

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

**Scottish Legal Aid Board**

**The Keeper of the Records of Scotland**

**5<sup>th</sup> February 2021**

**Contents**

<b>1. Public Records (Scotland) Act 2011</b>	<b>3</b>
<b>2. Executive Summary</b>	<b>4</b>
<b>3. Authority Background</b>	<b>4</b>
<b>4. Assessment Process</b>	<b>6</b>
<b>5. Model Plan Elements: Checklist</b>	<b>7</b>
<b>6. Keeper's Summary</b>	<b>30</b>
<b>7. Keeper's Determination</b>	<b>30</b>
<b>8. Keeper's Endorsement</b>	<b>31</b>

## 1. Public Records (Scotland) Act 2011

The Public Records (Scotland) Act 2011 (the Act) received Royal assent on 20 April 2011. It is the first new public records legislation in Scotland since 1937 and came fully into force on 1 January 2013. Its primary aim is to promote efficient and accountable record keeping by named Scottish public authorities.

The Act has its origins in *The Historical Abuse Systemic Review: Residential Schools and Children's Homes in Scotland 1950-1995* (The Shaw Report) published in 2007. The Shaw Report recorded how its investigations were hampered by poor record keeping and found that thousands of records had been created, but were then lost due to an inadequate legislative framework and poor records management. Crucially, it demonstrated how former residents of children's homes were denied access to information about their formative years. The Shaw Report demonstrated that management of records in all formats (paper and electronic) is not just a bureaucratic process, but central to good governance and should not be ignored. A follow-up review of public records legislation by the Keeper of the Records of Scotland (the Keeper) found further evidence of poor records management across the public sector. This resulted in the passage of the Act by the Scottish Parliament in March 2011.

The Act requires a named authority to prepare and implement a records management plan (RMP) which must set out proper arrangements for the management of its records. A plan must clearly describe the way the authority cares for the records that it creates, in any format, whilst carrying out its business activities. The RMP must be agreed with the Keeper and regularly reviewed.

## 2. Executive Summary

This report sets out the findings of the Keeper's assessment of the RMP of the Scottish Legal Aid Board by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 1<sup>st</sup> July 2020.

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

## 3. Authority Background

The Scottish Legal Aid Board has a responsibility to manage and improve continuously publicly funded legal assistance and to advise Scottish Ministers on its strategic development for the benefit of society

Its strategic objectives are to:

Deliver improvements to legal aid processes that increase efficiency and improve the experience of system users and customers.

Advise Scottish Ministers on the strategic development of legal assistance and its contribution to a Scotland in which rights are supported and disputes are resolved fairly and swiftly.

Ensure that the Board has the culture and capability to be responsive to their customers, the justice system and developments in legal and advice services.

Build and maintain effective and collaborative relationships with the legal and advice sector and public sector.

Contribute to the achievement of Scottish Government aims, an efficient justice system and improved outcomes for those who need services supported by legal aid.

The Scottish Legal Aid Board has a governance and accountability framework document. This sets out the broad framework within which the Board operates and defines key roles and responsibilities which underpin the relationship between them and the Scottish Government.

<https://www.slab.org.uk/app/uploads/2019/03/SLAB-Framework-Document.pdf>

## 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 Legal Aid Board’s RMP was developed with proper regard to the elements of the Model Plan and is compliant with the Act. The assessment also considered whether there was sufficient supporting evidence of such compliance.

### Key:

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

Element	Present	Evidence	Notes
1. Senior Officer	<b>G</b>	<b>G</b>	<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 Legal Aid Board (SLAB) have identified Graeme Hill, Director of Corporate Services and Accounts as the individual with overall responsibility for records management in the organisation.</p> <p>The identification of the Director of Corporate Services and Accounts to this role is supported by a <i>Covering Letter</i> from Mr Hill (see under General Comments below) and by the <i>Records Management Policy</i>, for example in the 'Roles and Responsibilities' section: "Senior management responsibility for Records Management lies with Graeme Hill, Director of Corporate Services and Accounts."</p> <p>The Director of Corporate Services and Accounts is the SLAB Senior Information Risk Owner (SIRO) and as such is ideally placed to assume the senior role in the <i>Records Management Plan (RMP)</i>.</p> <p>Mr Hill is the 'owner' of the <i>Records Management Policy</i> (see element 3), the <i>Data Protection Policy</i> the <i>Data Breach Guidance for Staff</i> (for both see element 9) the <i>Transferal of records for permanent preservation to the National Records of Scotland (NRS)</i> guidance (see element 7) and the <i>Confidential Destruction of Records Guide</i> (see element 6).</p>

