

Public Records (Scotland) Act 2011

Scottish Road Works Commissioner

The Keeper of the Records of Scotland

4th June 2022

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 Summary	25
7. Keeper's Determination	26
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 the Scottish Road Works Commissioner by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 4th November 2021.

The assessment considered whether the RMP of the Scottish Road Works Commissioner was developed with proper regard to the 15 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 Scottish Road Works Commissioner complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

The Scottish Road Works Commissioner is an independent public official established under section 16 of the Transport (Scotland) Act 2005 and is accountable to the Scottish Ministers and ultimately the Scottish Parliament.

The Commissioner's aim is to improve the planning, co-ordination and quality of road works throughout Scotland.

The Commissioner monitors performance, promotes and encourages good practice across both utility companies and roads authorities. The Commissioner also has powers to impose financial penalties on roads authorities who systematically fail in their duty to co-ordinate and upon utility companies who systematically fail to co-operate when undertaking road works.

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 Scottish Road Works Commissioner'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

Scottish Road Works Commissioner (SRWC in the assessment below)

Explanation: The majority of the digital records of the Scottish Road Works Commissioner are held on Scottish Government's eDRM system and, as this is the case, the Commissioner must adopt the records management provision of the Scottish Government for these records. This is made clear in the *Records Management Plan* (for example under element 3) and in a letter of endorsement included as part of the *RMP* by the Commissioner.

“The office is located within Scottish Government buildings at Saughton House, Edinburgh. Scottish Government information management policies and procedures are generally adopted. As such, the office recently adopted the Scottish Government electronic Record and Document Management (eRDM) system for our corporate records storage. All staff have been trained in the use of eRDM and are committed to using eRDM as it supports the aims of openness, transparency and information management principles...In addition to eRDM, my office has access to Scottish Government shared networks and One Drive and it is the intention to fully utilise eRDM to store all corporate records by 31 March 2022.” (Letter of endorsement from Commissioner).

The Keeper has been provided with *Terms of Occupation* and *Terms of Provision of ICT Services* documentation in evidence that arrangements with the Scottish Government are operational.

The Keeper agreed the *Records Management Plan (RMP)* of the Scottish Government in August 2015: [Scottish Government Assessment Report \(nrscotland.gov.uk\)](http://nrscotland.gov.uk)

In 2019 the Scottish Government provided the Keeper with an update on their *RMP*: [NRS - Progress Update Review \(PUR\) Final Report by the PRSA Assessment Team for the Scottish Government, October 2019 \(nrscotland.gov.uk\)](http://nrscotland.gov.uk)

Element	Present	Evidence	Notes
1. Senior Officer	G	G	<p>The Public Records (Scotland) Act 2011 (the Act) requires that an individual senior staff member is identified as holding corporate responsibility for records management in a public authority.</p> <p>The Scottish Road Work Commissioner (SRWC) have identified Kevin Hamilton, Scottish Road Works Commissioner, as the individual in the organisation with overall responsibility for records management.</p> <p>The Commissioner has included a letter of endorsement as part of the <i>Records Management Plan (RMP)</i> (page 3).</p> <p>The <i>RMP</i> (page 5) states: “Any change to the post-holder will not invalidate this plan as all records management responsibilities will be transferred to an incoming Commissioner and relevant training provided.” The Keeper agrees this statement.</p>

