

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

**Public Authority**

**Shetland Islands Council, Shetland Islands Area Licensing Board and ZetTrans**

**The Keeper of the Records of Scotland**

**2 June 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 Shetland Islands Council, Shetland Islands Area Licensing Board and ZetTrans by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 25 October 2016.

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

### **3. Authority Background**

Shetland Islands Council is one of 32 councils in Scotland, serving 22,400 people across 1,468 square km.

The Council has 22 elected members, serving on 6 three-member wards and 1 four-member ward. Members will serve until 2017.

All councillors are independent – none represent a political party.

As well as representing their ward, members serve on the following committees, which meet around every seven weeks at the Lerwick Town Hall:

- Education and Families
- Social Services
- Environment and Transport
- Development

The Shetland Islands Licensing Board comprises 10 members and is responsible for the issuing of various licenses such as liquor, fireworks and taxi.

ZetTrans is a statutory body responsible for the provision and maintenance of public transport services in the Shetland Islands. Working in cooperation with a number of stakeholders and interested bodies, including bus operators, airlines and ferry companies, ZetTrans is geared towards the development of a sustainable transport network to meet the needs of the present while also looking towards the future.

#### 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 Shetland Islands Council, Shetland Islands Area Licensing Board and ZetTrans’ 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 <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>The Records Management Plan (RMP) states that Mr Jan-Robert Riise, Executive Manager – Governance and Law, is the individual who has overall senior management responsibility for records management within the Council. This is confirmed in a Report from the Executive Manager – Governance and Law presented to the Corporate Management Team on 18 October 2016 (evidence 01-1).</p> <p>The RMP also identifies Christine Ferguson, Director of Corporate Services, as the Senior Information Risk Owner (SIRO). The SIRO is responsible for ensuring compliance with legislation, ensuring information governance best practice is being followed and for delivering the requirements of the Information Management Strategy (evidence 01-2). The SIRO is supported in this by the Information Governance Board, for which the Terms of Reference have been submitted (evidence 01-3). This document also describes the membership of the Group, which the SIRO chairs.</p> <p>Also provided as evidence is a letter from Ms Ferguson (evidence 01-10) describing the Council’s Business Transformation Programme (BTP). The BTP was approved by the Council in February 2017 and comprises eight distinct work streams which are intended to increase the efficiency of the Council. One of these streams is the Information Management and Improvement Programme, of which records management forms a key component. Timescales of planned work as part of the Information Management and Improvement Programme will become clearer over the coming months.</p>

			<p>The RMP also states that Jan-Robert Riise, Executive Manager – Governance and Law, acts as the proper officer for compliance with the statutory functions and obligations of the Council.</p> <p>Mr Riise acts as Vice-Chair of the Information Management Group. Submitted as evidence is Mr Riise’s Job Profile (evidence 01-5). This contains an objective to ensure that the Council complies with its duties under Data Protection, Freedom of Information and other associated legislation, which would include PRSA.</p> <p>The Scheme of Delegation (evidence 01-6) also confirms Mr Riise as Clerk to the Licensing Board. Acting in this role, he has supplied a letter (evidence 01-8) confirming that the Licensing Board is part of a ‘common’ RMP along with the Council and ZetTrans. The letter commits the Licensing Board to following the records management policies and procedures set out in the joint RMP.</p> <p>Additionally, Mr Riise fulfils the role of Secretary to the Shetland Transport Partnership (ZetTrans). The relationship between the Council and the Transport Partnership is defined in a Minute of Agreement (evidence 01-7A) which has been supplied as evidence. Also submitted is an extract from the Transport Partnership’s Administrative Regulations relating to the appointment of a Secretary (evidence 01-7B). Acting in his role as Secretary to ZetTrans, Mr Riise has submitted a letter (evidence 01-9) stating that ZetTrans will form part of a common plan with the Council and Licensing Board and agrees to follow the policies and procedures as part of the joint RMP.</p> <p>The Keeper agrees that appropriate individuals have been identified to take senior management responsibility for records management within the Council, Licensing Board and ZetTrans as required by the Public Records (Scotland) Act 2011 (PRSA).</p>
2. Records Manager	<b>G</b>	<b>G</b>	<p>The RMP identifies Mrs Anne Cogle, Team Leader – Administration, as the officer with operational responsibility for records management within the Council.</p>