			<p>It is clear from the above that the Director of Corporate Services and Accounts is closely aware of the records management provision in SLAB.</p> <p>The Keeper agrees that the Scottish Legal Aid Board have identified an appropriate individual to this role as required by the Public Records (Scotland) Act (the Act).</p>
<p>2. Records Manager</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Act requires that each authority identifies an individual staff member as holding operational responsibility for records management and has appropriate corporate responsibility, access to resources and skills.</p> <p>SLAB have identified Christine Connerton, Records Management Specialist as the individual with day-to-day responsibility for implementing the <i>RMP</i>.</p> <p>The identification of the Records Management Specialist to this role is supported by the <i>Records Management Policy</i> (see element 3) Roles and Responsibilities.</p> <p>It is also supported by a staff notice announcing Ms Connerton’s appointment which has been shared with the Keeper.</p> <p>The Keeper has been provided with the <i>Job Description</i> for the Records Management Specialist which includes responsibility to “Prepare the Records Management Plan and provide annual updates to the Keeper of Records” and “Regularly review SLAB’s records management policies and guidance”.</p> <p>Ms. Connerton is the ‘owner/author’ of the <i>Completing of Retention Schedule Guidance</i> document (see element 5) and author of the latest version of the <i>Confidential Destruction of Records Guide</i> (see element 6).</p> <p>The Keeper has been provided with details of Ms Connerton’s training and</p>



			<p>professional membership.</p> <p>The Records Management Specialist reports to the Director of Corporate Services and Accounts (see element 1).</p> <p>The Keeper agrees that SLAB have identified an appropriate individual to this role as required by the Act.</p>
3. Policy	<b>G</b>	<b>G</b>	<p>The Act requires an authority to have an appropriate policy statement on records management.</p> <p>SLAB have a <i>Records Management Policy</i>. The Keeper has been provided with a copy of this <i>Policy</i>. This is version 2.8 dated May 2020.</p> <p>The <i>Records Management Policy</i> is publically available at <a href="https://www.slab.org.uk/app/uploads/2019/03/Records-Management-Policy-Final-V2.6.pdf">https://www.slab.org.uk/app/uploads/2019/03/Records-Management-Policy-Final-V2.6.pdf</a></p> <p>The document ‘owner’ of the <i>Records Management Policy</i> is Graeme Hill, Director of Corporate Services and Accounts (see element 1).</p> <p>The Keeper agrees that the <i>RMP</i> supports the objectives of the <i>Records Management Policy</i>.</p> <p>SLAB also operate a staff guidance document <i>Records Management Guidance</i> which has also been provided to the Keeper. This is version 1.1 dated May 2019.</p> <p>This is a very strong guidance document and includes instructions on naming conventions (vital when using shared drives – see element 11).</p>

			<p>The <i>Records Management Policy</i> mentions the Public Records (Scotland) Act 2011.</p> <p>The Keeper agrees that the Scottish Legal Aid Board has a formal records management policy statement as required by the Act.</p>
<p>4. Business Classification</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The Keeper of the Records of Scotland (the Keeper) expects that the public records of an authority are known and are identified within a structure.</p> <p>The SLAB records management policy statement states: “We will create and manage records efficiently, make them accessible where it is practicable, protect and store them securely and dispose of them safely at the right time.” (<i>Records Management Policy</i> – see element 3 - page 3). The structures in which these records are held is clearly of fundamental importance to this objective.</p> <p>SLAB operate a hybrid system: Public records are held digitally in network drives (with plans to move away from this over the lifetime of this RMP) and on bespoke business systems. There are also public records held in hard-copy format in-house.</p> <p><u>Digital Network Drives</u> SLAB currently structure their public records on shared drives. This arrangement is supported and explained in <i>Records Management Guidance</i> document (see element 3). The top level drive structure is arranged by function (see <i>Guidance</i> page 4). This must remain a business decision for the authority, but the Keeper is happy to acknowledge that a functional system, such as the one used here, is currently considered best practice.</p> <p>However, the Keeper notes that SLAB intend to move their record management provision to a SharePoint/O365 solution in the next 5 years. This is explained in a <i>Covering Letter</i> from the Director of Corporate Services &amp; Accounts (see element 1) submitted with the <i>RMP</i>. This will be a major undertaking for the organisation and, implemented appropriately, should deliver measurable improvements in records</p>

