

Report to:	QSMTM Q1 2023-24
Report by:	Helen Gardner-Swift, Head of Corporate Services (HOCS)
Meeting Date:	24 August 2023
Subject/ Title: (and VC no)	C5 Records Management Plan VC192568
Attached Papers (title and VC no)	Records Management Plan – VC153716 Response to Interim Report - VC189691 Assessment Report – VC192674

Purpose of report

1. The purpose of this Committee Report (CR) is to update the SMT on the agreement of the Keeper of the Records of Scotland (the Keeper) to the Scottish Information Commissioner's (Commissioner) Records Management Plan (RMP).

Recommendation and actions

2. The following is recommended
 - (i) the Senior Management Team (SMT) note the agreement of the Keeper
 - (ii) the SMT agree the publication arrangements set out in paragraph 19.

Executive summary

3. The Public Records (Scotland) Act 2011 (the Act) places an obligation on named public authorities to prepare and implement a Records Management Plan (RMP) which sets out proper arrangements for the management of their records. RMPs are agreed with the Keeper. 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 is also obliged under the terms of the Act to publish a Model Records Management Plan (Model Plan) to assist authorities when preparing their own RMP.
5. The Commissioner was invited to undertake a review of the Commissioner's RMP and submit the reviewed RMP to the Keeper for agreement. This was done on 30 June 2021.
6. On 10 May 2023, the Keeper provided a copy of their Interim Report on the Commissioner's RMP, apologising for the delay in providing this to us and thanking us for our patience. The proposed recommendation in the Interim Report was to agree the Commissioner's RMP.
7. As just over 21 months had elapsed since the Commissioner submitted the RMP, the Interim Report also asked for updates to provide clarification/further evidence. I submitted the clarification and further evidence required to the Keeper on 29 June 2023 – see the response to the Interim Report (VC189691).
8. On 28 July 2023, the Keeper advised the Commissioner that following their review of the RMP and the supporting evidence that they were able to agree that, together, they combine to set out proper arrangements for the management of the Commissioner's public records.
9. The Keeper also advised:

- the assessment report will be published on the National Records of Scotland website
- in reaching their determination, they expect the Commissioner to fully implement the agreed RMP in order to meet the Commissioner’s full obligations under the Act
- the Commissioner should keep the RMP under review
- if the Keeper so requires (whether at the time of agreement of the plan or otherwise) to carry out a review of the plan by such date (“the review date”) as the Keeper may determine. However, the Keeper may review an agreed RMP only after 5 years has elapsed since the date of their agreement (that is, 28 July 2028)
- if the Keeper believes there is evidence to support the view that an agreed plan is not being implemented, or if the authority has failed to comply with its agreed RMP, the Keeper may intervene before the 5-year period has elapsed
- the Keeper recommends that we publish the agreed plan, both for the information of our staff and service users and to assist in the sharing of best practice across Scottish public authorities.

Risk impact

10. The approved RMP, agreed by the Keeper, will reduce the likelihood and impact of risk of the information that we hold not being managed properly and held securely.

Equalities impact

11. It is not expected that any of the protected characteristics will be directly affected by the subject of this CR. Protected characteristics are considered and taken account of in our information and management processes.

Resources impact

12. There has been an additional impact on the resources which have been required to review and update the RMP and the related policies and procedures. Our information and records management processes are kept under review.

Privacy impact

13. There are no privacy impact issues arising from this CR. We have a comprehensive Data Protection Policy and Handbook which provides guidance on the handling of personal data and this is taken account of in our information and records management processes. The RMP also takes account of information security and data protection.

Operational/ strategic plan impact

14. The RMP project was included in the Operational Plan 2021-22. The review of the File Plan and Retention Period is a project in the Operational Plan 2023-24.

Records management impact (including any key documents actions)

15. The Commissioner's RMP a key document within Class 5 of our Guide to Information and the version approved by the SMT on 30 June 2023 should now be published without Appendix 1 - Evidence Schedule.
16. The DCS will be updated to include the date of agreement by the Keeper.
17. As the RMP was approved on 30 June 2021, a key document review should be undertaken to take account of the updates provided to the Keeper on 29 June 2023. The HOCS will undertake this review as soon as possible.

Consultation and Communication

18. QSMTM Q1 minute and the publication of this CR.

Publication

19. I recommend:
 - this CR is published in full
 - the Commissioner's RMP is published but Appendix 1 withheld on the basis that the exemption in sections 30(b)(i) and (ii) of the Freedom of Information (Scotland) Act 2002 would apply if a request were, at this stage, to be made for the information
 - the Response to the Interim Report is withheld on the basis that the exemption in sections 30(b)(i) and (ii) of the Freedom of Information (Scotland) Act 2002 would apply if a request were, at this stage, to be made for the information
 - the Keeper's Assessment Report dated 28 July 2023 is published