

**Public Records (Scotland) Act 2011**

**Orkney Islands Council and  
Orkney Islands Area Licensing Board**

**The Keeper of the Records of Scotland**

**5th July 2020**

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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 Orkney Islands Council and Orkney Islands Area Licensing Board by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 21<sup>st</sup> March 2019.

The assessment considered whether the RMP of Orkney Islands Council and Orkney Islands Area 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 Orkney Islands Council and Orkney Islands Area Licensing Board complies with the Act can be found under section 7 of this report with relevant recommendations.

## **3. Authority Background**

The Orkney Islands Council is the local authority for Orkney. It was established in 1975 by the Local Government (Scotland) Act 1973 and was largely unaffected by the Scottish local government changes of the mid-1990s.

It provides services in the areas of Environmental Health, Roads, Social Work, Community Development, Organisational Development, Economic Development, Building Standards, Trading Standards, Housing, Waste, Education, Burial Grounds, Port and Harbours and others. The council is allowed to collect Council Tax.

The Council is also the harbour authority for Orkney and its Marine Services division manages the operation of the islands' 29 piers and harbours.

Orkney Islands Council is the smallest local authority in Scotland. <http://www.orkney.gov.uk/>

Licensing is the responsibility of licensing boards under powers contained in the Licensing (Scotland) Act 2005. Local licensing boards have wide discretion to determine appropriate licensing arrangements according to local needs and circumstances and their own legal advice. Each local government area must have a licensing board. Orkney Islands Area Licensing Board handles the administration of a range of licences. The board has eight members.

<http://www.orkney.gov.uk/Service-Directory/L/Licensing-Board.htm>

## 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 Orkney Islands Council and Orkney Islands Area 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:

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

### Orkney Islands Council and Orkney Islands Area Licensing Board (for simplicity both authorities will be referred to as 'the Council' in the assessment below)

Element	Present	Evidence	Notes
1. Senior Officer	<b>G</b>	<b>G</b>	<p>Page 6 in the introduction to Orkney Islands Council's <i>Records Management Plan</i> (the <i>Plan</i>) explicitly states that it covers the records created and managed by both Orkney Islands Council and Orkney Islands Licensing Board (hereafter both will be referred to as 'the Council' for the purposes of this assessment).</p> <p>The <i>Plan</i> identifies Gillian Morrison, Executive Director for Corporate Services, Orkney Islands Council, as the individual with senior management responsibility for records management. This is confirmed in a letter from Ms Morrison to the Keeper of the Records of Scotland (the Keeper) submitted with the Council's original submission in 2016.</p> <p>The Council's <i>Records Management Policy</i> (<b>see Element 3</b>) also identifies the Executive Director for Corporate Services (Ms Morrison) as the Senior Information Risk Owner (SIRO).</p> <p>The identification of the SIRO as strategically responsible for records management is supported by the <i>Data Protection Policy</i> (<b>see element 9</b>).</p> <p>The Executive Director for Corporate Services attends an annual meeting of the Information Governance Group (<b>see under General Comments below</b>) where the</p>

			<p>implementation of the <i>Plan</i> is reviewed. Ms Morrison has a responsibility to "Scrutinise and review the plan and supporting strategies, policies and progress." (<i>Plan</i> page 25).</p> <p>The <i>Plan</i> identifies Gavin Mitchell, Data Protection Officer and Head of Legal Services, Orkney Islands Council, as Clerk to the Licensing Board and as such is also the senior individual with records management responsibility for the Licensing Board. This was originally confirmed in a letter from Mr Mitchell as part of the original submission in 2016.</p> <p>As with the Executive Director for Corporate Services, the Head of Legal Services and Data Protection Officer attends the review meeting of the IGG where the <i>Plan</i> is scrutinised.</p> <p>The <i>Plan</i> also states that the Information Asset Owners for each service are responsible for ensuring compliance with the <i>Plan</i> within their service areas.</p> <p><b>The Keeper agrees that the Council has identified suitable individuals to take senior management responsibility for records management as required by the Act.</b></p>
2. Records Manager	<b>G</b>	<b>G</b>	<p>The <i>Plan</i> identifies George Vickers, Information Governance Officer, Orkney Islands Council, as the individual with operational day-to-day responsibility for records management within the Council.</p> <p>This is confirmed by the covering letter which accompanied the original <i>Plan</i> in 2016 (version 1.0) from the Executive Director for Corporate Services (<b>see Element 1</b>). Mr Vickers reports directly to the Head of Legal Services (<b>see Element 1</b>).</p> <p>This responsibility is also described in the Council's <i>Records Management Policy</i></p>