			<p>management provision. However, as Mr Hill correctly points out, the O365 solution needs some serious consideration particularly over licences and limits in the 'out-of-the-box' records management functionality. Mr Hill has indicated that SLAB are proceeding cautiously and the Keeper fully endorses this approach.</p> <p>Generally a O365/SharePoint solution is bound to be incremental and take several years to bed-in properly. The Keeper reminds SLAB of the importance of appropriate policies, governance and staff training in making this major project a success.</p> <p>The Keeper looks forward to updates on this project, perhaps in voluntary Progress Update Reviews (PURs). The Keeper's PRSA Team will ensure that a PUR template is provided to SLAB one year after the agreement of this plan.</p> <p>This element remains at Amber while the O365 work is ongoing.</p> <p><u>Digital Line of Business:</u> SLAB operate stand-alone systems with capability for monitoring the movement and amendment of records. These line-of-business systems sit outside the corporate network drives, but the Keeper can agree that they are likely to provide the records management structure as required by this element. They feature in the 'Combined Retention Schedules' supplied to the Keeper (for example 'FAMS').</p> <p><u>Physical in house:</u> SLAB operate a hybrid public records system with records held both digitally and in paper form. However The majority of records received in paper format are scanned onto electronic databases and network drives within 24 hours of receipt. The paper hard copies are stored securely for 30 days and then destroyed. Original records such as birth/marriage certificates are returned to the sender once scanned. It is clear from the <i>Combined Retention Schedule/Information Asset Register</i> (see below) that records in all formats are included.</p>
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			<p><b>Physical external storage:</b> All new public records are held digitally. However, SLAB still hold paper records relating to legal aid accounts and CLAO/PDSO client case files offsite. These paper records are sent to an external storage contractor. A register is kept of the records held externally. When these records reach the end of their lifecycle the box is recalled and the records confidentially destroyed on site. The Keeper has been provided with a copy of this register as a spreadsheet.</p> <p>SLAB also operates an <i>Information Asset Register (IAR)</i> which they use to indicate the asset value (see element 10), security classification (see element 8), retention (see element 5) and format. This is described by SLAB as a '<i>Combined Retention Schedule</i>' in the evidence package accompanying the <i>RMP</i> and explained in the <i>RMP</i> on page 8.</p> <p>The Keeper has seen instructions on how a <i>Combined Retention Schedule</i> is created. (See also Information Asset Owners under General Comments below.)</p> <p>An example of an entry: <i>Minutes and papers of departmental management teams. Departmental strategies and plans. Departmental calendars General management administration of the department/Format: Electronic i.e. word-excel/ Location: Network /Asset Value: High /Retention: 5 years /Security rating: Official-sensitive/ Risk: Low</i></p> <p>There appears to be a separate '<i>Combined Retention Schedule</i>' report for each business area. These reports appear to be a strong system for itemising record types. They were generated as part of preparation for a migration from shared drives to O365 and provides a detailed view of the records held by each department. The Keeper agrees that these schedules will greatly assist the population of the O365 structure when adopted.</p>
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			<p>These reports have been reviewed in conjunction with SLAB retention schedules to ensure that all records were accounted for. Having carried out this exercise SLAB have confirmed to the Keeper that they have a high confidence level that all public records are included in a retention schedule. SLAB plan to repeat this process on a bi-annual basis to ensure that the retention schedules maintain an accurate reflection of records kept. This intention is highly commended.</p> <p>The <i>Records Management Guidance</i> document (see element 3) specifically addresses the issue of e-mail management (page 9). The Keeper is aware of the particular risk around personal e-mail accounts being used to manage records. This is an issue that many Scottish public authorities face and are actively working to remedy. The Keeper is pleased to acknowledge that SLAB have identified this issue and are clear regarding their plans to address this situation.</p> <p>The <i>Computer Usage Policy</i> (see element 8) specifically instructs staff not to use their e-mail systems ‘as a filing system’. This is commended. All SLAB staff have to acknowledge that they have read and will follow the <i>Computer Usage Policy</i>.</p> <p><b>The Keeper can agree this element of the <i>RMP</i> under improvement model terms while the authority pursues the movement away from the use of shared network drives going forward.</b></p>
5. Retention schedule	<b>G</b>	<b>G</b>	<p>The Keeper expects an authority to have allocated retention periods to its public records and for those records to be retained and disposed of in accordance with a Retention Schedule.</p> <p>SLAB operate separate retention schedules for their different business areas (Accounts, Human Resources etc.) and samples of these have been provided to the Keeper. For example: <i>Premises Leases/To provide a records of buildings/paper copy/lockable cabinet/asset value high/16 years from the expiry of the lease then</i></p>

