

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

**Public Authority  
Scottish Legal Complaints Commission**

**The Keeper of the Records of Scotland**

**21 December 2017**

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## 1. Public Records (Scotland) Act 2011

The Public Records (Scotland) Act 2011 (the Act) received Royal assent on 20 April 2011. It is the first new public records legislation in Scotland since 1937 and came fully into force on 1 January 2013. Its primary aim is to promote efficient and accountable record keeping by named Scottish public authorities.

The Act has its origins in *The Historical Abuse Systemic Review: Residential Schools and Children's Homes in Scotland 1950-1995* (The Shaw Report) published in 2007. The Shaw Report recorded how its investigations were hampered by poor record keeping and found that thousands of records had been created, but were then lost due to an inadequate legislative framework and poor records management. Crucially, it demonstrated how former residents of children's homes were denied access to information about their formative years. The Shaw Report demonstrated that management of records in all formats (paper and electronic) is not just a bureaucratic process, but central to good governance and should not be ignored. A follow-up review of public records legislation by the Keeper of the Records of Scotland (the Keeper) found further evidence of poor records management across the public sector. This resulted in the passage of the Act by the Scottish Parliament in March 2011.

The Act requires a named authority to prepare and implement a records management plan (RMP) which must set out proper arrangements for the management of its records. A plan must clearly describe the way the authority cares for the records that it creates, in any format, whilst carrying out its business activities. The RMP must be agreed with the Keeper and regularly reviewed.

## 2. Executive Summary

This report sets out the findings of the Keeper's assessment of the RMP of Scottish Legal Complaints Commission by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 3 March 2017.

The assessment considered whether the RMP of Scottish Legal Complaints Commission was developed with proper regard to the 14 elements of the Keeper's statutory Model Records Management Plan (the Model Plan) under section 8(3) of the Act, and whether in this respect it complies with it and the specific requirements of the Act.

The outcome of the assessment and the Keeper's decision on whether the RMP of Scottish Legal Complaints Commission complies with the Act can be found under section 7 of this report with relevant recommendations.

### **3. Authority Background**

The SLCC acts as a gateway and point of contact for all complaints against legal practitioners in Scotland. Legal practitioners include qualified conveyancers, solicitors, advocates and commercial attorneys.

The SLCC receives complaints about the service received from a legal practitioner, and decides whether to investigate those complaints. The Legal Profession and Legal Aid (Scotland) Act 2007 encourages practices and practitioners to resolve the grievance themselves. Where this is not possible SLCC aim to provide an easily accessible and effective dispute investigation and resolution service. The Law Society of Scotland, Faculty of Advocates, Association of Commercial Attorneys still deals with matters of professional misconduct or unsatisfactory conduct and the SLCC oversees how these complaints are investigated and prosecuted. SLCC has an important role in influencing the conduct processes, including the powers to audit and recommend changes.

The SLCC aims to be of service to both the public and the profession. SLCC has an additional responsibility to share best practice, monitor trends, and highlight areas of concern. SLCC are committed to the use of mediation to resolve disputes between practitioners and their clients. In the right circumstances, mediation should prove to be a quick and successful method of resolving complaints. The SLCC operates independently of the Scottish Government, Scottish Legal Profession, the Law Society of Scotland, the Faculty of Advocates and Association of Commercial Attorneys. SLCC appreciates their position of independence is valued by their service users by providing a greater sense of impartiality and objectivity to reviewing complaints.

## 4. Keeper's Assessment Process

The RMP was assessed by the Public Records (Scotland) Act Assessment Team on behalf of the Keeper. Assessors used the checklist elements listed in section 5, to establish whether Scottish Legal Complaints Commission's RMP was developed with proper regard to the elements of the Model Plan and is compliant with the Act. The assessment also considered whether there was sufficient supporting evidence of such compliance.

