

Public Records (Scotland) Act 2011

Bòrd na Gàidhlig Assessment Report

The Keeper of the Records of Scotland

3 April 2014

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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 Bòrd na Gàidhlig by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 29 January 2014.

The assessment considered whether the RMP of Bòrd na Gàidhlig 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 Bòrd na Gàidhlig complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

Bòrd na Gàidhlig was established as a public body by the Gaelic Language (Scotland) Act 2005 which was commenced on 13th February 2006. The legislation is designed to promote the use of Scottish Gaelic, secure the status of the language and ensure its long-term future. The Act sets out 3 main aims for Bòrd na Gàidhlig:

- **to increase the number of persons who are able to use and understand the Gaelic language;**
- **to encourage the use and understanding of the Gaelic language; and**
- **to facilitate access, in Scotland and elsewhere, to the Gaelic language and Gaelic culture.**

The first Chairman and members of Bòrd na Gàidhlig were appointed by Scottish Ministers in January 2006. The Bòrd currently has ten members in total, including the Chair, and is responsible for the governance and strategic direction of Bòrd na Gàidhlig. The National Gaelic Language Plan 2012-2017 contains the main strategic aims of Bòrd na Gàidhlig. The principal development areas in the plan are: Home and Early Years; Schools and Teachers; Post-school Education; Communities; the Workplace; Arts and Media; Heritage and Tourism; and Corpus. The key aims of the plan include an increase in the number of children entering Gaelic Medium early years education, the doubling of the number of children enrolling in Gaelic Medium primary education by 2017, an increase in the number of adults acquiring Gaelic from 2,000 to 3,000 by 2017, and the expansion of Gaelic use in a number of different contexts and areas.

As a statutory Non-departmental Public Body, the Bòrd is directly funded by the Scottish Ministers and is accountable to them. The Bòrd works closely with the Scottish Government, public authorities and key partners (including the Gaelic organisations and community groups) to promote and develop the use and understanding of Gaelic and to ensure that public funds are wisely and

effectively spent. Bòrd na Gàidhlig, in partnership with Gaelic speakers and the people of Scotland, wants Gaelic to be spoken far and wide

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 **[named public authority’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 <i>Compulsory element</i>	G	G	<p>The covering letter accompanying the Records Management Plan (RMP) of Bòrd na Gàidhlig (BnG) identifies John Angus MacKay, Chief Executive Officer of BnG, as Senior Accountable Officer.</p> <p>The Keeper agrees that this is an entirely appropriate individual to take overall responsibility for the RMP of BnG.</p>
2. Records Manager <i>Compulsory element</i>	G	G	<p>The abovementioned letter also identifies Alasdair MacKinnon, Head of Finance and Corporate Services, as having operational responsibility for records management within BnG.</p> <p>The Keeper agrees that this is an entirely appropriate individual to take operational responsibility for the RMP of BnG.</p>
3. Policy <i>Compulsory element</i>	G	G	<p>BnG has a comprehensive records management policy in place (provided as Appendix 04). The policy was approved at a Board Meeting on 17 June 2013 (Appendix 06), showing that it has the support of the board.</p> <p>The policy clearly defines what BnG considers to be records, sets out the legislative framework which underpins the policy (including PRSA), roles and responsibilities of staff in complying with the policy and highlights the principles behind best practice records management, including Version Control.</p> <p>The policy also specifically mentions that it applies to contractors and third parties.</p> <p>The policy also includes a very useful appendix 'Information and Records Management Guidance' which, among other things, defines the difference between</p>

			<p>information and records, describes vital records and version control. This practical guidance supports the broad principles in the policy.</p> <p>Also submitted in evidence are slides of a presentation 'Information and Records Management' (Appendix 05) which was used for training of all BnG staff in May 2013.</p> <p>The Keeper agrees that BnG has a very robust operational records management policy in place, which is strongly supported by evidence showing senior management support and underpinned by practical staff training.</p>
<p>4. Business Classification</p>	<p>A</p>	<p>A</p>	<p>BnG has provided a functional Business Classification Scheme (BCS) which appears to comprehensively cover the functions of BnG (appendices 08 and 09). The functional approach is currently considered best practice as it should still be relevant in the event of any restructuring of the organisation.</p> <p>BnG deals with paper and electronic records and the BCS takes account of both these formats. BnG is currently implementing SharePoint to manage its electronic records and intends to impose the BCS architecture on SharePoint over the next 3 years.</p> <p>BnG also intends to commence a back-scanning project to capture regulatory records for operational purposes.</p> <p>BnG has also provided an Information Asset Register (Appendix 10) which identifies Vital Records and a document containing business keywords (Appendix 11) which is intended to assist staff in using records on SharePoint in a corporate wide approach.</p> <p>BnG provided a USB stick containing a database (Appendix 07) containing BnG's BCS. This looks like a very useful practical tool for staff to use for determining where</p>

