Public Records (Scotland) Act 2011

West Lothian Council
West Lothian Licensing Board

The Keeper of the Records of Scotland

14th June 2024

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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 West Lothian Council and West Lothian Licensing Board by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 19 April 2023.

The assessment considered whether the RMP of West Lothian Council and West Lothian Licensing Board was developed with proper regard to the 15 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 West Lothian Council and West Lothian Licensing Board complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

West Lothian Council
Local government in Scotland comprises 32 unitary local authorities, responsible for the provision of a range of public services. West Lothian Council is one of these authorities http://www.westlothian.gov.uk/ It provides services to the people of West Lothian, such as education, social care, waste management, cultural services and planning.

West Lothian Licensing Board
Licensing is the responsibility of Licensing Boards under powers contained in the Licensing (Scotland) Act 2005. Local Licensing Boards have wide discretion to determine appropriate licensing arrangements according to local needs and circumstances and their own legal advice. Each local government area must have a Licensing Board. West Lothian Licensing Board consists of 10 Board members. Licences, Permits and Permissions - West Lothian Council

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 West Lothian Council and West Lothian Licensing Board'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:

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.

5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer	G	G	The Public Records (Scotland) Act 2011 (the Act) requires that an individual senior staff member is identified as holding corporate responsibility for records management in a public authority. The West Lothian Council and West Lothian Licensing Board (the Council) *Records Management Plan* (*RMP*) identifies Lesley Henderson, Interim Head of Corporate Services at West Lothian Council, as the individual with strategic responsibility for records management in the organisation (*RMP* section 2.1). The *RMP* (page 4) is clear in outlining the records covered, stating ‘‘It encompasses all records across all council service areas. The plan also incorporates records held by West Lothian Licensing Board and West Lothian Schools (hereafter referred to as the council).’’ The identification of the Interim Head of Corporate Services to this role is supported by a *Covering Letter* (dated 18 April 2023) from the postholder and by the *Information Governance Policy* (date of last review October 2022). For example, the introduction which notes ‘‘The procedures and management guidance which supports this policy are prepared and implemented by the Head of Corporate Services under the guidance of the Governance & Risk Board’’, and section 4 which outlines responsibilities. The Interim Head of Corporate Services is the Council’s Data Protection Officer

			(DPO). The Interim Head of Corporate Services chairs the Information Management Working Group (see Key Group under General Comments). The *Terms of Reference* for this group have been provided. The introduction and section 6.6 of the *Information Governance Policy* note the Head of Corporate Service's authority to amend the document and role in monitoring and reviewing performance. Section 1 of the *Information Governance Policy* states ''The Head of Corporate Services, in consultation with the Senior Information Risk Owner, is authorised to adjust the wording of this policy to reflect changes in management structures, job titles, legislation, guidance, codes of practice and industry standards where those changes do not represent any meaningful change to the policy.'' Section 4, which outlines 'Accountability', notes that the Council's Senior Information Risk Owner (SIRO) is the Depute Chief Executive (Corporate, Operational and Housing Services). A link to published papers and minutes of the Council's Partnership and Resources Policy Development and Scrutiny Panel held on 23 April 2021, and the Council Executive Committee meeting on 18 May 2021, at which the *RMP* was agreed, have been provided. The Head of Corporate Services presented both reports. The Keeper agrees that West Lothian Council and West Lothian Licensing Board have identified an appropriate individual to this role as required by the Act.
2. Records Manager	**G**	**G**	The Act requires that each authority identifies an individual staff member as holding operational responsibility for records management and that this staff member has appropriate corporate responsibility, access to resources and skills.

			The Council has identified Carol Dunn, Records Manger, as the individual with day-to-day responsibility for implementing the RMP. The identification of the Records Manager to this role is supported by a *Covering Letter*, dated 18 April 2023, from the Interim Head of Corporate Services (see element 1). It is also supported by the *Information Governance Policy* (section 5.5) and section 5 of *Records Management Guidance Framework* (version 8.0 dated June 2022). A *Job Outline* for the role of Records Manager has been provided listing the job purpose and key objectives. An overview of the postholder's professional qualifications and membership has been provided in the *Statement of Compliance and Evidence List* document (section 2.2) (version 3.1 dated January 2024). It also states ongoing professional development training is undertaken. The Council's annual Appraisal Development Review (ADR) process is outlined, which ensures appropriate training is identified for the postholder. The Records Manger is author of the *RMP*, *Statement of Compliance and Evidence List* and *Records Management Guidance Framework*. The Records Manager is part of the Information Management Working Group (see Key Group under General Notes on Submission) and supports the group's lead officer (Head of Corporate Services named at element 1). The Records Manager is supported by a number of roles including Heritage Manager, Information Liaison Officers, Local Records Officers, Security Architect, Technology and Solutions Manager and Objective Leads. This is to be expected in an organisation the size of the Council. *Job Outlines/Role Descriptions* have also been provided for these roles. The responsibilities of Information Liaison Officers

