff (with Council log-ins) must complete Information Security and Data Protection e-learning courses available on the Intranet (screen shot provided). The content of these courses have been shared with the Keeper. Heads of each service are required to ensure all staff read the latest information security guidance. Specific training is also offered for staff whose day-to-day work requires them to deal with particularly sensitive material (<i>Plan</i> page 25).</p> <p>The <i>Plan</i> notes (page 25) that staff are reminded of information governance issues through an internal e-bulletin. Sample e-bulletins have been provided.</p> <p>The Keeper agrees that the individual identified at element 2 has the required authority and skills to implement the Plan. They also consider information governance training opportunities for staff where appropriate.</p>
<p>13. Assessment and Review</p>	G	G	<p>The Act requires a scheduled public authority to “keep its records management plan under review” (part 1 5.1 (a)).</p> <p>One of the objectives set out in section 2 of the <i>Policy (see element 3)</i> is that the Council should be able to ensure “arrangements for monitoring and reporting on Records Management”.</p> <p>The <i>Plan</i> is due for review by March 2017.</p>

			<p>Assessment and review will use the self-assessment ARMS toolkit provided by Scottish Council on Archives. This is confirmed by the <i>Project Plan</i> that has been supplied to the Keeper. The Keeper is familiar with this self-assessment tool and has previously publically endorsed it.</p> <p>The Information Governance Officer (see element 2) is responsible for implementing the review and reporting to the Information Governance Group (see General Comments below).</p> <p>The <i>Plan</i> contains a table demonstrating the reporting structure for review results.</p> <p>The <i>Plan</i> suggests that it may be subject to audit by the Council's internal audit unit. On this the Council have made the following statement post-submission: "The Chief Internal Auditor has agreed to include in the 2017-18 Annual Audit Plan that she will present to the Monitoring and Audit Committee, an audit of the Council's Records Management. This will include an emphasis on monitoring progress on those Elements agreed by the Keeper on the 'improvement model' and the preparations to ensure the Authority will comply with the General Data Protection Regulations by May 2018." The Keeper commends the principle of using internal audit facilities when available in an authority and would consider this as strong evidence for this element going forward.</p> <p>The <i>Policy</i> (see element 3) and <i>Data Protection Policy</i> (see element 9) are due for review annually. The <i>Business Continuity Policy</i> (see element 10) biennially.</p> <p>The Council's registration with the Information Commissioner must be renewed by 20 March 2017.</p> <p>The Keeper agrees that the Council has arrangements in place to review their RMP</p>
--	--	--	--

			as required by the Act. Furthermore he acknowledges that key information governance documents have appropriate review periods allocated to them.
14. Shared Information	G	G	<p>As is the case with all Scottish local authorities, the Council routinely shares information with other bodies while carrying out its functions.</p> <p>The Council is a partner agency in the Scottish Accord on Sharing Personal Information (SASPI). The Keeper agrees that SASPI properly consider the governance of records.</p> <p>The Council also subscribes to a formal multi-agency working protocol (MAPPA) for the Highlands and Islands. The Keeper agrees that this <i>Protocol</i> considers information governance.</p> <p>The Council have provided the Keeper with a sample of this <i>Protocol</i> in operation (Offenders).</p> <p>The Council also operate data sharing agreements. A sample <i>Data Sharing Agreement</i> (Social Care etc.) has been supplied. The Keeper agrees that the <i>Data Sharing Agreement</i> considers information governance.</p> <p>The Keeper agrees that the Council properly considers information governance when implementing information sharing arrangements with third parties.</p>
15. Third Parties	G	G	As a Local Authority Orkney Islands Council contracts out some of its functions to third parties, such as charities or ALEOs. The Act makes it clear that records created by these third parties when carrying out these functions are subject to the Act. It is the responsibility of the scheduled authority (the Council) to ensure that procedures are in place to satisfy themselves that third parties are carrying out