			<p><i>confidential destruction</i></p> <p>These ‘combined retention schedules’ represent an information asset register (IAR) system which is very strong records management tool <b>(see our comments under element 4 above)</b>.</p> <p>There appears to be a separate ‘<i>Combined Retention Schedule</i>’ for each business area. This is a very strong system for itemising record types <b>(also see element 4 above)</b>.</p> <p>The Keeper has also been provided with a staff training article from the in-house magazine (Intraslab) titled “Review of Records against Retention Schedules” and written by Christine Connerton (see element 2). This guidance is very useful for data-cleansing in the organisation and the Keeper commends it.</p> <p>The work being undertaken around retention in the authority is supported by the <i>Records Management Guidance</i> document (for example page 10 “Clearing- out of folders/files”).</p> <p>The RMP shows that retention decisions are routinely reviewed (page 8). This suggests a have recognition that a retention schedule is a living document liable to continual minor change year on year. This is commendable.</p> <p>The Keeper notes a future development to structure retention of e-mail. The Keeper is pleased to acknowledge that SLAB have identified this issue and are clear regarding their plans to address this situation.</p> <p>The Keeper notes and commends a statement in the RMP that “We are actively engaging with IAO’s and all staff throughout the organisation to promote and support a regular review of retention schedules.” (RMP page 9). SLAB have confirmed that they have now introduced forms that IAO’s have to complete as part</p>
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			<p>of their bi-annual review of their departments retention schedules. Evidence of this work has been provided.</p> <p>The Keeper agrees that evidence has been supplied indicating that all of the public records managed by the Scottish Legal Aid Board are subject to appropriate retention decisions.</p>
<p>6. Destruction Arrangements</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Act requires that public records are destroyed in a timely, controlled and secure manner.</p> <p>SLAB acknowledge this and set out that “Good records management relies on...the controlled destruction of information.” (<i>Records Management Policy</i> – see element 3 – page 3)</p> <p>With this in mind SLAB have the following process in place, to ensure the controlled, secure and irretrievable destruction of public records (For the structure of SLAB records management systems see element 4 above).</p> <p><u>Digital Network Drives</u> SLAB have staff guidance on the destruction of digital records. This <i>Confidential Destruction of Records Guide</i> is 'owned' by the Director of Corporate Services and Accounts (see element 1) and recently reviewed by the Records Management Specialist (see element 2). This has been provided to the Keeper. This is version 3.3 dated June 2020. In the <i>Destruction Guide</i> the processes for the deletion of digital records at the end of their retention period and the responsibility for monitoring this is explained (See Information Asset Owners under General Comments below).</p> <p><u>Digital Line of Business:</u> These line-of-business systems sit outside the main SLAB network drives, but the Keeper can agree that they are likely to allow the destruction of public records within a retention framework as required.</p>

			<p><u>Physical in house:</u> The <i>Destruction Guide</i> describes procedures for the disposal of paper records. This work is undertaken by a third party contractor. SLAB have provided the Keeper with destruction certificates as evidence that this arrangement is in operation.</p> <p><u>Physical external storage:</u> Paper records held with the offsite storage contractor are recalled at the end of their retention period and reviewed before being disposed of on site by the third party supplier.</p> <p><u>Hardware:</u> The <i>RMP</i> (page 9) explains the processes in place to ensure the secure destruction of IT Hardware. As with paper records this work is undertaken by a third party contractor and again SLAB have provided the Keeper with destruction certificates as evidence that this arrangement is in operation.</p> <p>The Keeper has been provided with a copy of the SLAB staff training module on records management (see element 12). He acknowledges that retention and disposal – including how to initiate destruction at the end of a retention period - features in this course.</p> <p>The destruction of records is recorded on a <i>Records Disposal Form</i> (<i>RMP</i> page 14) which is retained. The Keeper has been provided with a template sample of this form as part of the <i>Destruction Guide</i>.</p> <p><b>The Keeper agrees that SLAB has processes in place to irretrievably destroy their records when appropriate.</b></p>
7. Archiving and Transfer	<b>G</b>	<b>G</b>	<p>The Act requires that all Scottish public authorities identify a suitable repository for the permanent preservation of any records considered suitable for archiving. A formal arrangement for transfer to that repository must be in place.</p>