			are also outlined in the *Information Governance Policy* (section 5.6) and *Records Management Guidance Framework* (section 5), along with several other roles noted above. In addition, the responsibilities of the Heads of Service are detailed in the *Framework* (section 5) and include ‘‘… overall responsibility for ensuring records management principles are implemented across all record keeping systems and practices.’’ The *Statement of Compliance and Evidence List* notes the roles within the authority with specific records management responsibilities (Records Manager; Heritage Manager; Data Protection Officer; Information Liaison Officers; Local Records Officers) and includes the job/role title of the responsible officer/s for each element of the *RMP*. It is clear from the above that the identified individual has a detailed knowledge of the records management provision in the authority. The Keeper agrees that West Lothian Council and West Lothian Licensing Board have identified an appropriate individual to this role as required by the Act.
3. Policy	**G**	**G**	The Act requires an authority to have an appropriate policy statement on records management. The *RMP* (section 1.5) states ‘‘All records management systems are subject to the Information Governance Policy and associated records management procedures, guidelines and elements of this plan’’. The Council has an *Information Governance Policy*, which is reviewed annually. The Keeper has been provided with a link to this *Policy* which is published on the authority’s website, Information Governance - West Lothian Council. The *RMP* is clear that it is accessible to both the public online, and to staff through a shared area

			of the authority's Enterprise Content Management system (ECM). It is also available to staff through the Council's intranet site. The *Policy* is approved through the Council's committee process. It is subject to ongoing monitoring and reviewed annually (*Statement of Compliance and Evidence List* document, section 2.3*)*. The introduction to the *Policy* states ''Information is a vital council asset that helps service areas and delivery partners in 'Transforming Your Council' as set out in the council's Corporate Plan 2018/19 to 2022/23. It plays a key role in council governance, service planning and performance management. Good information governance monitors, improves and provides assurance that the council create, acquire, manage, use, share, dispose of and preserve information efficiently, appropriately and lawfully.'' The *Policy* outlines the principles of information governance; the scope, in relation to information, staff and systems; accountability; and responsibilities. Section 6 sets out the *Policy* objectives, namely that the Council will • comply with legislation and regulations • promote transparency and open access to information • ensure the security and confidentiality of information • train staff in good practice information governance • regularly monitor and review performance These objectives specifically reference the Act (page 11); state that the *RMP* extends to council records created or managed by a third-party organisation carrying out a function of the Council; and address the permanent preservation of records and access to archives. The Keeper acknowledges that the *Information Governance Policy* replaces the following policies: Information Security Policy; Data Protection Policy; CCTV Policy; Records Management Policy; Archives Acquisition Policy; which the Keeper

			previously considered as part of the agreement of the Council's Records Management Plan in 2013. The Keeper agrees that the *RMP* supports the objectives of the *Information Governance Policy*. The retention and destruction of records through the use of retention schedules is noted at section 7. The governance structure and reporting arrangements for monitoring and review are explained in section 8. The *Information Governance Policy* (section 6.5) states ''All staff are trained in good practice information governance, including, Information Security, Records Management, Freedom of Information and Data Protection.'' The *Policy* is supported by the *Records Management Guidance Framework.* The Framework itself is version 2.0 and was last reviewed in June 2022. It states ''The council maintains a records management framework comprising of the Records Management Plan, Information Governance Policy, and a number of corporate and local guides. The framework has been developed from best practice methodologies in order to facilitate the management of all records in all systems across the council.'' The *Framework* document provided (comprising 499 pages) includes a range of staff guides, processes, and associated templates. These are listed in section 9 of the Framework. Staff are directed to the area of the Objective ECM file plan in which these documents are stored, and all staff can access guidance on the staff intranet. *Screenshots* of the Information Governance and Records Management intranet pages, showing access to guidance documentation, have been provided. The Keeper agrees that West Lothian Council and West Lothian Licensing Board has a formal records management policy statement as required by the Act.

