

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

### **Queen's Printer for Scotland Assessment Report**

**The Keeper of the Records of Scotland**

**8 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 the Queen's Printer for Scotland by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 28 January 2014.

The assessment considered whether the RMP of the Queen's Printer for Scotland 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 the Queen's Printer for Scotland complies with the Act can be found under section 7 of this report with relevant recommendations.

### **3. Authority Background**

The Office of Queen's Printer for Scotland (QPS) was established under section 92 of the Scotland Act 1998. The QPS was specified a non-ministerial office-holder and member of the staff of the Scottish Administration with effect from 1 July 1999.

The Act sets out the responsibilities of the QPS as:

1. to exercise the Queen's Printer responsibilities in relation to the printing of Acts of the Scottish Parliament and subordinate legislation; and
2. on behalf of Her Majesty to exercise Her rights and privileges in connection with:
  - Crown copyright in Acts of the Scottish Parliament,
  - Crown copyright in subordinate legislation,
  - Crown copyright in any existing or future works (other than subordinate legislation) made in the exercise of a function which is exercisable by any office-holder in, or member of the staff of, the Scottish Administration (or would be so exercisable if the function had not ceased to exist) and
  - Other copyrights assigned to Her Majesty in works made in connection with the exercise of functions by any such office-holder or member.

Section 92(5) of the Scotland Act specifies that the Queen's Printer of Acts of Parliament shall hold the Office of Queen's Printer for Scotland. The Queen's Printer is based in The National Archives and the functions of the Queen's Printer for Scotland are carried out from within The National Archives.

The QPS delivers a range of services to the public, information industry and government relating to the publication and re-use of information produced by the Scottish Government. This work complements the policies managed by The National Archives, ensuring that there is a consistent UK wide approach to the management of Crown copyright material.

The QPS produces an Annual Report for Scottish Ministers which sets out details of its costs and performance. The report is laid before the Scottish Parliament and published.

QPS responsibilities are broadly restated, with some modifications, by the Interpretation and Legislative Reform (Scotland) Act 2010, which came into force on 4 June 2010.

The Queen's Printer for Scotland reports to Scottish Ministers.

## 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 the Queen's Printer for Scotland'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>Carol Tullo, the Queen’s Printer for Scotland accepts overall strategic responsibility for records management in OQPS. As her post, rather than the supporting office, is scheduled under the act it is entirely appropriate that Ms. Tullo accepts this responsibility.</p> <p>A letter stating her responsibility and signed by Ms. Tullo has been supplied as evidence. The RMP confirms Ms. Tullo’s responsibility for the plan.</p> <p>In her role as Director of Information Policy and Services, Ms. Tullo is a member of TNA’s Executive Team, who are responsible for managing information risks.</p> <p>The Keeper agrees that an appropriate individual has been identified as having responsibility for the OQPS public records.</p>
2. Records Manager <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>Simon Lovett, Head of Knowledge and Information management has the day-to-day operational responsibility for records management within OQPS. This is confirmed in a covering letter from the Queen’s Printer. Mr Lovett is supported by a records manager Kate Jenkinson. Ms Jenkinson is a member of staff at TNA.</p> <p>Job descriptions for both the Head of Knowledge and Information Management and the Records Manager have been supplied (evidence pack 12a and 12b).</p> <p>The RMP confirms Mr Lovett’s operational responsibility.</p>

			The Keeper agrees that an appropriate individual has been appointed to ensure compliance with the plan.
3. Policy <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>The Office of the Queen’s Printer for Scotland has a records management policy which has been supplied in evidence (03a).</p> <p>The policy is supported by a suite of guidance published internally on the TNA intranet ‘Narnia’. Several screen dumps have been supplied as evidence of the style and content of records management guidance at TNA.</p> <p>The OQPS records management policy includes reporting structures and roles and responsibilities, including a statement that the Queen’s Printer has overall responsibility for ensuring compliance with the policy and the RMP. This represents further evidence for element 1.</p> <p>The policy states in section 1 ‘we will ensure that all staff receive appropriate records management training’. The Keeper commends this commitment to training.</p> <p>There is a commitment in the RMP to reviewing the policy on a biannual basis.</p> <p>The Keeper agrees the Queen’s Printer for Scotland has a current records management policy as required under the Act.</p>
4. Business Classification	<b>G</b>	<b>G</b>	<p>OQPS have submitted a full business classification (BCS) that covers the entire operation. The classification mirrors that developed by TNA who have allocated a section of their EDRMS for OQPS. Top level structure has been supplied by the TNA’s Knowledge and Information Assurance team. The lower levels of the business classification are populated by local business units. The Keeper commends this system as practical for business purposes while retaining a degree of centralised control.</p>

