

**Public Records (Scotland) Act 2011**

**Comhairle nan Eilean Siar (Western Isles Council) and Western Isles Licensing  
Board**

**The Keeper of the Records of Scotland**

**5 April 2019**

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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 Comhairle nan Eilean Siar and Western Isles Licensing Board by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 30 November 2017.

The assessment considered whether the RMP of Comhairle nan Eilean Siar and Western Isles Licensing 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 Comhairle nan Eilean Siar and Western Isles Licensing Board complies with the Act can be found under section 7 of this report with relevant recommendations.

### **3. Authority Background**

In 1975, the council was created as Western Isles Council, 57 years after the creation of Na h-Eileanan an Iar for elections to the House of Commons of the Parliament of the United Kingdom (the constituency being named, when created, *Western Isles*). Since 1999, there has been also the Na h-Eileanan an Iar constituency of the Scottish Parliament, with the same boundaries.

In 1997, the Western Isles Council was renamed as Comhairle nan Eilean Siar.

### **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 Comhairle nan Eilean Siar and Western Isles Licensing 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) of Comhairle nan Eilean Siar and Western Isles Licensing Board (henceforth referred to as 'the Comhairle' for ease of reference) identifies Lesley-Ann McDonald, Head of the Executive Office, Chief Executive's Department, as having senior management responsibility for records management. This is confirmed in the minutes of a meeting of the Policy and Resources Committee of the Comhairle which took place on 3 October 2017 and which are available on the Comhairle's website.</p> <p>The Chairman of the Licensing Board has submitted a letter (evidence 003) confirming that the Licensing Board has agreed to adopt and adhere to the joint</p>

			<p>RMP as submitted by the Comhairle. Ms McDonald also acts as Clerk to the Licensing Board and is identified in the letter as having senior management responsibility for records management on behalf of the Board.</p> <p>The Records Management Policy (evidence 004) also confirms that the Chief Executive has overall responsibility for ensuring the implementation and maintenance of a records management framework. This responsibility has been delegated to the Head of the Executive Office.</p> <p>The Keeper agrees that an appropriate individual has been identified to take strategic responsibility for records management within the Comhairle and Licensing Board as required by the Public Records (Scotland) Act 2011.</p>
<p>2. Records Manager <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The RMP identifies Alex MacRitchie, Solicitor, Executive Office, as the individual with operational day-to-day responsibility for records management within the Comhairle. This is confirmed in the minutes of a meeting of the Policy and Resources Committee of the Comhairle which took place on 3 October 2017 and which are available on the Comhairle’s website.</p> <p>The Records Management Policy (evidence 004) also confirms that the Records Manager has overall responsibility for ensuring compliance with records management policies and procedures and for providing advice to the Comhairle’s departments.</p> <p>Also submitted is the Solicitor’s Job Description (evidence 005). This shows that Mr MacRitchie acts as the Comhairle’s Records Manager. The Keeper thanks Mr MacRitchie for providing this.</p> <p>The Chairman of the Licensing Board has submitted a letter (evidence 003) confirming that the Licensing Board has agreed to adopt and adhere to the joint RMP as submitted by the Comhairle. The letter also identifies Mr MacRitchie as</p>

			<p>having day-to-day responsibility for managing the Board's records.</p> <p>The RMP also states that the Comhairle's Archivist provides professional advice on issues around records management and records legislation and for the transfer of records to the Comhairle's Archive. This is confirmed in the Archivist's Job Description (evidence 006). The Keeper thanks the Archivist for the provision of this evidence. This role is also described in the Records Management Policy.</p> <p>The Keeper agrees that an appropriate individual has been identified to take operational responsibility for records management within the Comhairle and Licensing Board as required by the Public Records (Scotland) Act 2011.</p>
<p>3. Policy <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Comhairle has submitted its Records Management Policy (evidence 004). This was created in 2009 but revised in 2017 to meet the Comhairle's current recordkeeping requirements and to bring it line with the RMP. The Policy defines the Comhairle's recognition of the importance of records for statutory and regulatory compliance and acknowledges the business benefits of good records management. The Policy assigns responsibilities for complying with records management requirements. It also states the aim of encouraging a change in culture to recognise the value and benefits of best practice records management. The Policy will be reviewed at least every three years. It also explicitly states that it applies to staff in the Licensing Board.</p> <p>As part of its records management arrangements the Comhairle have created a Records Management Working Group (RMWG) and a network of Records Officers representing each department or service of the Comhairle. The Terms of Reference of the RMWG are appended to the Policy and states that it will comprise the Archivist, Records Manager, Head of IT and the relevant Records Officers. The remit of the RMWG is to raise awareness of records management across the Comhairle and to develop a consistent approach. The Keeper commends the creation of the RMWG as an effective way of assisting the Records Manager</p>