<p><i>Compulsory element</i></p>			<p>Submitted as evidence is Mrs Cogle’s Job Profile (evidence 02-1A) which contains a requirement to act as the Council’s appointed officer for the day-to-day management of the Council’s records and for ensuring compliance with the RMP.</p> <p><b>The Council recognises that the Records Management Policy is out-of date and is currently being revised and updated. A draft Policy (evidence 03-6) has been submitted showing the Council’s commitment to ensuring that it reflects its current approach and the post titles and responsibilities appointed to ensure compliance with the Policy. The draft Policy does identify the Team Leader – Administration as the Council’s Records Manager. The Keeper, however, requests that he is sent the updated Policy once it has been approved and is operational.</b></p> <p>Mrs Cogle will be supported in this role by the following:</p> <p>Committee Assistant – whose Job Profile (evidence 02-1B) indicates that they will play a key role in developing the records management action plan and taking forward the key projects;</p> <p>Committee Officer – whose Job Profile (evidence 02-1C) shows a responsibility for assisting the Records Manager and the Data Protection Officer.</p> <p>Further assistance will be provided by the Business Support Officer, Personal Assistant and Administration Officer.</p> <p>The RMP confirms that Mrs Anne Cogle, Team Leader – Administration, has operational day-to-day responsibility for records management for the Council, Licensing Board and ZetTrans. The appointment of Mrs Cogle to the role of records manager for the Licensing Board and ZetTrans is confirmed in letters from Mr Jan-Robert Riise in his dual roles as Clerk to the Shetland Islands Area Licensing Board</p>
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			<p>and Secretary of ZetTrans (evidence 02-2 and 3) (see Element 1).</p> <p>The RMP states that all staff are responsible for ensuring that they comply with the Records Management Policy. Line managers are required to ensure that their staff follow the Policy and identify any staff training requirements.</p> <p>The network of records management contact officers, office administrators and business support officers (known as the Liaison Group) are responsible for making themselves familiar with records management practices and procedures, supporting users, ensuring the security of records and file records promptly and accurately. The Liaison Group has not met for a number of years but the Council intends to re-constitute it. The Improvement Programme Actions shows a commitment to reviewing the records management responsibilities currently allocated to staff and to include these in the job descriptions of Senior Information Asset Owners, Information Asset Owners, and Information Asset Administrators. The Keeper commends the creation of a network of staff to assist with the consistent application of records management practices.</p> <p>The Keeper agrees that an appropriate individual has been identified to take operational responsibility for records management in the Council, Licensing Board and ZetTrans as required by the PRSA.</p>
<p>3. Policy <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>A</b></p>	<p><b>The Council has submitted its current Records Management Policy (evidence 03-1). This is dated 2003. The Council has stated that the Records Management Policy is currently being revised and that as evidence of its commitment to ensuring it is brought up-to-date the Council has supplied the current draft of the Policy (evidence 03-6). This has undergone a lot of revision in particular around the need to comply with the requirements of the PRSA and also updating the key roles and responsibilities. The Keeper requests that he is sent a copy of the updated Policy once it has been reviewed and approved.</b></p>

