

Public Records (Scotland) Act 2011

Risk Management Authority Assessment Report

The Keeper of the Records of Scotland

11 February 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 the Risk Management Authority by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 31 July 2014.

The assessment considered whether the RMP of the Risk Management Authority was developed with proper regard to the 14 elements of the Keeper's statutory Model Records Management Plan (the Model Plan) under section 8(3) of the Act, and whether in this respect it complies with it and the specific requirements of the Act.

The outcome of the assessment and the Keeper's decision on whether the RMP of the Risk Management Authority complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

The RMA is a Non-Departmental Public Body (NDPB), established in 2005 by the Criminal Justice (Scotland) Act 2003. Its duties focus on protecting the public by ensuring that robust and effective risk assessment and risk management practices are in place to reduce the risk of serious harm posed by violent and sexual offenders. Within this remit, the RMA also has specific responsibility to administer and oversee the risk assessment and management processes supporting the Order for Lifelong Restriction (OLR) sentence, including the accreditation of risk assessors to carry out duties on behalf of the High Court, and the approval of Risk Management Plans for offenders subject to an OLR. The RMA accredits Assessors and Manners (methodologies) to ensure that appropriate standards are established and recognised.

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 the Risk Management Authority's RMP was developed with proper regard to the elements of the Model Plan and is compliant with the Act. The assessment also considered whether there was sufficient supporting evidence of such compliance.

Key:

G	The Keeper agrees this element of an authority's plan.		A	The Keeper agrees this element of an authority's plan as an 'improvement model'. This means that he is convinced of the authority's commitment to closing a gap in provision. He will request that he is updated as work on this element progresses.		R	There is a serious gap in provision for this element with no clear explanation of how this will be addressed. The Keeper may choose to return the RMP on this basis.
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5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	G	G	<p>The Records Management Plan (RMP) of the Risk Management Authority (RMA) names Paul Keoghan as the senior officer with responsibility for records management. This is evidenced by a letter from the Chief Executive and Accountable Officer, Yvonne Gailey.</p> <p>Mr Keoghan's job title is given as Director of Business Performance and in the abovementioned letter he is also designated as the Senior Information Risk Owner (SIRO) for RMA.</p> <p>The Keeper agrees that Mr Keoghan is an appropriate individual to take senior responsibility for records management in RMA.</p>

<p>2. Records Manager <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>The RMP names Paul Foy as having operational responsibility for records management within RMA. Mr Foy's job title is given as the Governance and Communications Administrator.</p> <p>The abovementioned letter from the Chief Executive confirms Mr Foy's appointment as the officer responsible for the day to day management of RMA's records. He is also designated as an Information Asset Owner.</p> <p>The Keeper agrees that this is a suitable individual to take operational responsibility for records management within RMA.</p>
<p>3. Policy <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>RMA has set out its commitment to developing and maintaining effective records management systems in its Records Management Policy and Records Management Procedure.</p> <p>The Records Management Policy sets out RMA's commitment to effective records management and also defines responsibilities for RMA staff. RMA has submitted Board Papers 459 and 460 showing that the Records Management Policy and Procedure were both approved as official documents in November 2014.</p> <p>Also submitted as evidence was the Records Management Procedure which sets out the practical arrangements for records management within RMA. This document defines records and records management and the legislative background under which RMA operates. It also sets out the different systems that are in place to manage RMA's records and details the destruction and security procedures that are in place. It also states RMA's Clear Desk Policy and an Appendix provides practical instructions on how to use the eRDMS. This is a detailed document that can be used to provide staff with guidance on what is expected of them in regards to records management. The Keeper commends this approach.</p> <p>The RMP commits RMA to annually review the RMP, the Records Management</p>

			<p>Policy and the Records Management Procedure.</p> <p>The Keeper agrees that an operational records management policy is in place and that this is supported by appropriate practical procedures.</p>
4. Business Classification	A	A	<p>RMA is currently rolling out an eRDMS. As part of this it is currently developing a Business Classification Scheme (BCS). RMA has adopted the Local Government Classification Scheme as the basis for developing a BCS that reflects the structure of the organisation. The eRDMS is managed and supported by the Scottish Government. The file plan structure of the eRDMS is being utilised as the structure for the BCS. This work will continue to summer 2015 and will be complemented by staff training on the new system.</p> <p>RMA has confirmed that it does not engage any third parties to fulfil its functions.</p> <p>The proposed BCS is based on the functions and activities of RMA. The Keeper recognises that this is currently best practice. The BCS has three levels: Function, Activity, and Transaction. There are three main functions of RMA.</p> <p>RMA has provided a draft BCS as evidence which at present comprises only the Corporate function. This appears to comprehensively cover the activities undertaken to carry out the function. It is assumed that similar work will be undertaken to cover the other functions of RMA.</p> <p>The Keeper can agree this element of the plan on an ‘improvement model basis’, provided he is kept informed of the progress of this work. This means that the evidence submitted shows a commitment to closing the gaps in provision in this area.</p>
5. Retention schedule	A	A	<p>The implementation of retention schedules on the records created by RMA is also tied in to the project to roll out an eRDMS across the organisation. The eRDMS has</p>