			<p>implement records management practices across the organisation.</p> <p>Section 7.0 of the Policy states that it will be available on the intranet and communicated to all Comhairle staff. The Comhairle has submitted a screenshot showing the location of the Records Management Policy on their intranet (evidence 004a). This assures the Keeper that staff have access to the Policy and are therefore aware of their records management responsibilities.</p> <p>The Keeper agrees that the Comhairle has an operational policy statement that outlines its corporate approach to records management and that staff are made aware of their records management responsibilities.</p>
<p>4. Business Classification</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The RMP describes the current records management structure in place within the Comhairle. Individual departments manage their paper and electronic records within localised filing structures. Some departments and services use Electronic Document Management Systems (EDMS) to manage their electronic records and there is currently no intention to implement an organisation-wide EDMS.</p> <p>In order to establish a consistent structure for managing the Comhairle’s records, the RMWG has adopted and will modify as necessary the structure set out in the Scottish Council on Archives Records Retention Schedules (SCARRS) as their Business Classification Scheme (BCS). SCARRS identifies the typical records created by Scottish Local Authorities in carrying out their business activities. The BCS will consist of four hierarchical levels, namely: Level 1 – Functions; Level 2 – Activities; Level 3 – Transactions; Level 4 – Record types. The Comhairle has currently populated the top two levels of the BCS (evidence 007). The BCS was developed with the assistance of the Records Officers who confirmed whether the BCS matched the records being created in local business areas. The RMP recognises that further work needs to be done to add detail below the top two levels of the BCS and also to map the BCS to the records retention schedule. The Comhairle also intends to gather information about where and how records are</p>



			<p>created and stored. <b>This work has an estimated completion date of the end of December 2019. The Keeper requests that he is kept informed of the progress of this work.</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 fully rolled-out organisation-wide BCS) and has identified how it intends to close this gap. This agreement is conditional on the Keeper being regularly informed of the progress of this work.</b></p>
<p>5. Retention schedule</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>Similar to the work being undertaken on developing the BCS, the Comhairle is also currently working on developing a Comhairle-wide retention schedule based on the Scottish Council on Archives Records Retention Schedules (SCARRS). This retention schedule was designed to specifically meet the needs of Scottish Local Authorities. The Comhairle intends to adapt the retention schedule to closely align it with the BCS. The Keeper accepts that SCARRS is a commonly used tool for developing retention schedules across the Scottish public sector.</p> <p>Members of the RMWG are in the process of analysing the SCARRS retention schedules against the retention requirements of records being created in local business areas. The SCARRS retention schedule has been supplied (evidence 008) showing the intend structure the Comhairle intends to follow. Also provided is a screenshot of the Comhairle’s intranet showing the availability of retention schedules and associated guidance (evidence 009).</p> <p>The Comhairle has also submitted the table it intends to use to map the BCS to the retention schedules (evidence 010). The table outlines the Comhairle’s functions.</p> <p>Also provided is an introduction to and guidance for using the schedules (evidence 011).</p>

