

As a result of changes to the Keeper's Model Plan, this guidance is currently being reviewed. In the meantime, if you have any queries about the guidance, please contact the Assessment team public_records@nrscotland.gov.uk.

GUIDANCE TO THE FORM AND CONTENT OF THE MODEL RECORDS MANAGEMENT PLAN

For Developing Records Management
Arrangements Under Section 1 of

The Public Records (Scotland) Act 2011

Public Records (Scotland) Act 2011
Guidance to the Content of the Records Management Plan

National Records of Scotland

Model Records Management Plan - **Guidance**

To assist public authorities to comply with the Public Records (Scotland) Act 2011

<http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011>

This guidance should be consulted by authorities while they are creating their records management plan as required under the terms of the Public Records (Scotland) Act 2011

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Public Records (Scotland) Act 2011
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Introduction

This Guidance Document is designed to assist Scottish public authorities create a records management plan (RMP) that is sufficiently robust to receive the agreement of the Keeper of the Records of Scotland (the Keeper). It provides links to published best-practice and also to sample documents that an authority might adapt for the purposes of creating its own RMP.

This guidance has been prepared by the National Records of Scotland in consultation with a cross-section of bodies affected by the Public Records (Scotland) Act 2011 (the Act). The guidance is not prescriptive, but is designed to be used in part, or adopted wholesale, as public authorities think appropriate.

The electronic version of the Keeper's Model Records Management Plan (Model Plan) provides links directly from each element of the Model Plan to the relevant page in this Guidance Document.

This document provides links to guidance created and published by other organisations. The National Records of Scotland has no control over this material or when and how often it is amended or updated. You should be aware that, while we will make every effort to keep our Guidance Document up to date, it will not be possible to guarantee that links are to the latest versions of any external document.

The Keeper is committed to helping public authorities comply with the Act. If, having consulted this guidance, an authority is still unsure of what is required, they should contact the Keeper's implementation team at:
public_records@nrscotland.gov.uk

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About the Public Records (Scotland) Act 2011

1. What is meant by the “form” of the Records Management Plan (RMP)?

The Keeper of the Records of Scotland (the Keeper) is statutorily obliged to issue guidance on this aspect of the RMP because authorities may wish to use a variety of media when submitting a RMP to the Keeper for consideration and agreement.

While it is expected that most scheduled authorities will chose to support their plan electronically, it may be the case that a paper copy (or in some other format) will be necessary or suitable. The Keeper wishes to be flexible in his approach to this situation and will consider all formats on a case by case basis.

It is expected that most authorities will choose to submit the supporting evidence for their plans, for the Keeper’s consideration, in electronic format, but again the option to do this by some other means remains open to the Keeper and authorities to agree.

2. What is meant by the “content” of the RMP?

The Keeper has issued a model RMP. This can be used by authorities without modification, if it fits their circumstances, or by amendment to suit their records and their particular business needs.

The Keeper’s Model Plan includes advice on the individual elements of a plan and has been issued on conclusion of extensive consultation with public authorities and others affected by the legislation.

This document is the guidance on the form and content of the Keeper’s Model Plan. Under the terms of the Public Records (Scotland) Act 2011, the Keeper is required to publish this guidance so that the individual elements of the Model Plan can be readily understood by all who are obliged to produce a RMP. This is of critical importance because it may be that for some bodies not all the elements of the model RMP will be relevant.

This Guidance Document should make the elements in the Model Plan clear and help authorities to make accurate and sensible decisions on what their own RMP should look like. It is also vital that authorities understand what is expected of them under each element of the RMP. The Model Plan can be viewed at: <http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources/model-records-management-plan>

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Evidence

In order to agree the records management plan (RMP) of a public authority, the Keeper of the Records of Scotland (the Keeper) must be satisfied that the policies and procedures explained in the plan are in fact operational throughout an authority. To do this the Keeper will ask that an authority submits evidence that supports the claims made in the RMP.

The nature of this evidence will depend on the individual authority. The 'evidence' section under each element in this guidance is not prescriptive nor is it comprehensive.

There are, however, some points that scheduled authorities should consider before submitting evidence to the Keeper:

1. The single most important piece of evidence that the Keeper would expect to see with each RMP is the sign-off of a senior accountable officer from the authority. This aspect of the RMP (Element 1 in the Model Plan) is mentioned specifically in the Act (1 2(a)i) and is therefore compulsory.
2. If an authority's RMP refers to a formal policy document the Keeper would expect to see a copy of that document and expect to see evidence that the policy is approved by the senior accountable officer. It is accepted that, in some specific cases, access to policy documents might be restricted. An explanation of this, again approved by the senior accountable officer, would suffice.
3. Submitted evidence should not be created purely to comply with the Public Records (Scotland) Act 2011 (the Act), but should be drawn from current records management policies and procedures.
4. A records management self-assessment exercise, as advocated by the Keeper, would generate evidence that might be submitted in support of an authority's RMP. The self-assessment programme is not however, in itself, a substitute for a RMP.
5. The Keeper will not expect to receive multiple evidential documents under each element. One robust piece of evidence should suffice. A sample contract, for example, might be used as evidence of the type of arrangement that routinely exists. This sample may be redacted to comply with commercial-in-confidence obligations.
6. Please do not send the Keeper, as evidence, documents labelled 'draft', 'business case' or similar. He can only consider policies or procedures that appear to be final and approved.

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General Guidance

The Keeper of the Records of Scotland (the Keeper) is required, under section 1.4 of the Act, to issue guidance to 'the form and content' of his Model Records Management Plan.

Section 9 of the Act permits the Keeper to offer guidance beyond the form and content of the Model Plan. The Keeper considers that, further to fulfilling his statutory requirements, this Guidance Document should provide links to other guidance on records management. It is hoped that this will encourage best practice generally and to further a culture of improvement in Scottish records management.

1. General Records Management Guidance

National Records of Scotland

The National Records of Scotland offer guidance and advice for organisations considering implementing or expanding a records management programme:

Link: <http://www.nrscotland.gov.uk/record-keeping/records-management>

Scottish Ministers' Code of Practice on records management by Scottish public authorities under the Freedom of Information (Scotland) Act 2002 - 'Section 61' - Records Management Code of Practice.

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Many of the authorities scheduled under the Public Records (Scotland) Act 2011 will also have been scheduled under the Freedom of Information (Scotland) Act 2002 (FOI(S)A). The records management code, issued to set out practices authorities should follow to comply with FOI(S)A, was prepared in consultation with the Scottish Information Commissioner and the Keeper of the Records of Scotland. The updated version of the code was officially launched in December 2011 and, although the two pieces of primary legislation are entirely separate, the FOI(S)A code and the PR(S)A guidance are complementary.

Link: <http://www.gov.scot/About/Information/FOI/18022/13383>

Model Action Plan

The Keeper of the Records of Scotland produced a generic Model Action Plan to assist Scottish public authorities in the development of records management arrangements which comply with the Freedom of Information (Scotland) Act 2002 section 61 Code of Practice on Records Management. The generic Model Action Plan should be read in conjunction with the section 61 code. It can be used by individual organisations as a guide, and can also be used as the basis for the development of sector-specific plans tailored to the needs and business practices of particular types of public authority:

Link: <http://www.nrscotland.gov.uk/files//about-us/model-action-plan.pdf>

ISO 15489-1:2001 Records Management

ISO 15489-1 and 15489-2 provide guidance on managing records of originating organisations, public or private, for internal and external clients. However, unlike other guidance offered here, the ISO document is not free. The link is to the 'shop' where it can be purchased. Appendix 2 of this guidance document lists other formal standards that refer to records management:

Link: <http://shop.bsigroup.com/en/Browse-by-Subject/ICT/Information-and-records-management/>

Link: [Appendix Two](#)

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Office of the Scottish Information Commissioner (OSIC)

The OSIC publishes their excellent Information and Records Management staff handbook as a PDF under 'class 5' on this page:

Link: <http://www.itspublicknowledge.info/home/SICPublicationScheme/PSGuidetoInfo.aspx>

Although it is clearly designed for OSIC staff, the Handbook offers best practice guidance generally and is a high-quality example of how staff guidance might be arranged.

University of Edinburgh

Principally designed for use by university staff, a large suite of guidance is freely available on the Edinburgh University website and features information that could, with a little adaptation, be of benefit for all organisations instigating a records management programme. Guidance documents on how to set up records management systems are available to download:

Link: http://www.recordsmanagement.ed.ac.uk/InfoStaff/RMstaff/records_management_for_staff.htm

The National Archives UK (TNA) records management guidance

TNA offers a series of guides and standards for information management professionals including a large section on records management (click on 'R' under A-Z for 'Records Management' but be aware that other guidance may be of interest such as appraisal under 'A'):

Link: <http://www.nationalarchives.gov.uk/help/a-to-z/>

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Scottish Public Services Ombudsman (SPSO)

SPSO have taken the opportunity to unify records management guidance into a single published document the Information Governance Handbook. This document includes the Records Management Plan in section 1 and the Records Management Policy in Section 2. Many of the security principles are also explained in the Handbook, including a section on 'Managing Personal Data'. As a single point of reference, the Handbook appears to be a useful tool for SPSO staff. It is published on the SPSO website: [Link: http://www.spsso.org.uk/sites/spsso/files/communications_material/foi/corporate_documents/InformationGovernance\(R.2017.04\)W.pdf](http://www.spsso.org.uk/sites/spsso/files/communications_material/foi/corporate_documents/InformationGovernance(R.2017.04)W.pdf)

International RM Trust

The International Records Management Trust was a UK based non-profit organisation established in 1989 to help build solutions for managing public sector records in developing countries. It closed in 2019. Over the last 30 years it has played a role in addressing the relationship between records management and good governance. Drawing on its team of over 60 practicing professionals from the public and private sectors and from academic institutions, the Trust supported governments worldwide in building the infrastructure for managing public sector records. In partnership with public sector institutions, international donors, professional associations and academic institutions, it created free records management training and resource material. Beneficiaries and stakeholders can continue accessing the IRMT's free resources: development research, educational, and products without charge:

Link: <http://irmt.org/>

Other Publications: Users of this guidance should be aware that there are several published works on records management, which may prove useful when creating a RMP. You may be able to consult copies of these publications in larger libraries.

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2. Self-assessment:

ARMS

The Scottish Council on Archives has developed a self-assessment tool called ARMS (Archives and Records Management Services). The Keeper of the Records of Scotland has endorsed ARMS as being entirely complimentary to his Model Plan and the aims of the Act. He considers the ARMS self-assessment tool, commissioned in Scotland by Scottish archive and records management professionals and designed specifically to assist Scottish authorities assess their own records management performance, will be instrumental in helping further a culture of good records management in Scotland.

