

Public Records (Scotland) Act 2011

South of Scotland Enterprise

The Keeper of the Records of Scotland

8th June 2022

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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 South of Scotland Enterprise by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 31st January 2022.

The assessment considered whether the RMP of South of Scotland Enterprise was developed with proper regard to the 15 elements of the Keeper's statutory Model Records Management Plan (the Model Plan) under section 8(3) of the Act, and whether in this respect it complies with it and the specific requirements of the Act.

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

3. Authority Background

South of Scotland Enterprise (also known as SOSE) launched officially on 1 April 2020 as the Economic and Community Development Agency for Dumfries and Galloway and Scottish Borders.

SOSE was established by the Scottish Government "in recognition of the unique circumstances of the South of Scotland, and the need for a fresh approach to drive inclusive growth across the area."

The South of Scotland Enterprise Act 2019 was passed by Scottish Parliament in June 2019 and provides the SOSE legal framework: [south-of-scotland-enterprise-interim-framework-document.pdf \(southofscotlandenterprise.com\)](#)

[A new non-departmental public body here to grow and promote the people and businesses in the South of Scotland. \(southofscotlandenterprise.com\)](#)

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 South of Scotland Enterprise'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	G	G	<p>The Public Records (Scotland) Act 2011 (the Act) requires that an individual senior staff member is identified as holding corporate responsibility for records management in a public authority.</p> <p>South of Scotland Enterprise (SOSE) have identified Anthony Daye, Director of Finance and Corporate Resources as the individual with overall responsibility for records management in the organisation.</p> <p>The identification of the Director of Finance and Corporate Resources to this role is supported by a <i>Covering Statement</i> from Mr Daye which forms part of the <i>RMP</i> (<i>RMP</i> page 3) and by the <i>Records Management Policy</i> (see element 3), for example in section 8 'Roles and Responsibilities'.</p> <p>The Director of Finance and Corporate Resources is an executive director of SOSE and a member of the authority's Senior Leadership Team. He reports directly to the Chief Executive.</p> <p>The SOSE Governance and Assurance Manager (see element 2) reports directly to the Director of Finance and Corporate Resources.</p> <p>The Director of Finance and Corporate Resources oversees the SOSE Assurance Framework which features records management compliance requirements (see element 13).</p>

			<p>The Director of Finance and Corporate Resources is the SOSE Data Protection Officer (see element 9) to whom actual or potential infringements should be reported.</p> <p>Mr Daye reviewed the <i>RMP</i> and the <i>Records Management Policy</i> and approved the <i>SOSE External Information Sharing Policy</i> (see element 14). He is the 'owner' of the <i>SOSE Data Protection Policy</i>.</p> <p>The Director of Finance and Corporate Resources will be the 'policy owner' of the <i>SOSE Information Classification and Handling Policy</i> when the approved version is rolled-out (see element 8).</p> <p>It is clear from the above that the Director of Finance and Corporate Resources is closely aware of the records management provision in SOSE.</p> <p>The Keeper notes that the <i>RMP</i> states that "No further work is required for compliance with this element of the Plan. The Keeper will be promptly advised of any change in post-holder." (<i>RMP</i> page 5). The Keeper agrees and has previously stated that a change in personnel, where the role remains the same, will not invalidate an agreed plan. This also applies to the individual identified at element 2.</p> <p>The Keeper agrees that South of Scotland Enterprise have identified an appropriate individual to this role as required by the Act.</p>
2. Records Manager	G	G	<p>The Act requires that each authority identifies an individual staff member as holding operational responsibility for records management and that this staff member has appropriate corporate responsibility, access to resources and skills.</p> <p>South of Scotland Enterprise (SOSE) have identified Maureen Malone, Governance</p>