### Key:

<b>G</b>	The Keeper agrees this element of an authority's plan.		<b>A</b>	The Keeper agrees this element of an authority's plan as an 'improvement model'. This means that he is convinced of the authority's commitment to closing a gap in provision. He will request that he is updated as work on this element progresses.		<b>R</b>	There is a serious gap in provision for this element with no clear explanation of how this will be addressed. The Keeper may choose to return the RMP on this basis.
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## 5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>The Records Management Plan (RMP) of Scottish Legal Complaints Commission (SLCC) identifies Neil Stevenson, Chief Executive Officer, as having strategic responsibility for records management within SLCC and overall responsibility for the RMP.</p> <p>A covering letter from Mr Stevenson (evidence 1-1) confirms his appointment. It also contains his endorsement of the RMP and a commitment to keeping it under review.</p> <p>Also submitted is Mr Stevenson’s Job Description (evidence 1-2). The RMP states that at the next review the Job Description will be amended to include strategic responsibility for records management. The Keeper commends this approach, extends his thanks to Mr Stevenson for submitting his Job Description and looks forward to seeing the amended Job Description when it becomes available.</p> <p>The RMP also states that the RMP has the full support of the Senior Management Team who are responsible for reviewing SLCC’s policies and procedures on an annual basis. The RMP will be reviewed every six months.</p> <p>The Keeper agrees that an appropriate individual has been nominated to take senior management responsibility for records management as required by the Public Records (Scotland) Act 2011.</p>
2. Records Manager <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>The RMP identifies John Ferrie, Finance and Corporate Services Manager, as having day-to-day responsibility for records management and compliance with the RMP.</p>

			<p>This appointment is confirmed in a letter from Mr Ferrie (evidence 2-1) which also commits SLCC to ensuring that the RMP is kept under regular review.</p> <p>Also submitted is Mr Ferrie's Job Description (evidence 2-2). One of the key responsibilities includes that of information management. The RMP states that at the next HR review the Job Description will be amended to include operational responsibility for records management. The Keeper commends this approach, extends his thanks to Mr Ferrie for submitting his Job Description and looks forward to seeing the amended Job Description when it becomes available.</p> <p>The Keeper agrees that an appropriate individual has been identified to take operational responsibility for records management as required by the Public Records (Scotland) Act 2011.</p>
<p>3. Policy <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>SLCC have created a Records Management Policy (evidence 3-7) to operate alongside the RMP. The Policy outlines SLCC's corporate approach to records management, emphasises the importance of records and information for the purpose of SLCC carrying out its activities and outlines roles and responsibilities. The Policy is available to staff, along with other policies, on the G Drive.</p> <p>Staff are informed of information governance issues at regular team briefings. Samples of the information distributed to staff have been submitted (evidence 3-8) and these include the filing of paper records.</p> <p>All staff are regularly reminded by email of their records management responsibilities (evidence 3-9). These include reminders on the importance of managing emails, filing records in the correct locations and distributing the Records Management Policy. The Keeper commends this proactive communication of records management issues to staff.</p> <p>As part of their evidence for this Element of the RMP, SLCC has submitted their</p>

			<p>Retention and Destruction Policy (evidence 3-1). This Policy details how SLCC manages the retention periods outlined in the appended Retention and Destruction Schedule.</p> <p>The Keeper agrees that SLCC has an operational records management policy statement and that staff are made aware of their records management responsibilities.</p>
<p>4. Business Classification</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The RMP states that SLCC operates a joint Business Classification Scheme (BCS)/retention schedule. The Keeper recognises that this is a business decision for authorities but that a joint BCS/retention schedule should serve as a more robust business tool as it acts as a central point of reference for staff and commends this approach.</p> <p>The RMP states that SLCC has a very specific remit defined by legislation. The business activities undertaken by SLCC and the categories of records created by these are detailed in the BCS/retention schedule (evidence 3-1).</p> <p>The RMP states that the electronic records created by SLCC in the course of carrying out its main functions are managed using a bespoke case management system New-Pro. The training manual for this system has been supplied (evidence 4-1). This electronic records management system is used to manage the casework records such as complaint handling, responding to FoI/Data Protection/Environmental Information Regulation enquiries, and outreach and media work. Records are created and stored electronically using a case reference number. The RMP also states that a similarly reference paper file is also retained and managed securely on-site.</p> <p>The retention periods set out in the joint BCS/retention schedule indicates that much of the information created and received by SLCC in the course of its work is specified by legislation.</p>