			<p>SLAB have identified the National Records of Scotland (NRS) as the repository to which they will transfer any public records identified as requiring permanent preservation.</p> <p>NRS is an accredited archive <a href="https://www.nrscotland.gov.uk/news/2015/national-records-of-scotland-receives-archive-accreditation-award">https://www.nrscotland.gov.uk/news/2015/national-records-of-scotland-receives-archive-accreditation-award</a> and fully adheres to the Keeper's <i>Supplementary Guidance on Proper Arrangements for Archiving Public Records</i>: <a href="https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/supplementary-guidance-on-proper-arrangements-for-archiving-public-records.pdf">https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/supplementary-guidance-on-proper-arrangements-for-archiving-public-records.pdf</a></p> <p>The arrangement to transfer records to NRS is supported by a memorandum of understanding (MOU). This has been supplied to the Keeper in evidence. The Keeper is satisfied that information asset owners (see under General Comments below) have adequate input to how preservation decisions are allocated to particular record types through the relevant Combined Retention Schedule.</p> <p>The Keeper has been provided with a copy of the SLAB staff training module on records *management (see element 12). He acknowledges that retention and disposal – including how to initiate permanent preservation - features in this course.</p> <p>All SLAB websites have been selected for preservation as part of the NRS Web Continuity Service: <a href="https://webarchive.nrscotland.gov.uk/">https://webarchive.nrscotland.gov.uk/</a></p> <p>The Keeper agrees that SLAB has arrangements in place to properly archive records when appropriate.</p>
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<p>8. Information Security</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Act requires that public records are held in accordance with information security compliance requirements.</p> <p>The SLAB records management policy statement states: “We will create and manage records efficiently, make them accessible where it is practicable, <u>protect and store them securely</u> and dispose of them safely at the right time.” (<i>Records Management Policy</i> – see element 3 - page 3). Imposing adequate information security procedures on records is clearly of fundamental importance to this objective.</p> <p>SLAB have a <i>Network and Desktop Security Policy</i> which has been provided to the Keeper. SLAB have also provided a <i>Computer Usage Policy</i> which is currently under review (last reviewed and issued in 2020).</p> <p>The <i>RMP</i> indicates a commitment in the authority to pursue Cyber Essentials Plus certification. The Keeper requests that he is informed when this is achieved. The PUR procedure (see element 4) would seem an ideal time to update him on these matters.</p> <p>The <i>Network and Desktop Security Policy</i> refers to the physical security of the SLAB servers (section 7). A small number of hard-copy records are held these are stored in locked cabinets until the end of their life cycle.</p> <p>The <i>Computer Usage Policy</i> provides reporting instructions if a staff member becomes aware of a security issue (section 3.3). Further advice and procedures on spotting and dealing with security incidents can be found within SLAB’s Cyber Security module in the Learning Management System (see element 12).</p> <p>The <i>Computer Usage Policy</i> provides guidance around security protocols put in place when staff leave the organisation.</p>
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			<p>SLAB staff can access security policies from their intranet (Intraslab) a screen shot from the intranet has been provided.</p> <p>The <i>Network and Desktop Security Policy</i> and the <i>Computer Usage Policy</i> reference issues dealt with under business continuity (element 10) and data protection (element 9) including subject access requests. The <i>Computer Usage Policy</i> specifically references the Public Records (Scotland) Act 2011.</p> <p>The Keeper can agree that SLAB have procedures in place to appropriately ensure the security of their records as required by the Act.</p>
9. Data Protection	<b>G</b>	<b>G</b>	<p>The Keeper expects a Scottish public authority to manage records involving personal data in compliance with data protection law.</p> <p>SLAB is registered as a data controller with the Information Commissioner’s Office (ICO): Z6653140. A copy of the authority’s registration certificate has been provided.</p> <p>SLAB have a <i>Data Protection Policy</i>. The Keeper has been provided with a copy of this <i>Policy</i>. This is version 2.0 dated July 2019.</p> <p>SLAB have a <i>Privacy Policy</i> it is published at <a href="http://www.slab.org.uk/site-pages/privacy-policies">www.slab.org.uk/site-pages/privacy-policies</a></p> <p>The <i>Data Protection Policy</i> confirms that “The Scottish Legal Aid Board is fully committed to compliance with the new data protection legislation which includes the General Data Protection Regulation 2016 (GDPR) and the Data Protection Act 2018. We will put in place and follow procedures that aim to ensure that all employees, contractors, agents, consultants and other trusted third parties who have access to any personal data held by or on behalf of SLAB, are fully aware of</p>