			<p>and Assurance Manager, as the individual with day-to-day responsibility for implementing the <i>RMP</i>.</p> <p>The identification of the Governance and Assurance Manager to this role is supported by a <i>Covering Statement</i> from the SOSE Director of Finance and Corporate Resources (see element 1) which forms part of the <i>RMP</i> (<i>RMP</i> page 3) and by the <i>Records Management Policy</i> (see element 3) for example in section 8 'Roles and Responsibilities'</p> <p>The identification of the Governance and Assurance Manager to this roll is also supported by a <i>Job Description</i> which has been provided to the Keeper. It clearly shows that Ms Malone is responsible for, among other things, "external communication and negotiation with regulatory bodies, representing SOSE with the Scottish Information Commissioner, the Keeper of the Records of Scotland, Internal and External Auditors and other Government Departments" and "Ensuring management of information and records in line with the Public Records (Scotland) Act 2011 and other legislative requirements in addition to SOSE's own requirements."</p> <p>The <i>Records Management Policy</i> shows that the Governance and Assurance Manager is responsible for (among many other things) "developing systems, delivering guidance and influencing business processes to maintain the integrity of corporate data" (see element 4) (quoted from <i>Records Management Policy</i> section 8) As explained under several elements below, this is a major records management project for the authority and it is vital that the individual identified at element 2 has formal responsibility/authority to lead on the work.</p> <p>The SOSE Governance and Assurance Manager leads the SOSE Governance and Assurance Team and reports directly to the Director of Finance and Corporate Resources (see element 1). The SOSE <i>Assurance Framework</i> is operationally</p>
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			<p>managed by the Governance and Assurance Manager (see element 13).</p> <p>The SOSE Governance and Assurance Manager sits on the authority's Information Security Group (see element 8).</p> <p>The Governance and Assurance Manager is the 'owner' of the <i>RMP</i>.</p> <p>The Governance and Assurance Manager is the 'policy owner' of the <i>SOSE Records Management Policy</i> and the <i>External Information Sharing Policy</i> (see element 14).</p> <p>The <i>Records Management Policy</i> (section 9) directs any questions, rising from the implementation of the policy, to the Governance and Assurance Manager.</p> <p>It is clear from the above that the identified individual has a detailed knowledge of the records management provision in the authority.</p> <p>The following statement appears in the <i>RMP</i> (page 6): "SOSE is committed to providing the Governance and Assurance Manager with access to adequate skills and resources to enable her to fulfil her records management responsibilities ... That ongoing resource will continue to supplement, support and assist the Team, and the wider organisation, going forward." The Keeper commends this commitment.</p> <p>The Keeper also notes that SOSE has committed resources in contracting in the services of an independent information governance specialist, to provide expert advice and support to the Governance and Assurance Manager. In the early days of implementing a records management plan, this is commendable and an indication of the authority properly considering the importance of robust records management provision.</p>
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			The Keeper agrees that South of Scotland Enterprise have identified an appropriate individual to this role as required by the Act.
3. Policy	G	G	<p>The Act requires an authority to have an appropriate policy statement on records management.</p> <p>SOSE have a <i>Records Management Policy</i> which has been provided to the Keeper. This is v1.0 approved on 7th May 2022.</p> <p>The Keeper notes that SOSE intend to supply minutes approving the <i>Policy</i>, when available, as further evidence. This is welcomed.</p> <p>SOSE recognise the importance of the efficient roll-out of the <i>Policy</i> and of embedding it throughout the authority (<i>RMP</i> page 7).</p> <p>The <i>Records Management Policy</i> specifically mentions the Public Records (Scotland) Act 2011 (the Act).</p> <p>The <i>Records Management Policy</i> includes provision for the management of records that include personal data (see element 9).</p> <p>The Keeper agrees that the SOSE <i>RMP</i> supports the objectives set out in the <i>Records Management Policy</i>.</p> <p>The Keeper agrees that South of Scotland Enterprise has a formal records management policy statement as required by the Act.</p>
4. Business Classification	A	G	The Keeper expects that the public records of an authority are known and are identified within a structure.