			<p>(see Element 3), which states that 'the Information Governance Officer is responsible for creating, implementing and maintaining records management policies, procedures and guidance'. This is confirmed by Mr Vickers being the author of the <i>Plan</i> and responsible for reviewing it (<i>Plan</i> page 2).</p> <p>Also supplied as evidence in support of the 2016 submission was Mr Vickers' job description. This clearly outlines his information governance responsibilities and also specifically for ensuring the Council's compliance with the Public Records (Scotland) Act 2011.</p> <p>The Information Governance Officer is required to monitor the Council's compliance with "relevant legislation and best practice" (<i>Records Management Policy</i> – see element 3 – page 9).</p> <p>The Keeper agrees that an appropriate individual has been identified to take operational day-to-day responsibility for records management within the Council as required by the Act.</p>
3. Policy	G	G	<p>The Council has outlined its corporate approach to records management in its <i>Records Management Policy</i>. This is version 1.0 which was approved in 2014 by the Head of Legal Services (see element 1) and reviewed in November 2017.</p> <p>A link has been provided to the Council's website, where the Policy can be found: <a href="https://www.orkney.gov.uk/Files/Council/OIC_Records_Management_Policy_Version_1.pdf">https://www.orkney.gov.uk/Files/Council/OIC_Records_Management_Policy_Version_1.pdf</a>. The Keeper commends the publication of key records management documents as a way of sharing practice with stakeholders.</p> <p>The Records Management Policy places the following requirement on the Council: "All Council staff and third parties responsible for projects must ensure record management requirements are addressed during the planning, design and</p>

			<p>implementation of projects. They must consider this Policy and associated procedures are complied with" (<i>Policy</i> page 8). This is key to developing a culture that values records management and to be highly commended.</p> <p>The Policy is supported by a <i>Guide to Records Management</i> (version 1.1, dated May 2016). This provides staff with an overview of what they need to do on a practical basis to comply with the requirements of the <i>Policy</i>. The Keeper has been sent the most up-to-date version of this guidance. It covers topics such as retention schedules (<b>see element 5</b>), destruction of records (<b>element 6</b>), and information security (<b>element 8</b>). Both the <i>Policy</i> and the <i>Guide</i> are available to staff on the Council's intranet system 'Portal'. In their original submission the Council provided the Keeper with screen-shots of their intranet showing that staff can access information governance policies and procedures.</p> <p>The Keeper agrees that the <i>Plan</i> supports the objectives of the <i>Records Management Policy</i>.</p> <p>The Keeper agrees that the Council has a records management policy statement as required by the Act.</p>
4. Business Classification	A	G	<p>The <i>Plan</i> states that the Council has adopted the Local Government Classification Scheme (LGCS) to organise its records into a <i>Business Classification Scheme (BCS)</i>. This follows a three level structure based on the functions, activities and transactions of the organisation. The Council has also utilised the Scottish Council on Archives Records Retention Schedule (SCARRS) to develop its retention requirements and has created a joint <i>BCS/Retention Schedule</i>. The Keeper recognises that a function-based <i>BCS</i> is currently considered best practice as it is more resilient to organisational change. Additionally, he commends the use of a joint <i>BCS</i> and retention schedule as this is likely to be a central point of reference to identify record types and their retention requirements.</p>

