

Public Records (Scotland) Act 2011

**Public Authority
North East of Scotland Transport Partnership (Nestrans)**

The Keeper of the Records of Scotland

25 January 2018

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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 Nestrans by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 3 February 2017.

The assessment considered whether the RMP of Nestrans 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 Nestrans complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

Constituted as the North East of Scotland Transport Partnership under the Transport (Scotland) Act 2005, Nestrans began work as a statutory Transport Partnership on 1 April 2006. It is one of seven Transport Partnerships set up across Scotland to provide a coordinated approach to transport planning and delivery between different local authority areas. Nestrans' area covers both the City of Aberdeen and the wider Aberdeenshire area. Its Board is made up of Councillors from Aberdeen City and Aberdeenshire Councils, as well as non-councillor members appointed by the Minister for Transport.

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 Nestrans' RMP was developed with proper regard to the elements of the Model Plan and is compliant with the Act. The assessment also considered whether there was sufficient supporting evidence of such compliance.

Key:

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

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	G	G	<p>The individual identified as having strategic responsibility for records management within Nestrans is Derick Murray, Partnership Director. The Records Management Plan (RMP) states that Mr Murray endorses the RMP and is committed to ensuring the improvements to records management are implemented.</p> <p>This appointment is confirmed in a letter from Mr Murray to the Keeper of the Records of Scotland (the Keeper) (Annex A).</p>

			<p>This is also confirmed in the Records Management Policy Statement (Annex B).</p> <p>The Keeper agrees that an appropriate individual has been identified to take senior management responsibility for records management within Nestrans as required by the Public Records (Scotland) Act 2011 (PRSA).</p>
2. Records Manager <i>Compulsory element</i>	G	G	<p>The individual identified as having operational responsibility for records management within Nestrans is Tricia Howden, Office Manager/PA to Partnership Director.</p> <p>This is confirmed in the covering letter from Mr Murray to the Keeper (Annex A) (see Element 1).</p> <p>The Records Management Policy statement (Annex B) also confirms that the day-to-day operational responsibility for records management lies with the Office Manager (Ms Howden).</p> <p>Also submitted as evidence is a certificate awarded to Ms Howden for attending a PRSA training day (Annex C).</p> <p>The Keeper agrees that a suitable individual has been identified to take operational day-to-day responsibility for records management as required by the PRSA.</p>
3. Policy <i>Compulsory element</i>	G	G	<p>Nestrans has submitted their Records Management Policy Statement which forms Annex B of the RMP. The Statement outlines the corporate approach to records management within Nestrans and assigns responsibilities for complying with the Policy.</p> <p>The Policy also describes some of the procedures in place with regards to the management of records within the shared network drives, which are provided by Aberdeen City Council. Access to the Nestrans area of the shared drives is</p>

			<p>restricted to Nestrans staff. The Policy highlights the importance of managing records on the shared drives as opposed to personal drives and laptops.</p> <p>The Policy also mentions a commitment to deleting records from the shared drive in accordance with the retention schedule and ensuring that records of historical value are archived with Aberdeen City Council and Aberdeenshire Council archive services.</p> <p>The Policy also states that the records it creates are primarily electronic and that 'convenience' paper copies are considered only as temporary working copies and are destroyed securely when their business use is finished.</p> <p>The RMP states that the RMP, which includes the Policy Statement, will be made available to Nestrans staff on the shared drive system. Nestrans has submitted a series of screenshots showing the location of key policies on the shared drives thus ensuring that staff have access to them.</p> <p>The RMP also states that the Policy Statement will be available on the Nestrans website. The Keeper commends this outward-facing approach of providing stakeholders with access to key documents. The Keeper would be grateful if he could be supplied with a link to area of the website once the Policy appears there.</p> <p>The Keeper agrees that Nestrans has an operational records management policy statement which is available to staff.</p>
4. Business Classification	A	G	<p>The RMP states that Nestrans is currently in the process of developing and rolling out its Business Classification Scheme (BCS). The draft joint BCS/retention schedule that Nestrans is currently developing has been submitted as evidence (Annex D).</p> <p>The draft BCS is based on the top-level functions of Nestrans, such as</p>