			<p><b>Also submitted is the Records Management Guidelines and Handbook (evidence 03-2) which provides staff with practical guidelines on managing records. This document dates from 2005 and would probably benefit from being reviewed alongside the Policy to ensure that both are up-to-date, but it does cover the basic principles of best practice records management. This document is a useful tool in supporting staff adherence to the Policy.</b></p> <p>Also submitted as evidence are screenshots of the Council's intranet (evidence 03-3) where the Records Management Policy is available to staff along with the retention schedule and other records management guidance. The evidence also contains a link to a Records Management Induction Information Leaflet which is presumably given to new members of staff when they join the Council. The Keeper commends this approach of making all staff aware of their records management responsibilities.</p> <p>The Records Management Policy is also published on the Council's website. The Keeper commends the publication of the Policy as an excellent way of informing its stakeholders of its corporate approach to records management.</p> <p>The Council has also provided its ICT Strategy 2016-2021 (evidence 03-5). Area 24 of the Strategy indicates that there is no organisation-wide Electronic Document Management System (EDMS), although several business areas use them. The Strategy states that a proposed records audit may facilitate the development of ICT projects to close any gaps identified by the audit. The Keeper requests that he is kept informed of any plans to develop a Council-wide solution as this will fundamentally alter the RMP.</p> <p>The Council has also provided its Information Management Strategy, version 2.0 (evidence 03-3A).</p>
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			<p><b>The Keeper agrees that the Council has an operational records management policy statement which is available to staff. The Records Management Policy is currently undergoing revision and the Keeper therefore requests that he is sent the updated Policy once it has been approved and is operational.</b></p>
<p>4. Business Classification</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The Council has submitted its Retention and Destruction Schedule, version 11.2, September 2015 (evidence 04-1), which also acts as the Council’s Business Classification Scheme (BCS). It is based on the Local Government Business Classification Scheme (LGBCS), which the Keeper recognises as an appropriate tool for local authorities.</p> <p>The operation of the Retention and Destruction Schedule is supported by each business area having its own local fileplan. Samples of these for Trading Standards and Transport have been submitted as evidence (evidence 04-2A and B). These appear to follow a three-level structure based on the function.</p> <p><b>The RMP indicates that the Retention and Destruction Schedule has up until now been amended on an ad-hoc basis following reviews of local records management practices. The RMP also states that the Schedule as a whole is in need of a comprehensive review and updated where necessary. This review will be based on the requirements of the Scottish Council on Archives Records Retention Schedules (SCARRS) model. This commitment to review the Schedule is built into the Records Management Improvement Programme (evidence 01-4). A letter from Ms Ferguson (the Council’s SIRO) (evidence 01-10) describing the Council’s Business Transformation Programme (BTP) has been submitted as evidence. The BTP was approved by the Council in February 2017 and comprises eight distinct work streams which are intended to increase the efficiency of the Council. One of these streams is the Information Management and Improvement Programme, of which records management forms a key component. Timescales of planned work as part of</b></p>

			<p>the Information Management and Improvement Programme will become clearer over the coming months. The Keeper requests that he is kept informed of the development of the SMART plan which will assign timescales to the programme of improvement.</p> <p>The Keeper can agree this Element on an ‘improvement model’ basis. This means that the authority has identified a gap in provision (in this case, the lack of an operational BCS), and has evidenced how it intends to close this gap. As part of this agreement, the Keeper will expect to be regularly updated on the progress to close the identified gap and, in particular, informed of the estimated date of completion of this work when this becomes known.</p>
5. Retention schedule	<b>A</b>	<b>G</b>	<p>As the work to update the Council’s retention schedules is closely aligned with the development of a BCS, please see comments under Element 4.</p> <p>The Keeper can agree this Element on an ‘improvement model’ basis. This means that the authority has identified a gap in provision (in this case, the lack of an operational retention schedule), and has provided the Keeper with evidence of how it intends to close this gap. As part of this agreement, the Keeper will expect to be regularly updated on the progress to close the identified gap and also informed of the estimated date of completion of this work when this becomes known.</p>
6. Destruction Arrangements <i>Compulsory element</i>	<b>A</b>	<b>G</b>	<p>The Council has outlined the following procedures for destruction arrangements with regards to:</p> <p><b>Paper</b> – The RMP states that the Council does not have a formal destruction policy but that the disposal of records takes place in line with the requirements set out in the Records Management Guidelines and Handbook (evidence 06-1) and also following advice from the Team Leader – Administration (see Element 2). Routine destruction of paper confidential waste takes place using on-site shredders. The</p>