		<p>The <i>Plan</i> states that the Council also intends to introduce an EDRMS as a central storage area for documents and records that are currently stored on personal drives, on email accounts and on shared drives, all of which currently do not have records management functionality. The Council intends to use SharePoint with an added bolt-on to improve records management functionality. Submitted as evidence is the <i>EDRMS Project Plan</i> which details how the project will implement the new system. This was approved by the Project Board in December 2018. It is anticipated that the project will take around three years. <b>This is entirely appropriate for a project of this size and the Keeper requests that he is kept informed of the progress of this work, which is likely to achieve significant benefits for the Council.</b></p> <p>Also submitted is an <i>EDRMS Project Overview</i> document which outlines in simple terms the aims of the project.</p> <p>The <i>Plan</i> states that the Council also uses a number of bespoke systems to manage documents and records, for example PARIS for social work files and IDOX for planning files. These systems will be reviewed by the Council and, if necessary, processes will be put in place to bring them into line with the Council's records management policies and procedures. <b>Again, the Keeper requests that he is kept informed of the progress of this work.</b></p> <p>The joint <i>BCS/Retention Schedule</i> has been published on the Council's website: <a href="https://www.orkney.gov.uk/Files/Council/Council-Plans/OIC_Retention_Disposal_Schedule.pdf">https://www.orkney.gov.uk/Files/Council/Council-Plans/OIC_Retention_Disposal_Schedule.pdf</a></p> <p>The Keeper commends the publication of key records management documents.</p> <p>The <i>BCS/Retention Schedule</i> fulfils a commitment in the <i>Records Management Policy (see element 3)</i> that "Records are stored within record keeping systems</p>
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			<p>rather than in personal filing" (<i>Policy</i> page 5) and that "Records are stored in a consistent manner that reflects Council functions" and "Accurate and reliable records that are created, stored and disposed of in a managed environment" (both page 6).</p> <p>The Keeper has been supplied with a copy of the Council's <i>Rolling Action Plan</i>, a draft revised <i>Retention Schedule</i> and a document setting out the <i>Council Business Classification Scheme</i> providing evidence of progress made in 2019/2020 in implementing the recommendations of the Internal Audit Report.</p> <p>The <i>Plan</i> states that file plans will need to be developed in preparation for the implementation of EDRMS. These will be based on the <i>BCS/Retention Schedule</i>.</p> <p><b>The Keeper can agree this Element on an 'Improvement Model' basis. This means that the authority has identified where improvements can be made to current recordkeeping systems and have evidenced the commitment to put these improvements into practice. The Council has recognised that the full implementation of the SharePoint + Bolt-On solution will take several years. This agreement is dependent upon the Keeper being kept informed of progress on a regular basis during the course of this work.</b></p>
5. Retention schedule	A	G	<p>The Council has developed a joint <i>BCS/Retention Schedule</i> (<b>see comments under Element 4</b>).</p> <p>The joint <i>BCS/Retention Schedule</i> also identifies the Council's vital records. The Keeper commends this approach to identifying records which are essential for business continuity purposes (<b>see element 10</b>).</p> <p>Reference to the records of the Licensing Board in the <i>BCS/Retention Schedule</i> can be found on pages 125-127.</p>

		<p>The <i>Plan</i> states that the retention schedules are endorsed by each Head of Service and they apply to both paper and electronic records. Requests for changes to the schedules are made through the representatives of the Information Governance Group (<b>see under Key Group in the General Comments below</b>) and any changes that need to be made are undertaken by the Information Governance Officer (<b>see Element 2</b>).</p> <p>The <i>Plan</i> states that the Council maintains a storage facility for the long-term storage of non-current business records. The <i>Plan</i> indicates that service areas work with the Council's archive service to identify records for destruction and for permanent preservation. The Keeper commends the involvement of archival colleagues in the practical development and implementation of retention schedules.</p> <p>The <i>Plan</i> states that standards for records retention are added to contracts and agreements with third parties who share or process information on behalf of the Council. The Keeper commends this important consideration of Council information that may be used by third parties.</p> <p>The Keeper notes that robust retention scheduling will be required to fulfil a commitment in the <i>Records Management Policy</i> (<b>see element 3</b>) that "Records are disposed of in accordance with approved Records Retention Schedules" and an aim to pursue "Better use of Council facilities as records are retained for no longer than is necessary through use of retention schedules" (Both - <i>Policy</i> page 6).</p> <p><b>The Keeper can agree this Element on an 'Improvement Model' basis. This means that the Council has recognised that the full roll-out of the joint BCS/Retention Schedule to their new eDRM solution will take several years. This agreement is dependent upon the Keeper being kept informed of progress on a regular basis.</b></p>
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6. Destruction Arrangements	A	G	<p>The Council's <i>Records Management Policy</i> (<b>see element 3</b>) explains that effective records keeping...ensures that that the correct information [can be] destroyed...in accordance with business need, best practice and the law (<i>Records Management Policy</i> page 5) and a commitment that "Records are disposed of in accordance with approved Records Retention Schedules" and "Accurate and reliable records that are ... disposed of in a managed environment" (both page 6).</p> <p>With this in mind the Council has the following processes in place:</p> <p><u>Paper records (in-house)</u>: Hard copy records are destroyed by Council staff at the end of their retention period. The Council's original submission provided details of the shredding facilities employed. Its <i>Plan</i> notes that sensitive material is destroyed under the supervision of an officer of the relevant business area. This is to be commended.</p> <p><u>Paper records (held externally)</u>: There is no suggestion that Orkney Islands Council holds paper records with a third party storage contractor.</p> <p><b>Digital records:</b> As with many other Scottish public authorities the controlled, secure and irretrievable destruction of records held electronically on shared drives remains a problem. However, the Keeper agrees that the move to an electronic document management solution (<b>see element 4</b>) will greatly help with this. This project remains incomplete and, as this is the case, cannot be considered as universally applied.</p> <p>The <i>Plan</i> also states that procedures to automatically delete emails after a set period will be introduced. This is to be commended. <b>The management of e-mail is a particular risk for a public authority and the Keeper would be grateful for an update when this process is rolled out.</b></p>