ARMS is described as: A quality improvement framework to improve the consistency and transparency of quality and performance measurement across archives and records management in Scotland.

Although developed separately from the Public Records Act, ARMS is entirely complementary to the 'improving' spirit of that Act and it is therefore a key piece of guidance in this document.

ARMS is primarily designed to be a flexible self-assessment tool that allows organisations undertaking a records management review to create an improvement plan. This is designed to be a self-development exercise not a formal systems audit. However, it is hoped that the project will lead to the identification of positives and negatives in current practice and allow an organisation to target areas for improvement.

The Scottish Council on Archives is making plans to offer organisations who sign up for the ARMS system, a short explanatory session and the facility of a help-line to assist you with the review process:

Link: <http://www.scottisharchives.org.uk/arms>

National Records of Scotland - Records management workbook

In 2006 the National Archives of Scotland (now the National Records of Scotland) made available a records management workbook to permit organisations or auditors to check their records management procedures against the section 61 Code of Practice issued

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under the Freedom of Information (Scotland) Act 2002. This tool can also be used by public authorities intending to assess their records management provision in light of the Public Records (Scotland) Act 2011:

Link: <http://www.nrscotland.gov.uk/files//about-us/complying-with-records-management-code-evaluation-workbook.pdf>

The National Archives

The National Archives has developed an automated support tool to help public authorities to evaluate and assess the performance of their record management systems:

Link: <http://www.nationalarchives.gov.uk/information-management/manage-information/ima/>

The National Archives also recommends a self-assessment tool developed by the International Records Management Trust: RMCAS. This is advertised as ‘a three-part tool that maps capacity levels to the infrastructure and systems needed to deliver effective records management, regardless of the format in which records are created and held’. It comprises:

- A data gathering element
- A diagnostic model
- A database of capacity building resources (guidance materials, training modules, strategic planning tools) that you can manage and use through a software application:

Link: <http://www.nationalarchives.gov.uk/rmcas/>

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Guidance to Element 1

Senior management responsibility

An individual senior staff member is identified as holding corporate responsibility for records management.

It is vital that the RMP has endorsement at the highest levels in an authority.

A RMP will require resources to implement and maintain, and therefore the Keeper, in agreeing an authority's RMP, will need to be assured that it is supported by a commitment at a senior level.

Section 1(2)(a)(i) of the Act specifically requires a RMP to identify the individual responsible for the management of the authority's public records. It is, therefore, essential that the authority identifies a senior post-holder to take overall responsibility for records management. That person is unlikely to have a day-to-day role in implementing the RMP, although they are not prohibited from doing so.

The identification of an individual is specifically mentioned in the Act (1 2(a)i) and a name must be supplied. Neither a job title (i.e. 'CEO') nor a collective body (i.e. 'XXX City Council') is acceptable under the terms of the Act.

Current best practice guidance advises senior management to:

- Recognise records management as an important corporate responsibility and give it the appropriate level of priority and authority
- Assign overall line management responsibility for records management to a senior member of the management team. Where an authority has already appointed a Senior Information Risk Owner (SIRO) or similar person, they should consider making that person responsible for the records management programme.

If all information functions are not part of the same command, it is important that the Keeper can be confident that there are close working relationships between them.

Evidence

The Keeper will require evidence to be submitted, confirming the name and job title of the senior responsible officer with overall responsibility for the RMP, which has been submitted for agreement.

The Keeper will write to the CEO (or equivalent) of an authority inviting them to submit the RMP. It would be beneficial if the CEO could respond to the Keeper indicating who the individual at element 1 in the plan ought to be and providing their contact details. In some cases this will be the CEO themselves. In other cases this will be delegated. The CEO should make any delegation clear in a covering letter or a foreword to the RMP.

If it is not possible for the CEO to produce such a covering letter, the individual identified at element 1, who will still hold a senior position in the authority, should provide one. Again, this does not have to be a separate document and may take the form of a foreword to the RMP.

It would also be useful if the covering letter identified the individual at element 2 and endorsed the Records Management Policy statement (see element 3).

If the authority has a Records Management Policy and if that Policy has a 'roles' section, the responsibility of the senior officer named at element 1 should be supported.

If the authority has formally allocated responsibilities to each of the elements in their RMP (many have done this, but it is not compulsory) then the Keeper would expect the senior officer to be directly responsible for, at least, element 2. The individual identified at Element 1 retains overall responsibility for records management in an authority, but the individual at element 2 may have delegated responsibility for elements 3 – 15.

Examples

It is possible that the records manager will be required to write the Covering Letter for the CEO or senior officer to sign:

PDF 01. A sample of a Covering Letter (from the NRS) that identifies a senior officer, the person at element 2 and endorses the Records Management Policy

Link: <https://www.nrscotland.gov.uk/files/record-keeping/public-records-act/covering-letter-from-nrs.pdf>

PDF 02. A sample of how a senior officer can support records management in a public authority by providing a foreword to the RMP itself (Example from Ayrshire Valuation Joint Board):

Link: <https://www.nrscotland.gov.uk/files/record-keeping/public-records-act/covering-statement-from-ayrshire-valuation-joint-board.pdf>

PDF 03. A sample of how 'roles' might appear in a Records Management Policy supporting the identification of the senior officer to element 1. (Example from Scottish Fire and Rescue Service):

Link: <https://www.nrscotland.gov.uk/files/record-keeping/public-records-act/roles-in-records-management-policy-from-sfrs.pdf>

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Guidance to Element 2

Records manager responsibility

An individual staff member is identified as holding operational responsibility for records management and has appropriate corporate responsibility, access to resources and skills.

The Act specifically requires an authority to identify the name and job title of the individual in their authority, who is charged with overseeing the implementation of the plan on a day-to-day basis. Normally, this will be the Corporate Records Manager or similar, rather than a director or other senior manager.

This individual will normally be the Key Contact for the PRSA Team for purposes relating to the agreement and implementation of the RMP. For example, any engagement around the development of the RMP is likely to be with this individual.

The Keeper will, therefore, require evidence to be submitted confirming the name and job title of the person responsible for the day-to-day operation of the authority's RMP, as part of that RMP. The Keeper will expect an authority to name an individual, rather than simply a job title.

All staff members who create records should be made aware of the organisation's records management programme. However, in this element, the Keeper requires the name of the individual, who has the operation of the records management programme, as a specific objective in their work plan.

The Act indicates that a single individual should be identified. However, in some cases an authority may have more than one records manager, for example, in the case of a job-share or Corporate/Clinical administrative division. In these circumstances, references in this guidance to 'the individual' can be taken to read 'the individuals'.

Evidence

The RMP must supply a name. Neither a job title alone (i.e. 'Records Manager') nor a collective body (i.e. 'Finance Department') is acceptable under the terms of the Act.

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Evidence of compliance may take the form of covering letter carrying the senior accountable officer's signature, and identifying the person responsible for implementing the RMP (see under guidance for element 1).

Evidence of compliance might also take the form of the formal job description of the role, showing clear responsibility for day-to-day records management in the authority.

If the individual has annual objectives relevant to the implementation of the RMP, or of information governance generally, please supply these (redacted as appropriate).

The Keeper will require evidence that the individual identified at element 2 has access to relevant training opportunities.

If the individual identified at element 2 is a professionally qualified records manager, and/or is a member of a relevant professional body, this should be included under this element.

If the authority has a Records Management Policy, and if that Policy has a 'roles' section, the responsibility of the individual named at element 2 should be supported.

If the authority has formally allocated responsibilities to each of the elements in their RMP (many have done this, but it is not compulsory), then the Keeper would expect this individual to be responsible for various elements, such as instigating the review of the RMP (element 13).

Examples

PDF 01. A sample of how the implementation of the RMP might appear in the 'Records Manager's' job description (Example from Aberdeen City Council):

Link: <https://www.nrscotland.gov.uk/files/record-keeping/public-records-act/demonstrating-implementation-of-rmp-in-rm-job-description-from-aberdeen-city-council.pdf>

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PDF 02. A sample of relevant entries from a Records Manager's annual objectives (Example from Loch Lomond and Trossachs National Park Authority):

Link: <https://www.nrscotland.gov.uk/files/record-keeping/public-records-act/example-of-entries-from-rm-annual-objectives-from-loch-lomond-and-trossachs-national-park.pdf>

PDF 03. A sample of how training opportunities might be evidenced (Example from Historical Environment Scotland):

Link: <https://www.nrscotland.gov.uk/files/record-keeping/public-records-act/how-training-opportunities-may-be-evidenced-from-historic-environment-scotland.pdf>

PDF 04. A sample of how training opportunities for the records manager may be evidenced by their personal development plan (PDP) (Example from NHS Dumfries and Galloway):

Link: <https://www.nrscotland.gov.uk/files/record-keeping/public-records-act/training-opportunities-for-rm-evidenced-by-pdp-from-nhs-dumfries-and-galloway.pdf>

PDF 05. A sample of how the records manager can be supported in a Records Management Policy (Example from Renfrewshire Council):

Link: <https://www.nrscotland.gov.uk/files/record-keeping/public-records-act/how-rm-can-be-supported-in-rm-policy-from-renfrewshire-council.pdf>

Guidance to Element 3

Records management policy statement

The authority has an appropriate policy statement on records management.

The Act specifically requires authorities to have a 'records management policy statement'. This is probably best achieved by developing a formal records management policy which can be published, at least to staff, and probably online. There are several examples of what a records management policy might look like below.

The policy should be used in an authority to govern the creation and management of authentic, reliable and useable records, capable of supporting business functions and activities, for as long as they are required.

The policy should be a key component of an authority's corporate governance. It will help foster an appropriate culture within the authority, and it will help demonstrate to stakeholders that it is committed to undertaking its business activities in a diligent and accountable manner.

The policy should reflect the size and complexity of the authority, and confirm that the policy is owned by senior management. Authorities with a wide range of functions, operating in a complex legislative environment, will require a fuller policy document than a smaller authority.

The policy should define the legislative, regulatory and best practice framework within which the authority operates, and demonstrate how the authority aims to ensure that its records remain accessible, authentic, reliable and useable through any organisational or system change. A good records management policy should make records management roles clear and commit the authority to appropriate training.

A good records management policy should also include a description of the mechanism for records management issues being disseminated through the organisation, and confirmation that regular reporting on these issues is made to the main governance bodies.

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Although the Public Records (Scotland) Act 2011 is 'technology blind' and refers to records created in any format, an authority's formal policy may, if appropriate, differentiate between the processes in place for paper records, and for those held electronically.

The policy must be approved by senior management and should be made available to all staff at all levels in the organisation.