4. Business Classification	**G**	**G**	The Keeper of the Records of Scotland (the Keeper) expects that the public records of an authority are known and are identified within a structure. The *Statement of Compliance and Evidence List* document (section 2.4) states ‘‘Wherever possible, the records of West Lothian Council are maintained in electronic format within systems and databases which are recorded in the Information Asset Register. Any paper records are logged within Paper Records Inventories. The council recognises the different formats of its records and provides guidance on managing records of all types.’’ It also notes (section 2.6), ‘‘Most paper files held on site are copies of electronic records. The number of paper records have been reduced significantly over the past couple of years with the advent of working from home and the introduction of more digital technologies.’’ The *Information Governance Policy* (section 2) outlines the information governance principles of the Council, which include ‘‘•Information is stored within approved systems not in personal filing" and ‘‘•Information is accessible and preserved for as long as required’’. The *RMP* explains the Council has developed a business classification scheme (BCS) based on the Local Government Functional Classification Scheme (LGFCS). It is structured in three tiers by functions, activities, and transactions. The Council has further developed this to add additional levels of sub-groups in the ECM system (Objective). The *RMP* states (section 2.4), ‘‘Information Liaison Officers’, ‘Local Records Officers’ and ‘Objective Leads’ are defined roles that manage and maintain local file plans for their respective service areas.’’ One of the responsibilities of the Records Manager is ‘‘Supporting the development of the council’s information asset register and file plans.’’ (*Information Governance Policy* section 5.5)

			Functional file plans are used for the management of digital and hardcopy records. The 'Managing Paper Records' (last updated January 2021) guidance which forms part of the *Records Management Guidance Framework* states (page 34), ''Paper records must be… • Consistently labelled and logically organised in a file plan (see File Plan guide for further information)…'' To ensure records are accessible, staff are instructed to ''File records in corporate filing systems. Ensure shared filing areas are organised according to the Local Government Functional Classification Scheme (LGFCS)'' (*Records Management Guidance Framework* page 7). Staff guidance on file plans forms part of the *Records Management Guidance Framework* and includes, for example, the guides 'Developing a File Plan', 'Guide to the LGFCS' and 'Storing and Filing Records' (all last updated January 2021). Further guidance on managing and storing records includes 'Completing an Information Survey' (last updated January 2021) guidance and template, 'Data Processing Information Handling Standards' (version 1.2 – February 2018) and guidance on data labels (last updated January 2021). As noted above, the Council maintain an Information Asset Register (IAR). The IAR is held in the Customer Relationship Management system (CRM) with extracts available for staff to consult in the ECM. An *Extract of the IAR* has been provided. The *Statement of Compliance and Evidence List* document (section 2.4) notes ''The register details all the record keeping systems in use within the council. It has been reviewed and updated on a regular basis and any new systems are added as they are implemented.'' Risk assessments are carried out on each asset and (*Information Governance Policy,* section 6.4) and an 'Information Asset Register Guide to Completing' (date of last review September 2019) is included in the *Records Management Guidance Framework* (pages 144-162). It is the responsibility of ILOs (see Local Records Management under General Comments) to update the IAR.

			Staff can request updates by contacting the ILO for their service area ('Completing an Information Survey' guidance within the *Records Management Guidance Framework* page 80). *Password Management Policy for IT Systems managed within service areas* (version 1.0 dated 2012 – redacted copy of policy provided) notes all systems must have an owner and be listed in the IAR. 'Information Security Guidance' (last reviewed 2019) within *Records Management Guidance Framework* notes (section 5.1) ''All systems that hold and process information, including paper based systems, are recorded in the councils Information Asset Register (IAR).'' The *RMP* (section 1.5) lists the three main types of records management systems in use within the Council to manage public records: a Corporate Enterprise Content Management (ECM) system (Objective); line-of business systems; and manual filing systems for hardcopy records. Other locations of public records are listed in the guidance 'Records Retention Schedules' (last updated January 2021) which forms part of the *Records Management Guidance Framework* (page 217). The following systems are in use: <u>Digital – EDRMS</u>: The Council use a Corporate Enterprise Content Management (ECM) system, Objective, to manage their digital public records. The Keeper is familiar with the functionality of this system as it is currently the one used by National Records of Scotland (NRS). The Keeper can agree this system has appropriate records management functionality. The *RMP* highlights that the ECM is compliant with the records management standard MoReq2. Objective Leads within in each service have responsibility for local areas of the ECM (see Local Records Management under General Comments). They are also responsible for reviewing file plans on a 6 monthly basis to ensure they are fit for purpose (*Objective Lead Role Description*). An example has been provided showing the application of the file plan (BCS) within the ECM, *ECM File Plan – LGFCS Mapping*. A copy of example *ECM Guidance* (dated October 2022) has also been provided, which details