			<p>The Records Management Policy (see element 3) commits SOSE to “put in place procedures, processes and controls to ensure that our information and records are kept safe, secure and accessible for as long as they are required, regardless of their format or location” (<i>Records Management Policy</i> Section 6) and a further commitment that “SOSE will meet these policy commitments in practice by establishing and maintaining the following information and records management standards, tools and controls, proportionate to the risk and value of their related business activity or process: A business classification scheme to reflect the functions, activities and transactions of the business... An information asset register documenting the management requirements of all our information and records assets, based on their value and risk to the organisation” (<i>Records Management Policy</i> Section 7).</p> <p>The Governance and Assurance Manager (see element 2) is responsible for "developing systems, delivering guidance and influencing business processes to maintain the integrity of corporate data" (<i>RMP</i> page 6).</p> <p>The public records of South of Scotland Enterprise are managed digitally "SOSE are wholly digital and hold no paper records." (<i>RMP</i> page 11) (confirmed by the <i>SOSE Guidance on Handling Classified Information</i> – see element 8 - Introduction).</p> <p>The public records of SOSE are managed on the M365 system (principally SharePoint document libraries) and on stand-alone line-of-business systems. SOSE have procured M365 E5 licences for all staff.</p> <p><u>Line-Of-Business</u>: The authority has an agreement with a partner organisation, Skills Development Scotland, who provide, as a service, some line-of-business systems (for example the Equiniti payroll system). This arrangement is supported by the <i>Records Management Policy</i> (see element 3), for example at section 3.</p>
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			<p>Skills Development Scotland have an agreed <i>Records Management Plan</i>: https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/KeepersAssessmentReportSkillsDevelopmentScotland.pdf</p> <p>The partnership with Skills Development Scotland is part of larger arrangement known as Enterprise Information Services (EIS). EIS is a service arrangement between South of Scotland Enterprise, Scottish Enterprise, Highlands and Islands Enterprise and Skills Development Scotland. The Keeper has been provided with a copy of these arrangements in the form of a Memorandum of Understanding. The SOSE IT and Digital Manager sits on the EIS Cyber Security Team.</p> <p>More about EIS can be found in the first SOSE Annual Report sose_annualreport_21.pdf (southofscotlandenterprise.com).</p> <p>Intellectually the authority structures its records management provision around a <i>Data Retention Schedule (DRS)</i> and an <i>Information Asset Register (IAR)</i>. Draft versions of both these documents have been provided to the Keeper.</p> <p>The <i>DRS</i> is arranged by function. This must remain a business decision for SOSE, but the Keeper recognises that a functional arrangement, as demonstrated here, is currently considered best practice.</p> <p>The structure is supported by the <i>Using SOSE IT Equipment and Systems Policy</i> (see element 8) for example section 1.1.6 and <i>SOSE Guidance on Handling Classified Information</i> (also element 8). It is also supported by the <i>Data Protection Policy</i> for example at section 8.1 (see element 9).</p> <p>The <i>DRS</i> is set out under the following headings: Record Category/Records Sub-Category/Trigger/Retention Period/Action/Notes/Authority/Retention Period Agreed By</p>
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			<p>A sample entry is: Procurement Documentation/Successful Tender file for Construction Projects/End of Contract (+20Y)/Destroy/etc..</p> <p>The Keeper agrees that the structure demonstrated in the <i>DRS</i> is appropriate for an organisation of the size and complexity of SOSE.</p> <p>The <i>IAR</i> is currently based around the management of personal information under data protection requirements (see element 9).</p> <p>The <i>IAR</i> is laid out under several columns for each record type including Access Controls, How is Data Stored, Special Category Personal Data, Data sharing agreement/code of conduct or other mechanism covering the sharing of personal data with the third party recipient? [see element 14] etc.</p> <p>However, the text of the <i>RMP</i> (for example at page 8) makes it clear that this is an area of development for the authority and the <i>IAR</i> will be expanded to include all SOSE's information assets. The <i>RMP</i> states under future developments: "Once the business classification scheme has been integrated into the information asset register, this will be a key tool for ongoing improvement of public record keeping and information asset management across SOSE, including the classification of all records and other information assets against the business. Further work is needed to rationalise the business classification elements in the SOSE Data Retention Schedule and M365 document library retention label register, to create a single, controlled business classification scheme, integrated in the Data Retention Schedule and information asset register. This work will be undertaken in consultation with Information Asset Owners." The Keeper agrees these actions and particularly commends the involvement of local business area information asset owners (see Local Records Management under General Comments below) in developments affecting their records.</p>
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			<p>The Keeper notes that SOSE intend to update the Keeper with a <i>RMP Work Plan</i> as this improvement project progresses. This is welcomed.</p> <p>The development of the <i>IAR</i> is supported elsewhere in the <i>RMP</i> for example under information security (see element 8) SOSE state: “The information asset register enables the linking of SOSE’s information security classifications and security arrangements with its records and related information assets. This work is at an early stage, focussing on records containing personal data” (<i>RMP</i> page 14).</p> <p>The expansion of the <i>IAR</i> is supported by other statements elsewhere in the <i>RMP</i> (for example under information sharing page 24).</p> <p>The Keeper will expect to be kept up to date with developments in records management provision in SOSE. Areas where updates are particularly required are those allocated an Amber RAG status in this report. Annually, after agreement, the Keeper’s assessment team will provide SOSE with a Progress Update Review (PUR) template prompting update reports in these areas. The Keeper strongly recommends that the PUR process is used to provide updates. However, the use of the PUR reporting methodology is not a requirement of the Act.</p> <p>The Keeper agrees this element of the <i>Records Management Plan</i> under ‘improvement model’ terms. This means that the authority has recognised a gap in records management provision (the combined BCS/DRS/<i>IAR</i> system is not fully developed) and have put processes in place to close that gap. The Keeper’s agreement is conditional on his being updated as the project progresses.</p>
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<p>5. Retention schedule</p>	<p>A</p>	<p>G</p>	<p>The Keeper expects an authority to have allocated retention periods to its public records and for those records to be retained and disposed of in accordance with a Retention Schedule.</p> <p>SOSE give a commitment that “SOSE will meet these policy commitments in practice by establishing ... An information retention and disposal schedule providing authoritative rules on what records we need to create and how long we need to retain them” (<i>Records Management Policy Section 7</i>).</p> <p>As noted above, SOSE have a <i>Data Retention Schedule (DRS)</i> which is arranged by function and which allocates retention periods and the authority for retention decisions. The <i>DRS</i> is set out under the following headings: Record Category/Records Sub-Category/Trigger/Retention Period/Action/Notes/Authority/Retention Period Agreed By...</p> <p>The Keeper notes that local business areas have been involved in allocating retention decisions to their information assets (<i>RMP</i> page 9). This is commendable.</p> <p>It is clear from statements in the <i>RMP</i> that the Retention Schedule is recognised as a living document, subject to change over time as business requirements demand. For example <i>RMP</i> page 9: “Subsequently an iterative process of ongoing reassessment involving directorate information asset owners will be put in place to ensure that the Retention Schedule is kept accurate and up to date.” It is important to recognise the flexible nature of a retention schedule.</p> <p>A draft version of the <i>DRS</i> has been shared with the Keeper and he agrees that it is an appropriate arrangement for recording the allocation of retention decisions to record type. The Keeper understands that this draft will be combined with the authority’s <i>Business Classification Scheme</i> (in development) to create an expanded <i>Information Asset Register</i>. The Keeper</p>
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			<p>agrees this action. A single point of reference will be a strong business tool for the authority.</p> <p><u>Line-of-Business:</u> The Keeper can agree that records held on the various business systems (such as the HR system, which is provided by a partner body) have specified retention decisions allocated and that these are understood. The need to ensure this, particularly if new systems are adopted, is specifically addressed in the <i>RMP</i> (page 9).</p> <p>The Keeper agrees this element of the South of Scotland Enterprise <i>Records Management Plan</i> on ‘improvement model’ terms. This means that the authority has identified a gap in provision (the retention schedule would be improved by combining it with the ‘business classification scheme’) and has put processes in place to close that gap. The Keeper’s agreement is conditional on his being updated as the project progresses.</p>
6. Destruction Arrangements	A	G	<p>The Act requires that public records are destroyed in a timely, controlled and secure manner.</p> <p>SOSE recognise this. The <i>Records Management Policy</i> (see element 3) commits SOSE to the “the creation and capture of adequate records of all business activities and to managing them appropriately throughout their lifecycle in such a way that they... are accessible for as long as required and disposed of appropriately” and “We will systematically and authoritatively dispose of information and records when they cease to be of business value.”</p> <p>“SOSE will meet these policy commitments in practice by establishing ... Destruction arrangements detailing the correct procedures to follow when disposing of business information” (<i>Records Management Policy</i> Section 7).</p>