			<p>strategy and projects, and below this describes the activities undertaken in carrying out these functions. Whilst this must remain a business decision for the authority, the Keeper recognises that a functional BCS is currently considered best practice as it is more resilient to business change, such as re-structuring.</p> <p>The BCS also contains retention periods for the types of records created. The Keeper commends the creation of a joint BCS/retention schedule as this is likely to provide a stronger business tool.</p> <p>The Future Developments section of this Element states that Nestrans is currently in the process of restructuring its electronic filing system on the shared drive to reflect the structure of the BCS. This is being rolled out across Nestrans throughout 2017 and will be reviewed in January 2018. The Keeper requests that he is kept informed of the progress of this work.</p> <p>The Keeper can agree this Element on an 'Improvement Model' basis. This means that the authority has identified a gap in provision (in this case the lack of an operational BCS) and has identified how it intends to close this gap. This agreement is dependent upon the Keeper being kept up-to-date with the progress of this work.</p>
5. Retention schedule	A	G	<p>Please see comments under Element 4 relating to the draft joint BCS/retention schedule.</p> <p>In addition, the RMP states that Nestrans receives support from Aberdeen City Council (IT services and Legal services) and Aberdeenshire Council (Human Resources services, Finance services and PR and Communications services). These arrangements are governed by Service Level Agreements (SLAs). The records created by the provision of these services are managed by each Council in accordance with their RMPs which have been agreed by the</p>

			<p>Keeper. The Keeper accepts this arrangement as being suitable for all authorities concerned.</p> <p>Nestrans has submitted the SLAs referred to in the RMP. Retention periods will be built in to the SLAs when they are next reviewed in 2018 and 2019. The Finance services SLA will be updated in 2018 in response to a review of the Financial Services Regulations</p> <p>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 an operational retention schedule) and has identified how it intends to close this gap. This agreement is dependent upon the Keeper being kept informed of progress with this work.</p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p>A</p>	<p>G</p>	<p>The RMP states that Nestrans destroys records in accordance with the retention periods set out in the retention schedule. The retention periods apply to the destruction of paper records and the deletion of electronic records.</p> <p>Paper (on-site) – Nestrans uses a cross-cut paper shredder to securely dispose of confidential paper waste when appropriate. The RMP also states that Nestrans will use Shred-It on an ad hoc basis when it needs to destroy bulk quantities of confidential waste. Nestrans has supplied communications with Shred-It relating to the destruction of paper records.</p> <p>Paper (off-site) – The RMP states that Nestrans does not store paper records with a commercial storage provider. Records created as part of Nestrans’ arrangements with both Aberdeen City and Aberdeenshire Councils (see Element 5) are managed through the provisions of SLAs and also under the agreed RMPs of each council.</p> <p>Electronic – The RMP states the deletion of electronic records takes place with regards to the retention schedule. Nestrans has provided its Records</p>