			procedures for adding and removing files and folders. Guidance on file plans is also included in local records management guidance (section 1), an example of which has been provided – *Managing Records Public Records (Scotland) Act & EDRMS Finance Revenues*. Digital – Line-of-Business systems: As with similar large public authorities there are numerous systems in use across the Council to create, manage and store public records in specific business areas, such as Housing Management and Education, and include SEEMIS, E-Care, CRM, and SWIFT. The Council has developed a checklist for when new systems are being considered that will ensure records management is considered. The Keeper commends this approach to ensuring information governance is considered at the outset. A *Guide – Checklist for New Systems* and an example *Local Guidance – Education Schools – New Systems Initial Checks* have been provided. The Keeper has also been provided with a copy of 'Records Management Assessment Checklist 2020-21' (*Records Management Framework,* pages 280-307), which notes (No. 4.8.2), ‘‘Disposals not annually conducted across all systems. Assessment to be addressed.’’ The Keeper is aware records management functionality may not be built into legacy systems that may have been developed some time ago and which may or may not still be in use (see comments under elements 5, 6 and 11). The Keeper acknowledges, from information in the evidence pack provided, that the Council are alert to this issue and are taking steps to this mitigate risk. The Keeper has ben provided separately with a statement explaining that **‘‘**the Records Management Assessment Checklist 2020-21 is an ongoing tool to facilitate identification of gaps and establish a risk-based approach to improvement actions.’’ Further detail has been provided on the allocation of risk to different systems. In addition, it has been confirmed that a review of the IAR is under way which will identify improvement actions, and that disposal action routines are reported to the Information Management Working Group, Governance and Risk Board and Corporate Management Team. This statement is supported by a separate email directly to the PRSA Team from the

			West Lothian Council SIRO confirming ‘‘that the council has identified the systems concerned and that we are progressing with a plan to prioritise resources and mitigate the risks concerned in keeping with the requirements of the Public Records (Scotland) Act 2011.’’ With this assurance in place, the Keeper can agree this section of the RMP. Digital – Shared Drives: The Keeper has bee provided with a copy of an example, redacted, *Storage Area Network (SAN) Action Plan*. It details the planned actions to rationalise use, lock down areas so no new records can be created, and move information to the ECM. This includes the need to address records management limitations of the SAN, such as the need for manual deletion of records where necessary (see element 6). The Keeper acknowledges that certain records may not be able to be stored in other digital systems and the work being undertaken to manage these and legacy records stored on the SAN. Physical in-house: Paper and other physical records are held onsite in manual filing systems. Paper records, not stored in the Archive and Records Centre, are managed through a paper log and their movement through a paper tracking form. A ‘Paper Log Template’ forms part of the *Records Management Guidance Framework* (page 138) as does staff guidance on both the use of the paper log and tracking system (pages 139-141 and 143) (updated January 2021). An example extract from a completed paper log has also been provided. The paper log includes the location of the record, contents, and retention details. Physical Archive and Records Centre: Records transferred to the Archive and Records Centre are listed in file lists and then managed in the Centre through a tracking system. The Archive and Records Centre stores both non-current records and those identified for permanent preservation. A ‘File List for Boxes’ template is included in the *Records Management Guidance Framework*, along with guidance.