			<p>The RMP states that the work to develop the BCS and retention schedules will also be used to identify vital records. The Keeper commends this approach.</p> <p>The Future Developments section of this Element also highlights the need to provide training for staff in the practical application of retention schedules. The Keeper commends this commitment to providing staff with training.</p> <p>Additionally, any new systems or databases that will be developed and used to manage records will have retention requirements included in any specification. The Keeper comments this action.</p> <p><b>The Assessment and Review section of this Element states that the areas identified for improvement in both Elements 4 and 5 will be included in a Records Management Improvement Plan (evidence 029). Actions required to be addressed in the Improvement Plan will be taken forward by the RMWG and will be included in the business plans of the relevant departments. Progress will be reported to the Corporate Management Team (CMT) and scrutinised by the Committee. Areas for improvement which are not satisfactorily progressed will be referred to the Continuous Improvement Sub-Committee which may then recommend remedial action for the Comhairle to take. This work to develop the retention schedule has an estimated completion date of the end of December 2019. The Keeper requests that he is kept informed of the progress of this work.</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 fully rolled-out organisation-wide retention schedule) and has identified how it intends to close this gap. This agreement is conditional on the Keeper being regularly informed of the progress of this work.</b></p>
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<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The Records Management Policy contains a commitment to developing a records management system that manages records from their creation and management to their ultimate disposal. The Comhairle also operates to a Records Disposal Policy (evidence 012) which highlights the importance of ensuring the secure destruction of records at the appropriate time in line with the retention schedules.</p> <p>The Comhairle has detailed the following procedures for the secure destruction of records:</p> <p><b>Paper (on-site)</b> – The RMP states that most departments of the Comhairle have provisions in place to securely shred paper records. Destruction of records should be in line with the retention schedule and should be authorised by the Record Owner or the Record Officer. The Records Disposal Policy (evidence 012) states that the destruction of paper records should be carried out to the same standard as that used for very sensitive records. If contractors are to be used they are obliged to follow the Comhairle’s requirements for destruction and security. <b>At present, however, no central record of destruction exists. The Records Disposal Policy states that ‘The destruction of all records must be appropriately documented’. The Future Developments section of this Element recognises the need to raise staff awareness of the Policy and its requirements across the Comhairle and this is built into the Records Management Improvement Plan (evidence 029) as an action to take forward. The Keeper will expect to be regularly kept up to date with the progress of this work.</b></p> <p><b>Paper (off-site)</b> – The Comhairle operates an off-site paper storage facility at Marybank and has created a Records Procedures Manual (evidence 013) which governs the storage of records there. It describes the preparations required prior to sending records there, assigning retention periods, removing records and also the destruction of records stored at Marybank. It also contains guidance on recording the destruction of records. The Manual (version 0.6) was signed off by the Chief</p>
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			<p>Executive, Malcolm Burr, in November 2018. The Manual is available on the Comhairle’s intranet.</p> <p><b>Electronic</b> – The Records Disposal Policy applies to all records irrespective of their format and states that all copies of electronic records must be irretrievably deleted in line with the retention schedule. The RMP acknowledges that, at present, the Comhairle has no way of knowing whether electronic records are being deleted when necessary. The work to improve the management, including deletion, of electronic records stored on shared drives is built into the Records Management Improvement Plan (evidence 029) as an action with an estimated completion date of the end of 2019. The Keeper requests that he is kept up to date with the progress of this work.</p> <p>The Records Disposal Policy also commits the Comhairle to consider the retention requirements of records when implementing new electronic systems. The Keeper commends this important consideration.</p> <p><b>Hardware</b> – The RMP describes the processes for ensuring the secure destruction of hardware. Obsolete equipment is transferred to The Comhairle’s IT department which then physically destroys the hard drive which renders it unusable. The Comhairle has provided a sample from its register of destroyed hardware (evidence 013a). Also submitted are the procedures for decommissioning obsolete hardware (evidence 013).</p> <p><b>Back-ups</b> – The RMP states that back-ups are usually held for 6 months prior to being automatically destroyed. Section 7 of the Records Disposal Policy (evidence 012) highlights the importance of ensuring that all copies of data are destroyed, in particular, back-up copies of electronic records to aid compliance with Freedom of Information and Data Protection legislation.</p>
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			<p>The RMP also states that the Records Disposal Policy, Records Procedures Manual, Records Retention Schedule Staff Guidance and high level Schedules are available to staff on the Comhairle’s intranet. The Comhairle has submitted a screenshot showing the location of the Records Disposal Policy and the Records Procedures Manual on their intranet (evidence 004a). This assures the Keeper that staff are able to access key information governance documents.</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 a consistent approach to destruction of records across the organisation and documenting such destruction) and has identified how it intends to close the gap. This agreement is conditional upon the Keeper being kept informed of the progress of work to close this gap.</b></p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The RMP identifies the Comhairle’s own archive service, Tasglann nan Eilean, as the place of deposit for records selected for permanent preservation. The Tasglann is based in the new purpose-built facility at Lews Castle in Stornoway.</p> <p>The Comhairle’s Records Management Policy (evidence 004) contains a commitment to identifying and transferring records of enduring value to the Tasglann. Appendix 2 of the Records Disposal Policy (evidence 012) contains a flowchart to assist staff with the identification of archival material. The Records Procedures Manual for records stored off-site (evidence 013) also provides instructions for staff in dealing with records identified as being suitable for permanent preservation.</p> <p>In order to facilitate the transfer of records to the Tasglann, the Comhairle has developed a set of Archive Transfer Procedures (evidence 014). This governs the arrangements for identifying and transferring records from the Comhairle’s departments and services to the Tasglann and covers what happens when Freedom of Information and Subject Access Requests require to be answered. Transfers of</p>