			<p>Also submitted is an email requesting representatives from SLCC’s business areas to check, and update if necessary, the BCS/retention schedules for these business areas (evidence 4-3). Further emails to business areas within SLCC relating to the development of the joint BCS/retention schedule have been provided (evidence 5-1). The Keeper commends the inclusion of business areas in the development of the BCS/retention schedule as this is likely to lead to more buy-in from staff and result in a stronger business tool.</p> <p>The BCS/retention schedule is available to staff on the shared drive network.</p> <p>The Keeper agrees that SLCC has an operational BCS which identifies the categories of records created and managed in the course of carrying out its functions.</p>
5. Retention schedule	<b>G</b>	<b>G</b>	<p>See Element 4 for comments about the joint BCS/retention schedule.</p> <p>The RMP states that the retention and destruction of records within the joint BCS/retention schedule (evidence 3-1) is the responsibility of the manager who has ownership of that category of records. Ultimately, responsibility lies with the Records Manager (Element 2) and the Accountable Officer (Element 1).</p> <p>SLCC maintains a spreadsheet of records which have been destroyed and those which have been selected for archiving. An extract of this has been provided (evidence 5-2). This records the action taken, when and by whom. This spreadsheet will be retained by the Records Manager for 10 years.</p> <p>Also provided is email correspondence relating to the destruction of files in accordance with the retention schedule (evidence 5-4) and destruction of records in line with Freedom of Information legislation (evidence 5-5).</p>

			<p>The RMP states that the BCS/retention schedule will be reviewed/updated on an annual basis. The Keeper commends this commitment to keeping key documents up-to-date.</p> <p>The Keeper agrees that SLCC has a retention schedule that assigns retention and disposal actions to the records that it creates and manages.</p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The RMP states that the destruction of records and information takes place in accordance with the time periods set out in the retention schedule (evidence 3-1). The destruction of records is managed by the Records Manager but is arranged by the manager identified as having responsibility for specific categories of records in the retention schedule. The following arrangements are in place:</p> <p><b><u>Paper (on-site)</u></b> – The RMP states that all paper records are treated as confidential waste for security purposes. These are placed in secure cabinets and uplifted fortnightly by a commercial confidential waste disposal contractor (Changeworks Recycling). This arrangement is governed by a contract (evidence 6-3) and an annual Waste Transfer Note is produced (evidence 6-2). A sample destruction certificate has also been provided (evidence 5-3).</p> <p>SLCC has also been conducting a major project to destroy ‘legacy’ paper files in line with its retention schedule. The methodology for the project has been submitted (evidence 6-4). An email containing a proposed action plan to take this work forward has also been provided (evidence 6-5). SLCC has provided an update on the progress of the project to destroy legacy paper files (evidence 6-9). The Keeper thanks SLCC for this update.</p> <p><b><u>Paper (off-site)</u></b> – SLCC explicitly states that it does not engage a third party provider for the off-site storage of paper records. This is confirmed in a letter from the CEO (see Element 1) (evidence 6-10).</p>

