

REPORT TO: Policy and Performance Review Committee

MEETING DATE: 10 March 2022

BY: Executive Director – Council Resources

SUBJECT: Records Management Plan

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1 PURPOSE

- 1.1 To report on the delivery and ongoing implementation of East Lothian Council's Records Management Plan, under the terms of the Public Records (Scotland) Act 2011.

2 RECOMMENDATIONS

- 2.1 To note the Council's intention to re-submit an updated Records Management Plan to the Keeper of the Records of Scotland for approval, at a time to be mutually agreed between the Council and the Keeper.
- 2.2 To note the contents of the report and where appropriate highlight areas for further action or consideration.

3 BACKGROUND

- 3.1 The Public Records (Scotland) Act 2011 ('the Act') requires public authorities to develop and maintain a Records Management Plan ('RMP') subject to approval by the Keeper of the Records of Scotland ('the Keeper'). The Council's first RMP was approved by the Keeper on 5 January 2015.
- 3.2 In order to support compliance with the Act, the Keeper publishes and maintains a Model Plan for authorities to use as guidance in developing their own RMPs. In 2019, the Keeper published a revised Model Plan including updated guidance and an additional Element regarding the monitoring of records management compliance of third parties such as contractors.
- 3.3 Like many other public authorities, the Council's RMP was approved on an 'improvement plan' basis, meaning that while many areas of good practice have been demonstrated, certain elements require ongoing improvement in line with an agreed Action Plan. The Keeper has indicated that the ongoing development of these provisions will likely be a focus of any future formal re-assessment.

- 3.4 Under the terms of the Act, the Keeper can require an authority to re-submit its RMP after a period of five years following the authority's last submission. It has been recognised, however, that it is beneficial both to authorities and the Keeper to maintain ongoing communication to discuss progress, short of formal re-submission under the terms of the Act. Accordingly, a voluntary scheme (the Progress Update Review or 'PUR' process) has been established to allow authorities to provide updates regarding their RMPs and receive feedback from the Keeper's Assessment Team. The Council has participated actively in the PUR process, first as the pilot organisation for the scheme as a whole, and subsequently on an annual basis.
- 3.5 In February 2020, the Council's Internal Audit service produced a report regarding Records Management compliance across the organisation with reference to the Keeper's Assessment Report. While there were a number of areas where expected controls were met, there were also several areas with scope for improvement. It was recognised that the Council has participated actively in the PUR process with positive results, however a number of improvements identified in the 2015 RMP Action Plan have either stalled, or requirements have changed in recent years. One of the actions identified in the Audit report is to resume annual reporting to this Committee on the progression of actions in line with the RMP.
- 3.6 In line with the activation of the Council's Business Continuity measures in March 2020, Information Governance services have since limited activities to business-critical operations only; these measures continue to remain in place. Accordingly, and in agreement with senior managers, the timescale for resuming formal reporting to this Committee was extended, although operational improvements have continued as far as possible. It is now anticipated that formal reporting on the progress of the RMP shall resume on an annual basis. As part of their COVID-19 response, the Keeper's Assessment team also put a hold on all new RMP submissions until December 2021; it is anticipated that they will now be in a better position to resume discussion of an appropriate submission date.
- 3.7 As a result of the Council's ongoing response to the COVID-19 crisis, ways of working are undergoing significant transformation with a sharp increase in digital service delivery, both internally and on the front line. Innovative and agile approaches to the management of records and information are absolutely essential to ensuring that the Council can continue to maintain compliance while delivering timely and effective services.
- 3.8 In light of these changed circumstances – a revised Model Plan, the completion of the Internal Audit report on Records Management, and the changing needs of the Council in light of its COVID-19 response – the Council is presented with a timely opportunity to make the most of its information assets and proactively refresh its commitment to best practice by seeking re-submission of the Council's RMP.

4 POLICY IMPLICATIONS

- 4.1 Re-submission of the Council's RMP will involve a detailed review of all existing records management policies and procedures. The following is not an exhaustive list of the provisions to be reviewed, but they represent the areas identified for further monitoring and improvement by both the Keeper in his 2015 Assessment Report and by the Council's Internal Audit Report in February 2020.