			<p>a set of pre-determined file types (policy, casework etc) and these in turn set the retention and disposal actions to be taken against individual record types. RMA has provided a copy of the eRDMS File Type Guidance which provides a template for deciding how to allocate file types to records.</p> <p>The RMP states that these retention and disposal actions will also be implemented on the records sitting outside the eRDMS (paper records and databases maintained on the G drive).</p> <p>The Keeper can agree this element of the plan on an ‘improvement model basis’, provided he is kept informed of the progress of this work. This means that the evidence submitted shows a commitment to closing the gaps in provision in this area.</p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>RMA has provided details of its destruction arrangements.</p> <p><u>Paper</u> RMA has set out its arrangements for disposing of paper records. These procedures have been described in detail. RMA has in place a contract with a commercial paper shredding company. RMA has provided a Waste Transfer certificate as evidence of these arrangements.</p> <p><u>Hardware and electronic records</u> RMA has provided a copy of a draft MoU, which is currently being updated, with the Scottish Government’s Information Services and Information Systems (ISIS) division. This MoU sets out the services to be provided to RMA by ISIS and binds RMA to following the policies and procedures of the Scottish Government including the use of the Objective eRDMS. This applies in particular to the hardware destruction protocols to be followed by RMA and also clarifies the backup procedures that will be in place. The Keeper requests that once the MoU has been signed-off he should be provided with a copy for inclusion in the evidence package.</p>

			<p><u>Back-ups</u></p> <p>In the Records Management Procedure, RMA states in Section 7.2 that it backs up its electronic records and data on a daily basis to an off-site server maintained by the Scottish Government. This data is kept for 3 months. This is done as part of the business continuity procedures. Further details on the back-up procedures have been provided in the draft MoU mentioned above.</p> <p>The Keeper agrees that RMA has appropriate procedures in place to ensure that records are securely destroyed at the end of their lifecycles.</p>
7. Archiving and Transfer <i>Compulsory element</i>	G	A	<p>The RMP states that RMA are a relatively young organisation and are not yet in a position to archive records selected for permanent preservation. As part of the move towards an eRDMS, RMA has committed to using retention schedules to identify records suitable for archiving and will then develop guidelines for the transfer of records to an appropriate archive.</p> <p>RMA has provided evidence that negotiations are under way with a view to developing a MoU with NRS to make arrangements for the transfer of records selected for permanent preservation. The Keeper welcomes this and looks forward to receiving a copy once it has been finalised.</p> <p>The Keeper agrees that progress is being made to identify and formalise the arrangements required for the transfer of records selected for permanent preservation. This will take the format of a MoU with NRS. The Keeper looks forward to receiving a copy of the finalised MoU as well as staff guidelines outlining the practical transfer arrangements.</p>
8. Information Security <i>Compulsory</i>	G	G	<p>RMA have submitted several documents as evidence.</p> <p>RMA submitted their Information Security Policy which sets out the authority's</p>

<p><i>element</i></p>			<p>corporate approach to protecting its information. It sets out the remit for the policy, the actions it will take, and the responsibility for ensuring it is adhered to.</p> <p>The Policy is supported by the Information Security Procedure, which on a practical level, describes the security measures in place within RMA. These arrangements include those in the recruitment process, ensuring that potential staff are vetted to Baseline Personnel Security Standard level. It also includes procedures for maintaining security whilst staff are working outside their normal workplaces, physical security measures and information security training.</p> <p>As it uses the Scottish Government’s IT system, RMA is obliged to follow its IT Code of Conduct (supplied as evidence).</p> <p>All RMA staff are required to undertake a mandatory e-learning course (Protecting Information, Level 1). Details of the course have been supplied as evidence.</p> <p>The Keeper agrees that RMA has properly considered the security of the information it creates and holds and that appropriate safeguards are in place.</p>
<p>9. Data Protection</p>	<p>G</p>	<p>G</p>	<p>RMA has provided details of its registration as a Data Controller with the Information Commissioner’s Office, which shows that the authority is aware of its responsibilities under the Data Protection Act 1998.</p> <p>RMA has also submitted its Data Protection Policy as evidence. This sets out the authority’s approach to Data Protection.</p> <p>The Governance and Communications Administrator, named as the individual responsible under element 2, is also RMA’s Data Protection Officer. He has been trained in Data Protection and Freedom of Information issues.</p> <p>The Keeper agrees that RMA is aware of its responsibilities under the Data</p>

