

Public Records (Scotland) Act 2011

Scottish Futures Trust Assessment Report

The Keeper of the Records of Scotland

1 February 2017

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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 Scottish Futures Trust by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 3 June 2016.

The assessment considered whether the RMP of Scottish Futures Trust 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 Scottish Futures Trust complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

Scottish Futures Trust (SFT) was incorporated and launched in the Scottish Parliament by the Cabinet Secretary for Finance and Sustainable Growth on 10th September 2008. Scottish Futures Trust is a company limited by shares incorporated under the Companies Act 2006 and is wholly owned by the Scottish Ministers although operates independently of the Scottish Government (SG). The shareholder relationship is defined in a Management Statement & Financial Memorandum (MSFM) which is published on Scottish Futures Trust's website. Scottish Futures Trust works closely with the public sector to seek and deliver improved value for taxpayers and has responsibility for delivering value for money across public sector infrastructure investment.

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 Scottish Futures Trust'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 Scottish Futures Trust (SFT) identifies Christa Reekie, Commercial Director, as having strategic responsibility for records management. This is confirmed in a signed statement in the introduction to the RMP, in which Ms Reekie also endorses the RMP and commits SFT to fully implementing its provisions.</p> <p>The RMP also indicates that Ms Reekie will liaise closely with the Records Manager (see Element 2) to ensure that the RMP remains operational and that staff are appropriately trained.</p>

			<p>The Records Management Policy (page 2) also identifies Ms Reekie as having senior responsibility for records management.</p> <p>The Keeper agrees that an appropriate individual has been appointed to take senior management responsibility for records management as required by the Public Records (Scotland) Act 2011.</p>
2. Records Manager <i>Compulsory element</i>	G	G	<p>The RMP identifies Wendy Cliffe, Office Manager, as the individual with day-to-day operational responsibility for records management. This is confirmed by a signed statement from Ms Cliffe in the introduction to the RMP.</p> <p>The RMP outlines Ms Cliffe’s key duties. These include: being the primary point of contact for the Keeper of the Records of Scotland (the Keeper); liaising with the Commercial Director (see Element 1) regarding compliance with the RMP and the identification of training needs for SFT staff; ensuring that the RMP is kept up to date; and ensuring that new members of staff are aware of their responsibilities.</p> <p>Also submitted as evidence is Ms Cliffe’s Job Description. This clearly shows her responsibility for developing and implementing the RMP as well as ensuring compliance with record-keeping requirements. The Organisational Chart included in the Job Description shows that Ms Cliffe reports to the Director of Corporate Services/Low Carbon.</p> <p>The Keeper agrees that an appropriate individual has been identified to take operational responsibility for records management as required by the Public Records (Scotland) Act 2011.</p>
3. Policy <i>Compulsory element</i>	G	G	<p>SFT has submitted its Records Management Policy. It contains a clear statement of its organisational policy and identifies those responsible for ensuring compliance. The policy applies to all records created by SFT in any format. The Policy also shows a commitment to providing staff with training and making them aware of their</p>

			<p>responsibilities, in particular, at induction. There is also a commitment to regularly review the Policy. The Policy is version 1.0 and has been approved by the Commercial Director (see Element 1). Document control information has now been added to the templates for SFT policies, plans and reports as a commitment to following good practice. The Keeper commends this approach.</p> <p>The Policy is available to all staff on SFT's SharePoint site, known as The Source. A central area has been created on The Source to provide staff with access to all policies and procedures. A screenshot of this area has been submitted as evidence showing that there is a distinct area for Records Management. In addition, SFT's Communications Team regularly issues a notification known as the Monday Morning Update to inform staff of changes to policies and other news. A screenshot has been supplied to show that this method of communication has been used to distribute the Policy to members of staff. The Records Management Policy has been added to the induction pack for new members of staff. A screenshot of the checklist of policies which have to be read by staff has been submitted as evidence. New staff are required to sign the checklist to confirm they have read and understood the policies and the signed checklist is held on file by the Human Resources department.</p> <p>The Keeper agrees that SFT has an operational Records Management Policy which is made available to staff so that they are aware of their records management responsibilities.</p>
4. Business Classification	A	G	<p>SFT has developed a Business Classification Scheme (BCS) based on its file structure. This is a three level functional structure. This must remain a business decision for authorities but the Keeper acknowledges that the functional BCS is currently regarded as best practice as it is more resilient to changes in organisational structure.</p> <p>The BCS has been supplied as evidence. SFT has identified its top level 'functions'</p>