			<p><u>Hardware:</u> The IT services in the authority routinely destroy public records held on stand-alone devices when they become redundant. They have provided an invoice for this work in evidence that the arrangements are operational.</p> <p><b>Back-ups:</b> The <i>Evidence Schedule</i> supplied with the <i>Plan</i> has the following statement: “Plans are in place and being implemented to destroy the backlog of paper records that have passed their destruction dates and data held on old electronic hardware and back-up tapes.” The Keeper agrees this action.</p> <p>The <i>Plan</i> states that the procedures in the Council require disposals to be ‘documented’. The use of a destruction log, or similar record of destruction, is to be commended. A sample destruction update has been provided in evidence.</p> <p>In their original submission the Council provided the Keeper with screen-shots of their intranet showing that staff can access information governance policies and procedures.</p> <p><b>The Keeper agrees this element the Council’s <i>Records Management Plan</i> on improvement model terms. This means that the authority has identified a gap in provision (the processes for the destruction of digital records are not universally controlled and a back-log of back-up tapes require destruction), but have put process in place to close that gap. The Keeper’s agreement would be conditional on his being updated regarding progress.</b></p>
7. Archiving and Transfer	<b>G</b>	<b>G</b>	<p>The Council’s <i>Records Management Policy</i> (<b>see element 3</b>) explains that effective records keeping... ensures that that the correct information [can be] preserved... in accordance with business need, best practice and the law (<i>Records Management Policy</i> page 5).</p>

			<p>Orkney Islands Council operates an in-house archive service: <a href="https://www.orkney.gov.uk/Service-Directory/S/orkney-library-and-archive.htm">https://www.orkney.gov.uk/Service-Directory/S/orkney-library-and-archive.htm</a></p> <p>Those public records of the Council that are selected for permanent preservation are transferred internally to this repository under formal transfer arrangements. The Keeper has been previously supplied with <i>Procedure for Appraising which Records should be Transferred to the Archive Service</i></p> <p>This arrangement is supported by statements elsewhere in the <i>Plan</i> (for example under element 11 page 23).</p> <p>The arrangements for the permanent preservation of records fulfils a commitment in the <i>Records Management Policy (see element 3)</i> that “Records that are identified as of historical significance are preserved” (<i>Policy</i> page 6) and a stated aim to facilitate the “Identification of records of historical value for permanent retention at the earliest possible moment”.</p> <p>The Council has provided the Keeper with a sample transfer note as evidence that these arrangements are operational.</p> <p>The Keeper agrees that the Council has identified a suitable repository for the management of public records considered suitable for permanent preservation and have formal transfer arrangements with that repository in place.</p>
8. Information Security	G	G	<p>At the time of their original submission the Council provided the Keeper with a suite of information security policies. The Keeper agreed these adequately provided guidance on protecting public records.</p> <p>The Council has provided the Keeper with the most recent versions of its <i>Information Security Policy, Information Security Guidance Booklet, Protective</i></p>