			<p><b><u>Electronic</u></b> – SLCC has described the processes in place for destroying electronic records. The RMP states that the destruction of documents, files and folders from the shared drive network is managed by the Senior Management Team (SMT). The deletion of network folders is carried out by SLCC’s IT providers with SMT authorisation. The deletion of documents and files from shared drives is managed by audits of the network on a bi-annual basis as part of the Records Management Review. There are procedures in place for the management of records stored on shared drives and these have been submitted (evidence 6-12 and 6-14).</p> <p><b>Also included is a description of how the file manager programme was added to the New-Pro case management system as part of a recent upgrade. This system is undergoing extensive testing before being fully rolled out across the organisation. Once it has been implemented the system will allow case records to be anonymised and records to be destroyed from the system. The Retention and Destruction policy has been amended to reflect these changes (evidence 3-6). The functionality of the file manager software is outlined in an email which has been provided (evidence 6-11) as well as the retention information for the records stored within the system.</b></p> <p><b><u>Hardware</u></b> – SLCC states that both its IT provider and its recycling provider offer secure destruction of obsolete hardware. Obsolete or broken hardware is stored securely on-site until there is enough of a stock to allow SLCC to contact a contractor to arrange disposal of it. Emails between SLCC and the contractor have been provided (evidence 6-13) showing how this process works in practice.</p> <p><b><u>Back-ups</u></b> – The RMP states that email and network shared drives are backed up and destroyed in line with SLCC’s IT provider’s standards and practice. An email from SLCC’s IT service provider (evidence 10-3) and a server health check (evidence 10-4) outlines that incremental nightly back-ups are taken with a weekly back-up taken on a Friday night. Weekly back-up disks are retained on dual sites for</p>
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			<p>60 days before being overwritten. A year-end back-up is taken annual and this is retained in the datacentre for 7 years before being overwritten.</p> <p><b>The Keeper can agree this Element on an ‘improvement model’ basis. This means that the authority has identified a gap in provision (the full roll-out of the file manager software which will allow SLCC to delete records from the New-Pro case management system) and has identified how it intends to close this gap. As part of this agreement the Keeper will need to be kept updated on the progress of work.</b></p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The Retention and Disposal Policy (evidence 3-1) identifies the retention and disposal periods for the records it creates. For example, the minutes of Board meetings require to be kept for the lifetime of SLCC and after two years the paper records should be archived after 2 years.</p> <p>The RMP also states that SLCC sends an annual report to the British Library as part of an annual Legal Deposit agreement. The correspondence around this and a sample of the British Library catalogue have been provided (evidence 7-1 and 7-2).</p> <p>SLCC has identified, through its Retention and Destruction Policy (evidence 3-6), records likely to be selected for permanent preservation, such as Annual Reports, minutes of Board meetings and records relating to the creation of SLCC (evidence 7-3).</p> <p><b>SLCC is currently in discussion with National Records of Scotland (NRS) Client Management Team with a view to developing a Memorandum of Understanding (MoU) which would govern the transfer of archival records from SLCC to NRS. The Keeper’s Assessment Team has confirmed with the Client Management Team that discussions are underway to agree a MoU. The Keeper can accept this as a commitment to developing a formal agreement with an appropriate archive and requests that he is sent a copy of the signed</b></p>

			<p><b>MoU once it has been agreed.</b></p> <p><b>The Keeper can agree this Element on an ‘Improvement Model’ basis. This means that the authority has identified a gap in provision (the lack of a formal transfer agreement with a suitable archive) and has identified how it intends to close this gap. The Keeper will be able to fully agree this Element once he receives the finalised MoU with NRS.</b></p>
<p>8. Information Security <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>SLCC has developed an Information Security Statement (evidence 8-1) which applies to all employees, Board members and third parties using SLCC IT equipment and systems. The statement outlines SLCC’s approach to maintaining the security of its information and the systems it uses to manage it.</p> <p>SLCC has also submitted its IT Security Policy (evidence 8-3) which covers a range of information security areas such as Data Security, Physical Security, System Access, Email and remote working.</p> <p>Also supplied is SLCC’s Data Management/Security Incident Policy and Process (evidence 8-2). This outlines the corporate approach to identifying and mitigating any potential data breach and contains a step-by-step process to reporting and dealing with a data breach.</p> <p>Also submitted as evidence are Internal Audit Report Follow-Ups which include actions on information security for the years 2014/15 and 2015/16 (evidence 8-4 and 8-5). These outline the work that has been undertaken to remedy issues identified by the internal auditors.</p> <p>The RMP outlines the measures in place to ensure information security. These include:</p> <p>Access controls for all users of SLCC systems. A spreadsheet tracker showing</p>

