

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

### **Tayside Valuation Joint Board Assessment Report**

**The Keeper of the Records of Scotland**

**12 April 2016**

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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 Tayside Valuation Joint Board by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 27 November 2015.

The assessment considered whether the RMP of Tayside Valuation Joint Board was developed with proper regard to the 14 elements of the Keeper's statutory Model Records Management Plan (the Model Plan) under section 8(3) of the Act, and whether in this respect it complies with it and the specific requirements of the Act.

The outcome of the assessment and the Keeper's decision on whether the RMP of Tayside Valuation Joint Board complies with the Act can be found under section 7 of this report with relevant recommendations.

### **3. Authority Background**

Tayside Valuation Joint Board was established in 1996 as part of the reorganisation of local government. It takes over from the Local Authorities in its area certain duties in relation to valuation for rating and council tax. Tayside Valuation Joint Board covers the local authority areas of Dundee City, Perth & Kinross and Angus Councils.

The Board comprises 15 Members who are appointed by the three Councils in its area. Dundee City Council nominates 6 members, Perth & Kinross Council 5 and Angus Council 4. The Board appoints the Assessor, whose statutory duty it is to prepare the Valuation Roll and the Council Tax Valuation List. The Assessor also provides the Electoral Registration service for Perth & Kinross Council and Angus Council.

Through its Clerk and Treasurer the Board provides the administrative framework within which the Assessor's Department operates. The Board Members provide an essential link between the Assessor, the Councils in the area and the electorate.

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

**Key:**

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

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>The Records Management Plan (RMP) identifies Mr Alastair Kirkwood, the Assessor and Electoral Registration Officer for the Board, as the senior officer with responsibility for records management within the Board.</p> <p>This is confirmed by Section 6.2 of the Records Management Policy (evidence document 1) which states that the Assessor is the 'lead responsible officer'.</p> <p>The Keeper agrees that an appropriate individual has been identified to take senior management responsibility for records management.</p>
2. Records Manager <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>The RMP identifies Henry Gray, Depute Assessor, as having oversight and operational responsibility for records management within the Board.</p> <p>Sections 6.2, 6.4 and 6.6 of the Records Management Policy (evidence document 1) describe the responsibilities assigned to the Depute Assessor. The Policy also contains a signed statement from the Assessor which states that the Depute Assessor is responsible for compliance with the Public Records (Scotland) Act 2011.</p> <p>Also submitted as evidence is the Job Description for the Depute Assessor (evidence document 32). This clearly mentions records management as one of the key responsibilities of the post.</p> <p>The Keeper agrees that an appropriate individual has been identified to take operational responsibility for records management.</p>
3. Policy	<b>G</b>	<b>G</b>	<p>The Board has submitted its Records Management Policy version 1.1 (evidence</p>

<p><i>Compulsory element</i></p>			<p>document 1) which was approved in March 2016. The Policy includes a signed statement from the Assessor underlining the Board’s commitment to following the requirements set out in the RMP.</p> <p>The Policy sets out its scope, the benefits of good records management, a policy statement and the roles and responsibilities of staff with regards to records management. It also contains a commitment to conduct an annual review of the Policy.</p> <p>The Board has submitted a screenshot (evidence document 33) showing that the Policy is available to staff on the Board’s intranet.</p> <p>The Policy is available on the Board’s website in the Policies and Guidelines section. The Keeper commends this commitment to informing their stakeholders about the policies in operation at the Board.</p> <p>Also submitted as evidence is the Board’s Security Incident and Weakness Policy (evidence document 3). Section 4 of this Policy is entitled ‘Forensic Readiness’ and covers the importance of being able to access information as evidence of activities in the event of a security incident. It highlights the importance of storing information in a structured fashion in order to be able to access that information for a variety of purposes.</p> <p>The Keeper agrees that the Board has an operational policy which outlines its corporate approach to records management and is available to staff.</p>
<p>4. Business Classification</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>As evidence the Board has submitted its Retention and Disposal Schedule (evidence document 5). It follows a 3-level functional model which describes the Function, Activity and Transaction of a particular series of records. The Keeper commends this approach as being current best practice in that should the business areas of the board be re-organised at some point in the future, the functions carried</p>