The policy statement is a compulsory element of a RMP according to the Act (1 2(b)(i)). It must be approved by a senior accountable officer in the authority and submitted to the Keeper.

Evidence

The Keeper will expect to be provided with a copy of the records management policy and of any supplementary guidance that accompanies it. If the authority has other high level documents, such as an information governance strategy, these should also be submitted under element 3. It would be useful if the Chief Executive, or the person named at element 1, could provide endorsement of the records management policy in a covering letter. The Keeper will be looking for evidence that the policy is understood at the highest levels of an authority.

Examples

PDF 01. A sample Records Management Policy (Example from Dumfries and Galloway Council):

Link: <https://www.nrscotland.gov.uk/files/record-keeping/public-records-act/records-management-policy-example-from-dumfries-and-galloway-council.pdf>

Many authorities have used element 3 in their RMP to submit other information governance documents that support and provide guidance to the policy. This is not a requirement, but is likely to be acknowledged and welcomed by the Keeper.

Below are some examples of supplementary documents that were provided to the Keeper alongside a Records Management Policy:

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PDF 02. This is an example of an overarching Information Governance Strategy (Example from Strathclyde Partnership for Transport):

Link: <https://www.nrscotland.gov.uk/files/record-keeping/public-records-act/overarching-ig-strategy-example-from-strathclyde-partnership-for-transport.pdf>

Below is an example of Records Management Guidance for staff. Again, Element 3 would seem the most appropriate place to include a general guidance document like this:

PDF 03. A sample Records Management staff guidance manual (Example from Police Scotland is called 'standard operating procedure'):

Link: <https://www.nrscotland.gov.uk/files/record-keeping/public-records-act/records-management-staff-guidance-manual-example-from-police-scotland.pdf>

Guidance to Element 4

Business classification

A business classification scheme describes the business activities the authority undertakes – whether alone or in partnership.

In line with the Keeper of the Records of Scotland's (The Keeper's) obligations under the Public Records (Scotland) Act 2011 (the Act) the following guidance is issued about an authority's Business Classification Scheme:

It is expected that an authority's *Records Management Plan* (RMP) submitted for agreement with the Keeper confirms that the authority has developed or is in the process of developing a business classification scheme.

We are using the term 'business classification' to refer to a representation of an authority's functions and the records created pursuing those functions.

The purpose of this element is to demonstrate that the RMP takes account of the complete organisation and all its various business functions. This process will assist an authority in making good retention or disposal decisions under each of these business functions. To properly fulfil this element, an authority will need to demonstrate that its business classification scheme can be applied to the record management systems which it operates.

The Keeper is open to receiving schemes based on different methodologies whether complete or in development. Any proposed scheme should aim to better allow an authority to document its activities, identify records, retrieve records, apply disposal markings and meet statutory and regulatory requirements.

It is understood that, particularly for more complex organisations, the expansion of the formal business classification scheme to encompass an authority in its entirety may take many years. If an authority is not able to fully satisfy this element when submitting their RMP for agreement:

a) The Keeper will expect to see evidence that senior management acknowledge the importance of expanding the business classification scheme throughout the organisation.

This guidance is issued by the Keeper under section 1(4) of the Public Records (Scotland) Act 2011. It does not constitute legal advice. Authorities which are subject to the Act should seek independent legal advice about their compliance with the Act. The National Records of Scotland is not responsible for the content of internet sites other than its own.

b) The Keeper's agreement is likely to be conditional on receiving regular updates as the roll-out progresses. To this end, it is suggested that authorities should schedule their own review of progress. (See element 13 below in this Guidance Document, and also in the Model RMP:
<https://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources/model-records-management-plan>)
and report this to the Keeper.

Evidence

The Keeper does not require authorities to provide him with evidence down to file level or contain all the details of an information asset register. He does, however, expect an authority to be able to classify its functions, the activities that deliver these functions and an indication of the classes of records being created (or held).

Clearly, if an authority has a detailed and mature business classification scheme that provides a functional or organisational overview of all the authority's information assets the Keeper would be happy to receive it. However, at this early stage of implementation a clear indication that an authority understands where its record creating areas are and the types of record they create (or hold) will suffice. Any improvement plan, supported by senior accountable officer sign-off, and committing the authority to the development of a robust business classification scheme in the future, is likely to attract the agreement of the Keeper.

Sample business classification documents:

A local authority has provided samples that might help you prepare a business classification:

PDF1. MORAY - Local Government Classification Scheme - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element4-Moray.pdf>

OSCR (the Office of the Scottish Charity Regulator) submitted this business classification which was agreed by the Keeper in 2013
PDF2. OSCR Business Classification - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/PDF5OSCRBusinessClassificationScheme.pdf>

QLTR (The Queen's and Lord Treasurer's Remembrancer) also submitted this business classification

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PDF3. QLTR Business Classification Scheme - <http://www.nrscotland.gov.uk/files//record-keeping/public-records-act/element4-qltr.pdf>

The SFC (Scottish Funding Council) submitted the following business classification

PDF4. SFC Business Scheme - <http://www.nrscotland.gov.uk/files//record-keeping/public-records-act/element4-sfc.pdf>

And below is the link to the business classification scheme of SCCRC (Scottish Criminal Cases Review Commission)

PDF5. <https://irp-cdn.multiscreensite.com/8f56052e/files/uploaded/2019%20Business%20Clarification%20Scheme.pdf>

OSIC (Office of the Scottish Information Commissioner) submitted the following business classification scheme:

PDF6. <http://www.nrscotland.gov.uk/files//record-keeping/public-records-act/osic-file-plan-and-retention-schedule.pdf>

SNH (Scottish Natural Heritage) also submitted the following business classification scheme:

PDF7. <http://www.nrscotland.gov.uk/files//record-keeping/public-records-act/snh-business-classification-scheme.pdf>

Guidance Specific to business classifications and/or file plans:

The Scottish Council on Archives (SCA) has created a model retention schedule for use by Scottish Local Authorities. This can also be used as a guide to the sort of 'functions' an authority might be divided into:

Link: <http://www.scoarch.org.uk/projects/retentionschedules/retentionschedules>

NHS Scotland has provided this sample guidance:

Link: <https://www2.gov.scot/Resource/Doc/310130/0097861.pdf>

Edinburgh University provides guidance on:

1. Developing an information map:

Link: <http://www.ed.ac.uk/files/imports/fileManager/Infomapv2.rtf>

2. Compiling a records inventory:

Link: <https://www.ed.ac.uk/records-management/guidance/records/introduce/filing-scheme/inventory>

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3. Conducting a records survey:

Link: <https://www.ed.ac.uk/records-management/guidance/records/introduce/records-survey>

4. Developing a filing scheme:

Link: <https://www.ed.ac.uk/records-management/guidance/records/introduce/filing-scheme>

NHS National Services Scotland guidance on developing a file plan:

PDF4. NSS Fileplan Development Guidelines - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element4-NHSGuidelines.pdf>

Complete Guidance Documents:

The Moray Council Records Management Strategy:

Link: http://www.moray.gov.uk/moray_standard/page_46084.html

Information Governance Records Management Guidance for NHS Boards:

Link: <https://www.gov.scot/publications/information-governance-records-management-guidance-note-number-002-nhs-scotland-personal-health-records-management-policy-nhs-boards/>

Edinburgh University Records Management Advice:

Link: <https://www.ed.ac.uk/records-management/guidance>

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Guidance to Element 5

Retention schedule

A retention schedule is a list of records for which pre-determined disposal dates have been established.

In line with the Keeper of the Records of Scotland's (The Keeper) obligations under the Public Records (Scotland) Act 2011 (the Act) the following guidance is issued regarding an authority's retention or disposal schedule.

It is required by the Act that an authority's records management plan (RMP) submitted for agreement with the Keeper confirms that the authority has developed, or is in the process of developing, record retention and disposal schedules.

Current best practice guidance, such as that contained in the Section 61 Code of Practice on Records Management, issued by Scottish Ministers under the Freedom of Information (Scotland) Act 2002, advises that:

*Authorities should define how long they need to keep particular records, should dispose of them when they are no longer needed and should be able to explain why records are no longer held. For the purpose of this Code, disposal means the decision as to whether the record should be destroyed or transferred to an archives service for permanent preservation, and the putting into effect of that decision.*¹

A retention or disposal schedule is for the operational level of business records (as opposed to the policy at a strategic level) and is essential for the smooth running of an efficient records management system. It governs the retention and disposal of records generated during the course of the daily business of the organisation and ensures continuity, protects the organisation's legal rights and preserves information for the archives. (See Element 7 below in this Guidance Document, and also in the Model RMP: <https://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources/model-records-management-plan>)

¹Code of Practice on Records Management: <http://www.gov.scot/About/Information/FOI/18022/13383>

Evidence

An authority should provide the Keeper with a retention schedule showing that it understands how long certain types of record should be kept. This schedule may appear in the form of a single document that applies to the entire operation or as several documents, perhaps divided by the different functions and activities the authority undertakes. If the authority is submitting a comprehensive business classification scheme including reference to a file plan or information asset register under Element 4, this may refer to retention instructions for each record series. In such a case there would be no need for the authority to submit a separate retention schedule.

The Keeper understands that for some authorities providing a comprehensive retention schedule may present a challenge in the short term. However, the Keeper would require indication that the authority is working towards completing such a schedule for all corporate records held throughout its entire operation. Evidence of an authority's improvement project for retention scheduling might be a letter or notification to the Keeper signed by the senior accountable officer.