			<p>Council's Waste Services department is responsible for the secure collection and destruction of larger quantities of current and semi-current records using the Council's Waste to Energy Incineration Plant. The Guidelines and Handbook emphasises the importance of maintaining a record of disposal and the RMP states that a log is kept of those records which have been destroyed. A sample Destruction Log Sheet has been submitted (evidence 06-2) as well as an example of the procedures in place for the destruction of confidential paper records in the Governance and Law department (evidence 06-5).</p> <p>The Council has explicitly stated that at present it does not engage a third party contractor to store records off-site.</p> <p><b>Electronic</b> – The RMP states that there is no organisation-wide policy in place for the destruction of records managed using shared drives, although there are some operational procedures in place for the destruction of records held on bespoke Council systems. The Council has submitted evidence showing how electronic records are deleted from its line of business systems. Samples of the forms for deleting records from these systems have been provided as evidence (evidence 06-6-1, 06-6-4 and 5, and 06-6-7) as well as screenshots from the systems themselves (evidence 06-6-2 and 3, and 06-6-6).</p> <p><b>The Improvement Statement section of the Element highlights the need to develop a records destruction policy and associated procedures for all mediums and formats to ensure consistency of practice across the Council. This should be undertaken in conjunction with the work to review and updated the BCS and retention schedules. This action appears as number 2.2 in the Improvement Programme (evidence 01-4).</b></p> <p><b>Back-ups</b> – A description of the back-up procedures for electronic records and systems appears under Element 5 of the RMP. The RMP states that the ICT</p>
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			<p>department uses a combination of disks and tapes to back-up electronic information. Disk-based back-ups are retained for nine days before being overwritten, however, before the disks are overwritten they are backed up onto tape and depending upon when this occurs weekly back-ups are retained for a month and monthly back-ups are retained for a year, after which the tapes are wiped of data and re-used. These back-ups cover all corporate servers. These arrangements are confirmed in the ICT Corporate Backup Procedure and Checklists document (evidence 06-4).</p> <p><b>Hardware</b> – The RMP states that the Council’s ICT department has a contract in place with a commercial provider, COPE Ltd, for the destruction of obsolete hardware. The ICT department removes the hard drive from the equipment, which is then destroyed by the contractor, and destroys the hard drives periodically. A copy of the letter agreeing these arrangements between the Council’s ICT department and the contractor has been provided (evidence 06-3).</p> <p><b>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 a corporate policy on the destruction of records, in particular for electronic records managed on shared drives) and has identified the steps it intends to take to close this gap. As part of this agreement the Keeper will need to be kept updated on the progress of work to close the gap.</b></p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Council has identified its own Museum and Archive Service as the place of deposit for records selected for permanent preservation. The Museum and Archive operates under a charitable trust status and this relationship is governed by a Minute of Agreement (evidence 07-1). This Minute of Agreement also contains the Archives collection policy. As well as collecting Council records, Shetland Archives collects material from local business, families and other organisations which detail the history of the Shetland Islands.</p> <p>The transfer of archival records to the Archive is managed according to the Transfer</p>

			<p>Procedure of Archival Records to the Shetland Archives (evidence 07-4). This details how physical records should be transferred to the Archive. The Transfer Form which accompanies records during the transfer has also been submitted (evidence 07-2).</p> <p>Also submitted are links to the Shetland Museum and Archives website and also to the online catalogue which can be used to search the archival records held there.</p> <p>The Council also has a records store for semi-current and non-current records. The Transfer Procedure for Semi-Current and Non-Current Records to the King Harald Street Records Store document (evidence 07-5) has also been provided. This outlines the processes by which records are transferred to the records store. The RMP states that new premises for the records store have been identified and the move to these is planned to take place in 2017. Staff are in the process of reviewing the files in the current store and updating the information asset database in preparation for the move. <b>The Keeper requests that he is kept informed of any changes to the Transfer Procedure document as a result of the change in location.</b></p> <p>The Council also has procedures in place to transfer Social Work records to a secure area within the records store. These are described in the Procedure for Archiving – Secure Social Work Room (evidence 07-6). The Keeper commends the security considerations around these sensitive records.</p> <p>The Improvement section of this Element describes the need for a formal Archives Transfer Policy to be created. This is currently in draft form. The Keeper would be happy to receive this once it has been finalised and approved.</p> <p>The Council is also mindful of the necessity to consider the implications around the preservation and archival transfer of digital records. The Keeper commends the</p>
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			<p>recognition of this area as most public authorities, and presumably also the Council, move towards a more electronic way of working.</p> <p>The Keeper agrees that there are arrangements in place to allow the Council to transfer records which have been selected for permanent preservation to an appropriate archive.</p>
<p>8. Information Security <i>Compulsory element</i></p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The Council has submitted its ICT Security Policy, version 2.10, dated 06/10/2015 (evidence 08-1), which outlines the security measures in place to protect the Council's electronic systems and information. The Policy describes the procedures in place for controlling access to ICT systems, internet and email usage, mobile phone and data devices, and also contains email usage guidelines as an appendix. A screenshot has been submitted showing the location of the ICT Security Policy on the Council's intranet (evidence 08-4). Additionally, when staff log in to their computers they receive a message which requires them to confirm that they agree to abide by the Policy. A screenshot of this has been supplied (evidence 08-5).</p> <p>Also submitted as evidence are the Council's CCTV Mobile Unit procedures (evidence 08-2). This details the use of CCTV for the prevention and investigation of anti-social behaviour and the protection of the information created as a result.</p> <p><b>The Improvement Statement of this Element states that although there are policies and procedures in place for protecting electronic information, there is nothing similar in place for non-electronic records. There are local arrangements in place but the Council recognises the need for a comprehensive approach in this area. The Council's Corporate Risk Register (evidence 08-3) includes the risks associated with the management of information. Section 4 of the RM Improvement Programme (evidence 01-4) outlines a commitment to the development of an Information Security Policy, the creation of policies for the reporting and management of information security breaches, and the consideration of information management when</b></p>