			<p>The majority of the records created by the OQPS are held on the EDRMS, Objective. The Keeper is familiar with the functionality of Objective and agrees it is a suitable EDRM system for management of public authority records. Objective is compliant with MoReq1 standard.</p> <p>However, OQPS acknowledge that some record types are not included in the EDRM – such as statutory instruments or HR files. They also manage some legacy paper records. The Keeper is convinced that the standalone systems and paper files have been properly provided for in the hybrid OQPS file plan (provided as evidence 04a – 04e and 04j).</p> <p>The RMP (1.5) specifically states that the plan relates to the legacy paper files held in storage (see element 7 below)</p> <p>The RMP states (1.4) that records included in the plan include those created in the carrying out of OQPS functions whether directly or by third parties. No function of the Queen’s Printer is carried out by a third party.</p> <p>The Keeper agrees that OQPS has a business classification in place that reflects the records created throughout the authority.</p>
5. Retention schedule	<b>G</b>	<b>G</b>	<p>The Queen’s Printer has supplied the OQPS retention schedule (05a and 05b). The retention schedule supports the file plan (see element 4).</p> <p>The Keeper agrees that the Queen’s Printer has an operational retention schedule that covers all the functions of the authority.</p>
6. Destruction Arrangements <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>Records held on the EDRM Objective system are automatically destroyed following the retention schedule leaving a metadata stub. The Keeper acknowledges the benefits of logging what has been destroyed.</p>

			<p>Non-Objective electronic records are destroyed under the Electronic data disposal and destruction Policy (provided to the Keeper as 06f)</p> <p>This policy also considers the destruction of hardware, including the necessity of witnesses to destruction.</p> <p>Paper records are destroyed at the TNA on-site destruction facility.</p> <p>Back-ups of records are kept for business continuity purposes. The back-up tapes are kept for a maximum of a year and then destroyed using a tape crusher hired from Shred Easy. TNA back-up strategy has been supplied to the Keeper as evidence of this process (6e)</p> <p>The Keeper agrees that OQPS has properly considered the irretrievable destruction of records in all formats and the hardware upon which these records may be kept.</p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The designated archive for OQPS is The National Archives (TNA) (UK) at Kew where the authority is based. OQPS is yet to deposit any ‘modern records’ in TNA, the first deposit is anticipated in 2015, but will use TNA’s Records Selection and Transfer Process which is detailed on TNA’s website. To the best of our knowledge OQPS is in the unique situation of being a scheduled Scottish public authority physically based out-with Scotland and using many of the TNA’s systems and policies.</p> <p>Practically, it makes sense that OQPS deposit material for permanent archive preservation with their host body. TNA is, obviously, a suitable repository for archiving public authority records. The Keeper agrees that appropriate archiving and transfer procedures are in place once OQPS are in a position to archive any of their records. However, changes to the constitutional situation in Scotland may alter the current position. The Keeper requests that OQPS be prepared to revisit this either as part of any wider constitutional rearrangement or at the time the RMP is up for</p>

			review.
8. Information Security <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>The OQPS is based in TNA and the majority of their records are held on TNA servers. Therefore, OPQS adhere to TNA information security policies. Links to these policies have been supplied to the Keeper in evidence.</p> <p>Training for staff on information security appears on the TNA intranet (Narnia). A screen dump showing the style and some of the content of this training has been provided to the Keeper.</p> <p>A small section of the OQPS records are not held in TNA. These Legacy paper files are protected by the security systems adopted by the storage company Deepstore. A link to these has been provided to the Keeper. Deepstore claim PD5454 standard for archive storage.</p> <p>The Keeper agrees that OQPS has appropriate security schemes in place to adequately protect their records.</p>
9. Data Protection	<b>G</b>	<b>G</b>	<p>The OQPS follows the data protection procedures of TNA (See Element 8 above). Links to the TNA policy and procedures have been supplied.</p> <p>OQPS has a separate registration with the Information Commissioner. The relevant reference number has been supplied (Z4960393).</p> <p>Data Protection training for staff is carried out through the TNA intranet (Narnia). A screen dump has been supplied to indicate how this is done.</p> <p>The Keeper agrees the OQPS has properly considered its responsibilities under the Data Protection Act 1998.</p>
10. Business Continuity	<b>G</b>	<b>G</b>	<p>OQPS identify their vital records through the <i>What To Keep</i> Schedule that supports the file plan and retention schedule (See elements 4 and 5). The schedule has been</p>