Sample schedules:

The following sample retention schedules might give you an idea what such documents should include and how they might be styled:

The Office of the Scottish Charity Regulator provides this retention schedule at the end of its policy document:

PDF1. OSCR RM Policy - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element5-OSCR.pdf>

The Association of Chief Police Officers in Scotland (ACPOS) Records Management Group had produced this 'Recommended Record Retention Periods' document intended to assist police forces and common police services in ensuring good business practice and compliance with Freedom of Information, Data Protection and other legislation:

PDF2. ACPOS Retention Schedule - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element5-ACPOS.pdf>

NHS RM Code of Practice has two retention schedules; clinical and admin:

Link: <http://www.gov.scot/Publications/2012/01/10143104/0>

Guidance Specific to retention scheduling:

The Scottish Council on Archives Records Retention Schedule (SCARRS) project has produced generic schedules and these are currently freely available from the Council's website. This project should help bring consistency to decisions about records across local authorities. It will for example help prevent duplicated effort with individual records managers constantly having to research legislation and specific guidance for themselves. The schedules cover internal functions such as finance, human resources and management as well as front line services, and so it is hoped they will be a useful resource for the wider Scottish public sector community:

Link: <https://www.scottisharchives.org.uk/resources/scarrs/>

Scottish Borders Council have supplied an 'index to SCARRS' that might prove useful:

PDF3. INDEX - SCARRS Borders Council Spreadsheet - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element5-Borders.pdf>

Model Action Plan – A statement about the value of a records disposal schedule:

PDF4. Model Action Plan – Records Disposal Schedule - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element5-MAP.pdf>

Edinburgh University provides guidance on developing a retention schedule:

Link: <https://www.ed.ac.uk/records-management/guidance/records/retention>

The National Archives guidance to the retention scheduling of personnel records:

Link: http://www.nationalarchives.gov.uk/documents/information-management/sched_personnel.pdf

Complete Guidance Documents:

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The Model Action Plan:

Link: <http://www.nrscotland.gov.uk/files//about-us/model-action-plan.pdf>

Information Governance Records Management Guidance for NHS Boards:

Link: <https://www.gov.scot/publications/information-governance-records-management-guidance-note-number-002-nhs-scotland-personal-health-records-management-policy-nhs-boards/>

Edinburgh University Records Management Advice:

Link: <https://www.ed.ac.uk/records-management/guidance>

Scottish Borders Council Records and Information Management Policy:

Link: https://www.scotborders.gov.uk/downloads/file/2268/information_governance_policy

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Guidance to Element 6

Destruction arrangements

It is not always cost-effective or practical for an authority to securely destroy records in-house. Many authorities engage a contractor to destroy records and ensure the process is supervised and documented.

This is a compulsory element under the terms of the Public Records (Scotland) Act 2011 Section 1 2(b)(iii)

In line with the Keeper of the Records of Scotland's (The Keeper) obligations under the Public Records (Scotland) Act 2011 (the Act) the following guidance is issued regarding an authority's destruction arrangements:

It is vital that an authority's records management plan (RMP) submitted for agreement with the Keeper confirms that the authority has developed or is in the process of developing proper destruction arrangements.

Using a commercial disposal firm for the disposal of records other than electronic records is recommended because their practices will be controlled, audited, and fully compliant with current environmental regulations (their business can only exist if they are). They may be able to issue a certificate of destruction that should be maintained with the disposal schedule as proof that the record has been destroyed. In the context of both Data Protection and Freedom of Information legislation these sorts of procedures are the clear proof of controlled destruction of information that the Information Commissioner would be looking for in any disputed request which the institution was unable to answer.

Please note that the Keeper does not require authorities to provide a list of the records destroyed. However, the RMP should explain the destruction process in place (all formats) and evidence that this process is properly carried out.

Best practice guidance advises that: *It is very important the list of records sent for destruction is kept. Under the Freedom of Information regime this is the definitive proof that disposal of records is taking place in a controlled manner. As a general principle it is sensible for the records manager, or whoever is designated to control the process, to sign off and date the destruction schedule as proof that the records are no longer in the institution.*

The United Nations Archives and Records Management Section advises:

Destruction of records should be irreversible. This means that there is no reasonable risk of the information being recovered again. Failure to ensure the total destruction of records may lead to the unauthorised release of sensitive information.¹

Evidence

Potential evidence of compliance would include a copy of the contract with a record destruction contractor (redacted for commercial-in-confidence purposes if necessary) or the authority's formal destruction policy, approved by the senior accountable officer. A retention schedule would not be considered evidence that record destruction is actually taking place in an authority.

Destruction arrangements are specifically mentioned in the Act (1(2)(b)(iii)). Therefore, the inclusion of evidence that appropriate processes are in place must be submitted to the Keeper.

Sample Documents Showing Destruction Arrangements:

The following sample destruction schedules might give you an idea what information such a document might include and how it might be styled:

PDF1. East Ayrshire disposal statement - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element6-EastAyrshire.pdf>

PDF2. Highlands and Islands disposal statement - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element6-HIE.pdf>

PDF3. Dumfries and Galloway Council Destruction of Social Work, 'Social Care' Records - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element6-DGSocialWork.pdf>

¹ <https://archives.un.org/>

Guidance Specific to destruction:

The Section 61 Code (Freedom of Information) has a part relating to disposal you may wish to peruse:

PDF4. Section 61 2011 Part 7 2011 - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element6-Section61Disposal.pdf>

PDF5. MAP statement about disposal destruction arrangements - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element6-MAP.pdf>

PDF6. IRMS statement about disposal destruction arrangements - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element6-TNA.pdf>

PDF7. Edinburgh University guidance about Best Practice in Disposing of Records - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element6-EU.pdf>

United Nations Principles of records destruction are mentioned as part of their overall disposal policy:

Link: <https://archives.un.org/content/dispose>

NHS National Services Scotland 'Data Cleansing':

PDF8. NSS Data Cleansing Guidelines V1 0 (Final) - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element6-NSS.pdf>

Complete Guidance Documents:

Scottish Ministers' Code of Practice on records management by Scottish public authorities under the Freedom of Information (Scotland) Act 2002 -16 December 2011(Section 61):

Link: <http://www.gov.scot/About/Information/FOI/18022/13383>

The Model Action Plan:

Link: <http://www.nrscotland.gov.uk/files//about-us/model-action-plan.pdf>

Edinburgh University Records Management Advice:

Link: <https://www.ed.ac.uk/records-management/guidance>

The National Archives records management guidance:

Link: <http://www.nationalarchives.gov.uk/information-management/projects-and-work/records-management-guidance.htm>

Although the Keeper does not require authorities to list what records they choose to destroy, Glasgow Life have supplied the following which offers some suggestions that may be useful when making these decisions:

PDF9. Glasgow Life Appraisal and Disposal policy - <http://www.nrscotland.gov.uk/files//record-keeping/public-records-act/element6-gca.pdf>

United Nations records management guidance:

Link: <https://archives.un.org/>

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Guidance to Element 7

Archiving and transfer arrangements

This is the mechanism by which an authority transfers records of enduring value to an appropriate archive repository, specifying the timing of transfers and other terms and conditions.

This is a compulsory element under the terms of the Public Records (Scotland) Act 2011 Section 1 2(b)(iii)

In line with the Keeper of the Records of Scotland's (The Keeper) obligations under the Public Records (Scotland) Act 2011 (the Act) the following guidance is issued regarding an authority's archiving policy and transfer arrangements.

A small proportion of records created by a public authority will be earmarked for permanent retention. These records will normally be removed from operational systems and transferred to an archive. This applies to records in all formats, although the procedure for transfer will vary (for example electronic records allow for records to remain 'live' until the successful transfer of the archive copy has been confirmed).

It is a fundamental part of a records management plan that procedures for facilitating such transfers are in place and are followed.

The Keeper will expect to see evidence of the processes in place as part of an authority's RMP. Such evidence might include memoranda of understanding between an authority and an archive repository, an internal schedule of preservation or an explanation of how automated systems archive electronic records and details of how metadata transfers with those records.

The Keeper does not wish to dictate what records an authority chooses to preserve, but it is a requirement of a robust RMP that a formal process for transferring records for permanent preservation exists. The nature and content of the records being selected for permanent preservation within the system is a matter for the authority and archive repository to consider.

Current best practice guidance, such as that from the National Archives advises that:

Once you have decided what information you want to keep and for how long, it is essential that you design processes to enable the schedules to be implemented. [In the case of electronic records] This requires close collaboration with IT and the Senior Information Risk Owner (SIRO).¹

Evidence

Potential evidence of compliance would include a formal policy, approved by the senior accountable officer; a memorandum of understanding or deposit agreement with an archive repository or receipts from such a repository as evidence of records deposited over time and by agreement.

Archiving arrangements are specifically mentioned in the Act (1(2)(b)(iii)). Therefore, the inclusion of evidence that appropriate processes are in place must be submitted to the Keeper.

Sample Documents regarding transferring public records to a permanent repository might give you an idea what such a document should include and how it might be styled.

Examples of memoranda of understanding between an archive and a public authority:

PDF1. Keeper and Met. Office - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element7-MetOffice.pdf>

PDF2. Keeper and OSCR - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element7-NRS.pdf>

¹ <http://www.nationalarchives.gov.uk/information-management/projects-and-work/making-it-happen.htm>

Guidance Specific to permanent retention:

Edinburgh University offers guidance on transferring records to an in-house archive:

PDF3. [Edinburgh University Transferring Records to the University Archives Guidance - http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element7-EU.pdf](http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element7-EU.pdf)

It may be that you are considering archiving paper records in-house. The Information and Records Management Society offers this guidance:

PDF4. [IRMS guidance to managing paper records section 3 - http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element7-IRMS.pdf](http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element7-IRMS.pdf)

Although the Keeper does not require you to list what records you choose to transfer to an archive, Glasgow Life and Scottish Borders Council have supplied the following which offers some suggestions you might find useful when making these decisions:

PDF5. [Glasgow Life Appraisal and Disposal Policy - http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element7-GCA.pdf](http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element7-GCA.pdf)

Complete Guidance Documents:

Information and Records Management Society Toolkit for managing paper records:

Link: <http://www.irms.org.uk/resources/873>

Edinburgh University Records Management Advice:

Link: <https://www.ed.ac.uk/records-management/guidance>

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Guidance to Element 8

Information security

Information security is the process by which an authority protects its records and ensures they remain available It also maintains privacy where appropriate and provides for the integrity of the records.

This is a compulsory element under the terms of the Public Records (Scotland) Act 2011 Section 1 2(b)(ii)

In line with the Keeper of the Records of Scotland's (The Keeper) obligations under the Public Records (Scotland) Act 2011 (the Act) the following guidance is issued regarding an authority's information security code:

In the course of their business it is likely that public authorities will create records containing sensitive information about people, or details of business transactions, that the authority may wish to protect from general consultation. Similarly, it may create records that hold information which should not be amended or deleted without appropriate authority. In both these cases an information security code should advise staff. As part of a full RMP the Keeper would expect to see that such a code exists and is generally available to staff involved in the creation of records. As evidence he will also want to view the authority's code.

It is important to note that the Keeper will not want to see any information, policy documents or other material that might compromise the security of a public authority. If you have any concerns regarding this please submit redacted samples only, perhaps accompanied by a short explanation of why you have taken this decision.

British Standard ISO 15489-1: 2001 states:

The regulatory environment, in which the organisation operates, establishes broad principles on access rights, conditions or restrictions that should be incorporated into the operation of records systems. There may be specific legislation covering areas such as privacy, security, freedom of information and archives. Records may contain personal, commercial or operationally sensitive information. In some cases, access to the records, or information about them, should not be permitted.¹

As well as the security of the information contained in a record, an authority must consider the physical safety of documents (in whatever format). This would include attending to the proper storage of paper records and the protection of servers if they are used

¹ BS ISO 15489-1:2001 Information and documentation – Records management Part 1: General section 9.7

to store electronic material. The Keeper would expect an authority to have policies in place to assure that records cannot be lost due to poor storage.