			<p>Mr Hamilton has supplied the Keeper with a copy of his information security training certificate (see element 8).</p> <p>The Keeper agrees that the Scottish Road Works Commissioner have identified an appropriate individual to this role as required by the Act.</p>
<p>2. Records Manager</p>	<p>G</p>	<p>G</p>	<p>The Act requires that each authority identifies an individual staff member as holding operational responsibility for records management and that staff member has appropriate corporate responsibility, access to resources and skills.</p> <p>The Scottish Road Works Commissioner (SRWC) have identified Graham Milne, their Performance Manager, as the individual with day-to-day responsibility for the implementation of the <i>Records Management Plan (RMP)</i>.</p> <p>The <i>RMP</i> (page 16) explains that: “The Commissioner’s office currently consists of six members of staff. Due to this there is not a designated post for records management, although Records Management forms part of the Performance Manager’s and Business manger’s responsibilities.” The Keeper is perfectly content with this as long as the individual named under this element has clear responsibility for the day-to-day implementation of the <i>RMP</i>.</p> <p>The identification of the Performance Manager is supported by a <i>Job Description</i> which has been provided to the Keeper. this shows a responsibility to “Lead on the development and implementation of a Records Management Plan to comply with the Public Records (Scotland) Act 2011.”</p> <p>The Performance Manager is the SRWC Freedom of Information Officer.</p> <p>The Performance Manager is supported by the SRWC Business and Governance</p>

			<p>Manager who acts as the eDRM Information Management Support Officer (IMSO) for the organisation. This is confirmed by a <i>Business and Governance Manager Job Description</i> which has been provided to the Keeper.</p> <p>It is clear that the Performance Manager is supported in developing his knowledge of records management. As an example of this SRWC have provided evidence of attendance at a PRSA training session held in 2021.</p> <p>The <i>RMP</i> (page 6) states: “Any staff changes will not invalidate this plan as all records management responsibilities will be transferred to the incoming post-holder and relevant training provided.” The Keeper agrees this statement.</p> <p>The Policy Manager and Business Manager are members of the Scottish Information Commissioner’s Part 7 Network Group. This group shares experiences and best practice around freedom of information requests.</p> <p>The Keeper has also been provided with an acknowledgement e-mail from the Scottish Government’s Records Manager (Craig Sclater) in which he acknowledges that the public records of the SRWC are managed on SG systems and commits to provide support to the Performance Manager when appropriate.</p> <p>The Keeper agrees that the Scottish Road Works Commissioner has identified an appropriate individual to this role as required by the Act.</p>
3. Policy	G	G	<p>The Act requires an authority to have an appropriate policy statement on records management.</p> <p>The public records of the Scottish Road Works Commissioner (SRWC) are held on the Scottish Government eDRM (Objective), either directly, by being scanned in or by being transferred from the authority’s network drive (transfer due to be completed</p>

			<p>in spring 2022).</p> <p>For this reason SRWC have elected to adopt the <i>Records Management Policy</i> of the Scottish Government. The Keeper agrees this is an appropriate arrangement.</p> <p>In 2015, he agreed that the Scottish Government Records Management Policy was a suitable governance document for the management of public records: https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/keepers-assessment-report-Scottish-government.pdf</p> <p>SRWC have provided the Keeper with the latest version of this <i>Policy</i> (June 2021) and with several other Scottish Government policy and procedure documents that SRWC have adopted in recognition that their records are managed on Government systems.</p> <p>Records management is a standing agenda item on the authority’s monthly team meetings. The Keeper has been provided with a sample agenda and note from one of these meetings in evidence.</p> <p>Therefore the Keeper agrees that the Scottish Road Works Commissioner have ensured that their public records are managed under a suitable records management policy statement as required by the Act.</p>
4. Business Classification	G	G	<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 Scottish Road Works Commissioner (see element 1) states in his letter of endorsement (<i>RMP</i> page 3) That "The organisation seeks to create and manage all records efficiently, protect and store them securely, make them accessible when needed and dispose of them safely at the appropriate time." Furthermore he goes</p>