and Vital Records			<p>supplied to the Keeper (10a). The vital records identified by OQPS are recorded in the TNA corporate Information Asset Profile.</p> <p>The OQPS is based in TNA and the majority of their records are held on TNA servers. OQPS have supplied the TNA Major Incident Management Plan and the Business Continuity Management Manual which OQPS staff would follow in the case of an emergency.</p> <p>TNA operate a back-up system for business continuity which includes the records of OQPS. This is explained in detail in a document <i>The National Archives Backup Strategy</i> that has also been supplied to the Keeper.</p> <p>The Keeper agrees that OQPS has appropriately considered its business continuity and has a methodology for the identification of vital records in its core systems.</p>
11. Audit trail	<b>G</b>	<b>G</b>	<p>Objective imposes an automatic audit trail on the majority of OQPS records. Those held in stand alone electronic systems 'provide audit logs that record user access to systems and movement of data'.</p> <p>The movement of paper files is monitored by the systems in place at Deepstore (see Element 7 above).</p> <p>The Keeper agrees that the OQPS has systems in place to properly track the movement of records and to ensure that version control is imposed.</p>
12. Competency Framework for records management staff	<b>G</b>	<b>G</b>	<p>Job descriptions for both the Head of Knowledge and Information Management and the Records Manager have been supplied (evidence pack 12a and 12b).</p> <p>The <i>Records Management Policy</i> states in section 1 'we will ensure that all staff receive appropriate records management training'. The Keeper commends this commitment to training.</p>

			<p>Part of the evidence pack for Element 4 is PowerPoint training modules, and intranet (Narnia) screen dumps, for information asset owners. Training for staff on information security also appears on the TNA intranet. A screen dump showing the style and some of the content of this training has been provided to the Keeper.</p> <p>All OQPS staff undergo mandatory training on subjects such as FOI that are relevant to records management processes.</p> <p>The Keeper agrees that the person identified at element two has appropriate skills to implement the RMP and that The Queen's Printer properly considers records management training for her staff.</p>
<p>13. Assessment and Review</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The covering letter from the Queen's Printer instructs that this RMP should be reviewed two months after agreement and thereafter annually 'to ensure that it remains appropriate to OQPS' business needs'.</p> <p>The RMP itself, in the introductory overview, reinforces the review periods set out in the covering letter.</p> <p>OQPS has indicated that they will attempt to introduce the RMP into their internal audit programme for 2015/16. The Keeper commends this attempt to build records management systems into their audit programme.</p> <p>The Keeper agrees that the Queen's Printer has committed to review the RMP after an appropriate period.</p>
<p>14. Shared Information</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Queen's Printer for Scotland does not routinely share information with third parties when carrying out its functions.</p> <p>When providing information to third parties, for practical business reasons such as</p>

			procuring services, they have committed to do so under data protection and information security policies (See Elements 8 and 9 above).
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## 6. Keeper's Summary

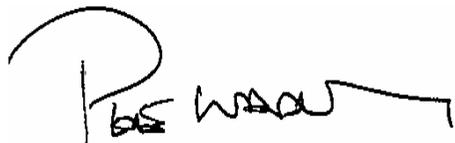
Elements 1-14 that the Keeper considers should be in a public authority records management plan have been properly considered by Queen's Printer for Scotland. Policies and governance structures are in place to implement the actions required by the plan.

## 7. Keeper's Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of the Queen's Printer for Scotland.

The Keeper recommends that the Queen's Printer for Scotland 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 the Queen's Printer for Scotland. In agreeing this RMP, the Keeper expects the Queen's Printer for Scotland to fully implement the agreed RMP and meet its obligations under the Act.



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