<p>10. Business Continuity and Vital Records</p>	<p>G</p>	<p>G</p>	<p>Protection Act and has put procedures in place to ensure it complies with it.</p> <p>RMA submitted as evidence its Business Continuity Plan (BCP). This lays out the roles and responsibilities of RMA staff if a disruption to business occurs. The BCP is tested annually, with a desktop and walk-through exercise designed to ensure that staff are fully aware of what they need to do. The current BCP was approved in February 2014.</p> <p>The RMP states that vital records will be identified as part of the process to develop RMA's Business Classification Scheme and consideration will be given to vital records in subsequent versions of the BCP. The Keeper welcomes this approach.</p> <p>The Keeper agrees that RMA has appropriate procedures in place to ensure that it can restore its business functions in the event of an interruption to service and welcomes the commitment to identify vital records in future iterations of the BCP.</p>
<p>11. Audit trail</p>	<p>A</p>	<p>A</p>	<p>Once the proposed move to an eRDMS has taken place, the audit trail functionality will be greatly enhanced within RMA. This will provide evidence of the alteration and deletion of electronic records. RMA's IT systems, which are provided by the Scottish Government, are able to provide audit trail functionality for emails.</p> <p>Paper records are listed on a restricted area of RMA's G drive and are stored on site. Movement of paper records is documented by check-out/check-in procedures. Logs are kept which show when restricted documents are issued to RMA staff and Board members.</p> <p>Electronic records stored on the G drive are not structured and are not subjected to a retention/disposal schedule. RMA's longer term plan is to move away from using the G drive as a record storage area and move towards using the eRDMS as the main method for electronic records storage/management.</p>

			The Keeper can agree this element of the RMP on an 'improvement model basis', provided he is kept informed of the progress towards implementing the eRDMS across the organisation.
12. Competency Framework for records management staff	G	A	<p>RMA has provided details of the training undertaken by the individual named in Element 2 as having operational responsibility for records management. This training included Data Protection and Information Security.</p> <p>Also provided is the proposed mandatory training programme on the eRDMS which is being implemented in RMA. This appears to be very comprehensive and includes version control and document naming, which is to be commended.</p> <p>Also submitted as evidence are the job descriptions of the individuals named in Elements 1 and 2 of the RMP. These have not yet been approved by the Chief Executive but they show that records management is a key recognisable part of their jobs. The Keeper requests copies of these once these are approved.</p> <p>The Keeper can agree this element of the RMP on an 'improvement model basis' provided he receives copies of updated job descriptions. The Keeper commends the commitment of RMA towards the training of staff.</p>
13. Assessment and Review	G	G	The RMP commits RMA to an annual review of the RMP, the Records Management Policy and the Records Management Procedure. RMA has outlined their assessment and review schedule for the RMP and supporting policies and procedures. RMA also intend to review the progress of the implementation of the ERDMS. Both the above will be assessed and a report sent to the Keeper for his information. The Keeper commends this approach. Both individuals named in elements 1 and 2 above will be provided with Information Management Support Officer training by the Scottish Government. This will enable them to undertake certain activities on the ERDMS and also act as points of contact for information management issues affecting RMA. The Keeper commends this commitment to

			<p>training.</p> <p>The Keeper agrees that an appropriate assessment and review regime is in place to monitor the continued effectiveness of the RMP.</p>
14. Shared Information	G	G	<p>RMA occasionally shares information with other bodies in the course of undertaking its functions. A data sharing agreement will be put in place on each occasion. A sample data sharing agreement has been provided as evidence. It sets out the responsibilities placed on each partner in order to protect the information that is being shared.</p> <p>The Keeper agrees that RMA has suitable procedures in place to protect information shared with other organisations.</p>

6. Keeper’s Summary

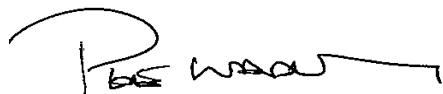
Elements 1-14 that the Keeper considers should be in a public authority records management plan have been properly considered by the Risk Management Authority. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper’s Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of the Risk Management Authority.

The Keeper recommends that the Risk Management Authority 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,



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Pete Wadley
Public Records Officer

.....
Robert Fotheringham
Public Records Officer

8. Endorsement of Report by the Keeper of the Records of Scotland

The report has been examined and is endorsed under the signature of the Keeper of the Records of Scotland as proof of compliance under section 1 of the Public Records (Scotland) Act 2011, and confirms formal agreement by the Keeper of the RMP as submitted by the Risk Management Authority. In agreeing this RMP, the Keeper expects the Risk Management Authority to fully implement the agreed RMP and meet its obligations under the Act.



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Tim Ellis
Keeper of the Records of Scotland