			<p>access requirements for business areas has been supplied (evidence 8-11);</p> <p>All employees have received a Disclosure Scotland Certificate;</p> <p>SLCC premises have been adapted to meet Scottish Government security requirements;</p> <p>A clear-desk policy is in place and strictly enforced. This is described in Section 1.10 of the Employee Handbook (evidence 8-8), which staff are required to sign once they have read;</p> <p>Visitors to SLCC’s office areas must be accompanied by a member of staff;</p> <p>Paper records stored in level two are protected by two locked doors, with access to the keys limited to a small number of staff. Most records are also stored in locked cabinets. Conditions in the store are regularly monitored. Vital HR and corporate records are stored in lockable fire-resistant cabinets.</p> <p>The Employee Handbook (evidence 8-8) also contains a section on confidentiality.</p> <p>Also provided is an email from the CEO making staff aware of forthcoming IT security training sessions (evidence 8-9). Additionally, the slides from the Information Security training presentation have been submitted (evidence 8-10). This covers topics such as passwords, physical access, viruses and remote working.</p> <p>Also supplied are samples of email communications with SLCC staff informing them when approaching their mailbox storage limits and encouraging staff to save corporate information in the appropriate area of the drive.(evidence 8-13), highlighting the need to lock cabinets (evidence 8-14) and ensuring that filing is</p>
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			<p>undertaken properly so that information is not misplaced (evidence 8-15).</p> <p>SLCC encourages staff to work from home where possible and has produced specific guidance for staff to follow when doing so (evidence 8-18). The guidance covers confidentiality, information security and Data Protection.</p> <p>The Keeper agrees that there are robust procedures in place to ensure that the information and systems used by SLCC are securely managed.</p>
<p>9. Data Protection</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>SLCC is registered as a Data Controller with the Information Commissioner's Office (registration number: Z1505689). The registration certificate has been submitted (evidence 9-1).</p> <p>SLCC's Data Protection Policy towards personal information held about staff is described in Section 16 of the Employee Handbook (evidence 8-8). All staff are required to read and sign that they agree to abide by the policies contained within the Handbook.</p> <p>SLCC's website contains information about how to gain access to personal and sensitive information collected and managed by SLCC. This includes information about submitting a Subject Access Request. Guidance to assist staff dealing with FoI/Data Protection/EIR requests has been produced and submitted (evidence 9-4).</p> <p>All staff, including Board Members, are required to undertake annual refresher Data Protection training. An email reminder to staff to complete the training has been submitted (evidence 9-2). A sample of the e-learning Data Protection module has also been supplied (evidence 9-3). This also includes evidence of how SLCC tracks staff completion of the training.</p> <p>The RMP states that SLCC operates a clear desk policy along with regular password changes. This is included at Section 1.10 of the Employee Handbook</p>

			<p>(evidence 8-8).</p> <p>SLCC have also submitted their procedures for sending correspondence to prisoners (evidence 9-7).</p> <p>The Keeper agrees that SLCC is aware of its responsibilities under the Data Protection Act 1998 and has procedures in place to protect the personal information it manages.</p>
<p>10. Business Continuity and Vital Records</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The RMP states that SLCC keeps all its vital records in electronic format which are stored on-site on servers which are backed up on off-site servers. The data held on the servers is backed up every 12 hours and this arrangement is subject to quarterly 'health-checks'. The RMP describes the back-up procedures in place and that the IT system is recoverable within 30 minutes of an interruption to service.</p> <p>SLCC also has a Business Continuity Plan (BCP) (evidence 10-1). This sets out the procedures to be followed in the event of an ICT failure or a loss of premises. It also describes the responsibilities in activating the BCP and the composition of the Crisis Management Team and others in responding to any disaster. The BCP is due to be tested in the 2<sup>nd</sup> quarter of 2017-18.</p> <p>SLCC has stated that a business continuity desktop exercise was conducted in the 4<sup>th</sup> quarter of 2016-17. As a result of this exercise the BCP (evidence 10-5) has been updated and a commitment has been made to run similar exercises bi-annually. The Keeper commends this approach to keeping business continuity procedures under regular review.</p> <p>The Keeper agrees that there are procedures in place to allow SLCC to resume its business in the event of a disaster and that consideration has been given to vital records.</p>