			<p>records fit into the BCS and also what retention periods are applied to them.</p> <p>The Keeper agrees this element of BnG’s RMP on ‘improvement model’ terms. This means that he is convinced of BnG’s commitment to implement the BCS fully over time as part of the project to implement SharePoint, provided that he is updated as this project progresses.</p>
5. Retention schedule	A	A	<p>BnG has provided Appendices 12-22 as evidence for this element. These are departmental/functional retention schedules for these distinct business areas. These appear to be very comprehensive and are linked to the BCS. They have been developed using the well regarded Scottish Council for Archives Records Retention Schedules.</p> <p>http://www.scottisharchives.org.uk/projects/toolsstandards/retentionschedules/schedules.</p> <p>BnG has stated that the retention schedules will be implemented along with the BCS in the SharePoint rollout project. The plan states that the retention schedules are currently available to staff through BnG’s intranet and through the information database (Appendix 07).</p> <p>BnG has committed to reviewing the schedules every 3 years.</p> <p>The Keeper agrees this element of BnG’s RMP on ‘improvement model’ terms. This means that he is convinced of BnG’s commitment to implement the retention schedule fully over time as part of the project to implement SharePoint and the BCS, provided that he is updated as this project progresses.</p>
6. Destruction Arrangements <i>Compulsory</i>	G	G	<p>BnG states in its RMP that while there are ‘some arrangements in place for the appropriate destruction of records, it is an area that the organisation is actively working on to ensure policies are implemented for all record types’. BnG anticipates</p>

<p><i>element</i></p>			<p>that the implementation of SharePoint will allow the systematic destruction of electronic records at the end of their life-cycle. At the moment, electronic records appear to be destroyed through the system of deleting backups. The Keeper is satisfied that this is a suitable process until SharePoint and associated retention schedules have been fully implemented in the organisation.</p> <p>BnG has submitted a document providing guidance to staff on destruction of records (Appendix 24) which details the necessary procedures. BnG has also supplied a sample destruction certificate (Evidence A). This shows that appropriate measures are in place to securely destroy paper records.</p> <p>The deletion of Mailboxes and Folders of employees who leave the organisation is also recorded at an Exit Interview conducted by HR staff (Appendix 25).</p> <p>BnG has supplied a letter (Evidence B) from another public body with whom BnG shares accommodation and which supplies BnG with a hardware disposal service. The letter confirms that this public body provides such a service for BnG and also includes a sample certificate showing destruction/recycling.</p> <p>The Keeper agrees that appropriate measures are in place for the secure destruction of BnG’s corporate records.</p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p>G</p>	<p>A</p>	<p>BnG has identified the National Records of Scotland (NRS) as the archive to which it will transfer records deemed worthy of permanent preservation. A draft Transfer Certificate has been submitted as evidence (Appendix 26). BnG have been in touch with National Records of Scotland (NRS) client managers in order to meet with them to get underway the process of developing a MoU for the transfer of records deemed worthy of permanent preservation. This has been confirmed by NRS client managers.</p> <p>The Keeper agrees that BnG are taking steps to ensure that appropriate</p>

			<p>archiving arrangements are in place and asks that once a Memorandum of Understanding or transfer agreement has been finalised it is sent to the Keeper for inspection.</p>
8. Information Security <i>Compulsory element</i>	G	G	<p>BnG has submitted its 'Acceptable Use Policy for Bòrd na Gàidhlig IT systems' (Appendix 27) as evidence under this element. All employees are required to read and sign the policy. This policy is due for review in March 2014. The Keeper requests that he is sent the reviewed/amended policy once it has been approved.</p> <p>The policy covers aspects of security relating to how BnG ensures the security of paper records and electronic records, both inside and outside of the workplace. The policy is supported by providing practical guidance on information security at staff inductions and on an ongoing basis. BnG are investigating e-learning packages for 2014-2016 with a view to creating an annual information security training package. This is to be commended and the Keeper requests that he is kept informed of progress as this project advances.</p> <p>The policy is supported (in its appendices) by a Social Media Policy, a Policy for Identification and Treatment of Confidential Information, a Data Security and Information Risk Policy, and a Change of Access Rights Pro-forma (Appendix 28).</p> <p>The Keeper agrees that BnG takes information security seriously and has policies in place to protect its corporate and personal information.</p>
9. Data Protection	G	G	<p>BnG has registered with the Information Commissioner's Office and has provided their registration number as evidence.</p> <p>BnG has also provided a Data Protection Policy (Appendix 29) which is part of the Staff Handbook available to staff. It is also published on their corporate intranet.</p>