			<p>out should remain relatively stable. The RMP commits the Board to formally reviewing the Schedule annually.</p> <p>It is a combined Business Classification Scheme (BCS) and Retention Schedule which also describes the retention periods and disposal actions assigned to each category of records. The Keeper commends this approach to using a combined BCS and Retention Schedule as a central point of reference for staff.</p> <p>Accompanying the BCS and Retention Schedule is a document called Retention Guidelines and Disposal Arrangements (evidence document 4). This provides general advice about using the schedule to dispose of records and highlights the necessity of keeping a records of records which have been destroyed.</p> <p>Section 4 of the RMP (page 19) describes the Board’s approach to managing records created by contractors engaged by the Board.</p> <p>The Keeper agrees that the Board has identified the full range of records created while undertaking its functions.</p>
5. Retention schedule	<b>A</b>	<b>A</b>	<p>Please see Element 4 for comments regarding the retention schedule.</p> <p>The RMP has also identified problems with managing records on shared drives. Screenshots of the current drive structure have been provided (evidence document 6). The RMP states that ‘As part of a longer term project, work has commenced to improve the structure of the shared drive’. This work will allow records stored on shared drives to have retention decisions applied and the appropriate actions to be taken at the correct times. The Board has submitted a document ‘Plan for the Management, Retention and Destruction of Electronic Records (evidence document 34). This has been developed to tackle the abovementioned issues of records and emails stored on the shared drives and impose the structure of the BCS on a ‘new’ shared drive. A clear timescale for implementation has been laid out at the end of</p>



			<p>this document. The Future Development section of this Element of the RMP states that this work will be completed by 1 April 2017. The Keeper commends the commitment to improving provision in this difficult area.</p> <p><b>The Keeper can agree this element on an ‘improvement model’ basis. This means that the Board has identified a gap in provision (application of retention schedules to records held on shared drives) and has provided clear evidence of a commitment to close this gap. As part of this agreement, the Keeper will require to be updated on progress as the project moves forward.</b></p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p><b>A</b></p>	<p><b>A</b></p>	<p>The Board recognises the risks associated with keeping records for longer than required. The RMP sets out the following arrangements for the destruction of the Board’s records:</p> <p><b><u>Paper</u></b> – The Board has entered into a contract with a commercial company (Shred-It) to destroy paper records. The Board has three divisional offices across Tayside and each of these is provided with an on-site shredding facility for securely destroying confidential records. Secure consoles are also provided for the storage of confidential waste prior to disposal. Large amounts of confidential waste are held in a secure storage area until Shred-It visit and shred the material on-site. The Board has produced a Destruction of Confidential Waste Practice Note (evidence document 11) which provides guidance to staff on how to destroy and record the destruction of confidential waste. The Board have also submitted a sample Destruction Certificate and the Board’s own destruction record (evidence document 12).</p> <p><b><u>Electronic</u></b> – The Board has supplied their Guidance on Management and Retention of Electronic Documents (evidence document 10). An appendix to the document lists the various electronic systems that the Board uses to generate and maintain records. The Guidance emphasises the importance of managing the records held on these systems, and this includes deleting records as per the retention schedule. The</p>

			<p>document also highlights the importance of building retention actions into new systems.</p> <p>The Guidance also describes the necessity to properly manage business information sent and received by email, including applying appropriate retention and disposal decisions to records received this way. The Keeper commends the Board for considering this aspect of managing electronic records.</p> <p>Appendix 3 to this document contains guidance on document naming and version control in order to allow staff to consistently name records and therefore be able to locate them more efficiently.</p> <p><b>The Board has submitted a document ‘Plan for the Management, Retention and Destruction of Electronic Records (evidence document 34). This has been developed to tackle the issues of records and emails stored on the shared drives and impose the structure of the BCS on a ‘new’ shared drive. It includes imposing access restrictions in certain areas, deletion of emails and highlights the need to maintain a record of deleted records. This document shows a strong commitment to improving the current situation and clearly states how the Board intends to do this and the timescales involved.</b></p> <p><b><u>Back-ups</u></b> – The Board quite rightly maintains a back-up of electronic systems for business continuity purposes. The IT Disaster Recovery Plan (evidence document 25a) sets out the back-up timescales and procedures for the Board’s business systems. The Board has provided details of its back up procedures in a document called PRC04 – Backup Plan (evidence document 36). This states that backups are kept for 3 months before being deleted.</p> <p><b><u>Hardware</u></b> – The Board has provided evidence document 7 (Procedure for Disposal of Media) to describe the procedures followed in the disposal of all media including</p>
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			<p>hardware. The Procedure states that electronic media (such as back-up tapes and hard disks) are destroyed by external contractors. Obsolete hardware is securely stored until uplift and destruction can take place and the specific arrangements are set out in a contractual arrangement. The Board has submitted a sample destruction certificate (evidence document 35) showing that obsolete hardware is securely destroyed at the end of its life.</p> <p><b>The Keeper can agree this Element on an ‘improvement model’ basis. This means that the Board have identified a gap in provision (lack of ability to consistently and systematically delete records in shared drives) and have provided evidence of how they intend to close the gap. As a condition of this agreement the Keeper requests that he is kept informed of progress.</b></p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The RMP states that the Electoral Roll, Valuation Roll and Council Tax Lists are provided annually to the Archivists of Angus, Perth and Kinross and Dundee City Councils. Copies are also sent to the National Records of Scotland.</p> <p>The selection of other records for permanent preservation will be undertaken with reference to the Retention Guidelines and Retention Schedules (evidence documents 4 and 5), the Archiving Policy and Transfer Arrangements (evidence document 13) and by discussion with the relevant local authority archivist.</p> <p>The Archiving Policy states that relatively informal arrangements with each of the local authority archivists. It also states that the Assistant Assessor will liaise with archivists in order to ensure the transfer of records suitable for permanent preservation. A record will be maintained of records transferred to archive.</p> <p>Also included as evidence is correspondence from each of the relevant local authority archivists (evidence documents 14a-14c) confirming the arrangements set out in the Archiving Policy.</p>