Information Asset Register

- 4.2 A key element of the Council's compliance is the development of a comprehensive record of its body of information. An Information Asset Register ('IAR') groups information into units that can be managed, shared and exploited effectively, thereby acting both as a business tool and as a means of monitoring and maintaining compliance with information legislation. While originally developed as a tool for maintaining compliance with Data Protection legislation, the IAR is equally useful for compliance with the Act, as it links the policies and procedures set out in the Council's RMP to the actual records used by Council staff.
- 4.3 The population of the IAR is managed via a series of workshops with Council Services, in which staff track the journey of a given information asset from creation to disposal and highlight risk points where additional data protection and/or records management controls may be required. Staff are then encouraged to continue to replicate this exercise in relation to the remainder of their information assets. It is important to note that population and maintenance of the IAR is an ongoing process; the aim is not to 'finish' the IAR but rather to make continuous improvements to reflect and support the Council's evolving business activities.
- 4.4 Ongoing development of the IAR has been highlighted as a key action by the Council's Internal Audit report in relation to a number of recommendations.

Current state of progress:	Workshops have been held for two Council service areas, with another currently scheduled for March 2022.
Next actions: Audit recommendations 3.2.1; 3.3.1; 3.4.1, 3.5.1	Continue to hold IAR workshops with the aim of completing 4 workshops per annum; Explore appropriate platforms for making the IAR more accessible to staff in consultation with colleagues in IT, Business Transformation and other Services.

Retention Schedule / Business Classification Scheme

4.5 The Council’s first corporate Retention Schedule and Business Classification Scheme was established in June 2014 to serve as a structure and guide for retention of all record types generated across service areas. It has undergone a process of continuous review over the last six years, however it has not yet been formally revised or re-issued. Feedback from service areas over recent years has noted that the Schedule’s format is not user-friendly, and could be improved; similar feedback has also been echoed in other Scottish local authorities who use the same models upon which the Council’s Schedule is based. Updates to these national models are currently in progress, and so this provides a timely opportunity to simplify and improve the Council’s local policy.

<p>Current state of progress:</p>	<p>Updates have been drafted for several functional areas, and we continue to consult with other local authorities regarding updates to the national model via the professional industry group ASLAWG (Archivists of Scottish Local Authorities Working Group), of which the Council’s Team Manager-Information Governance is currently the sitting Chair.</p>
<p>Next actions:</p> <p>Audit recommendations 3.2.1; 3.3.1; 3.4.1</p>	<p>Identify a user-friendly format for dissemination of the Retention Schedule to all Council staff in consultation with colleagues in IT and the Web Team;</p> <p>Integrate all updates to individual Council function areas and release version 2.0 of the Retention Schedule;</p> <p>Continue development of the Council’s Information Asset Register, which links the Retention Schedule to specific record assets held by individual Services.</p>

Destruction of records

4.6 A key item for improvement highlighted in both the Keeper and by the Council’s Internal Audit report is to standardise approaches to destruction of digital records across Council services (a challenge noted by the Keeper as one that faces many public authorities). Record destructions, and particularly the registration and audit trail of record destructions, pose particular challenges to implementation, as in the absence of a specialist recordkeeping system (EDRMS) record destructions must be manually recorded. While EDRMS controls are in place in select Service areas, work remains to implement similar controls more widely. Further review of the Council’s existing provisions for the secure shredding of confidential

paper waste is also required in light of the changing use of the Council estate and introduction of the Home Working Policy.

- 4.7 In addition to compliance with the Act, consistency in procedures and practice regarding record destructions impacts the Council’s compliance with other information legislation including the Data Protection Act 2018, which requires the Council to keep personal data no longer than is necessary. Compliance with the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 is also affected, as consistency in recordkeeping practice with reference to the Council’s Retention Schedule supports the timely production of all relevant data in response to requests.
- 4.8 The implementation of sustainable changes to current practice regarding record destruction will require a flexible and diverse approach, as the Council’s information environment will always include elements of paper records, EDRMS, digital records controlled via business applications, and digital records held on file network or similar systems.