If your organisation is vacating premises you must take particular care of the security of records. You might consider having a formal policy on this matter.

Evidence

Potential evidence that an authority is properly considering information security might include a formal information security policy, approved by the senior accountable officer; details of the password protection and encryption systems in operation; information regarding access restrictions to record storage areas; description of electronic record back-ups held on separate servers and staff information security manuals, regulations and/or circulars and routine information security reports or updates to senior management.

Sample Security Documents:

The following samples suggest an information security code might include and how it might be styled:

Scottish Enterprise provide this security policy:

PDF1. [Scottish Enterprise information security policy - http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element8-SE.pdf](http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element8-SE.pdf)

Glasgow City Council offer their 7 key principles of information security with a governance 'map':

PDF2. [Glasgow City Council Security Policy - http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element8-Glasgow.pdf](http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element8-Glasgow.pdf)

The NHS has supplied these two guidance notes regarding the security of records:

Link: <http://www.gov.scot/Publications/2010/08/23091144/0>

Decommissioning of premises:

Link: <https://www.webarchive.org.uk/wayback/archive/20170401203725/http://www.gov.scot/Publications/2010/04/22093718/0>

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National Records of Scotland 2011 Census Information Assurance Policy Statement:

Link: <http://www.scotlandscensus.gov.uk/documents/confidentiality/census-2011-policy-statement.pdf>

Guidance Specific to Information Security:

The Information Commissioner's Office has a small publication offering advice on IT security for small businesses. This may be of interest to small public authorities as well. Find it as a PDF from the news story at:

Link: https://ico.org.uk/media/for-organisations/documents/1575/it_security_practical_guide.pdf

The Security Policy Framework (SPF), issued by the Cabinet Office, describes the standards, best practice guidelines and approaches that are required to protect UK Government assets (people, information and infrastructure). It focuses on the outcomes that are required to achieve a proportionate and risk managed approach to security that enables government business to function effectively, safely and securely:

Link: <http://www.cabinetoffice.gov.uk/resource-library/security-policy-framework>

HMG publishes an information assurance model with guidance and suggestions for self-assessment regarding the security of the information held by UK government departments. Obviously, many of the principles in this document have relevance to Scottish public authorities:

Link: https://www.ncsc.gov.uk/content/files/guidance_files/GPG40%20-%20Information%20Assurance%20Maturity%20Model%20-%20issue%202.1%20Oct%202015%20-%20NCSC%20Web.pdf

See also this link direct to other security standards and guides published under the HMG's Communications-Electronics Security Group:

Link: <https://www.ncsc.gov.uk/section/information-for/public-sector>

Section 61 Code of Practice Statements:

PDF3. <https://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element8-Security.pdf>

PDF4. Section 61 Storage and Maintenance of Records 2011 - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element8-Storage.pdf>

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Public Records (Scotland) Act 2011
Guidance to the Content of the Records Management Plan

The Information and Records Management Society Local Government Group has suggested some things to think about regarding the security and storage of paper records:

Link: <http://www.irms.org.uk/resources/873>

Edinburgh University provide guidance to records storage areas:

Link: <http://www.recordsmanagement.ed.ac.uk/InfoStaff/RMstaff/RecordStorage/RecordStorageAreas.htm>

The 2011 UK census required strict information security procedures to be put in place. Public confidence that personal census information will be securely handled was a vital ingredient for success. The independent report into this project can be found here:

Link: <http://www.scotlandscensus.gov.uk/documents/confidentiality/2011-census-security-report-irt.pdf>

Complete Guidance Documents:

Scottish Ministers' Code of Practice on records management by Scottish public authorities under the Freedom of Information (Scotland) Act 2002 -16 December 2011(Section 61):

Link: <http://www.gov.scot/About/Information/FOI/18022/13383>

Link: Information and Records Management Society Toolkit for managing paper records:

<http://www.irms.org.uk/resources/873>

Information Governance Records Management Guidance for NHS Boards:

Link: <https://www.gov.scot/publications/information-governance-records-management-guidance-note-number-002-nhs-scotland-personal-health-records-management-policy-nhs-boards/>

Edinburgh University Records Management Advice:

Link: <https://www.ed.ac.uk/records-management/guidance>

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Guidance to Element 9

Data protection

An authority that handles personal information about individuals has a number of legal obligations to protect that information under the Data Protection Act 2018.

In line with the Keeper of the Records of Scotland's (The Keeper) obligations under the Public Records (Scotland) Act 2011 (the Act) the following guidance is issued regarding an authority's responsibilities under data protection legislation:

The Data Protection Act is UK-wide legislation and was introduced in 1998. It relates to the security of information and the rights of the individual to access information held about them. Therefore, it has major implications for public authority records management. Many authorities have formally published data protection statements.

The Keeper might expect a public authority's records management plan to include a data protection or privacy statement. This would normally be a document explaining how an authority treats personal information and how a member of the public can determine what information that authority holds about them. Therefore, the Keeper would welcome a high-level, public facing statement (known as a 'privacy statement' in some organisations). However, the Keeper would not expect a detailed list of records that might be affected by data protection legislation.

If an authority already has a published data protection policy, this should be submitted. As the Public Records (Scotland) Act 2011 does not change existing data protection requirements, there should be no need to create a new document unless one does not already exist. If a public authority does not have a formal data protection (or privacy) statement this would be the ideal opportunity to consider creating one.

The Information Commissioner says:

Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data. In practice, it means you must have appropriate security to prevent the personal data you hold being accidentally or deliberately compromised. In particular, you will need to: Design and organise your security to fit the nature of the personal data you hold and the harm that may result from a security breach; be clear

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*about who in your organisation is responsible for ensuring information security; make sure you have the right physical and technical security backed up by robust **policies and procedures** [emboldened by NRS] and reliable, well-trained staff; and be ready to respond to any breach of security swiftly and effectively.¹*

A public authority may have adequate processes in place to fulfil the requirements of the Data Protection Act without publishing a formal statement. If this is the case, evidence supporting these processes should be submitted to the Keeper as part of the authority's proposed Records Management Plan.

Evidence

Potential evidence that data protection legislation is being properly considered by an authority might include: A copy of an authority's privacy notice or data protection statement issued to all service users; a guide to submitting subject access requests appearing on an authority's website or proof of registration with the Information Commissioner's Office as required under the Data Protection Act 2018

Sample Data Protection Statements:

The following sample data protection schedules might give you an idea what such a document should include and how it might be styled.

The Scottish Government has a data protection policy which covers many of the authorities scheduled in the Public Records (Scotland) Act 2011:

PDF2. SG DP policy statement - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element9-SGPersonalData.pdf>

National Records of Scotland Data Protection Policy:

Link: <https://www.nrscotland.gov.uk/record-keeping/legislation/primary-information-legislation/data-protection>

¹ **Link:** <https://ico.org.uk/for-organisations/guide-to-data-protection/>

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Local Government:

PDF1. East Ayrshire Council (draft) DP Statement - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element9-EastAyrshire.pdf>

The Scottish Crime and Drugs Enforcement Agency have the following policy which is mapped against the data protection principles issued by the Information Commissioner:

PDF3. SCDEA DP policy document - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element9-SOP.pdf>

Health Rights Information Scotland explains how the NHS keeps patient information confidential:

Link: <https://www.nhsinform.scot/care-support-and-rights/health-rights/confidentiality-and-data-protection/privacy-and-confidentiality-when-using-the-nhs>

NHS24 publishes a public Privacy Statement:

Link: <https://www.nhs24.scot/data/uploads/PDF/corporate/nhs-24-data-protection-confidentiality-and-privacy-policy.pdf>

And a Data Protection policy:

PDF4. NHS24 DP Policy - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element9-NHS24.pdf>

Guidance Specific to Data Protection:

If you are creating a data protection statement for your organisation you might want to give consideration to the following principles as published by the Information Commissioner:

Link: <https://ico.org.uk/for-organisations/guide-to-data-protection/>

Under data protection guidance: Public authorities that routinely process sensitive personal information on identifiable living individuals should consider publishing a 'privacy notice'. As the Information Commissioner's Office publishes such a notice, this would seem to be a good place to start when creating your own:

Link: <https://ico.org.uk/global/privacy-notice/>

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The National Archives (on behalf of the Crown), the Society of Archivists, the Information and Records Management Society and the National Association for Information Management have produced a code of practice you may wish to familiarise yourself with:

Link: <http://www.nationalarchives.gov.uk/information-management/legislation/data-protection.htm>

The Information Commissioner publishes guidance on subject access requests:

Link: <https://ico.org.uk/your-data-matters/your-right-to-get-copies-of-your-data/>

Complete Guidance Documents:

The Data Protection Act 2018:

Link: <https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

The Information Commissioner's pages about the data protection in general:

Link: <https://ico.org.uk/for-organisations/guide-to-data-protection/>

The National Archives UK records management guidance:

Link: <http://www.nationalarchives.gov.uk/information-management/projects-and-work/records-management-guidance.htm>

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Guidance to Element 10

Business continuity and vital records

A business continuity and vital records plan serves as the main resource for the preparation for, response to, and recovery from, an emergency that might affect any number of crucial functions in an authority.

In line with the Keeper of the Records of Scotland's (The Keeper) obligations under the Public Records (Scotland) Act 2011 (the Act) the following guidance is issued to support authorities with regard to business continuity and vital records.

It is recommended that public authorities have a business continuity plan and that they can identify key records that facilitate the operation of the authority.

This applies whether the records kept are paper based, electronic or, most likely, a hybrid of the two.

It is important to note that the Keeper will not want to see any information, policy documents or other material that might compromise the security of a public authority. If you have any concerns regarding this please submit redacted samples only, perhaps accompanied by a short explanation of why you have taken this decision.

Evidence

Potential evidence for this element might include a 'disaster plan' or similar, and a policy, approved by the senior accountable officer, identifying records that are vital to the operation of the authority and explaining how they should be retained.

It is possible that vital records will be identified in a comprehensive business classification scheme (Element 4) or under the authority's retention scheduling procedures (Element 5). If this is the case an authority would not be required to submit a separate vital records policy. However, even in such a case, reference should still be made to business continuity in the authority's RMP.

If an authority is genuinely unable to provide evidence of their business continuity/disaster plan or vital records policy because to do so would, for example, compromise the authority's security, a statement from the senior accountable officer explaining that this is the case would be perfectly acceptable to the Keeper under the spirit of the Act.