			<p>records should be accompanied by a Deposit Agreement Form which is included as Appendix 1. A sample Deposit Agreement Form (evidence 017) for the transfer of school records has been supplied. The Comhairle has submitted a screenshot (evidence 004a) showing that the Archive Transfer Procedures are available to staff on their intranet system.</p> <p>The Tasglann also intends to apply for Archive Service Accreditation. A report was presented to the Sustainable Development Committee in September 2017 seeking the Council's approval of key documents, such as an Archival Policy and a Collections Development Policy, which will aid the Tasglann in gaining accreditation. The report, accompanying policies and minutes of the meeting can be found on the Comhairle's website at <a href="https://www.cne-siar.gov.uk/your-council/committees/council-committees/sustainable-development-committee/minutes/">https://www.cne-siar.gov.uk/your-council/committees/council-committees/sustainable-development-committee/minutes/</a>. The Keeper commends the intention to achieve accreditation.</p> <p>The Future Developments section of this Element recognises the need to develop systems for the long term preservation of electronic records. This forms a key strategic aim of the Tasglann's Forward Plan 2017 to 2020, which is appended to the abovementioned report and is available on the Comhairle's website. The Keeper commends the recognition of the importance of planning the archiving of electronic records.</p> <p><b>The Future Developments section also states the need to raise awareness of the Archive Transfer Procedures across all business areas of the Comhairle. The Archivist will work in conjunction with these business areas to undertake this and also to further develop the retention schedule. This work forms part of the Records Management Improvement Plan. The Keeper will need to be regularly kept informed of the progress of this work.</b></p> <p>Additionally, in the past archival material was transferred to organisations other than</p>
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			<p>the Comhairle. Work is currently under way to identify this material and transfer it to the Tasglann. The work to formalise the Archive Transfer Procedures will go some way to ensuring that this no longer happens.</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 Comhairle-wide awareness of the Archive Transfer Procedures) but has identified how it intends to close this gap. This agreement is conditional upon the Keeper being kept informed of the progress of this work.</b></p>
<p>8. Information Security <i>Compulsory element</i></p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The Comhairle has an Information Security Policy which was approved in December 2016. The Policy outlines the Comhairle’s commitment to protecting the information it manages and the systems used to manage it.</p> <p>Ultimate responsibility for implementation of the Information Security Policy rests with the Chief Executive but operational responsibility has been delegated to the Information Security Management Group (ISMG). The Group comprises the Director of Finance and Corporate Resources, Director of Technical Services, Director of Education and Children’s Services, Head of Human Resources, and IT Manager.</p> <p>The Comhairle has submitted its Information Security Policy (evidence 018a). Also provided is the council’s Policy on the use of laptops and other mobile devices (evidence 018b). This outlines the Council’s approach to using mobile devices offsite and highlights the need for encryption and strong password creation.</p> <p>Also submitted are procedures for encrypting USB devices and DVDs/CDs (evidence 018c and d).</p> <p>The Comhairle has also supplied its Code of Practice on the Use of Internet, E-mail, and the Comhairle’s IT Resources (evidence 018e).</p>