			<p>and abide by their duties under the legislation.”</p> <p>The <i>Data Protection Policy</i> explains the 6 principles of data protection (section 4).</p> <p>Information on how service users can make a subject access request is available from the <i>Privacy Policy</i> page on the SLAB website.</p> <p>SLAB have <i>Subject Access Request (SAR)</i>, <i>Individual Rights</i> and <i>Data Breach</i> guidance for staff. These have also been shared with the Keeper.</p> <p>SLAB operates a GDPR working group to monitor data protection risk. The GDPR working group is chaired by Graeme Hill (see element 1). The other members of the group are the data protection officer, head of legal technical and director of operations.</p> <p>The Keeper agrees that SLAB have arrangements in place that allow them to properly comply with data protection legislation.</p>
<p>10. Business Continuity and Vital Records</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Keeper expects that record recovery, prioritising vital records, is an integral part of the authority’s business continuity planning.</p> <p>SLAB have a <i>Business Continuity Plan (BCP)</i> that has been supplied to the Keeper. This is version 13 dated December 2019. The Keeper agrees this appropriately considers the recovery of records (including paper records for example under section 4).</p> <p>As well as the main SLAB <i>Business Continuity Plan</i>, the <i>RMP</i> (page 13) refers to business areas in SLAB having local business continuity plans. A sample local plan has been provided to the Keeper in evidence.</p>

			<p>The Keeper has also been provided with evidence that demonstrates that SLAB staff have access to their local business continuity plan (screen shot).</p> <p>The <i>RMP</i> explains that nightly back-ups are taken at a third-party data centre and copied to SLAB's 'disaster recovery servers' for business continuity purposes. This arrangement, which provides two potential sources of back-up recovery, is noted and commended (see element 10 below).</p> <p>SLAB have identified records they consider vital to the operation of their functions. They have provided the Keeper with a list of these in a <i>Breakdown of Vital Records</i> document. This is supported by the <i>Combined Retention Schedule</i> system (see elements 4 and 5). There appears to be a separate '<i>combined retention schedule</i>' for each business area. This is a very strong system for identifying the importance of individual information assets.</p> <p>The <i>Computer Usage Policy</i> (see element 8) explains the back-up procedures for the authority's network drives.</p> <p>The Keeper agrees that SLAB have 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	<b>G</b>	<b>G</b>	<p>The Keeper expects an authority to have process in place to track public records in such a way that their location is known and changes recorded.</p> <p>The introduction to the <i>RMP</i> (page 3) states that "Effective records keeping supports efficiency...ensures that the correct information is...retrieved in accordance with business need, statutory and legislative requirements."</p> <p>The <i>SLAB Records Management Policy</i> (see element 3) states: "We will create and</p>

			<p>manage records efficiently, <u>make them accessible where it is practicable</u>, protect and store them securely and dispose of them safely at the right time.” (<i>Records Management Policy</i> – see element 3 - page 3).</p> <p>The SLAB <i>Records Management Guidance</i> (also element 3) states: “To comply with Freedom of Information, Environmental Information Regulations and Data Protection legislation we need to be able to find and retrieve all available information about a specific subject. Consistency in our file and document naming will improve the speed and efficiency of searches”.</p> <p>The ability to locate and identify records is clearly of fundamental importance to these objectives.</p> <p>With this in mind SLAB have the following arrangements in place:</p> <p><u>Digital Network Drives</u>: SLAB utilises software that records when someone creates, modifies or deletes a public record. Furthermore staff have been issued with standardised naming convention instructions as part of the <i>Records Management Guidance</i> document (see element 3). If properly applied this will allow records to be searched for by name. SLAB point out that once the SharePoint solution is operational throughout the organisation (see element 4) this should allow automatic document tracking. The Keeper agrees this is likely to be the case. However, he reminds SLAB that standardised naming (manually) will still be required for SharePoint searches to be effective.</p> <p><u>Digital Line-of-Business</u>: SLAB operate line-of-business systems which sit outside the main records management structure. The Keeper can accept these systems have record tracking functionality.</p> <p><u>Physical in house</u>: In some circumstances SLAB need to create a paper file or retain</p>
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			<p>the record in its original format. Details of the location of hard-copy records are held in SLAB’s electronic systems allowing these records to be identified and tracked.</p> <p><u>Physical external storage</u>: Records held by the external storage contractor are recorded on a spreadsheet (copy supplied). The spreadsheet contains details of when the record was deposited and when it is due to be recalled.</p> <p>The Keeper agrees that the Scottish Legal Aid Board 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>12. Competency Framework for records management staff</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Keeper expects staff creating, or otherwise processing records, to be appropriately trained and supported.</p> <p>The <i>RMP</i> contains the following statement (page 15): “SLAB recognises the importance of the Records Management Specialist attending training and events to ensure she maintains continued professional development and to keep up-to-date with industry best practice.” This is a clear commitment and is welcomed. The Keeper also notes that there is a ‘future development’ for Ms Connerton to attend further Scottish public sector records management training.</p> <p>SLAB also ensure that all staff receive training, appropriate to their records engagement, through the in-house Learning Management System and through articles in the in-house magazine Intraslab. The Keeper has been provided with several examples of Intraslab articles.</p> <p>Before using SLAB ICT systems, employees must verify that they have read and agree to comply with the <i>Computer Usage Policy</i> (see element 8).</p> <p>All staff are required to undertake cyber security training (<i>Computer Usage Policy</i> –</p>