			<p>With these policy commitments in mind, and considering that this is a relatively new organisation who have yet to destroy public records in practice, SOSE have the following procedures in place:</p> <p><u>Digital M365</u>: Public records of SOSE are created, held and managed on Microsoft’s M365 suite of systems principally in SharePoint document libraries. Every library has a default retention label applied to it, based on the business activity associated with the content stored. The E5 licence, provided to all staff, allows considerable control of the allocation of retention and of disposition approval.</p> <p>SOSE have provided the Keeper with a <i>Retention Label Register</i> that supports the <i>Document Retention Schedule</i>. (see element 5). This identifies the disposition reviewers allocated against each retention label.</p> <p>The M365 system also provides the Governance and Assurance Manager with detailed reports regarding viewing, modifying, and deletion of records.</p> <p>However, SOSE state in their RMP (page 11): “Further work needs to be done to develop more detailed disposition procedures and controls for SharePoint and other M365 workloads as part of the future development work... This will include the disposition review process and production of records of disposal, where proof of destruction is required.” The Keeper agrees that arrangements for the destruction of public records should be ingrained in the structuring developments explained at element 4.</p> <p><u>Digital Line-Of-Business Systems</u>: These line-of-business systems sit outside M365, 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>Hardware (EIS)</u>: Secure destruction of public records held on stand-alone devices is</p>
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			<p>provided as part of the authority's arrangements with a partnership known as Enterprise Information Services (EIS) (see element 4).</p> <p><u>Back-ups</u>: SOSE, quite properly, retain back-up copies of public records for business continuity purposes. They have provided the Keeper with their <i>Business Continuity and Records Recovery Arrangements</i> (see element 10). This shows back-up procedures and how long back-up copies are available for before being destroyed/overwritten. For example: "In the event of a serious system issue, we can resort to a previous version with approval from partners. Approval would be required as this would mean potentially losing any data since the backup was taken. For all environment, backups are retained for 7 days". Back-up recovery must, in the main, be requested through the EIS partnership, but the Keeper is satisfied that SOSE have appropriate understanding of the availability of records beyond their destruction, by recovering from back-up.</p> <p><u>Paper</u>: The public records of SOSE are digital. However, it is important that an authority acknowledges that, even in a 'paperless' records management environment, hard-copy copies of records may be temporarily produced for business purposes. It is important that these are destroyed as soon as their immediate business use is concluded. SOSE recognise this for example at <i>RMP</i> page 11.</p> <p>The Keeper agrees this element of the South of Scotland Enterprise <i>Records Management Plan</i> under 'improvement model terms'. This means that the authority has identified a gap in provision (the disposition processes are not satisfactorily embedded in a structure – because that structure is itself under development), but have put processes in place to close that gap. The Keeper's agreement is conditional on his being updated as the project progresses (see comments regarding the PUR mechanism under element 4).</p>
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<p>7. Archiving and Transfer</p>	<p>A</p>	<p>G</p>	<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>SOSE recognise this. The <i>Records Management Policy</i> (see element 3) commits the authority to pursue “Digital preservation arrangements ... for records required for long term or permanent retention to maintain their authenticity, accessibility, integrity and usability over time.”</p> <p>SOSE have identified the National Records of Scotland as the proper repository for the small selection of their public records suitable for permanent preservation. Some of the public records of SOSE will therefore become part of the national collection.</p> <p>NRS is an accredited archive https://www.nrscotland.gov.uk/news/2015/national-records-of-scotland-receives-archive-accreditation-award and fully adheres to the Keeper’s <i>Supplementary Guidance on Proper Arrangements for Archiving Public Records</i>: https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/supplementary-guidance-on-proper-arrangements-for-archiving-public-records.pdf</p> <p>However, SOSE and NRS have yet to formally agree a Deposit Agreement. The <i>RMP</i> explains (page 13): “SOSE intends to enter into an agreement with the NRS for the transfer of records of enduring value to the NRS for permanent preservation. As part of this process, once it has been agreed which types of records will require to be transferred to the NRS, all relevant SOSE policy and procedure documents will be updated to reflect this.”</p> <p>The Keeper acknowledges that he has been provided with a copy of an e-mail to the NRS Client Managers to initialise the deposit agreement process.</p>
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			<p>The Keeper agrees this element of the South of Scotland Enterprise <i>Records Management Plan</i> under ‘improvement model’ terms. This means that the authority has identified a gap in provision (a formal agreement with NRS has yet to be established), but have committed to closing that gap. The Keeper’s agreement is conditional on his being updated on progress.</p>
<p>8. Information Security</p>	<p>G</p>	<p>G</p>	<p>The Act requires that public records are held in accordance with information security compliance requirements.</p> <p>SOSE recognise this. They state: “Information security is increasingly high profile and everyone has a responsibility for protecting information and respecting confidentiality” (<i>Using SOSE IT Equipment and Systems Policy</i> – see below – Introduction).</p> <p>In a <i>Covering Statement</i> submitted as part of the <i>RMP</i> the Director of Finance and Corporate Resources (see element 1) states that: "Used correctly, the benefits that accurate, secure, properly managed records can bring, are fully recognised. Like any other valuable corporate asset, it is understood that information needs to be carefully managed in SOSE." and that he will “ensure that information is protected and handled responsibly, preventing it from being shared inappropriately or used incorrectly” (The <i>Covering Statement</i> is at <i>RMP</i> page 3).</p> <p>The <i>Records Management Policy</i> (see element 3) commits SOSE to the “the creation and capture of adequate records of all business activities and to managing them appropriately throughout their lifecycle in such a way that they...are protected and stored securely” The <i>Policy</i> also provides a commitment that they will "take appropriate action to protect the authenticity, reliability, integrity and usability of our records" and that "records are kept safe, secure and accessible for as long as they are required"(section 6).</p>