			<p>on to explain how this will be accomplished: “As such, the office recently adopted the Scottish Government electronic Record and Document Management (eRDM) system for our corporate records storage. All staff have been trained in the use of eRDM and are committed to using eRDM as it supports the aims of openness, transparency and information management principles.”</p> <p>“All the Commissioner’s records are held electronically. Paper documents received by the Commissioner are scanned and filed in line with the Commissioner’s File Plan.” (<i>RMP</i> page 10)</p> <p>The public records of the Road Works Commissioner are held on the Scottish Government eDRM system (Objective) except a very limited amount retained deliberately on a network ‘G’ drive (for example financial databases). The Keeper acknowledges that not all documents created by an organisation are a suitable fit for eDRM and agrees that SRWC are very clear on which have been retained on the network drive. He has been provided with a screen shot of the G drive showing a single retained folder.</p> <p>The <i>RMP</i> explains that, at the time of submission, there was a target for year-end 2021/22 that all public records will be managed on Objective. The Keeper acknowledges that this target has now been met (with the very limited exception noted above) by scanning hard-copy records and by transferring records from the previous network drive arrangement. Following the original submission, the Keeper has been updated with supplementary evidence in the form of a Screen shot of the current file structure and an explanatory statement from SRWC.</p> <p><u>E-Mail</u></p> <p>SRWC have adopted the SG e-mail system which automatically manages e-mail through the Enterprise Vault system. E-mails, to be retained, must be transferred to</p>
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			<p>eDRM before they are automatically deleted.</p> <p>The Keeper agrees that the Scottish Road Works Commissioner retains all his public records in controlled systems which are structured in a clear manner and which can be used by staff to manage public records where appropriate.</p> <p>This element was graded Amber in the Keeper’s original agreement (2017).</p>
<p>5. Retention schedule</p>	<p>G</p>	<p>G</p>	<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>The Scottish Road Works Commissioner in a statement of endorsement to the <i>RMP</i> (<i>RMP</i> page 3) states that: "The adoption of eRDM ensures compliance in the creation, sharing, retention and retrieval of information."</p> <p>The public records of the Scottish Road Works Commissioner (SRWC) are held on the Scottish Government eDRM (Objective), either directly, by being scanned in or by being transferred from the authority’s network drive (transfer completed in March 2022). "The Commissioner implemented retention schedules for all electronic records and regularly reviews these." (<i>RMP</i> page 10). See element 4 for more on the move to eDRM.</p> <p>SRWC’s public records, as they are managed on the SG eDRM, have automatic retention applied (dependant on the record type allocated by file). The Keeper agrees that the Scottish Government eDRM appropriately imposes retention periods. This is recognised by SRWC: "The retention periods are determined by statutory and legislative obligations, as well as business needs. The files created within eRDM have standard retention schedules that all SG and non-ministerial bodies use." (<i>RMP</i> page 9).</p>

			<p>It is clear from the statement above that SRWC are involved in the allocation of retention to their information assets, as the Keeper requires.</p> <p>The Keeper agrees that the Scottish Road Works Commissioner has a schedule providing retention decisions for the record types created while pursuing his functions.</p> <p>This element was graded Amber in the Keeper’s original agreement (2017).</p>
6. Destruction Arrangements	G	G	<p>The Act requires that public records are destroyed in a timely, controlled and secure manner.</p> <p>The Scottish Road Works Commissioner (see element 1) states in his letter of endorsement (<i>RMP</i> page 3) That "The organisation seeks to create and manage all records efficiently, protect and store them securely, make them accessible when needed and dispose of them safely at the appropriate time." – eRDM disposal policy</p> <p><u>Digital</u>: The public records of the Scottish Road Works Commissioner (SRWC) are held on the Scottish Government eDRM (Objective), either directly, by being scanned in or by being transferred from the authority’s network drive (transfer due to be completed in Spring 2022). The Keeper agrees that eDRM has automatic destruction functionality controlled by the retention decisions applied to records. The Keeper agrees that when public records have been transferred into eDRM from network drives they will be subject to suitable destruction processes.</p> <p>The Keeper has been provided with a screenshot of a destroyed file on eRDM.</p> <p><u>Paper</u>: Although the public records of the Scottish Road Works Commissioner are</p>