			<p>Also supplied are screenshots of the Comhairle’s intranet showing that staff have access to the abovementioned policies and procedures as well as others (evidence 018f, gi and gii).</p> <p>The RMP states that non-current physical records are stored in a secure off-site records store. The Records Procedures Manual for records stored off-site (evidence 013) also provides information regarding how staff are able to access the relevant areas within the storage facility.</p> <p>The RMP states that there are also processes in place to ensure that when the Comhairle decommissions parts of its estate that all records are removed from the building. The client department(s) and the Property Manager are responsible for ensuring that all records are removed prior to the sale of any property. Once the building has been vacated, Technical Services will then complete a disposal notification checklist which requires them to contact the Records Manager if any records are discovered. The ‘Future Developments’ section of the Element states that the Comhairle has developed a Property Managers Handbook providing best practice guidance for officers who have been designated as Property Managers on the Comhairle’s estate. The Handbook contains a section about the security of Comhairle premises and the protection of information, particularly sensitive and confidential information. This is currently awaiting approval by the Asset Management Senior Officers Group and the Keeper would be interested to view this document once it has been approved.</p> <p><b>The Comhairle has identified a potential issue with a legacy records store which was used to store records prior to 2012 and is no longer fit for purpose in relation to preventing unauthorised staff access to records. Actions to address this issue have been built in to the Records Management Improvement Plan. The work to address this issue is estimated to be completed by the end of 2020. The Keeper requests that he is kept informed of</b></p>
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			<p>the progress of this work. The Comhairle will also need to be aware of the potential for breaches of data protection legislation in this storage facility if there are records containing personal information stored in it.</p> <p>The Keeper can agree this Element on an 'Improvement Model' basis. This means that the authority has identified a gap in provision (the potential for unauthorised staff access to records held in a building used to store records) and has identified how it intends to close the gap. This agreement is conditional upon the Keeper being kept informed of the progress to close this gap.</p>
9. Data Protection	<b>G</b>	<b>G</b>	<p>The RMP states that the Comhairle complies with the requirements of the Data Protection Act 1998 on an on-going basis and to this end is registered as a Data Controller with the Information Commissioner's Office (registration number: Z7313689).</p> <p>The Comhairle has submitted its Data Protection Policy, which has been updated to reflect recent developments in legislation.</p> <p>The Comhairle has information available on its website outlining the key requirements of the Data Protection Act. This also provides guidance for stakeholders on how to submit Subject Access Requests. The website also contains a Privacy Statement which outlines the Comhairle's commitment to managing personal information collected through its website in line with the Data Protection Act. The Statement also identifies the Comhairle's Data Protection Officer (DPO), Mr Tim Langley, Solicitor in Legal Services. He will also be responsible for the implementation of the new Policy and Procedures.</p> <p>The Comhairle have also submitted a screenshot of the intranet area which provides Data Protection guidance to staff (evidence 022). Submitted as evidence is an email from the Comhairle's DPO to all staff highlighting the importance of complying with</p>

			<p>the data protection guidance available to them on the Comhairle’s intranet. The email refers to the guidance available there and also indicates that further support is available in the form of departmental Records Officers. The Data Protection Policy has been recently updated to reflect changes in data protection legislation.</p> <p>The Records Management Improvement Plan (evidence 029) also contains a commitment to review training requirements in light of changes to data protection legislation. Submitted as evidence are screenshots of the LearnPro module on data protection. The module has been recently updated by the Comhairle’s Data Protection Officer as a result of changes to data protection legislation.</p> <p>The Keeper can agree that the Comhairle is aware of its responsibilities towards the personal information it collects and manages.</p>
<p>10. Business Continuity and Vital Records</p>	<p><b>A</b></p>	<p><b>A</b></p>	<p>The RMP states that the Comhairle operates a Business Continuity Management Policy which requires each Director or Head of Service to consider the requirement for Business Continuity Plans (BCPs) in their areas. BCPs must be written, published and tested for all critical business areas. The Policy was presented to the Policy and Resources Committee and approved by the Comhairle in December 2010. <b>The Future Developments section of this Element states that the Policy and supporting documentation are currently under review. The Keeper accepts this and requests that the updated Policy is submitted when it becomes available. The Comhairle has also submitted its Business Continuity Management Strategy (evidence 023b) which provides an overarching framework for the management of incidents. The Strategy dates to 2011 and the Keeper recommends that it is reviewed and updated to bring it up-to-date.</b></p> <p>The RMP also states that all departments have BCPs in place but that a corporate-wide BCP is currently being developed as well as a Disaster Recovery Plan and an IT Disaster Recovery Plan. The Comhairle has submitted a sample BCP for the Nicolson Institute school (evidence 023c) showing the current arrangements. Also</p>