			<p><i>Marking Policy and Clear Desk Policy.</i></p> <p>The information security arrangements fulfil a commitment in the <i>Records Management Policy</i> (<b>see element 3</b>) that “Records are appropriately secured” (<i>Policy</i> page 6)</p> <p>The Plan commits the Council to consider information security “from the start of a project and not bolted on later” (<i>Plan</i> page 17). The Keeper commends this principle.</p> <p>In their original submission the Council provided the Keeper with screen-shots of their intranet showing that staff can access information governance policies and procedures.</p> <p>The Head of IT and Facilities, Orkney Islands Council, provides a security report to the Senior Management Team. The Keeper agrees that senior management engagement with the issue of information governance/records management is vital to the success of the <i>Plan</i>.</p> <p>The Keeper agrees that the Council has robust procedures in place to protect the information it creates and manages as required by the Act.</p>
9. Data Protection	<b>G</b>	<b>G</b>	<p>The Council has a <i>Data Protection Policy</i> which has been provided to the Keeper. This is version v1.0 approved by Orkney Islands Council’s Data Protection Officer and Head of Legal Services (<b>see element 1</b>) in May 2018.</p> <p>The <i>Data Protection Policy</i> outlines the six data protection principles and how to make a subject access request.</p> <p>It is publically available at: <a href="https://www.orkney.gov.uk/Council/D/Data-Protection-Policy.htm">https://www.orkney.gov.uk/Council/D/Data-Protection-Policy.htm</a></p>

			<p>The organisation is registered as a data controller Z534547X.</p> <p>The Keeper notes an objective in the <i>Records Management Policy</i> (page 6) to pursue “Improved compliance with access to information legislation” (<i>Policy</i> page 6).</p> <p>In their original submission the Council provided the Keeper with screen-shots of their intranet showing that staff can access information governance policies and procedures.</p> <p>The Council have also provided the Keeper with their <i>Data Protection Policy Procedure for Staff</i> document (amended December 2018). This is thorough and useful guidance document for Data Protection Act compliance and for records management in general.</p> <p>The Procedure for Staff guidance document details the step by step processes for responding to subject access requests.</p> <p>The Keeper agrees that the Council has properly considered their responsibilities under the Data Protection Act 2018.</p>
10. Business Continuity and Vital Records	<b>G</b>	<b>G</b>	<p>The <i>Plan</i> (page 17) commits the Council to anticipate and plan for the unexpected. Part of the disaster planning process should include the recovery of records.</p> <p>Each service has its own local business recovery plan. In the original submission the Council provided the Keeper with an example of such a plan and he agreed that it appropriately included records recovery including vital records (section 7.6). The Keeper accepts that other service areas have similar arrangements. The Council have provided the Keeper with an updated version of their sample <i>Finance Recovery Plan</i> in evidence.</p>

			<p>In their original submission the Council provided the Keeper a screen-shot of business continuity plans page on their intranet. This shows that staff can access information governance policies and procedures.</p> <p>The Keeper notes that the identification of vital records will be required to fulfil a commitment in the <i>Records Management Policy</i> (<b>see element 3</b>) that “Records that are identified as vital are protected accordingly” (<i>Policy</i> page 6). The <i>Plan</i> (page 22) states: “Vital Records are those records which the services will need to implement their Business Continuity Plans. As part of the Business Continuity Plans, each service will make contingency plans to ensure they have access to their Vital Records.”</p> <p>The Keeper agrees that the Council has an approved and operational business continuity process, which is made available to appropriate staff. The recovery plan includes records identified as ‘vital’.</p>
11. Audit trail	A	G	<p>The Council’s <i>Records Management Policy</i> (<b>see element 3</b>) explains that effective records keeping...ensures that that the correct information [can be] retrieved...in accordance with business need, best practice and the law (<i>Records Management Policy</i> page 5).</p> <p>However, this is an area of improvement for the Council and this is recognised in the <i>Plan</i> (page 23): “It is recognised that at present, the Council does not have adequate procedures in place in relation to audit trails covering all transactions undertaken...procedures and guidance will be investigated to ensure a corporate approach is developed and established which will cover all records.” The Keeper agrees this action.</p> <p>He also acknowledges that the introduction of an EDRMS (and the transfer of</p>