			<p>and under these the business areas and the activities which create records. The BCS appears to cover the breadth of record-creating activities carried out by SFT.</p> <p>The RMP states that SharePoint has now been implemented across SFT and is being used as a document repository. The Records Management Centre has still to be implemented although SFT has contracted a third party, Brightwire Technology Services Ltd, to implement this solution on SharePoint. The estimated timetable for the completion of this work is given as April 2017. The transfer of records from the current document library will take place with the accompanying metadata and due to the number of records being transferred it is not feasible to add detailed information for these legacy records. Classification of records for addition to the Records Management Centre will take place once this system goes live.</p> <p>The Keeper would remind SFT that SharePoint is not in itself a records management system and for full functionality, particularly relating to ensuring that metadata travels with the record when extracted from the system – for the purposes of archiving electronic records, for example – a records management bolt-on may be required.</p> <p>The Keeper can agree this Element on an ‘improvement model’ basis. This means that the authority has identified a gap in provision (the electronic systems currently used to create and manage records need to be structured in line with the BCS). The solution and the timescales to close this gap have been identified. The Keeper requests that he is informed once the project has been completed.</p>
5. Retention schedule	A	A	<p>SFT has submitted its current Retention and Destruction Schedule. The schedule identifies the record types, the periods for which these should be retained, the reason for the retention period and any additional information such as the legislative requirements relating to the records. It is currently still</p>

			<p>'Draft' as SFT is seeking legal advice on the retention periods for certain financial and company records. SFT have undertaken to send the Keeper the final agreed Schedule when it becomes available.</p> <p>The RMP states that deleted emails when not permanently expunged from the deleted folder on a daily basis will automatically be deleted after 30 days. The Keeper commends this approach as it should encourage staff to save official business records in the appropriate area rather on an email system.</p> <p>The RMP states that the retention schedule will be applied to records stored on the SharePoint Online Records Management Centre. SFT has engaged a contractor to apply the schedule to legacy records and to newer records which will be transferred to the SharePoint system. The RMP also states that the provisions of the Schedule will not be applied to the legacy records due to the quantity of these but will be applied on new records created once the Records Management Centre becomes operational.</p> <p>SFT has a contract in place with a commercial provider (Removal Services Scotland) for the off-site storage of paper records. A register is maintained of records stored off-site as well as a barcode system for identifying records and a sample of this has been submitted as evidence.</p> <p>Non-confidential paper records stored on-site are identified with appropriate labels on the boxes.</p> <p>The RMP states that staff awareness sessions will be developed around retention and disposal and that training in the use of retention schedules will be included in future SharePoint training for new staff. The Keeper requests that he is kept informed of the progress in developing this training.</p>
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			<p>The Keeper can agree this Element on an ‘Improvement Model’ basis. This means that the authority has identified a gap in provision (the lack of an operational retention schedule and the application of this to records managed using SharePoint) and has described how it intends to close this gap. As part of this agreement, the Keeper requests he is sent the finalised Schedule when it becomes operational and is kept informed of the project to apply the retention schedule to SharePoint in the longer term.</p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>The RMP outlines the arrangements in place for the following:</p> <p>Paper (on-site) – The RMP states that there are secure receptacles within the office for confidential waste. These are emptied fortnightly and destroyed securely by a contractor (Changeworks Recycling) and this is supervised by the Office Manager. A sample destruction certificate has been supplied as evidence of this arrangement. Shredders are also available to staff in offices to securely destroy confidential records. The RMP states that all SFT staff are aware of their responsibilities. Destruction and recycling of confidential waste is covered at induction where staff are required to sign that they have read and understood the guidance. Existing members of staff are periodically reminded of the procedures, which are also displayed around the office.</p> <p>Paper (off-site) – SFT has indicated that it engages a contractor to store paper records off-site. Initial review and destruction dates for boxes of paper records are determined in agreement with the staff member identified as the box’s owner and these are provided to the commercial storage contractor (Removal Services Scotland). When a box reaches its review date it is returned to the owner for review. The owner then decides whether to destroy papers within the box, the whole box or return it to storage. Individual papers or files within the box to be destroyed are done so internally using the on-site procedures described above. If the whole box needs to be destroyed then the process for undertaking this is detailed in the evidence supplied.</p>