			<p>Furthermore the <i>Records Management Policy</i> (section 7) commits SOSE to implement: “Adequate processes and controls in place to meet the records management requirements of existing physical and IT systems... Clearly documented records management requirements specified and delivered as part of any major change to IT systems and business processes... Information security controls in place to protect records and systems from unauthorised access, use, disclosure, disruption, modification, or destruction.”</p> <p>With all these commitment in mind, SOSE have a <i>Using SOSE IT Equipment and Systems Policy</i> which has been provided to the Keeper. This is version 1.5 dated October 2020. The Keeper notes that all public records of SOSE are managed digitally - see element 4.</p> <p>The <i>Using SOSE IT Equipment and Systems Policy</i> includes instructions around the secure management of paper working copies of documents, such as clear desk instructions. Even in a digital environment it is important to recognise that there will occasionally be copy documents, in paper format, to consider and the Keeper is happy to acknowledge that SOSE do this appropriately (see also element 5).</p> <p>The <i>Using SOSE IT Equipment and Systems Policy</i> recognises the risks presented by e-mail and mobile devices and gives instruction on how to minimise these risks (for example sections 2 and 3).</p> <p>The <i>Using SOSE IT Equipment and Systems Policy</i> provides instruction on how to report information security incidents.</p> <p>The Keeper recognises that this policy is under review at the time of his assessment. He would be pleased to receive an updated version when available in order that he may keep the SOSE submission up-to-date.</p>
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			<p>The <i>Using SOSE IT Equipment and Systems Policy</i> will be supplemented and supported by a suite of other information security policies and guidance some of which were in draft format at time of submission. The Keeper acknowledges he has been provided with draft versions of the SOSE:</p> <ul style="list-style-type: none"> Information Classification Guide Handling Classified Information Guide (April 2020) Information Classification Handling Policy. <p>These documents will provide a valuable addition to the authority’s information security framework and the Keeper would appreciate being provided with an updated version of all three (and any further information security documents that might be created) as they become available.</p> <p>Information security is also supported by clauses in the <i>SOSE Data Protection Policy</i> (see element 9).</p> <p>Security of public records held on stand-alone hardware is provided as part of the authority’s arrangements in partnership (EIS see element 4).</p> <p>The SOSE Governance and Assurance Manager (see element 2) sits on the authority’s Information Security Group. This group is responsible for “escalating any issues and matters dealing with IT governance, IT compliance and IT security, to inform policy and decisions, agree reports for Senior Leadership Team (SLT), Audit and Risk Committee (ARC) and Directorate.” (<i>RMP</i> page 14).</p> <p>The Keeper notes that under ‘Future Developments’ against this element of the <i>SOSE RMP</i> they recognise that the information security functionality of M365 must be monitored. The Keeper agrees this action.</p> <p>The Keeper agrees that South of Scotland Enterprise have procedures in place to</p>
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			appropriately ensure the security of their records as required by the Act.
9. Data Protection	G	G	<p>The Keeper expects a Scottish public authority to manage records involving personal data in compliance with data protection law.</p> <p>SOSE is a data controller registered with the Information Commissioner: ZA714639 - Information Commissioners - Data protection register - entry details (ico.org.uk)</p> <p>SOSE have identified a Data Protection Officer in a senior position in the authority. This is Anthony Daye, Director of Finance and Corporate Resources (see element 1).</p> <p>SOSE publish a Privacy Notice on their website Privacy notice (southofscotlandenterprise.com) The Keeper agrees this appropriately explains the purposes that the authority collects personal information for and gives details of how service users can pursue subject access requests under ‘Your Rights’.</p> <p>SOSE also have a separate <i>Data Protection Policy</i> which has been provided to the Keeper. This is version 1.1. This document is not published on the SOSE public facing website.</p> <p>The <i>Data Protection Policy</i> includes instructions for reporting actual or potential infringements (for example section 3.6).</p> <p>Data protection arrangements in the authority are supported by the SOSE <i>Records Management Policy</i> (see element 3). For example sections 3 and 6.</p> <p>The <i>Data Protection Policy</i> has “review date 1st April 2021”. However, the Keeper has been informed separately (May 2022) that, due to structural</p>

			<p>changes in the authority, this review has been delayed pending a major rewrite. He would appreciate being provided with the updated version when available in order that he may keep the SOSE submission up to date .</p> <p>The Keeper agrees that South of Scotland Enterprise have arrangements in place that allow them to properly comply with data protection legislation.</p>
<p>10. Business Continuity and Vital Records</p>	<p>G</p>	<p>G</p>	<p>The Keeper expects that record recovery, prioritising vital records, is an integral part of the authority’s business continuity planning.</p> <p>The <i>Records Management Policy</i> states (section 2) that: “The implementation of this policy will result in a number of benefits to the organisation, including: Continuity in the event of disaster or business disruption.”</p> <p>The <i>Records Management Policy</i> also commits SOSE to ensure the " Incorporation of records and other information assets vital to the continuity of SOSE business in business continuity policy and plans" (<i>Records Management Policy</i> section 7).</p> <p>The public records of SOSE are managed digitally on the M365 system and on stand-alone line-of-business systems. The Keeper agrees that M365 offers ‘real-time recovery’ of records, meaning that everything stored on the system can be recovered immediately from the cloud. The Keeper can agree that SOSE line-of-business systems have a recovery functionality (potentially implemented by the partner service provider – see element 4) .</p> <p>The Keeper notes that SOSE intend to identify vital records as their IAR/DRS develops (see element 4). This may prove a useful exercise for the business but, as all public records can be recovered simultaneously, the identification of vital ‘priority’ records is not a requirement for the Keeper’s agreement of this element.</p>