			<p>existing files into this system as planned) will greatly improve the tracking functionality in the Council's record keeping systems. The Council have provided the Keeper with internal updates on the development of this project.</p> <p>The Keeper accepts that the Council uses a number of bespoke case/document management systems "business information systems", for example PARIS for social work files and IDOX for planning files. These are used across a number of service areas within the organisation to carry out its functions. The Keeper accepts that these line of business systems provide audit trail functionality for the records created and managed within them.</p> <p>Under this element the <i>Plan</i> mentions "paper records inventories". This is a common solution used to track the movement of paper files.</p> <p>The Keeper notes that robust document tracking processes will be required to fulfil a commitment in the <i>Records Management Policy</i> (<b>see element 3</b>) that "Records are easily accessible for as long as they are required" and a pursuit of "Accurate and timely retrieval of records through effective filing schemes" (Both <i>Policy</i> page 6).</p> <p><b>The Keeper agrees this element of the Council's Plan under improvement model terms. This means that the Council has identified a gap in their records management provision, but have put in place a project to close that gap. The Keeper's agreement is conditional on his being updated as that project progresses.</b></p>
12. Competency Framework for records management	<b>G</b>	<b>G</b>	<p>The Keeper expects to see evidence that Staff creating, or otherwise processing records, are appropriately trained and supported.</p> <p>The Council provided the job description of the Information Governance Officer (<b>see element 2</b>) and his training log in their original submission and the Keeper agrees</p>

staff			<p>this shows that Mr. Vickers has the relevant skills and access to training to allow him to be responsible for the day-to-day implementation of the <i>Plan</i>.</p> <p>For other staff, training on information governance procedures fulfils a commitment in the <i>Records Management Policy</i> that the Council will ensure that “Records management procedures are understood by all staff and staff are appropriately trained” and “All employees must understand their responsibilities for record keeping, are appropriately trained in managing records, and implement the procedures for maintaining records in accordance with this Policy and associated guidance” (<i>Policy</i> pages 6 and 8).</p> <p>The Council SIRO (<b>see element 1</b>) has a specific responsibility to drive a culture change regarding information risk (<i>Data Protection Policy</i> – <b>see element 9</b> – page 6)</p> <p>The <i>Plan</i> notes (page 24): “Local training modules have been put in place for service areas who routinely deal with more sensitive personal and/or confidential information.” (<b>see element 9</b>)</p> <p>Information governance information is relayed to staff by internal e-bulletin. A sample bulletin has been provided in evidence.</p> <p>The Keeper agrees that the Council has ensured that the individual identified at element 2 has the required authority and skills to implement the <i>Plan</i>. They also consider training opportunities for other members of staff when appropriate.</p>
13. Assessment and Review	<b>G</b>	<b>G</b>	<p>It is a requirement of the Public Records (Scotland) Act 2011 that “An authority must— (a) keep its records management plan under review” (PRSA Part 1 5.1.a.)</p> <p>The Control Sheet of the <i>Plan</i> commits the Council to an annual review.</p>