			<p>formally held digitally, they are still required to dispose of hard-copy records after they are scanned into the digital system (eDRM) and to ensure the secure destruction of working-copy print outs and trivia. This is explained in the plan and a sample destruction certificate from a commercial supplier has been provided in evidence.</p> <p><u>Hardware:</u> SRWC hardware is provided by Scottish Government who arrange for the secure disposal of electronic equipment. The Keeper has already agreed that the hardware destruction provision in the Scottish Government is appropriate.</p> <p><u>Back-up:</u> The Scottish Government do daily incremental backups on behalf of SRWC. The backups are then kept for four weeks and are then destroyed and the information then becomes irretrievable.</p> <p>The Keeper has been provided with Terms of Occupation and Terms of Provision of ICT Services documentation in evidence that arrangements with the Scottish Government are operational.</p> <p>The Keeper agrees that the Scottish Road Works Commissioner has processes in place to irretrievably destroy his records when appropriate.</p>
7. Archiving and Transfer	A	G	<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>The Keeper agrees that the Scottish Road Works Commissioner (SRWC) has identified a suitable repository for the permanent retention of those public records selected as suitable for archiving: The National Records of Scotland (NRS).</p> <p>The Keeper also agrees that steps are being taken to secure a formal deposit</p>

			<p>agreement between SRWC and NRS.</p> <p>The <i>RMP</i> (page 11) states: “A meeting will be planned to take place....after the finalised Record Plan has been submitted to NRS. Following this it is anticipated a formal Service Level Agreement between the oSRWC and the National Records of Scotland will be established”. There is a future action, listed against this element, to “Meet with Client Manager at NRS to identify records suitable for transfer”. The Keeper agrees this action. The Keeper acknowledges that this meeting took place (29 March 2022) to progress a Deposit Agreement although this has not yet been finalised.</p> <p>SRWC have provided the PRSA Team with the <i>NRS Depositor Guidance for the Transfer of Archival Born Digital Records</i> and the <i>NRS Government Records Collection Policy</i>.</p> <p>It is clear from the statement above that SRWC are to be involved in the selection of their records for permanent preservation as the Keeper requires.</p> <p>The Keeper agrees this element of the SRWC Records Management Plan on ‘improvement model’ terms. This means that an authority has recognised a gap in provision (in this case that a formal archiving agreement is not in place) and has put processes in place to close that gap. His agreement is conditional on him being updated as the project progresses.</p> <p>This element was also graded Amber in the Keeper’s original agreement (2017).</p>
8. Information Security	G	G	The Act requires that public records are held in accordance with information security compliance requirements.

			<p>The Scottish Road Works Commissioner (see element 1) states in his letter of endorsement (<i>RMP</i> page 3) That "The organisation seeks to create and manage all records efficiently, protect and store them securely, make them accessible when needed and dispose of them safely at the appropriate time."</p> <p>All the public records of the Scottish Road Works Commissioner (SRWC) are held on the digital systems of the Scottish Government either the eDRM or on network drives (these are being transferred to eDRM – see element 4 above). Both systems are covered by the Scottish Government Information Security framework which the Keeper has previously agreed is suitable for the protection of public records (2015).</p> <p>The office of the Scottish Road Works Commissioner is based in a Scottish Government building. The Keeper has also agreed that the physical security afforded to records by the Scottish Government is appropriate.</p> <p>The Commissioner has supplied the Keeper with a copy of his information security training certificate. SRWC have also provided the Keeper with samples of security documents relating to staff including a sample staff ‘disclosure’ certificate, the <i>SRWC Code of Conduct</i> (which includes a section on confidentiality) and mandatory training examples.</p> <p>The Keeper agrees that the Scottish Road Works Commissioner has procedures in place to appropriately ensure the security of records as required by the Act.</p>
9. Data Protection	G	G	<p>The Keeper expects a Scottish public authority to manage records involving personal data in compliance with data protection law.</p> <p>The Commissioner is a data controller registered with the Information Commissioner’s Office: registration number Z178396X: Information Commissioners - Data protection register - entry details (ico.org.uk)</p>