			<p>SOSE have provided the Keeper with <i>Business Continuity and Records Recovery Arrangements</i> spreadsheet. This shows where public records are managed, by whom and who to contact to implement recovery (including, for example, the website).</p> <p>The Keeper agrees that South of Scotland Enterprise 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	A	G	<p>The Keeper expects an authority to have processes in place to track public records in such a way that their location is known and changes recorded.</p> <p>SOSE recognise this. The <i>Records Management Policy</i> (see element 3) commits SOSE to the "the creation and capture of adequate records of all business activities and to managing them appropriately throughout their lifecycle in such a way that they... are quickly and easily located, retrieved, identified and usable...are accessible for as long as required" and furthermore makes a commitment to "store, retrieve and share information across the organisation effectively, efficiently and securely including where they may be dispersed across different systems and locations."</p> <p>The <i>Records Management Policy</i> also commits SOSE to establish a "metadata schema, data quality standards and controlled vocabularies to aid information search and retrieval and an understanding of business context" (<i>Records Management Policy</i> section 7).</p> <p>With this in mind, SOSE have the following processes in place (For the structure of SOSE records management systems see element 4 above.)</p> <p><u>Digital</u> The vast majority of the public records of SOSE are managed on the M365</p>

			<p>system. This system has a powerful search facility that allows a user to track all records across the various applications using a variety of search criteria. The efficiency of the search facility relies on consistent naming of documents as they are saved to the system. The M365 system automatically manages version control. The M365 system also provides the Governance and Assurance Manager with detailed reports regarding viewing, modifying, and deletion of records.</p> <p>However, in order to efficiently use the search functionality mentioned above, it is essential that records are consistently named and this responsibility falls to the creator. It is important therefore that naming conventions are put in place for all SOSE staff. As noted above, SOSE commit to adopting “controlled vocabularies to aid information search and retrieval” in their <i>Records Management Policy</i>. The Keeper has been provided with evidence showing that SOSE understand this and that there is a <i>M365 Naming Conventions</i> policy document currently at the v0.2 draft stage (May 2022). The Keeper requires an approved version as soon as it becomes available. He would expect this to be issued to staff in the next year and suggests that an approved version of the M365 naming conventions document might be supplied using the PUR process (see element 4 for more on PUR).</p> <p><u>Line-of-Business</u>: SOSE operate line-of-business systems in conjunction with their partners such as the Agresso platform. The Keeper can accept these systems have record tracking functionality.</p> <p><u>Hard-Copy</u>: The public records of SOSE are managed digitally.</p> <p>The Keeper agrees this element of the South of Scotland Enterprise <i>Records Management Plan</i> under improvement model terms awaiting evidence that SOSE ensure their staff are correctly naming public records in order that they can be located and that staff can be confident that the located record is the</p>
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			correct version.
12. Competency Framework for records management staff	G	G	<p>The Keeper expects staff creating, or otherwise processing records, to be appropriately trained and supported.</p> <p>The <i>Records Management Policy</i> (see element 3) commits SOSE to "develop and provide comprehensive and regular training to ensure that policy objectives are implemented effectively." (<i>Policy</i> section 6) and to "The provision of adequate training as part of the corporate induction process for all new starts, and refresher training for existing staff, to ensure they are equipped to fulfil the records management responsibilities of their job role" (<i>Records Management Policy</i> section 7).</p> <p>SOSE make the following commitment in the <i>RMP</i> (page 20): "Work is in progress in SOSE to develop and deliver corporate records management awareness training for the Digital and IT Manager and specific records management training to support the competencies needed for the Records Manager, Information Asset Owners and Governance and Assurance Team members."</p> <p>The Keeper is satisfied that there is evidence that the individual identified at element 2 is already given access to training resource. For example the Governance and Assurance Manager was undertaking the 'Practitioner Certificate in Records Management for the Scottish Public Sector' course at time of assessment. The Keeper recognises this demonstrates a commitment to providing financial resource to the appropriate development of the skills of the individual responsible for the implementation of the <i>RMP</i>.</p> <p>The Director of Corporate Resources (see element 1) makes a commitment in his Covering Statement (<i>RMP</i> page 3) to ensure that SOSE has in place "systems, policies, and processes related to records management including organisational</p>