		<p>The <i>Plan</i> provides a reporting action structure (page 25).</p> <p>Local service areas are required to self-report on performance against the <i>Plan</i>. This is achieved by the Information Governance Officer (<b>see element 2</b>) providing service areas with a <i>Self-Evaluation Questionnaire</i> to complete. The Keeper has seen an example of this questionnaire (<i>Data Protection Procedure</i> guidance document Appendix 4).</p> <p>Completed questionnaires will be considered by the Council SIRO (<b>see element 1</b>), Data Protection Officer (<b>see element 9</b>), the Information Governance Officer (<b>element 2</b>) and Information Governance Group (IGG) (<b>see under General Comments below</b>).</p> <p>The Plan is also subject to audit by the Council's internal audit unit. It is noted that the revised version of the <i>Plan</i> was prompted by recommendations from the <i>Internal Audit Report</i> (<i>Plan</i> page 2).</p> <p>The <i>Records Management Policy</i> (<b>see element 3</b>) requires the Information Governance Group to provide an annual report on compliance with relevant legislation to elected councillors. This is done following a special meeting of the IGG. The <i>Policy</i> itself is reviewed annually by the Information Governance Officer (<b>see element 2</b>).</p> <p>The <i>Data Protection Policy</i> (<b>see element 9</b>) will be reviewed annually by the Information Governance Officer.</p> <p><i>Electronic Document and Records Management System Project Plan</i> (<b>see element 4</b>) is reviewed as part of 'stage planning' at each stage.</p>
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			<p>The Keeper will be pleased to be informed of any changes resulting in the reviews. This could be done as part of the annual PUR process:</p> <p><a href="https://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/progress-update-review-pur-mechanism">https://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/progress-update-review-pur-mechanism</a></p> <p>The Keeper agrees that the Council has made a firm commitment to review their <i>Plan</i> as required by the Act and have explained who will carry out this review, when this will take place and by what methodology. This seems to be a particularly well considered and robust review mechanism.</p>
14. Shared Information	<b>G</b>	<b>G</b>	<p>As is the case with all Scottish local authorities, the Council routinely shares information with other bodies while carrying out its functions.</p> <p>The Council is a partner in information sharing with other public authorities.</p> <p>In their original submission the Council provided sample multi-agency working protocol and a <i>Data Sharing Agreement</i>. The Keeper agreed that these both appropriately considered information governance. The Keeper accepts that these governance documents are still used by the Council.</p> <p>However, the <i>Plan</i> states (page 26) that they are: “working with its partners to develop Information Sharing Protocols to ensure that the SASPI principles and the Information Commissioner’s Office Data Sharing Code of Practice are implemented.” The Keeper agrees this action. <b>The Keeper would be interested to receive a copy of the new-style agreement when appropriate. He will also be interested to know if SASPI is still the template agreement to be used.</b></p> <p>The Keeper agrees that the Council properly considers information governance when implementing information sharing arrangements with third parties.</p>

15. Third Parties		<p>Orkney Islands Council chose to include a 15<sup>th</sup> Element 'Working with Contractors' in their re-submission in March 2019. In May of that year the Keeper announced that he was also adding a 15<sup>th</sup>, third party, element to his Model Plan.</p> <p>As a Local Authority it is very likely that the Orkney Islands Council contracts out some of its functions to third parties, such as charities or ALEOs. The Act makes it clear that records created by these third parties when carrying out these functions are subject to the Act. It is the responsibility of the scheduled authority (the Council) to ensure that procedures are in place to satisfy themselves that third parties are carrying out records management appropriately.</p> <p>This is recognised in the introduction to the <i>Plan</i> (page 7), the <i>Data Protection Procedure</i> guidance document (page 5) and the <i>Records Management Policy</i> (page 5).</p> <p>Under element 15, the <i>Plan</i> states (page 27) that: "The Council will identify scenarios where contractors will create or manage public records at an early stage...an assessment of the tenderer's records management capability will be included as part of the procurement process"</p> <p>The <i>Plan</i> also mentions clauses, such as the transfer of Council records once the contract has ended, are included in contracts. The Keeper has been provided with a sample in evidence.</p> <p>The Keeper agrees that the Council has considered the records management responsibilities of third parties carrying out functions on its behalf. The fact that Orkney Islands Council have identified this issue as a separate 'element' (pre-empting the Keeper's new Model Plan) is indicative of the authority recognising the significance of this matter.</p>
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## 6. Keeper's Summary

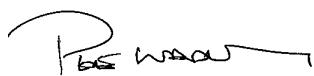
Elements 1 - 15 that the Keeper considers should be in a public authority records management plan have been properly considered by Orkney Islands Council and Orkney Islands Licensing Board. Policies and governance structures are in place to implement the actions required by the plan.

## 7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of **Orkney Islands Council and Orkney Islands Area Licensing Board**.

- The Keeper recommends that Orkney Islands Council and Orkney Islands Area 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,



**Pete Wadley**  
Public Records Officer



**Hugh Hagan**  
Senior 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 Orkney Islands Council and Orkney Islands Area Licensing Board. In agreeing this RMP, the Keeper expects Orkney Islands Council and Orkney Islands Area 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