			<p>The Keeper agrees that there are arrangements in place to ensure the transfer of records selected for permanent preservation to a suitable archive.</p>
<p>8. Information Security <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Board has submitted its IT Security Policy (evidence document 17) which provides evidence on how the Board ensures that it's systems are protected against unauthorised access and loss of data. Section 14, in particular, is entitled 'Data Security Rules' and gives staff specific guidance on protecting the Board's information. It also contains guidance on password controls, email usage and remote access. Also submitted is the Board's Security of IT Systems – Guidance to Staff document (evidence document 20). This describes the procedures in place to protect information held on the Board's systems.</p> <p>The Access Control Policy (evidence document 16) defines the controls that are in place to ensure that access to the Board's systems is restricted only to those who are authorised.</p> <p>Specific guidance has also been produced for protecting information collected as part of electoral registration. The Electoral Registration Data Access and Building Security Policy (evidence document 18) sets out the IT and physical security measures to reduce the risk of unauthorised access or data loss.</p> <p>The Protective Monitoring Policy (evidence document 19) sets out the arrangements for dealing with breaches in IT security.</p> <p>Also submitted as evidence is the Board's Security Incident and Weakness Policy (evidence document 3). This document deals with reporting and managing security incidents.</p> <p>The RMP also states that clerical staff are required to undergo information security awareness training.</p>

			The Keeper agrees that robust security measures are in place to protect the information created and collected by the Board in the course of its business activities.
9. Data Protection	<b>G</b>	<b>G</b>	<p>The Assessor for the Board is registered as a Data Controller with the Information Commissioner’s Office (registration number Z6821924).</p> <p>The Board has also submitted its Data Protection Policy (evidence document 15), which was reviewed in October 2015). The Policy sets out the Board’s commitment to complying with the requirements of the Data Protection Act 1998 and the scope of the policy and responsibilities for complying with it. The Policy is published on the Board’s website. The Keeper commends the Board’s approach in providing stakeholder with access to its key policies. The Board has supplied the Keeper with a screenshot of its intranet page (evidence document 37) showing that the Data Protection Policy is available to all staff.</p> <p>Also submitted is the Board’s Security of IT Systems – Guidance to Staff document (evidence document 20). This describes the procedures in place to protect information held on the Board’s systems.</p> <p>In addition the Board has submitted its IT Security Policy (evidence document 17) which provides further evidence on how the Board ensures that it’s systems are protected against unauthorised access and loss of data. Section 14, in particular, is entitled ‘Data Security Rules’ and gives staff specific guidance on protecting the Board’s information.</p> <p>The Keeper agrees that the Board has procedures in place to protect the information it creates and maintains.</p>
10. Business Continuity	<b>G</b>	<b>G</b>	The Board has submitted its Business Continuity Plan (BCP) (evidence document 24). This sets out the procedures to be followed in the event of an interruption to

