

EAST RENFREWSHIRE COUNCIL

Corporate Management Team

13/01/2015

Report by Chief Officer, Legal and Procurement

Public Records (Scotland) Act

PURPOSE OF REPORT

1. To determine a path towards compliance with the Public Records (Scotland) Act 2011, in particular to assign responsibilities and define actions in this matter.

RECOMMENDATIONS

2. That the CMT
- notes the contents of the report
 - agrees elements 1, 2 and 3 of the Records Management Plan as detailed at paragraphs 10, 11 & 12 of the report
 - agrees to the establishment of a short-life working group to take forward the Records Management Plan with appropriate representation from across the Council
 - demits to the Chief Officer (Legal and Procurement) the authority to develop and implement the remaining elements of the Records Management Plan

BACKGROUND

3. The Public Records (Scotland) Act 2011 requires named authorities to submit a Records Management Plan (hereafter referred to as “the RMP”) for the approval of the Keeper of the Records of Scotland.

4. The Keeper has determined that the RMP should cover fourteen key areas of information governance. East Renfrewshire Council has made good progress in several of these areas, but some still require considerable development.

5. The Keeper has not yet asked East Renfrewshire Council to submit our plan, but is expected to do so shortly.

REPORT

Introduction

1. In 2007 the Scottish Government commissioned the Shaw Report into Historic Abuse. This identified record keeping as a key element to good governance, and led to the Scottish Government passing the Public Records (Scotland) Act in 2011.
2. The Act places an obligation on named public authorities (including local authorities) to prepare and implement a records management plan (RMP) which sets out proper arrangements for the management of their records.
3. RMPs have to be agreed with the Keeper of the Records of Scotland and thereafter are to be regularly reviewed by authorities. Where authorities fail to meet their obligations under the Act the Keeper has powers to undertake records management reviews and issue action notices for improvement.
4. The Keeper has announced that the RMP should deal with fourteen separate but related elements. The 14 elements are:-
 1. Senior management responsibility
 2. Records manager responsibility
 3. Records management policy statement
 4. Business classification
 5. Retention schedules
 6. Destruction arrangements
 7. Archiving and transfer arrangements
 8. Information security
 9. Data protection
 10. Business continuity and vital records
 11. Audit trail
 12. Competency framework for records management staff
 13. Assessment and review
 14. Shared information
5. To date, only six local authorities have had their RMPs approved – but the Keeper has a rolling programme of approaching all authorities and requiring them to submit their plans which he aims to complete by 2016.
6. The Keeper has indicated a willingness to approve joint plans. In this case it is proposed to have the ERC plan also cover related bodies with separate statutory status such as the East Renfrewshire Licensing Board.

Achieving Compliance in ERC

7. As well as compliance with the PR(S)A, good records management facilitates
 - efficiency in information storage
 - prompt and accurate retrieval of information
 - proper information security
 - compliance with other legislation such as the Freedom of Information (Scotland) Act and the Data Protection Act
 - transparent and open government
 - the better exploitation of our information resources
 - identification and survival of archival material

8. The Chief Executive's Office has recently appointed a Records Management Project Officer on a short-term basis to take this issue forward. This officer is currently bringing together the plans, policies and procedures already in place across the Council, identifying gaps where provision needs to be improved, and developing a suite of documentation to ensure that we are better able to manage our records and information.

9. Among other tasks this will involve the development of a comprehensive retention schedule, a business classification scheme, and a programme of training to ensure that the new processes, plans and policies are embedded across the Council.

10. **Element 1** of the RMP requires the nomination of a defined officer who will oversee its adoption throughout the Council. It is proposed here that this officer should be the Chief Executive.

11. **Element 2** of the RMP requires the identification of an officer who will have the continuing responsibility for the practical implementation of the Plan. It is proposed here that this officer should be the Council Records Manager.

12. **Element 3** of the RMP requires the adoption of an overall records management policy statement. The statement will affirm the Council's commitment to proper records management, summarise the benefits of good records management, and identify the key principles behind our approach to the remainder of the plan. A proposed Records Management Policy for the Council is included as an appendix to this report.

13. It is also proposed that each member of the CMT appoints an officer or officers to a short-life records management working group. This group will have an important role in liaising with the Council Records Manager and the Records Management Project Officer in the development and submission of the RMP.

14. To facilitate the development of the RMP, it is proposed that the CMT agree to demit to the Chief Officer (Legal and Procurement) - after consultation appropriate to each case - the authority to establish or amend policies and procedures required to facilitate the successful submission of the RMP.

REPORT AUTHOR

15. Craig Geddes, Council Records Manager
1/12/2014

KEY WORDS

Description: "Public Records (Scotland) Act 2011";
key words "records management plan"; "information management".