			<p>see element 8 - section 3.5).</p> <p>The Keeper has been provided with a training presentation <i>Information Asset Owners and Records Management</i> outlining their responsibilities.</p> <p>The Keeper notes that SLAB have a 'future development' noted in the RMP (page 12) to update and revise training, and information governance documents where required by legislative changes caused by the departure of the UK from the European Union. <b>The Keeper request that he is provided with any updated information governance training material that results from this action.</b></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 SLAB consider information governance training for staff as required.</p>
<p>13. Assessment and Review</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>Section 1(5)(i)(a) of the Act says that an authority must keep its RMP under review.</p> <p>"SLAB is committed to ongoing monitoring and review of the effectiveness of the RMP". (<i>RMP</i> page 16).</p> <p>The <i>RMP</i> is subject to annual review and findings will be reported to the Delivery of Records Management Project Board (see IGSG under General Comments below).</p> <p>The Keeper has been provided with the job description for the Records Management Specialist (see element 2) which includes responsibility to "Prepare the Records Management Plan and provide annual updates to the Keeper of Records" and "Regularly review SLAB's Records Management policies and guidance". The RMP and all related policies and procedures are subject to an annual review by the Records Management Specialist</p>



			<p>The review will be carried out using the JISC infonet self-assessment Records Management Maturity Model. This has yet to be instigated and SLAB may choose to use an alternative maturity model. <b>The Keeper would be interested in an update on this matter in subsequent communication (such as a PUR – see element 4).</b></p> <p>The self-assessment will be supported by SLAB’s Internal Audit Department who will carry out regular assurance exercises. Evidence of Internal Audit engagement has been supplied to the Keeper. The use of internal audit where possible is commended by the Keeper (because it is independent of the information governance team).</p> <p>The <i>Completing of Retention Schedule Guidance</i> document (see element 5) must be reviewed by March 2021.</p> <p>The <i>Records Management Policy</i> (see element 3) must be reviewed by May 2021.</p> <p>The <i>Confidential Destruction of Records Guide</i> (see element 6) must be reviewed by June 2021.</p> <p>The <i>Computer Usage Policy and Network and Desktop Security Policy</i> should be reviewed annually.</p> <p>The IT department operates an annual audit and spot checks of the SLAB computer systems.</p> <p>The Keeper agrees that SLAB have 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>
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<p>14. Shared Information</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Keeper expects a Scottish public authority to ensure that information sharing, both within the Authority and with other bodies or individuals, is necessary, lawful and controlled.</p> <p>SLAB state in their <i>Network and Desktop Security Policy</i> (see element 8) that “Where there is a business need for ...third party access, a documented risk assessment will be carried out to determine security implications and control requirements. Controls should be agreed and defined in a contract with the third party.” (<i>Network and Desktop Security Policy</i> section 4.3)</p> <p>In the case of sharing personal information, SLAB commit to following the <i>Information Commissioner’s Data Sharing Code of Practice (RMP page 17)</i> (see also element 9).</p> <p>The Keeper has been provided with the authority's <i>Data Sharing Agreement Template</i> and <i>Data Sharing Agreement staff guidance</i> document.</p> <p>SLAB also note that for data sharing arrangements that are ‘off framework’ they create assurances using the Scottish Government’s terms and conditions. Samples of these have also been provided.</p> <p>The Keeper can agree that SLAB properly considers records governance when undertaking information sharing programmes.</p>
<p>15. Public records created or held by third</p>	<p>N/A</p>	<p>N/A</p>	<p>The Keeper expects a public authority to ensure that adequate arrangements are in place for the management of records created and held by third parties who carry out any functions of the authority.</p>

parties			<p>However, SLAB are clear that “SLAB do not have any third parties who carry out any functions of SLAB that would involve the creation of records and the holding of records.” (<i>RMP</i> page 18).</p> <p>The Keeper agrees that this element does not apply to this authority.</p>
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Assessment Sheet

**Scottish Legal Aid Board**

**General Notes on submission:**

Version: This assessment is on the Scottish Legal Aid Board (SLAB) *Records Management Plan* (the *RMP*) dated June 2020 and submitted to the Keeper for his agreement on 1st July 2020. The Keeper originally agreed the *Records Management Plan* of SLAB in 2013: <https://www.nrscotland.gov.uk/files/record-keeping/public-records-act/ScottishLegalAidBoardAssessmentReport.pdf>

The *RMP* is accompanied by a letter of endorsement and explanation from Graeme Hill, Director of Corporate Services & Accounts (see element 1), dated 30 June 2020. In this letter Mr Hill details the direction of travel for the organisation particularly around the adoption of SharePoint/O365 as a records management solution (see element 4).