			<p>Electronic – The RMP describes the procedures in place when records are deleted from SharePoint. When items are deleted from the SharePoint system they move into a Site Recycling Bin before moving to a Site Collection Recycling Bin and then on to eventual permanent deletion. Items in the recycling bins are still recoverable by site administrators. The SharePoint Data Deletion Guidelines have been submitted.</p> <p>Hardware – The RMP states that records and information held on obsolete hardware is securely and permanently erased using Kroll Ontrack Solution. This then allows the hardware to either be destroyed or recycled. Details of the arrangement with Kroll Ontrack have been submitted as evidence showing that they can ensure the deletion of records to CESG (the National Technical Security Authority for Information Assurance) InfoSec Level 5 standards.</p> <p>Back-ups – The Business Continuity Plan (section 2.4) states that SFT has procedures in place to ensure that its electronic business information and systems are backed-up on a regular basis for business continuity purposes. On-site back-ups are retained for 12 months before being overwritten. Off-site back-ups are maintained for 3 months before being overwritten. These procedures will be reviewed due to the contract for a new IT Managed Service Provider commencing in early 2017. If any of the procedures change as a result of the review, the Keeper requests that he is informed of these changes as this will undoubtedly alter the RMP.</p> <p>Destruction of records and recycling is covered in the induction programme for new staff and notices are placed around the office providing information and guidance on the procedures in place.</p> <p>The Keeper agrees that SFT has procedures in place to ensure the secure</p>
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			destruction of records at the end of their retention periods.
7. Archiving and Transfer <i>Compulsory element</i>	G	G	<p>The RMP identifies the National Records of Scotland (NRS) as the archive for depositing SFT's records selected for permanent preservation. Submitted as evidence is email correspondence between SFT and NRS Client Managers discussing the development of a Memorandum of Understanding (MoU), which will govern the transfer of records from SFT to NRS. SFT has also submitted the signed MoU agreed with NRS which will govern how the transfer of records selected for permanent preservation takes place.</p> <p>The Keeper agrees that there are arrangements in place to transfer records selected for permanent preservation to an appropriate archive.</p>
8. Information Security <i>Compulsory element</i>	G	A	<p>SFT has submitted its Information and Communications Technology Policy which outlines its organisational approach to ensuring the security of its systems and the information managed using these. The Policy describes the security procedures in place for using encrypted storage devices, the acceptable use of ICT facilities, mobile devices and mobile phones, and social media. SFT are able to remotely wipe mobile devices if these are lost or stolen.</p> <p>SFT has stated that as part of the move to a new IT Managed Service Provider early in 2017 the ICT Policy will be reviewed and updated. SFT has committed to providing the Keeper with an updated version of the Policy as soon as practicably possible, which the Keeper can accept.</p> <p>An extract from SFT's Employee Handbook relating to IT Security Policy has also been provided as evidence. The Handbook is provided to all staff prior to commencing their employment with SFT.</p> <p>SFT also has a Password Policy which determines how password security is maintained and managed across the various systems.</p>