<p>Current state of progress:</p>	<p>Records disposal modules have been introduced in systems used by Revenues/Benefits, HR/Payroll and Housing. Disposal rules have not yet been fully applied with reference to the Retention Schedule.</p>
<p>Next actions:</p> <p>Audit recommendations 3.2.1; 3.3.1; 3.4.1; 3.5.1</p>	<p>Review and update existing record destruction guidance and procedures for both paper and digital records;</p> <p>Explore EDRMS implementation in Council Services;</p> <p>Continue development of the Council’s Information Asset Register, which logs destruction information.</p>

Staff training

- 4.9 As part of the Council’s initial RMP preparation, an optional Records Management e-learning module was produced to support all staff in applying fundamental controls to their records. The Council’s Internal Auditors have recommended that this module be designated as a mandatory module for all staff, to be refreshed every two years.

Current state of progress:	The existing module has been reviewed and a re-drafted version is currently under development with an estimated release date of May 2022, along with other updated information-related modules regarding Data Protection, Information Security and Freedom of Information.
Next actions: Audit recommendation 3.6.1	Finalise module re-design; Submit to the Council Management Team (CMT) for adoption as a mandatory module; Release to all staff c.May 2020.

Paper records management

- 4.10 It has been highlighted on the Council's Corporate Risk Register that the Council's current arrangements for the off-site storage of paper records are in need of improvement with regard to security, records management controls and environmental controls. With the implementation of home working and changes to the Council estate as part of the Asset Realisation programme, pressure on off-site storage of records is high and will continue to increase in the near future, even although in the longer term it is likely to decrease as part of the digitisation of records and Council activities.

Current state of progress:	An Options Paper is currently under development regarding potential solutions to paper record storage demand across the Council. It is anticipated that this will be included as an action under Council's Information Transformation Strategy, which is currently in draft.
Next actions: Audit recommendation 3.2.1	Finalise Options Paper for consideration at CMT; Continue to develop draft Information Transformation Strategy.

Digital Preservation

- 4.11 As the Council's information environment becomes increasingly digital, the need to ensure the continuing accessibility of our records of enduring value becomes increasingly pressing. According to industry standards, the guaranteed accessibility of current digital records lasts around ten years, i.e. well within the retention period of a significant proportion of Council information. In order to ensure that these records can be accessed and used over time, and to meet our obligations regarding Element 7 (Archiving

and Transfer Arrangements) of the Council's Records Management Plan, implementation of an active Digital Preservation programme is required.

Current state of progress:	Council Archives staff currently have arrangements in place with a limited number of Council Services to transfer their digital records to a dedicated network area. The majority of digital records of long-term or permanent value are currently held by the creating Service areas on the Council file network or within business applications.
Next actions: Audit recommendation 3.2.1	Audit and identify current digital preservation requirements and projected growth; Explore procurement of a specialist Digital Preservation system; Initiate development a Digital Preservation Plan in line with the draft Information Transformation Strategy.

Public records created by third parties

- 4.12 Since the approval of the Council's RMP, the Keeper has introduced a new Element to his Model Plan addressing records created and held by third parties in the course of carrying out any functions of the named Authority. This provision extends to records created by or on behalf of Council contractors and sub-contractors, insofar as those records relate to the performance of a Council function, and it requires the Authority to satisfy itself that its public records are managed to a sufficient and similar standard to that of the Authority itself. The Council's re-submission of its RMP will therefore need to address this additional Element.

Current state of progress:	Contractual clauses regarding records management and compliance with the Act are already included in the Council's standard Terms and Conditions. These are currently under review along with other wording regarding Data Protection, Information Security and Freedom of Information.
Next actions: Audit recommendation 3.2.1	Complete amendments to standard Terms and Conditions; Amend Data Sharing Agreement templates to address management of public records by third parties.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none.
6.2 Personnel – none.
6.3 Other – none.

7 BACKGROUND PAPERS

- 7.1 Internal Audit Report on Records Management – 10 February 2020

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