Specific guidance regarding vital records:

Edinburgh University provides guidance on vital records:

Link: <https://www.ed.ac.uk/records-management/guidance/records/introduce/keeping-records-accessible/vital-records>

Complete Guidance Documents:

University of Edinburgh Records Management Guidance:

Link: http://www.recordsmanagement.ed.ac.uk/InfoStaff/RMstaff/records_management_for_staff.htm

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Guidance to Element 11

Audit trail

An audit trail is a sequence of steps documenting the movement and/or editing of a record resulting from activities by individuals, systems or other entities.

In line with the Keeper of the Records of Scotland's (The Keeper) obligations under the Public Records (Scotland) Act 2011 (the Act) the following guidance is issued regarding audit trails:

It is considered good practice that the whereabouts of records should be known at all times and movement of files around an electronic system or between physical storage areas or office areas should be logged.

Records held on physical media, such as paper or microform, should be subject to an authority's registry system recording the movement of records around the organisation. Evidence of this might be a description of a 'paper trail' from retrieval request to return of a document to store. Such a system should ensure that the whereabouts of a particular record is known at all times.

Electronic records should be subject to an audit trail mechanism that records the movement of records within the IT infrastructure or out of the IT infrastructure. Electronic Document and Records Management Systems (EDRMS) usually offer this functionality and allow for the creation of audit reports, but a great deal of electronic records created by public authorities remain unstructured and are not subject to content management systems. Electronic records that are therefore held on network drives for which there is no in-built audit trail functionality, should be subject to an authority wide policy that promotes efficient management of records, through a logically organised and structured hierarchical filing system, using appropriately named electronic folders.

For all records, in whatever format, a mechanism that monitors their movement and changes to content helps authorities ensure their authenticity and supports legal admissibility. The Keeper therefore wishes to see reference under public authority RMPs to audit provisions in place or being developed to manage record movement and version control.

EDRM systems routinely offer functionality that allows access to records to be logged. Where this access does not result in editing, deletion or movement of records, the Keeper will not require evidence of such access.

Element 11 under the Keeper's Model Plan is concerned with the best practice need for authorities to know where their records are at any given time and to be aware of the need for robust version control. It is not concerned with access to records for routine business purposes that do not lead to changes or movement of records.

For certain record classes, such as adoption records, access restrictions may however be of primary importance. Access control is properly part of Element 8: Information Security.

British Standard 10008 states:

This audit trail information is needed to enable the working of the system to be demonstrated, as well as the progress of information through the system, from receipt to final deletion. Audit trails need to be comprehensive and properly looked after, as without them the integrity and authenticity, and thus the evidential weight, of the information stored in the system could be called into question.¹

Evidence

The Keeper requires evidence that an authority can locate its records and that it can confidently declare these records to be true and authentic.

The degree of audit trails required will vary according to the legislative and regulatory framework in which an authority operates.

Depending on the situation in a particular authority, potential evidence might include some of the following: A formal policy, approved by the senior accountable officer, governing access permissions; a description of the search system used to locate electronic records or the paper records location system; sample 'paper' document movement logs version controls followed or details of audit trails included in an EDRMs.

The Keeper understands that for some authorities a comprehensive audit trail system may still be some way off. However, the Keeper would require to know that authorities are working towards implementing an appropriate system(s) for all records held throughout its entire operation. Evidence of an improvement project should be approved by the senior accountable officer.

¹ BS 10008 Evidential Weight and Legal Admissibility of Information Stored Electronically 2.15 page 79

Sample Tracking Documents:

The following sample retention schedules might give you an idea what such a document should include and how it might be styled:

PDF1. Moray Accession Deposit and Tracking Register - <http://www.nrscotland.gov.uk/files//record-keeping/public-records-act/element11-Moray.pdf>

Guidance Specific to audit trails:

Edinburgh University provides guidance on tracking records:

Link: <https://www.ed.ac.uk/records-management/guidance/records/introduce/filing-scheme/tracking-paper-records>

Complete Guidance Documents:

University of Edinburgh Records Management Guidance:

Link: http://www.recordsmanagement.ed.ac.uk/InfoStaff/RMstaff/records_management_for_staff.htm

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Guidance to Element 12

Competency framework for records management staff

A competency framework lists the core competencies and the key knowledge and skills required by a records manager. It can be used as a basis for developing job specifications, identifying training needs, and assessing performance.

In line with the Keeper of the Records of Scotland's (The Keeper) obligations under the Public Records (Scotland) Act 2011 (the Act) the following guidance is issued regarding the skills required by an authority's records manager:

As part of a robust plan, the Keeper would expect to see that the individual(s) responsible for the implementation and operation of the overall RMP has the relevant skills and training to carry out the task to a reasonable standard. He will welcome proof that a public authority recognises that records management is a separate function from general office duties and will require specific resources applied in the form of training. He will also expect that the individual or individuals named in element 2 (Responsibility – Records Manager) have access to the latest thinking in the field.

The Keeper would expect to be assured that a continuing personal development programme is available to the records manager, and be provided with evidence that a records management 'learning stream' is offered to relevant staff members.

The Keeper would expect individuals who are carrying out records management in a public authority should have this as a specific formal 'objective'.

However, it is also understood that, in many cases, it will not be practical for a public authority to appoint a qualified records manager to carry out this function and also that it may be necessary for the individual to carry out a records management function alongside other duties.

Evidence

Potential evidence that an authority considers records management as a specific business activity requiring specific skills might include: a copy of the records manager's annual objectives; a job vacancy description or a statement, perhaps included as part of the records management policy (Element 3), that senior officers in the authority appreciate the specific skills required to operate an efficient records management system. This would be accompanied by an agreement that resources will be allocated to maintaining an appropriate level of competence in this business activity.

Sample documents showing suggested records management skills:

The Scottish Police Services Authority set out the expectations for a records manager (N.B. this sample refers to a post-graduate qualification – the Keeper does not insist on this):

PDF1. SPSA Records Manager Job Role - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element12-DOC2009.pdf>

A local authority has provided a sample of a 'Records Officer' description which might be of use:

PDF2. Midlothian Council Job Description - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element12-Midlothian.pdf>

Scottish Natural Heritage offers this sample job description:

PDF3. SNH Corporate Records Manager - Job Description - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element12-SNH.pdf>

Guidance Specific to records management staff:

The 'Section 61' Code has this short statement:

PDF4. Section 61 1.7 2011 - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element12-Section61.pdf>

The National Archives' short statement regarding the records management training required at different levels in an organisation:

PDF5. TNA Staff training and awareness - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element12-TNA.pdf>

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This competency framework was published in 2003 as an appendix to the Freedom of Information Act 2000 Model Action Plan. This plan was designed with the education sector in mind. However, many of the competencies would apply to records managers in general. This guidance refers to records managers having a formal professional qualification. This is not a requirement of the Public Records (Scotland) Act 2011:

PDF6. Competencies Framework Higher and Further Education – <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element12-ModelCompetenciesFramework.pdf>

The Archives and Records Association lists records management skills as well as pointing to courses available:

Link: <http://www.archives.org.uk/careers/careers-in-records-management.html>

Complete Guidance Documents:

Scottish Ministers' Code of Practice on records management by Scottish public authorities under the Freedom of Information (Scotland) Act 2002 -16 December 2011(Section 61):

Link: <http://www.gov.scot/About/Information/FOI/18022/13383>

The National Archives records management guidance:

Link: <http://www.nationalarchives.gov.uk/information-management/projects-and-work/records-management-guidance.htm>

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Guidance to Element 13

Review and assessment

Regular assessment and review of records management systems will give an authority a clear statement of the extent that its records management practices conform to the Records Management Plan as submitted and agreed by the Keeper.

In line with the Keeper of the Records of Scotland's (The Keeper) obligations under the Public Records (Scotland) Act 2011 (the Act) the following guidance is issued regarding self-assessment and review:

The Keeper considers that it is a fundamental part of a records management plan (RMP) that it is reviewed:

- Shortly after implementation to determine whether it is operating as expected.
- On a regular basis thereafter to check that it still appropriate to the business needs of the organisation and has properly responded to the changes in circumstance that occur over time.

With this in mind it is important to schedule these reviews from the outset. The Keeper would expect to see some provision for review in an authority's RMP.

It is important that an authority's records management provision is properly assessed before and after the implementation of a plan. The Keeper would suggest that public authorities should consider implementing a self-assessment survey of their level of records management development, before creating a RMP for submission. This is not a requirement of the Act.

Under the provisions of the Act (section 5.2) the Keeper has the authority to ask a scheduled public authority to review their records management plan after five years. It is hoped that this review will be done more frequently by the authority itself.

The Keeper should be notified of any changes made to an authority's RMP including those made as the result of a scheduled review. Internal assessment of a records management plan might be facilitated by a user evaluation exercise. Larger organisations might consider the establishment of a review group. *Most systems require significant redevelopment after four to ten years of operation to accommodate changes in organisational practices, business needs and technological infrastructure.*¹

¹ [DIRKS Manual.pdf](#)

Evidence

Evidence that an authority appreciates the importance of periodic review of its records management procedures may be detailed under the formal records management policy (Element 3).

Alternatively, evidence that this element is being properly considered may be submitted separately. This can be in the form of details of the self-assessment mechanism used with reports from assessments already undertaken, or that are underway.

Sample Documents:

The Scottish Parliament has provided this example of a completed self-assessment:

PDF1. [Scottish Parliament Maturity Model and Road Map - http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element13-SP.pdf](http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element13-SP.pdf)

Guidance specifically about reviewing records management provision:

The Scottish Council on Archives has developed a self-assessment tool called ARMS (Archives and Records Management System):

Link: <http://www.scottisharchives.org.uk/arms>

National Records of Scotland workbook tool - which may be used by public authorities intending to assess their records management provision:

Link: <http://www.nrscotland.gov.uk/files//about-us/complying-with-records-management-code-evaluation-workbook.pdf>

The National Archives - assessing RM in public authorities:

Link: <http://www.nationalarchives.gov.uk/information-management/projects-and-work/assessing-rm-public-authorities.htm>

The International Records Management Trust also offered a self-assessment tool. Although the IRMT has closed, beneficiaries and stakeholders can continue accessing the IRMT's free resources: development research, educational, and products without charge:

Link: <http://www.irmt.org/>

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The 'Section 61' Code of Practice speaks of the importance of reviewing a records management programme.