			<p><b>undertaking new projects and procuring new systems. The RMP also states that the work to develop a comprehensive corporate approach to the security of all information forms part of the Information Management Improvement Programme. The timescales around this work will become clearer over the coming months.</b></p> <p>Section 7.2 of the ICT Security Policy highlights the need for printed records to be stored in a secure location. Evidence 07-6 has been submitted as an example of the local provisions in place for sending social work records to secure long-term storage in the Secure Social Work Room.</p> <p><b>The Keeper can agree this Element on an ‘improvement model’ basis. This means that the authority has identified a gap in provision (lack of comprehensive Council-wide policies and procedures for the protection of non-electronic records), but has identified how it intends to close this gap. This agreement is dependent upon the Keeper being updated as this project progresses, in particular, he will need to be informed of the timescales of this improvement work as soon as these have been finalised.</b></p>
9. Data Protection	<b>G</b>	<b>G</b>	<p>The Council (Z6143805), Licensing Board (ZA089994) and ZetTrans (Z9487081) are all separately registered as Data Controllers with the Information Commissioner’s Office. The Executive Manager – Governance and Law (see Element 1) is also the Council’s Data Protection Officer.</p> <p>The Council has submitted its Data Protection Policy, dated 17 December 2014 (evidence 09-1) which describes its corporate approach to adhering to the Principles of Data Protection. The Council has also submitted a screenshot showing the location of the Policy on the intranet (evidence 09-7) showing that staff are able to access it and are therefore aware of their responsibilities.</p> <p>The Data Protection Policy is published on the Council’s website. The Keeper</p>

			<p>commends this outward-facing approach.</p> <p>The website also provides information about submitting Subject Access Requests (SARs). The Council has produced guidance for staff in dealing with these (evidence 09-3) which is available on the intranet.</p> <p>The RMP states that there is a growing awareness of the implications of Data Protection within the Council and this is reflected in the carrying out of Privacy Impact Assessments (PIAs) for new projects which have an impact on personal information. The Council has developed a template PIA using guidance form the Information Commissioner’s Office (evidence 09-4).</p> <p>The Council has also submitted screenshots (evidence 09-5) of its iLearn training platform. This includes a module on Data Protection.</p> <p>Also provided as evidence is a programme of events run by the Information Commissioner’s Office in conjunction with the Council in September 2015 (evidence 09-6). These were used primarily for raising the general level of awareness of Data Protection for all staff, but also for the network of Data Protection contacts within each department who are responsible for collating information in response to SARs.</p> <p>The Improvement Statement of this Element acknowledges that the Policy is outdated and requires review and also that breach reporting procedures need to be developed. The Keeper requests that he is sent these updated documents once they are operational.</p> <p>The Keeper agrees that the Council is aware of its obligations under the Data Protection Act 1998 and that staff are also aware of their responsibilities.</p>
10. Business Continuity	<b>G</b>	<b>G</b>	<p>The RMP states that the Council has a lead role in emergency planning across the Shetland Islands Area and works with a number of partner organisations. A website</p>

and Vital Records			<p>providing business continuity planning advice is maintained by the Council <a href="http://www.shetlandcontinuity.co.uk/">http://www.shetlandcontinuity.co.uk/</a>.</p> <p>The RMP also states that all services within the Council have their own Business Continuity Plans (BCPs) in place, which are regularly reviewed and training is provided in their operation. The Council's Emergency and Resiliency Planning Service is responsible for the provision of training and for co-ordinating the Council's procedures. A sample BCP for the Economic Development Service has been submitted (evidence 10-6).</p> <p>Also submitted as evidence are reports from the Emergency Planning and Resilience Officer to the Audit and Scrutiny Committee (evidence 10-2) on progress made with business continuity management, in particular the appointment of a third-party to contractor to assist with this. Also supplied as evidence are the slides of a training event on vital records (evidence 10-3).</p> <p>The Council have also provided their Vital Records Decision Tree (evidence 10-4) which is a useful tool for determining which records need to be identified as vital. This can be used to develop the Recovery Plan for Vital Records (evidence 10-5) which will be incorporated into the BCPs of service areas. The Keeper commends the consideration of vital records in the business continuity planning process and requests that he is sent a sample of a revised BCP reflecting these proposed changes in order to keep the submission up to date.</p> <p>The Keeper agrees that there are procedures in place to allow the Council to resume its business in the event of a disaster and that consideration has been given to the identification and protection of vital records.</p>
11. Audit trail	<b>A</b>	<b>G</b>	<p>The RMP states that at present the Council has no organisation-wide approach to audit trail provision, in terms of document naming conventions and version control. Document control is undertaken on an ad-hoc basis.</p>