	G	A	<p>The RMP states an external ICT security audit took place in 2015 in order to identify any security weaknesses and mitigating the risks of any potential security issue. One of the outcomes of the audit was to raise cyber security issues with staff. The slides of a cyber security presentation which was delivered to all staff have been submitted as evidence.</p> <p>Paper records containing personal and sensitive information, such as personnel files managed by HR, are stored securely in locked cabinets which are only accessed by the HR Director and HR Administrator.</p> <p>Access controls are in place for HR records containing personal information on SharePoint and again only HR staff are able to access this area.</p> <p>The Assessment and Review section of this Element states that SFT intends to run a follow-up audit in late 2016 and then run the full audit every two years.</p> <p>The Keeper can agree that there are appropriate mechanisms in place to ensure the security of the information created and managed by SFT. As part of this agreement, the Keeper requests that he is sent a copy of the updated ICT Policy when it becomes available.</p>
9. Data Protection	G	A	<p>SFT is registered as a Data Controller with the Information Commissioner’s Office (registration number ZA071734). The Certificate of Registration has been submitted as evidence.</p> <p>Also submitted as evidence is SFT’s draft Data Protection Policy. The Policy is currently going through SFT’s internal governance process and is waiting to be signed off by the Leadership Team. SFT has stated that the final agreed version will be sent to the Keeper when it becomes available.</p>

			<p>The policy outlines SFT’s commitment to protecting the personal and sensitive information that it creates and manages in the course of carrying out its business and the means by which it intends to ensure this. It also outlines the responsibilities for complying with the Policy and how to respond to Subject Access Requests.</p> <p>Also provided as evidence is SFT’s Privacy and Cookies Policy which is available on its website. This details how SFT will manage the personal information and cookies collected through its website.</p> <p>The Keeper can agree that SFT is aware of its responsibilities under the Data Protection Act 1998 and has procedures in place to comply with it. As part of this agreement, the Keeper requests that he is sent a copy of the updated Data Protection Policy when it becomes available.</p>
<p>10. Business Continuity and Vital Records</p>	<p>G</p>	<p>G</p>	<p>The RMP states that SFT has developed a Business Continuity Plan (BCP) to ensure that it can recover quickly in the event of an unexpected interruption to its normal business activities. At present all electronic records can be accessed through the Office 365 Cloud portal.</p> <p>The BCP has been submitted as evidence. This is version 1.0, approved by the Leadership Team and is due for review in October 2017.</p> <p>The BCP outlines the actions to be taken in the event of a disaster and has identified the individuals who have responsibility ensuring that the appropriate actions are taken.</p> <p>The RMP states that there is no separate provision made for vital records as all electronic records are backed up through Azure (Office 365) and the SAGE system is backed up to the Pulsant datacentre and can be accessed remotely through a Virtual Private Network (VPN).</p>

			<p>The RMP states that in the Summer of 2016 SFT intends to begin the re-procurement of its IT Managed Services provider. As part of this specified Service Level Agreements and business recovery timescales will be established in line with SFT's BCP.</p> <p>The RMP also states that any contracts SFT has entered into are kept securely on-site but are also scanned into the SharePoint system and are therefore available in the event of a disaster.</p> <p>The Keeper agrees that there are procedures in place to ensure that SFT can resume its business activities in the event of a disaster and that consideration has been given to vital records.</p>
11. Audit trail	G	G	<p>The RMP states that SFT uses Office 365 and SharePoint to carry out its work. This system allows multiple users to work on the same document at the same time and the system has the functionality to track the editing history of a document. Guidance on this collaborative working practice from Microsoft has been supplied as evidence. Samples of the version history in Microsoft Word and SharePoint have been provided as evidence. The RMP states that guidance on version control will be provided to staff in the second half of 2016. The Keeper would welcome sight of this guidance once it has been developed.</p> <p>SFT does not operate a document naming convention as file structure and the search facility on SharePoint allow staff to be able to locate documents when required.</p> <p>A register is maintained of records stored off-site as well as a barcode system for identifying records and a sample of this has been submitted as evidence.</p> <p>SFT maintains a minimal amount of paper HR records on-site which can only be accessed by the HR Director and HR Administrator.</p>