<p>11. Audit trail</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The RMP states that the Case Management System (Newpro) is used to manage both casework and non-casework records and can provide audit trails showing the editing history of files. The Case History section of the software provides an audit trail of all activity on the file. SLCC has submitted a sample of the audit trail information provided by the Newpro system (evidence 11-3).</p> <p>The system is also used to record the location and movement of associated paper files. A screenshot of the Newpro system showing the movement of the paper files has been submitted (evidence 11-2). The location of paper files is audited on an annual basis to ensure that the locations listed with the electronic case file on Newpro is accurate. The results of this audit are reported to the Senior Management Team and circulated to staff. SLCC has submitted a sample of the annual audit which took place in October 2017 (evidence 11-4). The Keeper thanks SLCC for this submission and commends them for checking that the location of records is accurately recorded.</p> <p>The RMP states that SLCC strives to be ‘paper-lite’ for non-casework records and that finance records and records selected for permanent preservation are centrally stored. SLCC indicates that the extent of paper records it manages is so minimal as to not warrant separate measures for tracking their movement. Additionally, there is no requirement for other areas of the business to access these records. The Keeper can accept that this is a proportionate approach for an organisation the size of SLCC.</p> <p>Updates to corporate policies are recorded on a document control sheet and these must be approved by the appropriate governance body, for example the Board or CEO. Once approved the previous version of the policy is moved to an electronic archiving area, which can only be accessed by staff with relevant access permissions. All staff can still access the current policies.</p>
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			<p>The RMP acknowledges that managing a shared drive network can be difficult. SLCC has a number of solutions for the management of emails, including an email forwarder plug-in which allows case related emails to be saved with the relevant file and mailboxes are limited in size and staff are reminded to file or delete emails when capacity is close to being reached. As part of the assessment and review of the RMP, spot-checks will be conducted on the G: drive to ensure that corporate and case-related records are filed correctly.</p> <p>SLCC has provided its 'Making Changes to Policy' document and 'Procedure for Finalising Policy Changes' document (evidence 11-6 and 11-7). These provide staff with guidance on the version control and document naming.</p> <p>The Keeper agrees that there are procedures in place to allow SLCC to be able to locate records when required.</p>
<p>12. Competency Framework for records management staff</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The RMP states that SLCC is committed to ensuring that the Records Manager (see Element 2) is provided with appropriate records management training to be able to fulfil his responsibilities.</p> <p>The Records Manager's Job Description (evidence 2-2) shows a clear responsibility for information management.</p> <p>The RMP states that staff who are also supporting the implementation of the RMP will receive appropriate records management training. The skills and competencies required for doing this will be identified and a competency framework will be developed. SLCC's HR manager is currently liaising with an external consultant to create a Records Management Competencies Document. The Keeper would appreciate being sent the Competencies Document once it has been finalised and would also welcome being sent a sample of the proposed training.</p> <p>The RMP also states that all staff are periodic updates on records management,</p>

			<p>information security and Data Protection as part of the weekly update staff meetings. SLCC has provided the slides of a Freedom of Information and Data Protection presentation given to one of the regular staff briefing meetings (evidence 9-8) which was also then forwarded on to all staff by email.</p> <p>SLCC has also submitted examples of some of the online training in information management undertaken by members of staff in the Corporate Team (evidence 12-1). Also provided is confirmation that the Records Manager (see Element 2) will be undertaking records management training in March 2018. The Keeper commends this commitment to supporting the Records Manager in carrying out his responsibilities.</p> <p>SLCC staff have attended Public Records (Scotland) Act 2011 surgeries in order to get a clearer idea of what is required to comply with the Act. They have also been attended other information governance events, such as those on GDPR run by the Scottish Government.</p> <p>The Keeper agrees that SLCC recognises the importance of records management and that this is recognised in the job descriptions of relevant staff and that they are provided with appropriate training.</p>
<p>13. Assessment and Review</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Act requires a scheduled public authority to “keep its records management plan under review” (part 1 5.1 (a)).</p> <p>SLCC has provided details of how it intends to regularly assess and review its records management provisions. Reviews of the RMP will be carried out by the Records Management Review Group, which comprises the Records Manager (see Element 2), Head of Investigations, Head of Oversight and the Case Investigator who has responsibility for Freedom of Information and Data Protection. The Review Group will meet formally every six months and conduct a six-monthly review of the RMP. A sample of the audit forms used to record the findings of the review has</p>