The authority refers to records as a business asset (for example *RMP* page 3 *Network and Desktop Security Policy* – see element 8 – section 3 or *Records Management Policy* - see element 3 - page 3). This is an important recognition and the Keeper commends it.

The Keeper agrees that the efficiencies introduced by robust records management provision will assist SLAB to attain the objectives explained in the *Corporate Plan*:

<https://www.slab.org.uk/app/uploads/2019/03/Corporate-Plan-2017-2020.pdf>

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

The originally agreed *RMP* is already available on the SLAB website at: <https://www.slab.org.uk/corporate-information/access-to-information/>

Key Group: Information Governance Steering Group (IGSG)

The Information Governance Steering Group (IGSG) has, temporarily been renamed the Delivery of the Records Management Plan Project Board. The group meets approximately every 6 – 8 weeks.

The group is chaired by the Director of Corporate Services and Accounts (see element 1).

The IGSG approve key information governance documents such as the *Records Management Policy* (see element 3).

The IGSG approve the publication of public records.

The IGSG is responsible for ensuring adequate information security awareness (*Security Policy* – see element 8 – section 6.1)

The full remit of this group (under its new name) is published in the SLAB *Records Management Policy* (page 7)

<https://www.slab.org.uk/app/uploads/2019/03/Records-Management-Policy-Final-V2.6.pdf>

Local Records Management: Information Asset Owners (IAO)

Information Asset Owner are responsible for each record type in their business area regardless of format. They endorse the 'combined retention schedules' (see element 4 and 5) and must review them twice a year. The Keeper has seen instructions on how a *Combined Retention Schedule* is created.

IAOs are responsible for creating digital folders in their business areas, keeping control of the structure in which public records are kept (see element 4). They also have a responsibility for monitoring the naming conventions applied to records placed in those folders by staff in their areas (see element 11).

An IAO is responsible for monitoring the public records in their business area for example by ensuring retention decisions are appropriately applied and implementing destruction as required and for identifying staff training needs (for more: *RMP* page 15 or *Records Management Guidance* page 5).

The Keeper has been provided with a staff guidance document: *The Role of the Information Asset Owner: A Practical Guide* which details the expectations around the role. This document is supported by statements in the *Records Management Guidance* document (see element 3) The Keeper has also been provided with a training presentation *Information Asset Owners and Records Management* outlining their responsibilities.

IOAs are responsible for devising and implementing adequate access controls to their public record assets (*Security Policy* – see element 8 – sections 5.1, 5.2 and 8.6)

IAOs are supported by the SLAB Records Management Specialist (see element 2).

The names of all the information asset owners is published on the authority's intranet Intraslab.

The full remit of IAOS is published in the SLAB *Records Management Policy* (page 7)  
<https://www.slab.org.uk/app/uploads/2019/03/Records-Management-Policy-Final-V2.6.pdf>

Clearly the IAOs are vital to the records management process in SLAB and the Keeper thanks the authority for sharing details of their work as part of this submission.

## 6. Keeper's Summary

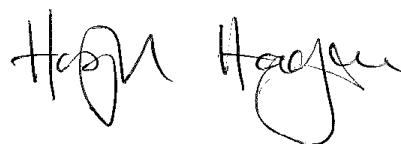
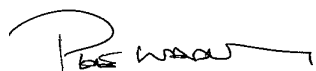
Elements **1 - 15** that the Keeper considers should be in a public authority records management plan have been properly considered by the Scottish Legal Aid Board. Policies and governance structures are in place to implement the actions required by the plan.

## 7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of the **Scottish Legal Aid Board**.

- The Keeper recommends that the Scottish Legal Aid Board should publish its agreed RMP as an example of good practice within the authority and the sector.

This report follows the Keeper's assessment carried out by,



.....  
**Pete Wadley**  
Public Records Officer

.....  
**Hugh Hagan**  
Senior Public Records Officer

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

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



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