			<p>The Keeper agrees that there are measures in place to allow SFT to be able to locate the appropriate version of records when required.</p>
<p>12. Competency Framework for records management staff</p>	<p>G</p>	<p>A</p>	<p>As a relatively small organisation it is not justifiable for SFT to have a dedicated Records Manager. The Commercial Director and Office Manager have been identified in Elements 1 and 2 as having strategic and operational responsibility for records management. Submitted as evidence is the Office Manager’s Job Description which clearly shows that she has responsibility for records management.</p> <p>The RMP states that key individuals within the organisation, such as the Office Manager, the Business Support and Technology Manager and the Commercial Assistant, will continue to build their knowledge of records management, and the Office Manager in particular will attend relevant training and conferences.</p> <p>The RMP also states that the Records Management Policy (see comments in Element 3 regarding status of the Policy) will be provided to all staff and the Office Manager will ensure that it is read and understood by staff. The Policy is available to all staff on SFT’s SharePoint site, known as The Source. The Records Management Policy has been added to the induction pack for new members of staff. A screenshot of the checklist of policies which have to be read by staff has been submitted as evidence of this. New staff are required to sign the checklist to confirm they have read and understood the policies and the signed checklist is held on file by the Human Resources department.</p> <p>Section 7 of the Policy refers to the training of staff in records management issues at induction and on an on-going basis. This training will supplement that given in regard to Data Protection and Freedom of Information. The practical staff training in records management has not yet been finalised and that SFT is waiting for the implementation of the SharePoint Records</p>

			<p>Management Centre to take place so that the procedures for using this can be incorporated into any training. Discussions are underway with its corporate training provider with a view to developing records management training at induction and as part of a refresher programme. The Keeper requests that he is sent a sample of the training once it has been developed and rolled out.</p> <p>The Keeper can agree that SFT recognises the importance of records management and endeavours to ensure that staff have access to appropriate training. As part of this agreement, the Keeper requests that he is sent a sample of the training when it becomes available.</p>
<p>13. Assessment and Review</p>	<p>G</p>	<p>G</p>	<p>The RMP states that SFT has developed a self-assessment mechanism for measuring compliance with its records management. Performance will be measured by using performance indicators and progress will then be reported to the Commercial Director (see Element 1) in the form of a template self-assessment report which has been submitted as evidence. Any improvements identified will be included in an action plan.</p> <p>Element 2 states that the Office Manager is responsible for ensuring that the RMP is regularly reviewed and any changes communicated to SFT staff. The Introduction to the RMP states that the RMP will be reviewed annually.</p> <p>SFT has also submitted its Implementation and Review Plan which details the actions to be taken in line with implementing the RMP.</p> <p>The Keeper agrees that SFT has identified how it intends to ensure that its RMP and supporting evidence are kept up-to-date.</p>
<p>14. Shared Information</p>	<p>G</p>	<p>G</p>	<p>The RMP states that SFT does not undertake systematic data sharing with other organisations. It deals with requests for information under the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998 and also routinely</p>

			<p>publishes information on its website under its Publication Scheme, which is administered by the Scottish Information Commissioner’s Office.</p> <p>SFT informally shares data with the Scottish Government in relation to information stored on the e-Pims (Electronic Property Information Mapping Service) system.</p> <p>The RMP states that should the situation change and SFT were to enter into an information sharing arrangement with another organisation it would develop procedures governing this based on the Information Commissioner’s Office Data Sharing Code of Practice.</p> <p>The Keeper accepts that SFT does not currently share information with other organisations but requests that he is kept informed if this situation changes.</p>
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6. Keeper’s Summary

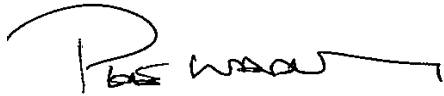
Elements 1 to 14 that the Keeper considers should be in a public authority records management plan have been properly considered by Scottish Futures Trust. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper’s Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of Scottish Futures Trust.

The Keeper recommends that Scottish Futures Trust 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 Scottish Futures Trust. In agreeing this RMP, the Keeper expects Scottish Futures Trust 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