			<p>been supplied (evidence 13-2).</p> <p>Any significant changes or issues arising from the review will be reported to the Senior Management Team for approval and to the Audit Committee for their information. The RMP also commits SLCC to informing the Keeper of any significant changes to its records management provisions. The Keeper commends this proactive reporting of progress.</p> <p>The RMP states that the Plan will be subject to a review before the end of 2017 and thereafter on a bi-annual basis. The exact scope and nature of this review is yet to be finalised but will involve input from both internal and external auditors and will be based on the structure of the RMP. A sample Records Management Plan Audit Sheet (evidence 13-1) has been supplied showing how the proposed assessment and review process structure might look.</p> <p>The RMP also states that SLCC will establish a Records Management Review Group which will include representation from the Senior Management Team. It will also include staff from different teams across SLCC. The Group will meet twice a year and report to the SLCC Board annually.</p> <p>The Keeper agrees that SLCC has procedures in place to allow it to keep its RMP and supporting documents up-to-date.</p>
14. Shared Information	<b>G</b>	<b>G</b>	<p>The RMP states that SLCC is governed by the Legal Profession and Legal Aid (Scotland) Act 2007. Section 43 of the Act covers the restrictions on disclosure or sharing of information.</p> <p>The RMP also states that SLCC does not routinely share information but it does occasionally need to do so in order to carry out its functions. SLCC acts as a gateway for all complaints against legal practitioners in Scotland and as a result is required to send details of complaints on to relevant legal professional organisations</p>

			<p>for investigation. As evidence, SLCC have provided copies of the Information Sharing Protocols they have in place with the Law Society of Scotland and the Faculty of Advocates (evidence 14-1 and 14-2) which detail the arrangements in place for sharing information when required. <b>For information, the Protocol agreed with the Faculty of Advocates (evidence 14-2) is labelled as 'DRAFT'. The Keeper cannot accept draft documents as evidence as he can't be sure that they represent the current situation in an authority. On this occasion, this won't affect his agreement of this Element as there is sufficient other evidence, but SLCC may wish to ensure that this Protocol is updated or approved.</b></p> <p>Also supplied as evidence is a MoU with the Office of the Immigration Services Commissioner for dealing with complaints (evidence 14-7).</p> <p>Also submitted as evidence is a Data Sharing Agreement between SLCC and the Scottish Legal Aid Board (evidence 14-3).</p> <p>Also provided are copies of Letters of Undertaking (evidence 14-4 to 14-6) from these organisations agreeing to be bound by the confidentiality terms set out within.</p> <p>The Keeper agrees that there are procedures in place to allow SLCC to securely share information with other organisations when required.</p>
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## 6. Keeper's Summary

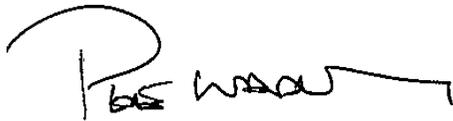
Elements 1-14 that the Keeper considers should be in a public authority records management plan have been properly considered by Scottish Legal Complaints Commission. Policies and governance structures are in place to implement the actions required by the plan.

## 7. Keeper's Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of Scottish Legal Complaints Commission.

The Keeper recommends that Scottish Legal Complaints Commission should publish its agreed RMP as an example of good practice within the authority and the sector.

This report follows the Keeper's assessment carried out by,



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**Pete Wadley**  
Public Records Officer



.....  
**Robert Fotheringham**  
Public Records Officer

## 8. Endorsement of Report by the Keeper of the Records of Scotland

The report has been examined and is endorsed under the signature of the Keeper of the Records of Scotland as proof of compliance under section 1 of the Public Records (Scotland) Act 2011, and confirms formal agreement by the Keeper of the RMP as submitted by Scottish Legal Complaints Commission. In agreeing this RMP, the Keeper expects Scottish Legal Complaints Commission to fully implement the agreed RMP and meet its obligations under the Act.



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