			<p>There are areas of good practice within the Council as the RMP states that most departments have a file tracking system in place for paper records. A sample of the procedures in place in the Governance and Law Service has been provided (evidence 11-1) and also the procedures for dealing with Licensing Applications (evidence 11-3).</p> <p>The RMP also states that there are some bespoke IT systems which have audit trail functionality built into them. SharePoint will be used to develop the Council’s intranet but is currently used by some services to manage their documents. A sample of the audit trail functionality provided by the SharePoint system has been supplied (evidence 11-2).</p> <p><b>The Council recognises that considerable improvement is required in this area and has identified specific actions to undertake this, including linking departmental file plans with the BCS, developing corporate policies around the use of file naming conventions, version control and file tracking, and also the development of a strategy for the introduction of an Electronic Document and Records Management System (EDRMS). These actions are built into the Improvement Programme.</b></p> <p><b>The Keeper can agree this Element on an ‘improvement model’ basis. This means that the authority has identified a gap in provision (lack of comprehensive Council-wide policies and procedures for the tracking of records), but has identified how it intends to close this gap. This agreement is dependent upon the Keeper being updated as this project progresses.</b></p>
12. Competency Framework for records	<b>G</b>	<b>G</b>	Objective 4.5 of the Records Management Policy (evidence 12-5) highlights the Council’s commitment to ensure that relevant staff receive appropriate training in order to carry out records management obligations. This commitment is supported by the Staff Development Policy (evidence 12-1) and the Employ Review and

<p>management staff</p>			<p>Development Policy (evidence 12-2) which detail the Council’s approach to the training and development of its staff.</p> <p>The Council has also submitted its Competency Framework (evidence 12-3). This contains a competency ‘Using and Managing Resources Efficiently and Effectively’ which includes the management of the Council’s information resources at a variety of levels.</p> <p>The Team Leader – Administration’s Job Profile (see Element 2) has been submitted (evidence 02-1A) showing that compliance with the Council’s RMP and the PRSA is a key component of her role. The Committee Assistant’s Job Profile (evidence 02-1B) also shows a responsibility for developing a RM action plan. The Committee Officer (evidence 02-1C) also has a role in assisting the Records Manager.</p> <p>All staff have access to online information governance training, in particular around Data Protection and Freedom of Information. Screenshots have been submitted to show how this is provided (evidence 09-5). The Team Leader – Administration’s certificates for completing this training have also been submitted (evidence 12-4).</p> <p><b>The RM Improvement Programme states that the Council intends to ensure that information management skills are reflected in staff objectives as part of a competency framework specifically for information management roles. Also mentioned in the Improvement Programme is the intention to develop a programme of information governance training to be delivered to staff at induction and also as part of their core development. The Keeper commends the intention to improve the level of provision in this area and requests that he is kept updated as this work moves forward.</b></p> <p>The Keeper agrees that the individual identified as having responsibility for records</p>
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			<p>management within the Council, Licensing Board and ZetTrans (see Element 2) has this formally recognised in their job description.</p>
<p>13. Assessment and Review</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The Council has stated that the RMP will be subject to an annual review, with more frequent reviews carried out if required. The reviews will be managed by the Executive Manager – Governance and Law (see Element 1) through the Information Governance Board and reported to the Council through the internal Performance and Improvement Framework.</p> <p>At present, audits of provision are done on an ad-hoc basis or when an issue has arisen, for example, around the application of retention decisions. A sample of one of these audits around retention and destruction has been supplied (evidence 13-1). One of the issues identified is that there are no procedures in place to allow the systemic destruction of electronic records (see Element 6).</p> <p>Also submitted is a sample of a self-assessment questionnaire (evidence 13-2) which was completed prior to the development of the RMP.</p> <p><b>The Information Management Improvement Programme contains a commitment to develop a formal assessment and review process. This work will be undertaken with the assistance of the Council’s Chief Internal Auditor and the assurances given under the RMP will be afforded the same status as other governance assurances provided by the Council’s Internal Audit Service, such as the financial and accounting and decision-making processes. The Keeper commends this approach and requests that he is kept informed on the progress of developing a formal assessment mechanism.</b></p> <p><b>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 a formal method for assessing and reviewing the RMP) and has identified how it intends to close the gap. As part of this agreement the Keeper expects to be</b></p>