			<p>The Scottish Road Works Commissioner’s responsibilities under data protection legislation is explained at Privacy Scottish Road Works Commissioner which also give details on how members of the public can exercise their subject access rights.</p> <p>The Commissioner has adopted the Scottish Government’s <i>Data Protection Policy</i> as the records of the authority are entirely held on Scottish Government systems the Keeper agrees that this is appropriate. A copy of the latest version of this <i>Policy</i> has been provided.</p> <p>The Keeper has previously agreed that the Scottish Government data protection provision is suitable.</p> <p>The Keeper has been provided with the identification of the SRWC Data Protection Officer.</p> <p>Therefore, the Keeper agrees that the Scottish Road Works Commissioner has arrangements in place that allow them to properly comply with data protection legislation.</p>
<p>10. Business Continuity and Vital Records</p>	<p>G</p>	<p>G</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 Scottish Road Works Commissioner (SRWC) has an <i>Business Continuity Plan (BCP)</i> that is advertised to staff on the intranet and located in eDRM. The Keeper has been provided with a copy. This is the version dated November 2020.</p> <p>The Keeper agrees that the <i>BCP</i> includes records recovery.</p> <p>The public records of SRWC are held on systems operated by the Scottish</p>

			<p>Government and therefore the authority must rely on the back-up/recovery processes of the Government. The Keeper has previously agreed that these are appropriate for the retrieval of records in an emergency.</p> <p>Therefore, the Keeper can agree that the Scottish Road Works Commissioner has an approved and operational business continuity process and that information management and records recovery properly feature in the authority's plans.</p>
11. Audit trail	G	G	<p>The Keeper expects an authority to have processes in place to track public records in such a way that their location is known and changes recorded.</p> <p>The Scottish Road Works Commissioner (see element 1) states in his letter of endorsement (<i>RMP</i> page 3) That "The organisation seeks to create and manage all records efficiently, protect and store them securely, make them accessible when needed and dispose of them safely at the appropriate time." and goes on to state that: "The adoption of eRDM ensures compliance in the creation, sharing, retention and retrieval of information."</p> <p>The public records of the Scottish Road Works Commissioner are managed on the Scottish Government's eDRM (Objective) system. The Keeper has previously agreed that this system is suitable for the management of public records (2015). He agrees that the Objective system allows users to properly locate records and to identify different versions of those records.</p> <p>The Objective system automatically manages version control. However, in order to efficiently use the search functionality, it is essential that records are correctly named and this responsibility falls to the user. It is important therefore that naming conventions are put in place for SRWC staff. The Keeper has been provided with the SRWC's naming convention guidance document (this is the standard SG eDRM module) in evidence that the authority recognises the importance of this.</p>

			<p>In his original agreement the Keeper graded this element of the SRWC <i>RMP</i> as ‘Amber’ on the basis that the transfer of records to eDRM was incomplete. The Keeper is happy to acknowledge that this project is now concluded (see element 4). On this basis, he can agree that the Scottish Road Works Commissioner has procedures in place that will allow them to locate their records and assure themselves that the located record is the correct version.</p> <p>This element was graded Amber in the Keeper’s original agreement (2017).</p>
<p>12. Competency Framework for records management staff</p>	<p>G</p>	<p>G</p>	<p>The Keeper expects staff creating, or otherwise processing records, to be appropriately trained and supported.</p> <p>The Performance Manager (see element 2) is supported in developing his knowledge of records management. As an example of this SRWC have provided evidence of attendance at a PRSA training session held in 2021. The Commissioner (see element 1) has supplied the Keeper with a copy of his information security training certificate (see element 8).</p> <p>The Keeper has been provided with an acknowledgement e-mail from the Scottish Government’s Records Manager (Craig Sclater) in which he commits to provide support to the Performance Manager when appropriate. The Keeper accepts that this will include suggestions around staff training.</p> <p>The Commissioner confirms in his endorsement of the <i>RMP</i> that “All staff have been trained in the use of eRDM and are committed to using eRDM as it supports the aims of openness, transparency and information management principles” and that “Supporting procedures and guidance are provided to staff to encourage compliance” (<i>RMP</i> page 3). eRDM training is mandatory for all staff before access can be permitted. The Keeper has been provided with a booking confirmation</p>