			<p>submitted is a sample draft BCP for the Chief Executive's department. <b>Provision for vital records will be built in to departmental BCPs. The Keeper looks forward to receiving a sample BCP once the provisions for vital records have been included.</b></p> <p><b>The RMP also describes how departmental BCPs are created. Heads of Service are required to complete Business Impact Analysis (BIA) questionnaires for each business activity undertaken which relies on documentation. These BIAs then feed into the departmental BCP which document the key business activities of the department and the staff, resources and documentation required to carry these out. These will also be used to identify vital records and feed into the Corporate BCP which will be approved by the Corporate Management Team. Vital records will also be included in the BCS and retention schedule. This has an estimated completion date of December 2019. The Keeper commends the Comhairle's commitment to the identification of vital records and requests that he is kept informed of the progress of this work.</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 need to update the Business Continuity Management Policy, the lack of a corporate-wide BCP and the need to identify vital records) and has identified how it intends to close this gap. As a condition of his agreement, the Keeper requests that he is kept informed of progress in closing the identified gap in provision.</b></p>
11. Audit trail	<b>G</b>	<b>G</b>	<p>The Records Procedures Manual for records stored off-site (evidence 013) provides staff with guidance on how to log the movement of records to and from the Records Store. The Manual also emphasises the importance of documenting the destruction of records held in the Records Store. Samples of file movement slips and Records Destruction Authorisation Forms are appended to the Manual.</p>

			<p>The RMP states that electronic records managed in line of business systems, bespoke or customised databases or in an EDMS have audit trail functionality. The Comhairle has submitted examples of the audit trail provisions in place. A screenshot has been provided showing that access permissions in its UNIFORM system are regulated to specified individuals (evidence 025c). Also provided is a screenshot showing the audit trail functionality recording access and modifications made to records on the Carefirst system (evidence 025d).</p> <p>The RMP also recognises that electronic records are created and managed using shared drives. All staff are expected to manage records stored here according to policies procedures and guidance. A sample of the guidance available for using shared drives has been submitted (evidence 025). This explains that records should not be saved on personal drives, provides guidance on the creation of a filing hierarchy, controlling access to shared drives and the appropriate naming of folders and documents. A guidance document entitled 'Naming and filing of folders and documents' dated 2017 (evidence 025a).</p> <p>The Future Developments section of this Element emphasises that the further development of the BCS and retention schedule will improve the structure of records managed using the shared drives. This will be further reinforced by staff training and awareness-raising which is included as an action in the Records Management Improvement Plan.</p> <p>The Comhairle has submitted a screenshot showing an area of its intranet which makes available a number of best practice guides to staff, including File Naming and Storing, Managing Your Email, and Structuring Shared Drives (evidence 025b).</p> <p>The Keeper agrees that the Comhairle has measures in place to be able to locate the correct version of records when required.</p>
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<p>12. Competency Framework for records management staff</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The role of Records Manager is filled by Alex MacRitchie, Solicitor within the Executive Office. The Records Management Policy (evidence 004) confirms the requirements of this important role. Also submitted is the Records Manager’s Job Description (evidence 005) which clearly shows records management as one of Mr MacRitchie’s key duties. Also supplied are a copy of the Records Manager’s Objectives relating to records management (evidence 026). This also shows a commitment to training in order to be able to deliver the Objectives. This is also built in to the Records Management Improvement Plan (evidence 029) with an estimated completion date of the end of December 2018. The Keeper commends the commitment to providing training to staff with records management responsibilities.</p> <p>The Comhairle has also established a Records Management Working Group (RMWG) and a network of Records Officers representing each department or service of the Comhairle. The Terms of Reference of the RMWG are appended to the Records Management Policy and states that it will comprise the Archivist, Records Manager, Head of IT and the relevant Records Officers. The remit of the RMWG is to raise awareness of records management across the Comhairle and to develop a consistent organisation-wide approach. The Future Developments section of this Element states that training will be delivered to the RMWG and other relevant colleagues. The training was delivered to the RMWG by the Comhairle’s Archivist in December 2018. The PowerPoint presentation used in the training and which comprehensively covers the benefits of records management has been submitted as evidence. The presentation also addresses the issues surrounding digital preservation which the Keeper commends.</p> <p>The Comhairle has created a section on its intranet for providing guidance on records management, including on topics such as managing email and Data Protection. A screenshot of this has been provided (evidence 027).</p> <p>The Future Developments section of this Element also states that the Comhairle</p>
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			<p>intends to include records management awareness in to the staff induction process. Also in this section is a commitment to providing refresher training for all staff on information governance issues such as Data Protection, Freedom of Information and records management. The Comhairle has recently updated its online LearnPro data protection training module in line with the new requirements of GDPR and the Data Protection Act 2018. The module has been recently updated by the Comhairle’s Data Protection Officer. Also submitted is a screenshot of the Comhairle’s Freedom of Information training module.</p> <p>The Keeper agrees that the Comhairle recognises the importance of records management in the job descriptions of relevant staff and is committed to providing appropriate training.</p>
<p>13. Assessment and Review</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The RMP states that the Records Manager (see Element 2) will review the RM on an annual basis. The specific areas identified as requiring improvement as part of creating the RMP have been collated into the Records Management Improvement Plan (evidence 029) and the Improvement Plan will be used as the basis for measuring compliance with the RMP and improvements in records management provision. Quarterly reports relating to progress against the Improvement Plan will be submitted to the Comhairle’s Corporate Management Team (CMT). It is intended to include the Improvement Plan in the Comhairle’s Continuous Improvement Action Plan, which is monitored by the Continuous Improvement Sub-Committee who can then highlight any issues to the Comhairle.</p> <p>The Records Management Working Group (RMWG) will also assist with ensuring that the RMP is assessed, reviewed and implemented. The Terms of Reference for the RMWG are included as an Appendix to the Records Management Policy (evidence 004).</p> <p>Specific risks identified through the implementation of the RMP will be added to the Comhairle’s Risk Register.</p>