			<p>awareness and training.” He also commits to cascade records management information to all staff through the SOSE internal communication system (<i>RMP</i> page 4).</p> <p>Specifically the Governance and Assurance Manager (see element 2) is responsible for "information management strategy, policy and processes, guidance and facilitation to increase awareness at all levels across the organization." (<i>RMP</i> page 6 – Supported by the <i>Records Management Policy</i> section 8). For example she delivered an all-staff briefing session, in May 2021, which highlighted the objectives of the authority’s <i>RMP</i>.</p> <p>The <i>RMP</i> makes it clear that the importance of staff training has been properly considered; for example, under element 5, that "appropriate guidance and training will be provided to relevant staff should non-default retention labels will need to be manually applied." (<i>RMP</i> page 9) and under element 8 "Information security is covered in new employee IT inductions, including guidance on policies and on-line learning material, via the Teams Learning Hub and using Storyals. IT security briefings and prompts are communicated regularly and guidance is made available to all staff on SOSE’s intranet." (<i>RMP</i> page 14)</p> <p>All new employees undertake information governance training as part of their induction to the authority. This is commended.</p> <p>A training module called ‘Responsible for Information’, is mandatory for all SOSE staff to make them aware of their responsibilities when it comes to handling information. The Keeper has been provided with details of the ‘Responsible for Information’ training module.</p> <p>The Keeper has also been provided with other samples of training. For example a slide deck from a presentation on information governance risk and compliance</p>
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			<p>presentation.</p> <p>The authority's <i>Data Protection Policy</i> (see element 9) requires staff to undergo mandatory data protection training (<i>DP Policy</i> section 1.2). This is the responsibility of individual business areas (see under Local Records Management below).</p> <p>The Keeper acknowledges that SOSE have contracted the services of an independent records management specialist. It is expected that they will provide further training advice as required (<i>RMP</i> page 3).</p> <p>The Keeper agrees that the individual identified at element 2 has the appropriate responsibilities, resources and skills to implement the <i>Records Management Plan</i>. Furthermore, he agrees that South of Scotland Enterprise consider information governance training for staff as required.</p>
<p>13. Assessment and Review</p>	<p>G</p>	<p>G</p>	<p>Section 1(5)(i)(a) of the Act says that an authority must keep its <i>RMP</i> under review.</p> <p>The <i>RMP</i> is scheduled for review in 2023 (the month has been left blank in the cover sheet presumably because the date of the Keeper's agreement is not yet known).</p> <p>Responsibility for review falls to the Governance and Assurance Manager (see element 2). Who is generally responsible for SOSE " compliance reporting and performance monitoring and reporting" (<i>Records Management Policy</i> section 8)</p> <p>The Governance and Assurance Manager will report the findings from any review of the <i>RMP</i> to the Director of Finance and Corporate Resources (see element 1) and, through him, to the Senior Leadership Team.</p> <p>The review will form part of the authority's assurance framework. The Keeper has</p>

			<p>been provided with examples of the methodology to be used in the form of the following evidence documents:</p> <ul style="list-style-type: none"> • Corporate Risk Register – Finance and Corporate Resources Directorate extract • Assurance Framework Chart & Compliance Map • Corporate level Internal Control Checklist Certificate of Assurance 2020-21 • Compliance Assurance Obligations Table <p>SOSE also intend to require their own internal audit team to review records management provision. This is highly commended. The Keeper acknowledges the value of engaging with a records management audit that is independent from the information governance team in an authority.</p> <p>Furthermore, the Keeper also notes that SOSE has contracted the services of an independent information governance specialist, to assist in this review. "...all improvements required, will be prepared and monitored by the Governance and Assurance Manager, supported by the contracted external adviser..." (<i>RMP</i> page 4)</p> <p>SOSE have explained that the authority's Senior Leadership Team have been kept aware of the development of the <i>RMP</i>. They state (<i>RMP</i> page 3): "Senior Management colleagues in SLT, including the Chief Executive, have been provided updates throughout the past year on the compliance requirements of the PRSA and of the process for preparing, drafting and submitting SOSE's first <i>RMP</i>. The compliance requirement has also been highlighted and acknowledged by, Audit and Risk Committee and Board, as part of their approval of SOSE's Assurance Framework."</p> <p>The <i>RMP</i> notes that "The policies, processes and evidence submitted are and will be under continual review, enhancement and improvement" (<i>RMP</i> page 4). Policy</p>
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			<p>review is tracked in SOSE through a <i>Policy Register</i>. The Keeper has been provided with an extract from this register as evidence that it is operational. SOSE note that they intend to track policy review in a specialist policy management database in the future.</p> <p>With the commitment to reviewing the evidential documents in mind, there is a statement in the <i>RMP</i> (page 7) that the <i>Records Management Policy</i> (see element 3) “will be subject to review every two years as a minimum, with any required changes or updates recommended by the Governance and Assurance Manager for review and approval by the Director of Finance and Corporate Resources.”</p> <p>There is a commitment in the <i>RMP</i> (page 9) to keep the <i>Document Retention Schedule</i> (see element 5) under review.</p> <p>The <i>SOSE External Information Sharing Policy</i> (see element 14) is due for review by July 2022.</p> <p>As noted under element 8, the <i>Using SOSE IT Equipment and Systems</i> document was due for review in November 2021.</p> <p>The Keeper agrees that South of Scotland Enterprise 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>
14. Shared Information	G	G	<p>The Keeper expects a Scottish public authority to ensure that information sharing, both within the Authority and with other bodies or individuals, is necessary, lawful and controlled.</p> <p>The <i>SOSE Records Management Policy</i> (see element 3) makes a commitment that</p>