			Email: Staff are provided with instruction and guidance on the management of email and storing emails in the ECM. This includes, for example, 'Managing Emails & PST Files' (last updated January 2021), and 'Emails and the ECM' (last updated in March 2019) (both of which form part of the *Records Management Guidance* Framework) and *ECM Guidance*. Other systems: Use of Microsoft 365 (M365) applications is referenced, for example in the documents *PRSA Long Term Improvement Plan* and *IMatters Communications* which have been provided. The *IMatters Communications* includes guidance on use of applications, such as Teams, retention periods in place for Teams Chat, and instruction to save records in ECM or appropriate line-of-business system. The Council provide staff with guidance (included in the *Records Management Guidance Framework*, pages 239-245) around the approach to and management of the migration of records between systems and the importance of the transfer of metadata and contextual information along with the record. The Keeper agrees that West Lothian Council and West Lothian Licensing Board retains all its public records in controlled systems which are structured in a clear manner, and which can be used by staff to manage public records where appropriate.
5. Retention schedule	**G**	**G**	The Keeper expects an authority to have allocated retention periods to its public records and for those records to be retained and disposed of in accordance with a Retention Schedule. The *Information Governance Policy* (section 2) outlines the information governance principles of the Council, which include ‘‘•Information is acquired, created, maintained, shared and disposed of in accordance with legislation, regulations,

			guidance, standards and best practice … and ‘‘•Information is accessible and preserved for as long as required…’’. Section 7 of the *Policy* relates to the retention and destruction of personal data and states ‘‘The council do not keep information for any longer than it is needed, and dispose of both paper and electronic records in a secure manner. The length of time the council need to keep information depends on the purpose for which it is collected.’’ The *RMP* (section 2.5) explains the Council has retention schedules for its different services/functions which are endorsed by Heads of Service. These retention schedules are applied to digital and paper records They have been adapted from the Scottish Council on Archives Records Retention model (SCARRS). The Keeper has been provided with an example *Retention Schedule* for Environmental Protection, which was approved in May 2021. A sample entry might be: Ref. - 11.003.003 Activity/Records Series - Environmental Impact assessment Description/Example Record Types - Trigger - Date superseded Retention Period - 1 year Disposal Action - Review for historical value Authority/Citation - Business requirement Notes Change Notes The *Information Governance Policy* (section 5) outlines the specific records retention responsibilities of the Records Manager: ‘‘Developing council retention schedules and supporting the implementation of record disposals in council information systems’’; ILOs: ‘‘Co-ordinating reviews of the councils Records Retention Schedules’’; and the Archives and Records Service: ‘‘Applying council

			retention schedules to implement record disposals''. The 'Records Retention Schedules' guidance (within *Records Management Guidance Framework*, last updated January 2021) explains ILO's, within each service area are ''... also responsible for developing the Records Retention Schedules relating to the business functions and activities within their service areas.'' This, along with the requirement for Heads of Service to endorse retention schedules, demonstrates the input of local areas in the development of retention decisions. The processes for amending, reviewing, and updating retention decisions are explained in the 'Records Retention Schedules' guidance. Reviews are conducted annually through the use of a workflow, and involve the Records Manager who initiates the review, ILOs, reviewers in each service, and approval from heads of service. A copy of the *Retention Schedule Approval Workflow* has also been provided. The Keeper commends the use of case workflows in the ECM to manage this routine, multi-stage review process. The Keeper also commends the acknowledgement that the schedules are subject to regular change in order to remain fit for purpose. The *RMP* explains the Information Management Working Group (see Key Group under General Notes on Submission) ''monitor progress with the review and application of Retention Schedules.'' The *Records Management Guidance Framework* includes staff guidance and templates, in particular 'Records Retention Schedules' (pages 216-221) which provides staff guidance on how to use and make changes to schedules. It also directs staff to the location of retention schedules in the ECM. The IAR, an extract of which has been provided, includes information on the

			application of retention and retention periods. The IAR records all systems in use by the Council (see element 4). Staff guidance, 'Disposing of Records' (*Records Management Guidance Framework,* pages 173-177, last updated January 2021) outlines processes in place for the review and disposition of records in all formats in line with approved retention schedules. The *Statement of Compliance and Evidence List* document highlights the importance of the review stage in the retention and disposition of records. The ECM (Objective) is the main records management system in use. The *ECM guidance* explains how retention decisions (assigning disposal schedules to folders and files) are allocated to records in this system. An *Example – ECM Disposal Schedules*, showing retention decisions from approved retention schedules mapped to the ECM, has been provided. As noted at element 4, the Keeper is familiar with this system and its automated retention application functionality. The Council use numerous line-of-business systems. The guidance, 'Retention Schedules and Disposal Rules in Council Systems' (version 1.0, dated January 2018) forms part of *Records Management Guidance Framework* (pages 186-193) and details how retention periods are generally developed in systems (section 3). It notes ''However, there are a number of dependencies and specific functions of systems that cannot be captured as a standard approach. The development of retention in systems will be dependent upon the systems functionality and/or budget availability. As part of the Information Asset Register review under the GDPR Project, the GDPR Working Group and ILOs will be identifying the capabilities of systems to implement retention and disposals.'' See element 4 for comments on records management functionality of line-of-business systems. The Keeper acknowledges that the application and management of retention decisions is considered when new systems are developed and procured (*Guide – Checklist for New Systems*, e.g., nos. 3.7 and 5.2).