PDF2 Section 61 Monitoring and Reporting 2011 - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element13-Section61.pdf>

Edinburgh University provides a Records Management Self-Assessment Checklist

Link: <http://www.ed.ac.uk/files/atoms/files//recordsmanagementchecklistv4.pdf>

Complete Guidance Documents:

Scottish Ministers' Code of Practice on records management by Scottish public authorities under the Freedom of Information (Scotland) Act 2002 -16 December 2011(Section 61):

Link: <http://www.gov.scot/About/Information/FOI/18022/13383>

The National Archives records management guidance:

Link: <http://www.nationalarchives.gov.uk/information-management/projects-and-work/records-management-guidance.htm>

University of Edinburgh Records Management Guidance:

Link: http://www.recordsmanagement.ed.ac.uk/InfoStaff/RMstaff/records_management_for_staff.htm

United Nations records management guidance:

Link: <https://archives.un.org/>

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Guidance to Element 14

Shared information

Under certain conditions, information given in confidence may be shared. Most commonly this relates to personal information, but it can also happen with confidential corporate records.

The Keeper of the Records of Scotland (The Keeper) has issued the following statement about information sharing in line with his obligations under the Public Records (Scotland) Act 2011 (the Act):

Information has been shared between public authorities for a number of years for the benefit of clients and stakeholders, but also in the interests of efficient public services. Sharing relevant information leads to benefits for service users in improved and more joined-up services. Scottish Government positively encourages information sharing across the public sector when it benefits society in general, but particularly when it is necessary to protect vulnerable adults or children. If your authority is not currently sharing information then it is very likely that you will be doing this in the future. An authority's RMP must indicate what safeguards are in place to ensure that information will be shared lawfully and securely. It will for example include reference to Information Sharing Protocols (ISPs). Policy documents, protocols, agreements and other information sharing documentation should be submitted as evidence that this aspect of records management is being handled appropriately.

ISPs are not a legal requirement under the terms of the Data Protection Act 2018, but they are recognised by the Information Commissioner as important in helping organisations share information lawfully and securely. ISPs create a routine around what can be shared, with whom and when and help practitioners make informed decisions. In this regard ISPs must propose practice that complies with the Data Protection Act 2018 and have regard to the Data Sharing 'Code of Practice' issued by the Information Commissioner.

ISPs primarily set out the principles and general procedures for appropriately sharing information, but they should also address storage and archive provision. This is particularly important for information shared or jointly created that is of enduring value and may need to be disposed of to a place of permanent deposit. ISPs under these circumstances will need to consider storage and archive arrangements.

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ISPs may be an integral part of an authority's overall information governance framework that might include:

- An **Information Sharing Code of Practice**, outlining the organisation's intentions and commitment to information sharing and promoting good practice when sharing personal information.
- **Information Sharing Procedures**, describing the chronological steps and considerations required after a decision to share information has been made, for example, the steps to be taken to ensure that information is shared securely. Information sharing procedures set out, in detail, good practice in sharing information.
- **Privacy, confidentiality, consent (service users)**. The organisation should have in place processes and documentation for service users, such as 'Privacy/Confidentiality Statement', 'Fair Processing Notice', 'Consent', and 'Subject Access'. Relevant staff within the organisation must understand these processes and be able to access documentation when required.

The following are the most obvious issues that an information sharing protocol might cover, but this list is not exhaustive:

- Needs based sharing: a statement on why it is necessary to share information with specific partner organisations and describe the framework which will allow this to happen.
- Fairness and Transparency: a statement on how the authority will advertise and make known their intention to share information.
- Information Standards: a statement on the authority's commitment to maintain accurate and up-to-date information
- Retention of Shared Information: a statement on the retention schedule governing the information being shared.
- Security of Shared Information: a statement on the mechanisms in place to ensure the security and safety of the information being shared.
- Access to Personal Information: a statement on how subject access requests will be dealt with.

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- Freedom of Information: a statement on how the authority will deal with requests under FOI legislation about their information sharing practices and policies.
- Review: a statement on how the authority intends to keep its protocol under review to ensure it continues to protect the rights of individuals and remains fit for purpose. Internal assessment of a records management plan might be facilitated by a user evaluation exercise.

Evidence

Potential evidence that an authority undertakes external information sharing in a controlled and suitable manner might include: Formal policy documents or protocols or codes of practice; a copy of a data sharing agreement (redacted if necessary); public statements about the handling of personal information or a project governance document detailing responsibilities for records created during and beyond the life of the project.

Sample Data Sharing Documents:

The Information Commissioner indicates that a data sharing agreement ought to consider:

The purpose of sharing

Partner organisations & points of contact

Data to be shared

Legal basis for sharing

Access & individuals' rights

Information governance arrangements

Public authorities should consider whether to publish their data sharing practices.

Audit Scotland have provided this sample 'Code of Data Matching Practice'. This code deals specifically with the sharing of personal information for the purposes of fraud detection. However, the general principles around which the code has been based have been approved by the UK Information Commissioner and may be considered to have general application when developing procedures that allow data sharing for other purposes. Appendix 2 of this code gives examples of text that might be used to alert the public to the potential sharing of their personal data:

Link: http://www.audit-scotland.gov.uk/docs/central/2010/nr_101112_nfi_data_matching_practice.pdf

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This is an example of a data sharing agreement issued by a Scottish public authority:

PDF1. Scottish Enterprise Data Sharing Agreement - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element14-ScottishEnterprise.pdf>

A memorandum of understanding issued by Lothian and Borders Police:

PDF2. E-IRD Memorandum of Understanding - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element14-IRD.pdf>

An information sharing protocol from a local authority:

PDF3. New Greater Glasgow and Clyde protocol - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element14-GGC.pdf>

Strathclyde Fire and Rescue information sharing agreement:

PDF4. Strathclyde Fire and Rescue agreement - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element14-SFR.pdf>

Dumfries and Galloway Information Sharing protocol:

PDF5. D+G Information Sharing Protocol - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element14-DGSharingProtocol.pdf>

And their practitioner guide:

PDF6. Final Info Sharing Practitioner Guidance - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element14-NHSDG.pdf>

And their public statement about information sharing:

PDF7. Final Information Sharing Leaflet - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element14-NHSDG.pdf>

Guidance Specific to shared information:

The Information Commissioner's Office publishes checklists to provide a handy step by step guide through the process of deciding whether to share personal data. This assessment could be included in a project initiation document that might also include agreed operating standards. The ICO has a new data-sharing code of practice:

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Link: <https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2020/12/ico-publishes-new-data-sharing-code-of-practice/>

At the outset of creating a data sharing project, it is advised that public authorities carry out a privacy impact assessment. See the Information Commissioners page at:

Link: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-by-design-and-default/>

Complete Guidance Documents:

Gold Standard is a protocol designed to facilitate secure record sharing in Scotland:

PDF8. Gold Standard ISP Guidance Note - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element14-GoldGuidance.pdf>

PDF9. Gold Standards Information Sharing Protocol - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element14-GoldProtocol.pdf>

The information Commissioner's data sharing code of practice:

Link: <https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2020/12/ico-publishes-new-data-sharing-code-of-practice/>

The Scottish Accord on the Sharing of Personal Information (SASPI) was launched on 9th May 2012 and was piloted in Fife. This is intended to be a high level information sharing tool to help public authorities develop a robust mechanism for sharing information to other authorities (and, potentially, arms' length contractors).

Link: <https://www.fife.gov.uk/kb/docs/articles/council-and-democracy/security-and-compliance/information-sharing-in-fife>

Guidance to Element 15

Element 15: Public records created or held by third parties

Adequate arrangements must be in place for the management of records created and held by third parties who carry out any functions of the authority.

In line with the Keeper of the Records of Scotland's (The Keeper's) obligations under the Public Records (Scotland) Act 2011 (the Act), the following guidance is issued regarding an authority's obligations to public records being created by third party organisations, when delivering a public function under contract to a public authority scheduled under the Act.

Section 3 of the Act describes the meaning of 'public records' for the purposes of the Act. It says that public records in relation to a named authority means records created by, or on behalf of, the authority in carrying out its functions. This is extended to records created by, or on behalf of, a contractor carrying out the authority's functions, and includes records that have come into the possession of the authority or contractor in carrying out the authority's functions. Records created or held by a third party contractor, that are not done so in relation to that contractor carrying out a function of the public authority, are not public records under the Act.

It is important to make clear that the Act applies only to named authorities. The Keeper's authority as regulator of the Act does not extend to private, commercial, charitable or public bodies not named under the Schedule to the Act even if they are delivering the functions of named public authorities. The obligation to ensure that public records being created or held as described above lies entirely with the named authority.

This guidance is therefore designed to help named authorities meet their obligations to those public records being created and held on their behalf, by third parties contracted to supply one or more of their public functions.

It is a fundamental requirement of a records management plan that it can satisfy the Keeper that public records being created or held by third party organisations are being properly managed, in line with the public authority's records management plan. This will be best achieved by the named authority providing the Keeper with evidence of how it satisfies itself that the third party can meet this requirement.

Evidence

The Keeper will expect to see evidence under an authority's records management plan of the processes it follows in order to provide it with the necessary assurances that third party organisations, when contracted to deliver a public function on its behalf, can robustly manage the public records it will create and hold as a consequence.

Such evidence would include the contractual paperwork that provides for the arrangement. It could also include policies and procedures created and followed by the authority in the process of running a reliable, transparent and credible procurement procedure.

Procurement guidance for authorities and contractors

This guidance, '*Records Management Clauses for Contractors*' and the "*Guidelines for Contractors*", sets out general good records management practice that all named authorities and third party contractors should consider, before embarking on a procurement exercise. <https://www.scottisharchives.org.uk/resources/arms/>

Contractual arrangements

Sample documents, regarding contractual arrangements which safeguard public records created and/or held by a third party, might give you an idea of what such a document should include and how it might be styled. Examples of contractual arrangements between a public authority and third party contractor:

PDF 01. The Service Level Agreement template of the commissioning authority, NHS Ayrshire and Arran, provides an example of a clause which sets out the expectations of the commissioning authority on its third party, in relation to fulfilment of PRSA obligations - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element-15-nhs-ayrshire-and-arran.pdf>

PDF 02. Food Standards Scotland have adopted standard Scottish Government terms and conditions for all contracts. The template contracts used for whichever function is being contracted, whether for goods or services, clearly set out the arrangements

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for information and records governance which ensure compliance with the authority's Records Management Plan - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element-15-food-standards-scotland.pdf>

PDF 03. The Scottish Prison Service have developed minutes of agreement with third party contractors, which set out requirements for compliance with all SPS records management policies and procedures - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element-15-scottish-prison-service.pdf>

Policy commitment

The inclusion of third party records in the named authority's own records management policy would indicate a strategic commitment by the authority to ensure robust records management is extended to third party contractors.