			<p>BnG has also submitted copies of slides used as part of a training presentation delivered to all members of staff (Appendix 30). BnG will include Data Protection as part of their investigation into e-learning packages over the coming years.</p> <p>The Keeper agrees that BnG takes the protection of personal and sensitive data seriously and has put appropriate policies and procedures in place as evidence of this.</p>
10. Business Continuity and Vital Records	A	A	<p>BnG has supplied a copy of their Disaster Recovery Plan (Appendix 31) which was approved by the Board on 18 December 2013 (Appendix 32). Vital Records have been identified and listed as an appendix to the Records Management Policy (Appendix 04).</p> <p>BnG has committed to designing and implementing suitable storage arrangements for Vital Records as well as testing the disaster recovery plan once they have rolled out SharePoint across the organisation.</p> <p>The Keeper agrees this element of BnG's RMP on 'improvement model' terms. This means that he is convinced of their commitment to implementing suitable storage arrangements for vital records, provided he is updated as this project progresses.</p>
11. Audit trail	A	A	<p>BnG recognises that at present their audit trail provision is weak, but they anticipate that the implementation of SharePoint will considerably improve the situation for both paper and electronic records. The proposed solutions appear to be quite vague however.</p> <p>The Keeper recommends that consideration is given to applying naming conventions (the consistent naming of files/records) and version control (ensuring that each iteration of a document is clearly marked, ensuring that staff know which is the most up to date version) to records held outwith SharePoint.</p>

			The Keeper agrees this element of BnG’s RMP on ‘improvement model’ terms. This means that he is convinced of their commitment to implementing audit trails for records, provided he is updated as this project progresses.
12. Competency Framework for records management staff	G	G	<p>BnG has submitted their Records Management Policy (Appendix 04) as evidence for this element. This sets out the general roles and responsibilities of all staff towards records management.</p> <p>BnG recognises that records management is a distinct task out-with normal business duties and has provided the job descriptions of the Director of Corporate Services (Evidence C) who is named in Element 2 as having operational responsibility for records management in BnG, the Office Supervisor (Evidence C) and Business Change manager (Evidence C).</p> <p>The Keeper agrees that the relevant staff members at BnG are aware of their records management responsibilities through their formal internal reporting system.</p>
13. Assessment and Review	G	G	<p>BnG has submitted as evidence for this element their Internal Audit Work Plan for the years 2014-2017 (Appendix 33). This document shows that review of the Records Management Plan will be included as part of BnG’s auditing programme and is confirmed by the minutes of the Audit Committee Meeting (Evidence D) which approved the above document.</p> <p>The Keeper welcomes the inclusion of compliance with their RMP as part of BnG’s internal audit framework and agrees that this is an appropriate way of assessing and reviewing their records management systems.</p>
14. Shared Information	G	G	<p>BnG has submitted a spreadsheet detailing the types of information and records that are routinely shared in the course of their business (Appendix 34). This arose as part of the work done on the BCS.</p>

			<p>BnG has also provided a template of their data sharing agreement form (Appendix 35) which sets out the requirements of third parties in respect of information provided by BnG.</p> <p>Underpinning these documents is the Information Security Policy (Appendix 36) and the Data Protection Policy (Appendix 29) which are available to all staff.</p> <p>The Keeper agrees that appropriate policies and procedures are in place to protect the information that BnG shares with other organisations. BnG intends to revise its contractual statements to cover the records management provisions of contractors carrying out BnG's functions on its behalf, using text available on the Scottish Council on Archives website. The Keeper requests that he is informed of these changes and would ask that he is sent a sample contract (redacted if necessary) as an example of this change.</p>
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6. Keeper's Summary

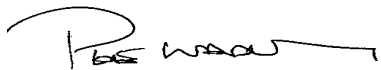
Elements 1-14 that the Keeper considers should be in a public authority records management plan have been properly considered by Bòrd na Gàidhlig. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of Bòrd na Gàidhlig.

The Keeper recommends that Bòrd na Gàidhlig 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 Bòrd na Gàidhlig. In agreeing this RMP, the Keeper expects Bòrd na Gàidhlig to fully implement the agreed RMP and meet its obligations under the Act.

A handwritten signature in black ink, appearing to read 'Tim Ellis', written in a cursive style.

Tim Ellis
Keeper of the Records of Scotland