			Digital shared drives (SAN) remain in use for certain purposes where records cannot be stored in or have not yet been moved to the ECM (see element 4). Staff guidance, 'Disposing of Records' (*Records Management Guidance Framework,* pages 173-177) notes automatic retention cannot be applied and explains the standards required to manage, review, and dispose of records. Paper record logs/inventories are in use for paper records within council service areas. An *example Paper File Log* has been provided. It lists details including, location, retention information and review actions. A template paper log and staff guidance on its use and are included in the *Records Management Guidance Framework.* The Council Archive and Records Centre provides storage for physical non-current records and those transferred for permanent preservation. This service manages these records and liaises with depositing council services around the retention and disposition of records within the records store (*RMP* section 2.5). The *Statement of Compliance and Evidence List* document explains that a retention period must be assigned to any records before they are transferred to the Archives and Records Centre. Staff guidance and templates around transfer to and the retention and disposition of records in the Archives and Records Centre includes, 'Guide – Archives and Records Centre', 'Archives Terms of Acquisition' (last updated January 2021), 'Archives and Records Centre Consignment Procedures' (dated April 2019), within the *Records Management Guidance Framework.* A case workflow in the ECM is in place to manage records in the Archives and Records which have reached the end of their retention period. A copy of *Workflow Instructions – Destruction Notice* has been provided. The Council use applications within M365, including Teams. The example *IMatters Communications*, which has been provided, demonstrates provision for records

			retention in such applications. For example, a 90-day retention of Teams Chat. The *RMP* states the Council has records management provisions in place, including records retention, through contracts and agreements with third parties who share or process information on the Council's behalf (see elements 9, 14 and 15). The Council also has guidance in place around the legal requirement to retain records beyond the assigned date of destruction. The 'Procedure – Managing Hold Requests' (version 1.1, dated 2016) guidance forms part of *Records Management Guidance Framework* (pages 194-204). The Keeper agrees that West Lothian Council and West Lothian Licensing Board has approved schedules in place providing retention decisions for the record types created while pursuing its functions.
6. Destruction Arrangements	**G**	**G**	The Act requires that public records are destroyed in a timely, controlled and secure manner. The *Information Governance Policy* (section 2) outlines the information governance principles of the Council, which include ''•Information is acquired, created, maintained, shared and disposed of in accordance with legislation, regulations, guidance, standards and best practice''. Section 7 of the *Policy* relates to the retention and destruction of personal data and states ''The council do not keep information for any longer than it is needed, and dispose of both paper and electronic records in a secure manner...'' The *Information Governance Policy* (section 5.2) states the Heads of Service are responsible for ''Implementing this policy and associated procedures for the creation, sharing, security, protection and disposal of information across all systems.'' The Keeper accepts this statement as an assurance that disposition in

			line with retention schedules across all systems is the responsibility of Heads of Service. See element 4 for comments on line-of-business systems. The *RMP* (section 2.6) outlines processes in place for the destruction of physical records and digital hardware and records destruction arrangements for third parties who handle or process records on the council's behalf. It also notes that the Information Management Working Group monitors the application of disposal arrangements. Arrangements in place for the secure and irretrievable destruction of digital records are referenced in the 'Evidence Provided' section of the *Statement of Compliance and Evidence List* document (section 2.6). The main records system in use for digital records is the ECM. The Keeper is familiar with the functionality of the Objective system and can agree the system allows for the secure and controlled destruction of records, which results in a record of destruction, or metadata/document stub. This is detailed in the *ECM Guidance*, which has been provided, explaining once a file is deleted the metadata remains. The role of the Objective Lead (see Local Records Management under General Comments) is outlined in the *ECM Guidance* (page 40) and includes ''Adding, removing and executing disposal schedules to archive and delete information from the system.'' This guidance also notes that Objective Leads use the search facility to identify records due for disposal (section 2.1). The 'Disposing of Records' guidance notes ''Each information system (i.e., those identified in the council's Information Asset Register) must have processes/procedures in place for implementing record disposal in line with the council's policies and records retention schedules.'' This guidance acknowledges the ECM has functionality to automatically apply retention to records, while other systems including the SAN require that staff must review records against approved retention schedules. See element 4 for comments on line-of-business systems.