			<p>showing a staff member attending eRDM and IMSO training.</p> <p>Furthermore, all employees are required to complete mandatory annual e-learning training regarding protecting information and data protection, to ensure there is an awareness of the importance of data security and associated risks. SRWC have supplied a record of staff member mandatory e-learning in evidence.</p> <p>The Keeper agrees that the individual identified at element 2 has the appropriate responsibilities, resources and skills to implement the records management plan. Furthermore, he agrees that the Scottish Road Works Commissioner considers information governance training for staff as required.</p>
<p>13. Assessment and Review</p>	<p>G</p>	<p>G</p>	<p>Section 1(5)(i)(a) of the Act says that an authority must keep its RMP under review.</p> <p>The <i>RMP</i> is reviewed annually (<i>RMP</i> page 4) by the Performance Manager (page 17). The <i>SRWC Recurrent Action Sheet</i> has been provided in evidence of the annual review schedule. The <i>Action Sheet</i> also includes the routine review of Security Policy Framework and <i>Cyber Essentials Policy</i> (see element 8); GDPR (see element 9; Retention/Destruction Schedule (see element 5) and the <i>Business Continuity Plan</i> (see element 10). There is a specific recognition in the <i>RMP</i> that the SRWC retention schedule is a living document subject to regular review. The Keeper welcomes this recognition.</p> <p>As the public records of the SRWC are managed on the SG eDRM system it is important that any review of that system is properly communicated to the Commissioner’s office. This is recognised and there is a commitment in the <i>RMP</i> (page 17) that “The Scottish Government Records Management Plan will be, reviewed on an annual basis, the office of the Scottish Road Works Commissioner will be led by this any associated documents relating to the Plan will be reported to the Commissioner and any updates will be signed off as authorised to ensure</p>

			<p>compliance with the Public Records (Scotland) Act 2011.</p> <p>The Keeper has previously agreed that the review methodology implemented by the Scottish Government is appropriate (2015).</p> <p>The Scottish Road Works Commissioner in his endorsement statement (<i>RMP</i> page 3) commits that: "Processes and practices will be reviewed regularly to ensure that it continues to be relevant. Records Management is a standing item on our monthly team meeting agenda and issues of relevance are discussed and recorded."</p> <p>The SRWC file plan is reviewed every six months to ensure it accurately reflects current activity (<i>RMP</i> page 8). This is a recognition that an authority's file plan is a living document and the Keeper commends this review arrangement.</p> <p>The Keeper agrees that the Scottish Road Works Commissioner has made a firm commitment to review their <i>RMP</i> as required by the Act and have explained who will carry out this review and by what methodology. Furthermore he agrees that supporting policy and guidance documents have appropriate review periods allocated.</p>
<p>14. Shared Information</p>	<p>N/A</p>	<p>N/A</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>The Scottish Road Works Commissioner in a statement of endorsement to the <i>RMP</i> (<i>RMP</i> page 3) states that: "The adoption of eRDM ensures compliance in the creation, sharing, retention and retrieval of information."</p> <p>However, they are clear in their <i>RMP</i> that "The Commissioner does not currently undertake data sharing exercises with other organisations" (<i>RMP</i> page 18).</p>

			The Keeper agrees that this element does not apply to the work of the Scottish Road Works Commissioner.
15. Public records created or held by third parties	N/A	N/A	<p>The Act makes it clear that records created by third parties when carrying out these functions are subject to the Act. It is the responsibility of the Scottish Road Works Commissioner, to ensure that procedures are in place to satisfy themselves that third parties are carrying out records management appropriately.</p> <p>The <i>RMP</i> (page 19) explains that access to Scottish Road Works Register is through a technical solution supplied to the Commissioner by a third-party.</p> <p>The Scottish Road Works Commissioner has provided the Keeper with an extract of the supplier agreement with this third-party, which clearly considers records management requirements. For example at section 3.6 Data Retention.</p> <p>However, the Keeper has considered the compliance statement in the <i>RMP</i>, and the evidence document supplied, and has determined that this third-party is providing a service which allows the Commissioner to fulfil his function, rather than taking on the function itself.</p> <p>The Keeper agrees that this element does not apply to the work of the Scottish Road Works Commissioner.</p>