			<p>Management Plan Improvement Plan. This contains a commitment to develop a Records Management Guide which will include a description of how Nestrans staff should systematically delete electronic records in line with the retention schedule. The Guide has been submitted as evidence.</p> <p>Hardware – The disposal of obsolete hardware is managed by Aberdeen City Council. The Keeper is satisfied that suitable arrangements for the secure destruction of hardware are in place as part of the Council’s agreed RMP. Nestrans has provided a copy of the SLA between itself and Aberdeen City Council for the provision of ICT services. Schedule Part II of the SLA states that the Council is responsible for the ‘inventory management of ICT hardware owned by Nestrans. In addition, an email from Nestrans states that obsolete hardware is securely disposed of by a third party and that a destruction certificate is provided.</p> <p>Back-ups – Annex G of the RMP states that Nestrans’ electronic business systems and records are hosted by Aberdeen City Council and that these are fully backed up. Nestrans has provided a copy of the SLA between itself and Aberdeen City Council for the provision of ICT services. Schedule Part II of the SLA sets out the back-up arrangements in place for electronic records held on Nestrans systems.</p> <p>Under the Future Developments section of Element 7 the RMP states that Nestrans will develop a method for recording the destruction of files and the archiving of records selected for permanent preservation. The Keeper commends this approach and requests that he is sent a sample of this spreadsheet once it has been finalised.</p> <p>The Keeper can agree this Element on an ‘Improvement Model’ basis. This means that the authority has identified a gap in provision (the inability to systematically destroy records on shared drives and the lack of a process for recording the destruction of records) and has identified how it intends to</p>
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			<p>close this gap. This agreement is dependent upon the Keeper being kept informed of progress with this work.</p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p>A</p>	<p>G</p>	<p>The RMP states that the arrangements for archiving paper records of enduring value will be done on an ad hoc basis depending on the nature of the records. Section 1(2)(b)(iii) of the PRSA states that ‘An authority’s records management plan must include, in particular, provision about the archiving and destruction or other disposal of the authority’s public records.’ Therefore, Nestrans will need to identify a suitable archive to transfer archives selected for permanent preservation to (presumably either Aberdeen City or Aberdeenshire Archives (or both)).</p> <p>Nestrans has indicated that it has been in contact with the archivist for Aberdeen City and Aberdeenshire Councils. Nestrans has submitted an email string indicating that it has begun the process of ensuring that records identified for permanent preservation can be transferred to a suitable archive service. This email string evidences that the archives service has agreed in principle to the transfer of records at the appropriate time. In the longer term the Keeper will expect to see a more formal agreement such as a Memorandum of Understanding or a SLA showing that arrangements are in place to transfer archival records to the archive service. This is built in to the Records Management Improvement Plan but has no completion date.</p> <p>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 arrangements for transferring records selected for permanent preservation) and has identified how it intends to close this gap. This agreement is conditional on the basis that Nestrans works towards closing this gap as soon as practically possible and the Keeper being provided with evidence of a formal agreement with the selected archive.</p>

<p>8. Information Security <i>Compulsory element</i></p>	<p>G</p>	<p>A</p>	<p>The RMP states that Nestrans' ICT systems and equipment are provided by Aberdeen City Council and are therefore subject to the information security arrangements of the Council. Access to the Nestrans area of the Council's systems is restricted to Nestrans staff.</p> <p>Nestrans has also provided its own Information Security Policy (Annex E). This Policy states that Nestrans will comply with the requirements of the Council's Information Security Policy.</p> <p>The Policy outlines some of the procedures in place to maintain information security. These include: creating and maintaining a secure password; the use of the shredder for the secure disposal of confidential paper waste; being aware of 'suspect' emails; and locking away confidential documents when not in use.</p> <p>The Policy also states that staff have access to an online training module on Information Security. Nestrans has submitted a screenshot of the Information Security section of Aberdeen City Council's intranet system, which provides links to the Information Security Policy and training.</p> <p>Nestrans' Policy states that the Council has Public Services Network accreditation from the Cabinet Office. Nestrans has intimated that the accreditation is currently being reviewed and that Nestrans will forward a copy of the certificate once it receives this from Aberdeen City Council.</p> <p>The Policy also states that the Council regularly publishes information security advisories on its intranet.</p> <p>Nestrans has submitted a screenshot of the Information Security section of Aberdeen City Council's intranet system, which provides links to the Information Security Policy and training.</p>
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<p>9. Data Protection</p>	<p>G</p>	<p>G</p>	<p>Nestrans is registered as a Data Controller with the Information Commissioner’s Office (registration number: Z966516X).</p> <p>Also submitted as Annex F to the RMP is Nestrans’ Data Protection Policy. The Policy states that Nestrans will comply with the Data Protection Policy of Aberdeen City Council.</p> <p>The Office Manager has been identified as the Data Protection Officer who is responsible for responding to Subject Access Requests.</p> <p>Nestrans’ Policy makes it clear that the amount of personal data it manages is very limited. The Policy details the main types of personal data managed by Nestrans and the measures that are employed to protect that data.</p> <p>The Policy also states that Nestrans staff have access to Aberdeen City Council’s online training modules on Data Protection. Nestrans has provided a screenshot showing that staff have access to Aberdeenshire Council’s online training system ALDO.</p> <p>Nestrans has submitted screenshots of the Data Protection section of Aberdeen City Council’s intranet system showing that staff have access to these.</p> <p>The Keeper agrees that Nestrans has processes in place to protect the personal information which it manages and that staff have access to appropriate training.</p>