<p>and Vital Records</p>			<p>normal business at any of the Board’s premises in either Dundee, Forfar or Perth. The document shows who in the Board has responsibility for co-ordinating the response to an incident and the form that response should take.</p> <p>Vital records have been identified as part of the retention schedule and the BCP describes the procedures in place to restore access to these in the event of a disaster.</p> <p>The IT Disaster Recovery Plan (evidence document 25a) sets out the back-up timescales and procedures for restoring the Board’s business systems in the event that normal service is interrupted.</p> <p>The Board also has in place arrangements with a third party (Halarose Ltd) to ensure that its electoral registration system, EROS, can be easily recovered if required. This is described in evidence document 25b.</p> <p>The Governance Working Group is responsible for ensuring that the BCP and IT Disaster Recovery Plan (DRP) are reviewed regularly. The Group’s remit and composition is set out in evidence document 21 and as well as the BCP and DRP they are responsible for compliance with Freedom of Information and Data Protection legislation. Samples of the minutes from two meetings of the Group have also been supplied (evidence documents 22 and 23) which show that the BCP and DRP are reviewed by the Group. Records management also forms part of the remit of the Group. The RMP also states that the BCP is formally reviewed annually and the DRP is tested at least every three years.</p> <p>The Keeper agrees that the Board has business continuity procedures in place and consideration has been given to the recovery of vital records in the event of a disaster.</p>
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<p>11. Audit trail</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The RMP states that the electronic systems used by the Board are able to provide audit trails. The Board has submitted a series of screenshots showing the audit trail provisions which exist in the key business systems used to fulfil its functions (evidence documents 41-44).</p> <p>The RMP also states that there is a file logging system in place in each office for the removal of paper records from storage. Submitted are screenshots of the paper file tracking systems (evidence documents 38-40) in place in each of the Board's offices.</p> <p>Electronic records that are held on shared drives are governed by naming conventions and version control guidelines that are set out in Guidance on the Management and Retention of Electronic Documents (evidence document 10).</p> <p>The Records Destruction Arrangements (evidence document 4) and Archiving Policy and Transfer Arrangements (evidence document 13) also highlight the importance of documenting the destruction of records and also keeping a record of which records have been transferred to the archive.</p> <p>The Keeper agrees that the Board has appropriate audit trail systems in place which allow it to locate the correct versions of records when required.</p>
<p>12. Competency Framework for records management staff</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>Submitted as evidence under Element 2 is the Job Description of the Depute Assessor (evidence document 2) which shows records management as a key objective.</p> <p>The records manager identified in Element 2 has also attended various training events on the Public Records (Scotland) Act 2011 hosted by National Records of Scotland and IGScotland.</p> <p>A link to a website which provides online Information Security and Data Protection</p>

			<p>training has been provided. All staff are required to complete this training.</p> <p>The RMP and the Records Management Policy (evidence document 1) also provide a commitment to ensuring that staff receive appropriate training.</p> <p>The Keeper can agree that records management is recognised as a key objective for appropriate staff and that there is evidence of a commitment to providing staff with training.</p>
13. Assessment and Review	<b>G</b>	<b>G</b>	<p>The RMP states that the RMP itself and the key supporting documents, such as the Records Management Policy and the Information Management Strategy, will be subject to the Board's internal governance, monitoring and review process. The RMP will be assessed on an annual basis.</p> <p>At present, the assessment and review of the RMP and supporting policies will be carried out by the Governance Working Group, who will in turn report to the Policy and Strategy Management Group. The minutes (page 12) of the Policy and Strategy Management Group meeting on 25 August 2015 (evidence item 26) state that when a new internal auditor is appointed in 2016 they will be asked to review the Board's compliance with records management requirements. The Keeper commends the approach of involving internal auditors to measure the levels of records management provision within public authorities.</p> <p>The Keeper agrees that there are appropriate arrangements in place to ensure that the RMP is regularly assessed and reviewed to allow it to be kept up-to-date.</p>
14. Shared Information	<b>G</b>	<b>G</b>	<p>The RMP states that in limited circumstances the Board will share information with another organisation or will receive information from partner organisations and that appropriate arrangements will be entered in to in order to protect information.</p> <p>Submitted as evidence are Minutes of Agreement between Angus and Perth and</p>



			<p>Kinross Councils and the Board (evidence documents 28 and 29) for the provision of electoral registration services. These agreements commit the Board to complying with Data Protection legislation with regards to the information it collects and creates.</p> <p>Also submitted are User Agreements between Angus and Perth and Kinross Councils and the Board (evidence documents 30 and 31) regarding the use of the Halarose election management system. The agreements commit the Board to ensure that only their staff and authorised contractors have access to the system.</p> <p>Also submitted is a Minute of Agreement (evidence document 27) between all Assessors and Valuation Joint Boards. The Agreement governs the development of a portal website to allow access to information relating to council tax banding, electoral registration and non-domestic rating. The Agreement commits each Assessor to complying with the Data Protection Act.</p> <p>The Keeper agrees that there are appropriate safeguards to protect information when shared with other authorities.</p>
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## 6. Keeper's Summary

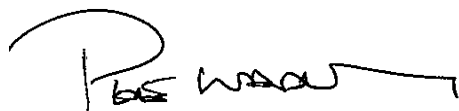
Elements 1-14 that the Keeper considers should be in a public authority records management plan have been properly considered by Tayside Valuation Joint Board. Policies and governance structures are in place to implement the actions required by the plan.

## 7. Keeper's Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of Tayside Valuation Joint Board.

The Keeper recommends that Tayside Valuation Joint Board should publish its agreed RMP as an example of good practice within the authority and the sector.

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



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



.....  
**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 Tayside Valuation Joint Board. In agreeing this RMP, the Keeper expects Tayside Valuation Joint Board to fully implement the agreed RMP and meet its obligations under the Act.



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