			<p>records management appropriately (Part 1 section 3(1)(b) “records created by or on behalf of a contractor in carrying out the authority’s functions”).</p> <p>The Orkney Islands Council <i>Plan</i> actually quotes the above clause in its introduction.</p> <p>This issue is dealt with by the Council as a separate 15th Element.</p> <p>The <i>Plan</i> states (page 15) “Standards for records retention are built into any contracts and agreements with third parties who share or process information on the Council’s behalf.”</p> <p>The <i>Records Management Policy</i> (see element 3) refers to it applying to “those performing a function on behalf of the Council” (<i>Policy</i> section 3).</p> <p>The <i>Information Security Policy</i> specifically states that it applies to third party contractors (section 2.1) and that the terms of the Policy (information Security Policy specifically) should be “incorporated into any contract for supplying Information Systems” (section 2.5).</p> <p>As well as these statements, the Council have also provided the Keeper with their <i>Standard Conditions of Contract</i> which includes more general records governance arrangements such as data protection (section 18), record ownership at end of contract (section 19.3).</p> <p>The Council makes the following commitment in the Plan (page 28): “Where a substantial element of the work will involve the management of the Council’s records, an assessment of the tenderer’s records management capability will be included as part of the procurement process.” The Keeper welcomes this commitment.</p>
--	--	--	--

			<p>The Council have provided a requirements document relating to the provision of an IT <u>service</u> which demonstrates information governance requirements. They also make the following statement: “Most services are delivered directly by the Council, with only very specific functions and not general functions (e.g. care homes), being provided by outside contractors. In the event of a general Council function being provided by a contractor for the Council, we would adopt an approach similar to Glasgow City Council” (Glasgow City Council’s approach to this issue has already been agreed by the Keeper).</p> <p>The Keeper agrees that Orkney Islands Council understand how the Act impacts records management provision in third parties carrying out functions of a public authority and have identified a reasonable procedure should the situation arise in future.</p>
--	--	--	--

Orkney Islands Council and Orkney Islands Area Licensing Board
(For simplicity these two scheduled authorities will be described as ‘the Council’ in the assessment below)

Version

This assessment is on the Records Management Plan (the *Plan*) of Orkney Islands Council and Orkney Islands Area Licensing Board (the Council) version 2 which is a the final submitted version. The *Plan* was approved by Gavin Mitchell, Head of legal Services and Clerk to the Licensing Board, in January 2016 (version 1).

The *Plan* includes a foreword by Alistair Buchan, the Council's Chief Executive, endorsing the *Plan*

The plan is accompanied by *Covering Letters* from both the Executive Director, Corporate Services and from the Clerk of the Licensing Board (**see element 1**). The *Plan* contains a endorsing foreword from the Council's Chief Executive.

The Plan refers to records as a business ‘asset’ (for example in the CEO's foreword to the *Plan*, the Introduction to the *Information Security Policy* or the *Records Management Policy* section 1). The Keeper welcomes this recognition.

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>.

Information Governance Group and ‘local champions’

The Information Governance Group is driving the move from shared drives to the Portal document creation/management system and therefore of the roll-out of the *Business Classification Scheme* (**see element 4**). Mr Vickers (**see element 2**) sits on the Group.

The Information Governance Group is also responsible for considering changes to relevant policies and procedures and to the *Retention Schedule*.

Each Director appoints a Information Liaison Officer to the Information Governance Group they are responsible for ensuring that records management procedures are carried out efficiently in their local areas and for managing local 'file plans' according to the *Business Classification Scheme*.

The nominated Information Liaison Officer in each service area has a responsibility for providing advice on data protection within that area.

It is clear that the Information Governance Group and the local liaison officers have a fundamental part to play in the records management procedure in the authority and the Keeper thanks the Council for detailing their roles.

6. Keeper's Summary

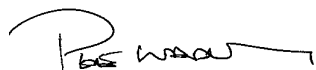
Elements **1 – 14 (+15)** that the Keeper considers should be in a public authority records management plan have been properly considered by Orkney Islands Council and Orkney Islands Area Licensing Board. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of Orkney Islands Council and Orkney Islands Area Licensing Board.

- The Keeper recommends that Orkney Islands Council and Orkney Islands Area Licensing 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 Orkney Islands Council and Orkney Islands Area Licensing Board. In agreeing this RMP, the Keeper expects Orkney Islands Council and Orkney Islands Area Licensing Board to fully implement the agreed RMP and meet its obligations under the Act.



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