			<p>“SOSE’s strategic planning framework recognises the importance and increasing level of collaboration with partner agencies and other organisations, which takes place to deliver on the Board’s Operating Plan and the Regional Economic Strategy” that they will “store, retrieve and share information across the organisation effectively, efficiently and securely including where they may be dispersed across different systems and locations” and “We put in place appropriate governance controls around the sharing of information with our external partners and other third parties to enable effective joint working practice while at the same time minimising risks of inappropriate disclosure of personal, operational or commercially sensitive information.” (<i>Records Management Policy</i> sections 3, 4 and 6).</p> <p>With these policy commitments in mind, the Governance and Assurance Manager (see element 2) is responsible for "providing access to and facilitating the sharing of records and information internally and externally" (<i>RMP</i> page 6 – supported by the <i>Records Management Policy</i> section 8)</p> <p>SOSE operate an <i>External Information Sharing Policy</i> which sets out the steps that should be taken to ensure appropriate information governance clauses are considered when undertaking data sharing. The Keeper has been provided with a copy of this policy. This is version 1.0 ‘owned’ by the Governance and Assurance Manager and approved by the Director of Finance and Corporate Resources (see element 1). The Keeper notes that this policy was under review at time of submission and requests that he is provided with the updated version (v2.0?) when available.</p> <p>SOSE have provided the Keeper with an example of an information sharing agreement (between SOSE and local authorities) created under this policy as evidence that it is operational. The Keeper agrees this evidence demonstrates that SOSE properly consider information governance when undertaking information sharing.</p>
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			<p>The policy is labelled as having an ‘intended audience’ of ‘All SOSE staff’</p> <p>The authority’s <i>Information Asset Register</i> (IAR) records all information sharing requirements and controls. Currently this is solely for record types that contain personal information, but there are steps in place to expand the IAR (see element 4).</p> <p>Information sharing and the <i>SOSE External Information Sharing Policy</i> is supported by clauses in the <i>Records Management Policy</i> (see element 3) the <i>SOSE Guidance on Handling Classified Information</i> (see element 8) and the <i>Data Protection Policy</i> (see element 9).</p> <p>The Keeper notes that SOSE recognise the risks of information sharing on Teams (<i>RMP</i> page 24) and have developed a “list of domains considered acceptable for allowing externals with these to be invited as external guests to SOSE-generated MS Teams for external collaboration and information sharing.” The Keeper agrees this action.</p> <p>The Keeper agrees that South of Scotland Enterprise properly considers records governance when undertaking information sharing programmes.</p>
<p>15. Public records created or held by third parties</p>	<p>N/A</p>	<p>N/A</p>	<p>The Public Records (Scotland) Act 2011 (PRSA) makes it clear that records created by third parties when carrying out the functions of a scheduled authority should be considered ‘public records’ - PRSA Part 1 3 (1)(b).</p> <p>The <i>RMP</i> clearly states “SOSE carries out all functions under its own authority. There are no requirements or arrangements for SOSE to deliver its purpose, objectives, or operations through third parties. This section, therefore, does not apply.”</p>

			<p>(RMP page 25)</p> <p>The Keeper is content that this element does not apply to the public records of South of Scotland Enterprise.</p>
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South of Scotland Enterprise **(for ease, this authority may be referred to as SOSE in the assessment below)**

General Notes on submission: This assessment is on the *Records Management Plan (RMP)* submitted by South of Scotland Enterprise (SOSE) for the agreement of the Keeper of the Records of Scotland (the Keeper) on 31st January 2022. The version assessed is v1.0, as reviewed by Anthony Daye, Director of Finance and Corporate Resources for SOSE (see element 1). The Keeper has been provided with a separate e-mail (May 2022) confirming that SOSE's Senior Leadership Team approved the RMP.

The subtitle of the *RMP* is: "Developing Records Management Arrangements Under Section 1 of The Public Records (Scotland) Act 2011". The Director of Finance and Corporate Resources states in his Covering Statement that: "I, in my specific role and as a member of SLT, fully endorse the *RMP* submission and am committed to the full establishment and embedding of the *RMP* across SOSE." The Keeper acknowledges this recognition that the records management provision in SOSE is in a 'developing' state and that many of the elements assessed above will be in an amber, improvement, RAG status.

SOSE state (*RMP* page 4): "We continue to embed and develop SOSE staff's recognition that effective records management arrangements will deliver significant benefits, including:

- Increased efficiency and effectiveness, delivering savings in administration costs
- Improved and developed service delivery
- Achieved business objectives and targets
- Ensured compliance with the Public Records (Scotland) Act 2011 and other legislative requirements, standards and codes of conduct
- Supported transparency and open government
- Underpinned business resilience."

The Keeper fully agrees and, furthermore, agrees that the actions explained in the *RMP* should help SOSE pursue these objectives.

The *RMP* mentions the Public Records (Scotland) Act 2011 (the Act) and is set out in the structure of the Keeper's, 15 element, Model Plan: [Model Records Management Plan | National Records of Scotland \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk)

SOSE recognise records as a business asset, for example at *RMP* page 3 or *Records Management Policy* (see element 3) section 1. The Keeper commends this recognition.

Local Records Management

SOSE has committed to involve local Information Asset Owners in the development and roll-out of the principle records management structure in the authority (see element 4). This is commended as liable to improve access to local records knowledge and to encourage buy-in from staff.

IAOs “have responsibilities for the information within their scope of work. IAOs are responsible individuals involved in running the relevant business area. The IAOs must be aware of their responsibilities. Their role is to understand what information is held, what is added and what is removed, how information is moved, and who has access and why” (*Records Management Policy* – see element 3 section 8)

IAOs were responsible for allocating retention decisions to the record types relevant to their business areas. The *RMP* (page 9) makes it clear that they will remain involved going forward to ensure that the *Retention Schedule* is kept accurate and up to date (see element 5). They have a specific responsibility for element 5 in the *RMP*.

“Assessment and review of IAOs’ roles and responsibilities will follow the formal development of IAOs in SOSE and their training.” (*RMP* page 22)

The SOSE *Data Protection Policy* (see element 9) requires staff to undergo mandatory data protection training (*DP Policy* section 1.2). It is the responsibility of individual business areas to ensure that all staff complete this training.

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 South of Scotland Enterprise. Policies and governance structures are in place to implement the actions required by the plan.

Elements that require development by South of Scotland Enterprise are as follows:

- 4. Business Classification
- 5. Retention schedule
- 6. Destruction Arrangements
- 7. Archiving and Transfer
- 11. Audit trail

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of **South of Scotland Enterprise**.

- The Keeper recommends that South of Scotland Enterprise should publish its agreed RMP as an example of good practice within the authority and the sector.

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



.....
Pete Wadley
Public Records Officer

.....
Liz Course
Public Records Officer

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

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



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