			This guidance details the standards required for the management of records destruction. Records must be reviewed before destruction and a destruction of records form must be completed and authorisation obtained before any records are deleted. A template form is included in the *Records Management Guidance Framework*, which includes the instruction ‘‘Obtain authorisation for destruction of records from appropriate service manager or alternate.’’ The completed ‘Record of Destructions’ form is to be sent to the Archives and Records Centre. The *Statement of Compliance and Evidence List* document notes ‘‘This form is used for keeping records of disposals (out with the council’s Archives and Records Centre).’’ It has been explained separately that ‘‘The form ‘Record of Destructions’ is used to keep records of any destructions that are carried out where there is no other function available to do so. As an example, the council may use this form to identify any paper records that are held on site that require destruction or records held in line-of-business systems where audit trails are not available.’’ It has been further explained separately, that ‘‘There are Objective Leads in place in each service who are responsible for the management of record disposals in the ECM. The council’s guide ‘RECORDS MGT – GUIDE – Disposing of Records’ details that records of disposal must be maintained regardless of the format of the records. For paper records, the form is utilised to keep auditability over the disposals conducted. For electronic records, some line of business systems will do this automatically. However, for those that don’t, the form aids with maintaining records of disposals.’’ See element 4 for comments on line-of-business systems. As noted above at element 5, the Archives and Records Service is responsible for the destruction of records which have been deposited by Council service areas (*Information Governance Policy* section 5.7). References to evidence in the *Statement of Compliance and Evidence List* document (section 2.6) explains the processes in place.

			The *Destruction Notice Workflow* demonstrates the use of case workflows in the ECM to manage the destruction of paper records held in the Archives and Records Centre. Copies of *Destruction Notice Workflow* and *Destruction of Records Authorisation Form* have been provided. These show the steps in the process for the review and destruction of paper records. This is carried out annually. The Keeper commends this automated workflow process. A record of destruction is also recorded in the archives management system, CALM. Staff guidance and templates around transfer to and the retention and disposition of records in the Archives and Records Centre includes, 'Guide – Archives and Records Centre', 'Archives Terms of Acquisition', 'Archives and Records Centre Consignment Procedures', and 'Form – File List for Boxes', within the *Records Management Guidance Framework.* The Council has guidance in place around the legal requirement to retain records beyond the assigned date of destruction. The 'Procedure – Managing Hold Requests' (version 1.1, dated 2016) forms part of *Records Management Guidance Framework* (pages 194-204). The Council has arrangements in place for the secure and irretrievable destruction of physical records and hardware: External contractors (Restore Datashred) provide this service for bulk paper destruction and onsite destruction (shredders for paper/cd/dvd). The Keeper has been provided with several examples of how this company complies with standards (*ISO Certificates* - ISO 14001, 27001, 9001). Examples of a *Destruction Certificate* and *Collection Note* have also been provided. External contractors (CCL North Ltd) provide this service for the destruction of hardware and other media. An example *Destruction Certificate* has been provided

			as evidence. The 'Disposing of Records' guidance directs staff to a 'Disposing of ICT Equipment – Form'. The *Statement of Compliance and Evidence List* document explains ''The council maintain auditability of hardware disposal though the completion of this form as part of the disposal process. This form is then utilised to create a procurement action for the pickup and secure disposal of.'' The 'Storing and Filing Records' guidance refers to records stored in IT systems and on a network, and in the Cloud, and the need for backup procedures to be in place. The *Statement of Compliance and Evidence List* document (section 2.10) notes ''Methods of backup and recovery procedures are applied through the IT Services management of information systems.'' The 'Data Processing Information Handling' guidance states ''Backups must only be retained for an agreed specified time after which all media must be either overwritten (with subsequent council backups) or the media must be destroyed.'' Additional detail about backup processes and redacted copies of *WLC Backup and Replication* (version 1.3 dated February 2024) and *WLC Immutable Backups* (version 1.0 dated September 2023), which outline the backup processes and schedules, have been provided separately. The *RMP* and *Statement of Compliance and Evidence List* document (section 2.6) state provision for secure records destruction is included in contracts with third parties. Evidence, including 'Data Processing Information Handling Standards' (*Records Management Guidance Framework*, pages 208-215) has been provided. The Keeper agrees that West Lothian Council and West Lothian Licensing Board has processes in place to irretrievably destroy their records when appropriate.
7. Archiving	**G**	**G**	The Act requires that all Scottish public authorities identify a suitable repository for