			<p>The Keeper agrees that there are measures in place to ensure that the RMP and supporting evidence are assessed and reviewed in order to keep them up-to-date.</p>
<p>14. Shared Information</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The RMP states that the Comhairle shares information with other bodies when required in order to meet specific needs. When it does share information with other bodies, the Comhairle enters into an Information Sharing Protocol (ISP) which includes provision for the proper governance of the information being shared, including reference to retention schedules, storage and security of information and responding to requests for that information.</p> <p>The Comhairle have submitted a sample ISP between themselves Police Scotland, NHS Western Isles and several other organisations (evidence 030) relating to the provision of children’s services.</p> <p>The Comhairle has also signed up to the Scottish Accord on Sharing Personal Information (SASPI) and also aims to comply with the Information Commissioner’s Office’s Data Sharing Code of Practice. The Comhairle is also committed to developing guidance for staff on sharing information. <b>This is built into the Records Management Improvement Plan (evidence 029). The Keeper will need to be sent a sample of this guidance once it has been developed and approved.</b></p> <p>The Keeper agrees that the Comhairle has measures in place to ensure that it can securely share information with other organisations when required.</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 Comhairle nan Eilean Siar and Western Isles Licensing Board. Policies and governance structures are in place to implement the actions required by the plan.

Elements that require development by Comhairle nan Eilean Siar and Western Isles Licensing Board are as follows:

- Element 4 – Business Classification
- Element 5 – Retention Schedules
- Element 6 – Destruction Arrangements
- Element 7 – Archiving and Transfer Arrangements
- Element 8 – Information Security
- Element 10 – Business Continuity and Vital Records

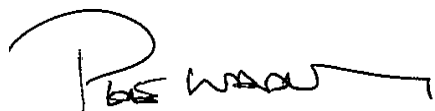
## **7. Keeper's Determination**

Based on the assessment process detailed above, the Keeper agrees the RMP of Comhairle nan Eilean Siar and Western Isles Licensing Board.

The Keeper recommends that Comhairle nan Eilean Siar and Western Isles Licensing 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,



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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 Comhairle nan Eilean Siar and Western Isles Licensing Board. In agreeing this RMP, the Keeper expects Comhairle nan Eilean Siar and Western Isles Licensing Board to fully implement the agreed RMP and meet its obligations under the Act.



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