<p>10. Business Continuity and Vital Records</p>	<p>G</p>	<p>G</p>	<p>The RMP states that Nestrans has a Business Continuity Plan (BCP) in place in case of disaster which includes vital IT applications and systems. The BCP has been provided as Annex G to the RMP.</p> <p>The BCP states that all Nestrans business systems, records and data are held on Aberdeen City Council servers and are subject to full back-up. The RMP also states that none of the paper files held in the Nestrans office are considered to be official records or unique. If an event were to occur where access to the office was to be denied for any reason, normal business could be resumed by moving to alternative accommodation provided by the Council.</p> <p>Nestrans also maintains out-of hours contact details for staff, which the Council also has access to.</p> <p>The Keeper notes that the Policy states that Nestrans does not provide critical or time-sensitive services and recognises the need and benefits for business resilience and he appreciates that Nestrans have provided a proportionate response to the requirements of this Element.</p> <p>The Keeper agrees that Nestrans has procedures in place to restore its business activities in the event of a disaster.</p>
<p>11. Audit trail</p>	<p>G</p>	<p>G</p>	<p>The RMP states that all records are held on the shared drive which is provided by Aberdeen City Council. Access to this area of the shared drive is restricted to Nestrans staff and it is anticipated that the risk of unauthorised access or alteration of records stored on the shared drive is very small.</p> <p>The Policy states that all records should be stored in the appropriate folder within the shared drive and that any temporary working copies of records stored on personal drives or on laptops need to be saved onto the shared drives at the earliest opportunity. It also states that inappropriate alteration or deletion of records may be</p>