			<b>regularly updated on the progress of work to close the gap.</b>
14. Shared Information	<b>G</b>	<b>G</b>	<p>The Council is part of the Shetland Data Sharing Partnership which consists of membership from the Council, NHS Shetland, Police Scotland and Voluntary Action Scotland. The Partnership’s Terms of Reference have been supplied (evidence 14-4). The minutes of a meeting of the Partnership from October 2015 have been provided (evidence 14-5).</p> <p>The Council has developed a Data Sharing Policy for the sharing of information with NHS Shetland, Northern Constabulary and Voluntary Action Shetland, in the Shetland Islands (evidence 14-1). This is based in the Information Commissioner’s Office Data Sharing Code of Practice and covers both systematic and one-off data sharing arrangements. It also covers the governance of the information being shared. Also submitted is an Addendum to the Policy (evidence 14-6) reflecting the change in name of Northern Constabulary to Police Scotland in 2013. The Data Sharing Policy will be reviewed in June 2017 to reflect changes as part of the Health and Social Care Integration. Should there be any substantive changes to the Policy as a result of the review the Keeper requests that he is sent a copy of the revised Policy to keep the submission up-to-date.</p> <p>The Policy provides a framework for entering into individual information sharing partnerships. A sample agreement between the Council and a housing association has been supplied (evidence 14-2).</p> <p>Any new projects involving personal information are subject to a PIA. A sample relating to the Shetland Learning Partnership has been submitted (evidence 14-3).</p> <p>The Improvement Statement section of this Element highlights a desire by the Council to improve the provisions for sharing information, not just personal information, within the Council. Although this Element relates to the sharing of information with other bodies, the Keeper commends this proactive approach.</p>

			<p>The Keeper agrees that there are procedures in place to share information securely with other organisations when required.</p>
<p>15. Third Parties</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The RMP states that the Council contracts out some of its functions to third party organisations. Service Level Agreements and contracts with these third party providers contain reference to the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002 so that these providers are aware of the Council’s obligations under these pieces of legislation. A template contract has been supplied (evidence 15-1) showing these.</p> <p><b>The Improvement Statement included under this Element states that the Council recognises the need to ensure that contractors carrying out one of the Council’s functions have provisions in place to ensure that they create and manage public records in accordance with the requirements of the Council. The Council intends to include this into its Information Management Improvement Programme, in particular, the assessment of a contractor’s capability to manage records at the procurement stage. Agreements and contracts will be created and amended at the next review stage to include appropriate clauses relating to the creation and management of public records on behalf of the Council and also what happens to that information at the end of the contract. Timescales for this work will be developed in the coming months.</b></p> <p><b>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 contractual arrangements to ensure that third parties have appropriate measures in place to manage records created on behalf of the Council while carrying out its functions) and has provided information about how it intends to close this gap. As part of this agreement the Keeper will need to be updated as this work progresses.</b></p>



## 6. Keeper's Summary

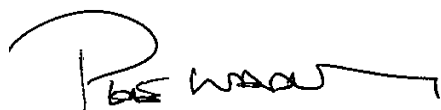
Elements 1-14 that the Keeper considers should be in a public authority records management plan have been properly considered by Shetland Islands Council, Shetland Islands Area Licensing Board and ZetTrans. Policies and governance structures are in place to implement the actions required by the plan.

## 7. Keeper's Determination

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

The Keeper recommends that Shetland Islands Council, Shetland Islands Area Licensing Board and ZetTrans should publish its agreed RMP as an example of good practice within the authority and the sector.

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



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**Pete Wadley**  
Public Records Officer



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**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 Shetland Islands Council, Shetland Islands Area Licensing Board and ZetTrans. In agreeing this RMP, the Keeper expects Shetland Islands Council, Shetland Islands Area Licensing Board and ZetTrans to fully implement the agreed RMP and meet its obligations under the Act.



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