Scottish Road Works Commissioner (SRWC in the assessment below)

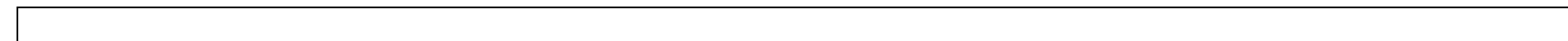
Explanation: The majority of the digital records of the Scottish Road Works Commissioner are held on Scottish Government's eDRM system and, as this is the case, the Commissioner must adopt the records management provision of the Scottish Government for these records. This is made clear in the *Records Management Plan* (for example under element 3) and in a letter of endorsement included as part of the *RMP* by the Commissioner.

“The office is located within Scottish Government buildings at Saughton House, Edinburgh. Scottish Government information management policies and procedures are generally adopted. As such, the office recently adopted the Scottish Government electronic Record and Document Management (eRDM) system for our corporate records storage. All staff have been trained in the use of eRDM and are committed to using eRDM as it supports the aims of openness, transparency and information management principles...In addition to eRDM, my office has access to Scottish Government shared networks and One Drive and it is the intention to fully utilise eRDM to store all corporate records by 31 March 2022.” (*Letter of endorsement from Commissioner*).

The Keeper has been provided with *Terms of Occupation* and *Terms of Provision of ICT Services* documentation in evidence that arrangements with the Scottish Government are operational.

The Keeper agreed the *Records Management Plan (RMP)* of the Scottish Government in August 2015:
[Scottish Government Assessment Report \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk)

In 2019 the Scottish Government provided the Keeper with an update on their *RMP*: [NRS - Progress Update Review \(PUR\) Final Report by the PRSA Assessment Team for the Scottish Government, October 2019 \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk)



General Notes on submission:

This assessment is on the *Records Management Plan* (the *RMP*) of the Scottish Road Works Commissioner as submitted to the Keeper of the Records of Scotland (the Keeper), for his review and agreement, on 4th November 2021. This is the version approved by the Scottish Road Works Commissioner (see element 1) on 15th July 2021.

This is the second formal records management plan received from the Scottish Road Works Commissioner by the Keeper. The first was agreed on the 24th April 2017: [The Scottish Road Works Commissioner Assessment Report \(nrscotland.gov.uk\)](http://nrscotland.gov.uk)

The *RMP* is supported by a letter of endorsement from the Commissioner (see element 1), dated 15th July 2021, which is included as part of the *RMP* (page 3). In this Mr Hamilton notes the relevance of robust record keeping to the authority's ability to properly respond to their responsibilities under data protection and freedom of information legislation. The Keeper fully agrees this.

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>.

The authority refers to records as a business 'asset' (for example *RMP* page 3 or 7). This is an important recognition and the Keeper commends it.

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 the Scottish Road Works Commissioner. Policies and governance structures are in place to implement the actions required by the plan.

Elements that require development by the Scottish Road Works Commissioner are as follows:


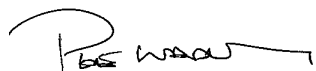
7. Archiving and Transfer

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of the Scottish Road Works Commissioner.

- The Keeper recommends that the Scottish Road Works Commissioner 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

.....
Liz Course
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 Scottish Road Works Commissioner. In agreeing this RMP, the Keeper expects the Scottish Road Works Commissioner to fully implement the agreed RMP and meet its obligations under the Act.



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Paul Lowe
Keeper of the Records of Scotland