			<p>subject to disciplinary action.</p> <p>The Policy goes on to say that key document types such as Strategy and Policy documents and Partnership Board and Committee records, once finalised and agreed, are saved as PDF versions to ensure that further changes cannot be made to them. It also states that document control information is appended to document titles when required, which includes version control where necessary. Nestrans has submitted its Guide to Records Management. The Guide emphasises that it is the responsibility of all staff to make sure they name, save and manage records on the shared drives in accordance with the Guide. This applies to finalised and approved versions of documents, minutes and agendas. It doesn't apply to working copies of documents or personal documents. The Guide also provides staff with direction on file naming and version control of and directs them to save final versions as PDFs.</p> <p>The RMP states that staff are explicitly made aware of their responsibilities to maintain appropriate records. Nestrans states that the Guide to Records Management has been emailed to all staff and that it is also available to staff on the shared drives. This is confirmed by the submission of a screenshot showing the location of the Guide. In addition, the Records Management Improvement Plan contains an action for developing a staff information memorandum for file naming conventions and staff responsibilities. The Keeper would welcome sight of this memorandum once it is operational.</p> <p>The RMP states that 'Paper records are referenced and maintained in the filing index and the status of each file is recorded'. Nestrans has submitted the file list referred to in the RMP.</p> <p>The Keeper can agree that Nestrans has provisions in place to locate the most up-to-date versions of records when required.</p>
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<p>12. Competency Framework for records management staff</p>	<p>A</p>	<p>G</p>	<p>As outlined in Element 2, Tricia Howden, Office Manager, has been identified as the Records Manager for Nestrans.</p> <p>A certificate of attendance at a Public Records (Scotland) Act 2011 training event run by infogov.scot (Annex C) has been submitted as evidence of training undertaken by Ms Howden. The RMP states that Ms Howden has also attended events run by the Keeper’s Assessment Team.</p> <p>The RMP also states that Ms Howden is also able to seek records management advice from Aberdeen City Council’s Information Manager.</p> <p>Similarly, the RMP states that Nestrans will provide appropriate training to ensure that staff are aware of their responsibilities. Nestrans has submitted a screenshot showing that staff have access to Aberdeenshire Council’s online training system, ALDO.</p> <p>The submission of Ms Howden’s Job Description or annual objectives would also be considered good evidence under this Element. This would show an organisational commitment to providing Ms Howden with appropriate training within the framework of Nestrans’ annual reporting system. Nestrans has stated that responsibility for the RMP will be included in the Records Manager’s (see Element 2) Employee Annual Review for 2018. The Records Management Improvement Plan also contains a commitment to building in responsibility for the RMP and records management within Nestrans into the Job Description. The Keeper requests that he is sent copies of both the Employee Annual Review and the Job Description once these have been amended and approved.</p> <p>The Keeper can agree this Element on an ‘Improvement Model’ basis. This means that the authority has identified a gap in provision (in this case, a lack</p>
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			of recognition of records management in the Records Manager’s job description) and has identified how it intends to close this gap. Once the Keeper receives amended copies of the Employee Annual Review and the Job Description he should be able to ‘fully’ agree this Element.
13. Assessment and Review	G	G	<p>The RMP states that the RMP will be assessed and reviewed annually (beginning in January 2018). This will be conducted by the Partnership Director and the Office Manager (see Elements 1 and 2). Levels of compliance will be reported to the Partnership Board. Examples of reports relating to records management presented to the Partnership Board can be found in the minutes of the Board Meetings on the Nestrans website.</p> <p>Nestrans has submitted its Records Management Improvement Plan. This indicates that Nestrans intends to use The National Archives self-assessment questionnaire to assess and review its records management arrangements. The Keeper agrees that this is an appropriate methodology.</p> <p>The Keeper agrees that Nestrans has processes in place to ensure that its RMP and supporting policies and procedures are kept up-to-date.</p>
14. Shared Information	G	G	<p>The RMP states that Nestrans does not routinely share personal information with other organisation, but does publish a considerable amount of corporate information, including its publication scheme, on its website: http://www.nestrans.org.uk/documents/</p> <p>The RMP does state that, where appropriate, Nestrans will comply with relevant confidentiality requirements if it were to share personal and sensitive information.</p> <p>The Keeper accepts that Nestrans does not routinely share personal and sensitive information and publishes a large amount of its corporate information on its website. Nestrans has stated that if they were required to share personal information then it</p>

		would take place in compliance with relevant confidentiality guidelines, such as the Data Protection Act and the Information Security Policy.
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6. Keeper's Summary

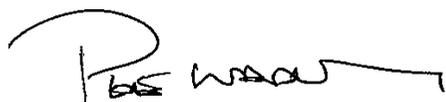
Elements 1-14 that the Keeper considers should be in a public authority records management plan have been properly considered by Nestrans. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of Nestrans.

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

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



.....
Pete Wadley
Public Records Officer



.....
Robert Fotheringham
Public Records Officer

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

The report has been examined and is endorsed under the signature of the Keeper of the Records of Scotland as proof of compliance under section 1 of the Public Records (Scotland) Act 2011, and confirms formal agreement by the Keeper of the RMP as submitted by Nestrans. In agreeing this RMP, the Keeper expects Nestrans 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