PDF 04. Dumfries and Galloway Council's Records Management Policy includes a statement establishing the scope and purpose of the policy, which includes specific reference to third parties who create, capture or maintain records relating to council functions - <http://www.nrscotland.gov.uk/files/record-keeping/public-records-act/element-15-dumfries-and-galloway-council.pdf>

Appendix 1

Glossary of terms used in this document

Administrative Records - Records relating to those general tasks or activities performed within an organisation that are common to all businesses or organisations, such as maintenance of resources, care of the physical plant or other routine office matters. Also known as housekeeping records.

Audit Trail – The mechanism by which an organisation monitors use of a record. This could include recording when it is consulted, edited or disposed of.

Authority/Public Authority – For the purpose of the Public Records (Scotland) Act 2011, a body that appears in the schedule to the Act: <http://www.legislation.gov.uk/asp/2011/12/schedule/enacted>
This schedule can be amended under the terms of section 2.2 of the Act.

Business Activity – An umbrella term covering all the functions, processes, activities and transactions of an authority, and its employees. This includes public administration as well as commercial business.

Business Classification Scheme -

An intellectual structure that categorises business functions/activities or subjects to preserve the context of records relative to others. It is useful for aiding activities such as retrieval, storage and disposal scheduling of records.

Business Continuity – A system in place that ensures that the activities of an organisation can carry on in the event of major disruption.

Competency Framework – Formal document showing the skills required for a post, in this case posts relating to records management. Often this will be divided into 'essential' and 'desirable' skills. A competency framework may or may not include required formal qualifications.

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Content (of a plan) – The various parts of a records management plan that, combined, make up a complete plan that might be agreeable to the Keeper. The Keeper’s Model Plan calls these parts ‘elements’.

Data Protection – Issues around the Data Protection Act 2018, the main purpose of which is the protection of private information about living people and to confirm that an individual has the right to know what information is held about them. N.B. The Data Protection Act does not give members of the public the right to access the actual records held by a public authority.

Destruction – The system of disposal of records by permanently destroying them and the recording that such action has been taken.

Disposal – The decision as to whether the record should be destroyed, transferred to an archive service for permanent preservation, or presented and the putting into effect of that decision.

Disposal Schedules – Schedules that identify types of records and specify how long they will be kept before they are destroyed, designated for permanent preservation or subject to further review.

Document – Information or data fixed in some medium, which may or may not be considered in whole or in part an official record.

Electronic Document and Records Management System (EDRMS) – An electronic system or process – managed with the aid of computers and software – implemented in order to manage both electronic documents and electronic records within an organisation. Electronic document and records management systems combine the functions of document and records management.

Element – In this document, the term used to signify a component part of a record management plan. There are 15 elements in the Keeper’s Model Plan and he would expect them all to be considered by an authority before submitting their Records Management Plan (RMP).

File Plan – Scheme showing the records created by an organisation. In larger public authorities each department is likely to have its own file plan. For the purposes of the Act the Keeper will not expect to see file plans submitted by authorities in support of their RMP.

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Folder - A type of aggregation or container within a file system used to store records (and other folders). In an electronic environment, an assembly of one or more documents grouped together because they relate to the same subject, activity or transaction. The folder is the principal building block of a file plan.

Form (of a plan) – For the purposes of the Public Records (Scotland) Act 2011 the term ‘form’ refers to the physical media in which an authority’s records management plan is submitted. It does not refer to textual content or to the internal structure of such a plan.

Freedom of Information – Issues around the Freedom of Information (Scotland) Act 2002 – known as FOI(S)A – this Act introduced a statutory right of access to all types of recorded information of any age held by Scottish public authorities, subject to certain conditions and exemptions. The Act is promoted and enforced by a fully independent Scottish Information Commissioner.

Guidance Document – This document. It is designed to assist public authorities who are in the process of creating a records management plan that will be robust enough to gain agreement of the Keeper. The Guidance Document points to many other pieces of guidance and to sample documents.

Information Security – The process by which information is protected from unauthorised use (including amendment and disposal). This includes issues regarding intellectual and physical access and the appropriateness of document storage.

Keeper of the Records of Scotland - The NRS is headed by the Keeper of the Records of Scotland, who is responsible to the Scottish Ministers for the management of the NRS and to the Lord President of the Court of Session for the efficient management of the court and other legal records in Scotland. The office of Keeper of the Records of Scotland was created in 1949, although its antecedents date back to the 13th century.

Metadata – Information about the context within which records were created, their structure and how they have been managed over time. Metadata can refer to records within digital systems, for example event log data. It can also refer to systems such as paper files that are controlled either from a digital system or by a register or card index, for example the title and location. In a robust records management system, metadata should ‘travel’ with the record to ensure provenance is retained.

Model Records Management Plan – Document produced by the Keeper of the Records of Scotland that shows the elements he considers should be addressed in the records management plans of all public authorities.

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National Records of Scotland - From 1 April 2011, the General Register Office for Scotland merged with the National Archives of Scotland to become the National Records of Scotland (NRS): <http://www.nrscotland.gov.uk/>

Permanent Preservation – The principle that some material created by an authority will be of enduring value and will be preserved beyond its business use.

Public Authority - For the purpose of the Public Records (Scotland) Act 2011, an organisation that appears in the schedule to the Act: <http://www.legislation.gov.uk/asp/2011/12/schedule/enacted>
This schedule can be amended under section 2.2 of the Act.

Public Records – For the purpose of this document, this refers only to records that are subject to the Public Records (Scotland) Act 2011.

Public Records (Scotland) Act 2011 - <http://www.legislation.gov.uk/asp/2011/12/contents/enacted>

Record – Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business.

Records Management - The practice of formally managing records within a system (electronic and/or paper) including classifying, capturing, storing and disposal.

Records Management Plan – A formal statement by which an organisation explains the procedures it has in place to ensure the proper management of its records. A public authority, if it appears in the schedule to the Public Records (Scotland) Act 2011, will be required to have its records management plan agreed by the Keeper of the Records of Scotland.

Records Manager – The individual (or occasionally individuals) with responsibility for prosecuting an organisation's records management plan. The person who other staff look to for records management advice and, in a public authority, the first point of contact for the National Records of Scotland regarding records management issues.

Retention Schedule – Document showing how the records of an organisation will be treated over time. For example how long after creation they should be destroyed.

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Retrieval/Tracking – The mechanism by which an organisation notes record movement.

Self-Assessment – Review of systems carried out internally by an organisation for its own internal benefit. The Guidance Document points to published record management self-assessment tools that can be used for this purpose.

Senior Manager – For the purpose of the Act, the officer in an organisation who gives approval to its records management plan and by doing so sanctions its use throughout the relevant business areas. For many public authorities this may well be the Chief Executive.

Shared Information – A record created by an organisation and then passed to another for agreement, amendment or use OR a record created by two or more organisations jointly using a shared platform.

Vital Records – The fundamental records of an organisation required for it to operate. An appreciation of which these records are is considered a major part of business continuity.

Appendix 2

Formal Records Management Standards

The following standards can be purchased from: <http://shop.bsigroup.com/>

ISO 15489-1:2001

Records Management: Part 1: General

ISO 15489-2:2001

Records Management Part 2: Guidelines

ISO 30300:2011

Management systems for records - Fundamentals and vocabulary

ISO 30301:2011

Management systems for records - Requirements

ISO 23081-1:2006

Records management processes - Metadata for records - Part 1: Principles

ISO 23081-2:2009

Managing metadata for records - Part 2: Conceptual and implementation issues

ISO 23081-3:2011

Managing metadata for records - Part 3: Self-assessment method

ISO 2700:2005

Information technology, security techniques, information security management systems - Requirements

ISO 16175-1:2010

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Principles and functional requirements for records in electronic office environments - Part 1: Overview and statement of principles

ISO 16175-2:2011

Principles and functional requirements for records in electronic office environments - Part 2: Guidelines and functional requirements for digital records management systems

ISO 16175-3:2010

Principles and functional requirements for records in electronic office environments - Part 3: Guidelines and functional requirements for records in business systems

BS 10008:2008

Evidential weight & legal admissibility of electronic information. Specification.

BIP 0008-1:2008

Evidential weight & legal admissibility of information stored electronically – Code of practice for the implementation of BS 10008

BIP 0008-2:2008

Evidential weight & legal admissibility of information transferred electronically – Code of practice for the implementation of BS 10008

BIP 0008-3:2008

Evidential weight & legal admissibility of linking electronic identity to documents – Code of practice for the implementation of BS 10008

Electronic records management

MoReq2

MoReq2 is short for “Model Requirements for the Management of Electronic Records”, second version. It consists of a formal requirements specification for a generic electronic records management system, accompanied by testing documentation and related information. These might be used as a framework to guide development of new electronic records management systems:

<https://irms.org.uk/page/moreq2>

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Appendix 3

Published Records Management Plans

[Aberdeenshire Council and Licensing Board](#)

[Angus Council and Licensing Board](#)

[Chief Dental Officer](#)

[Chief Inspector of Fire and Rescue](#)

[Chief Inspector of Prisons](#)

[Chief Medical Officer](#)

[City of Edinburgh Council and Licensing Board](#)

[Drinking Water Quality Regulator for Scotland](#)

[Dumfries and Galloway Council-Dumfries and Galloway Licensing Boards-Dumfries and Galloway Valuation Joint Board](#)

[Dunbartonshire and Argyll and Bute Valuation Joint Board](#)

[General Teaching Council for Scotland](#)

[Glasgow City Council, Licensing Board and Valuation Joint Board](#)

[HM Inspectorate of Constabulary](#)

[Highland and Western Isles Valuation Joint Board](#)

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[Historic Environment Scotland](#)

[Inspector of Anatomy](#)

[Integration Joint Board-Midlothian](#)

[Inverclyde Council and Inverclyde Licensing Board](#)

[Judicial Appointments Board for Scotland](#)

[NHS Forth Valley Records](#)

[NHS Greater Glasgow & Clyde](#)

[NHS Highland](#)

[NHS Lanarkshire](#)

[NHS Lothian](#)

[NHS National Waiting Times Centre Board aka NHS Golden Jubilee National Hospital](#)

[NHS Orkney](#)

[NHS Tayside](#)

[Parole Scotland](#)

[Risk Management Authority](#)

[Safeguarders' Panel](#)

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[Scottish Agricultural Wages Board](#)

[Scottish Borders Council and Licensing Board](#)

[Scottish Courts and Tribunals Service](#)

[Scottish Ministers \(Scottish Government\)](#)

[Scottish Parliament, Corporate Body and Scottish Commissioner for Public Audit](#)

[Scottish Sports Council \(SportScotland\)](#)

[South East of Scotland Transport Partnership](#)

[South Lanarkshire Council and Licensing Board](#)

[South West of Scotland Transport Partnership](#)

[Tayside and Central Scotland Transport Partnership \(Tactran\)](#)

[West Lothian Council](#)