and Transfer			the permanent preservation of any records considered suitable for archiving. A formal arrangement for transfer to that repository must be in place. The Council has identified the authority's in-house Archive and Records Service as the repository for records retained for permanent preservation. The Archive and Records Centre provides a service both for the long-term storage of non-current records and the permanent preservation of selected records in archive storage; and facilitates public access to archives. Section 5.7 of the *Information Governance Policy* outlines the responsibilities of the Archive and Records Service. Section 6.1 references arrangements for the transfer and preservation of records to archival storage, and access to archives is referenced in section 6.2. These arrangements are managed by a 'Terms of Acquisition'. The Council has an 'Archives Development Plan' in place (*Information Governance Policy* section 6.1). The 'Terms of Acquisition' is part of the *Records Management Guidance Framework.* It has been confirmed separately that the there has been a reorganisation of the provision of the services of the Archives and Records Centre. Responsibility for the archives is now overseen by the Heritage Manager, ''... who is currently developing a new Museums and Archives Forward Plan which will incorporate content previously included within the Archive Development plan.'' The Council has committed to providing copies of both this and a new Collections Development Policy, which will supersede the Archive Terms of Acquisition, once they have been approved by Council Executive. These can be provided through the Progress Update Review (PUR) mechanism. A suite of staff guidance documents and templates within the *Records Management*

			Guidance Framework provides details of processes in place and includes: 'Disposing of Records', 'Archives and Records Centre Consignment Procedures', 'Form - File List for Boxes' (transferring records internally from council service areas), 'Guide – Archives and Records Centre', 'Form – Transferring Records' (for transferring records between the council and third parties), and 'Guide – Moving or Transferring Records'. The 'Archives and Records Centre Consignment Procedures' outlines the procedure for identifying and transferring records. An example, redacted, *Archives File List* has been provided showing records listed for transfer. The 'Consignment Procedures' also outlines how services can retrieve records if required and destruction processes. The *Statement of Compliance and Evidence List* document (sections 2.4, 2.7 and 2.11) notes "Where possible, West Lothian Council will retain records in electronic format." It also notes (section 2.7) ''West Lothian Council's ECMs is compliant with MoReq2 standard and is able to export records and associated meta data standards.'' The Keeper acknowledges this statement and that the Council consider digital preservation in the development of new systems (evidenced in 'Storing and Filing Records' within *Records Management Guidance Framework,* page 51; and *Checklist for New Systems,* question 5.5). The Keeper notes that requirements for future digital archiving are being considered. The *Records Management Guidance Framework* includes an 'Archive storage audit' template (page 181). This lists the best practice arrangements under BS 4971:2017 and space to record the level of compliance, action points, and who is responsible. It has been confirmed separately that an audit of the archive storage is in progress as part of the reorganisation of the services of the Archives and Records Centre. This has been undertaken by the Heritage Manager and the audit will be reviewed on an annual basis. In addition, an assurance has been provided around the controls in

			place for archive storage. Records will be identified in the retention schedule or through liaison with the Archivist ('Guide – Archives and Records Centre', page 178, within *Records Management Guidance Framework*). As noted at element 2, a *Job Outline* for the post of Heritage Manager has been provided. It specifically mentions delivering services in line with the Act. The Keeper agrees that West Lothian Council and West Lothian Licensing Board has arrangements in place to properly archive records when appropriate.
8. Information Security	**G**	**G**	The Act requires that public records are held in accordance with information security compliance requirements. The *RMP* (page 9) explains that the Council operate an Information Security Management System (ISMS) in accordance with international standard ISO 27001. It further states both the *Information Governance Policy* and staff guidance comply with this standard. The *Information Governance Policy* includes the objectives ''The council ensure the security and confidentiality of information'' and ''The council identify and mitigate information risks'' (sections 6.3 and 6.4). Section 6.5 notes all staff receive training in information governance which includes information security, and staff with specific information governance roles receive additional training. The role of the SIRO is outlined in section 4.1; and responsibilities of IT Services at section 5.3. The Council has identified the IT Technology and Solutions Manager as the responsible officer for information security (*Compliance Statement and Evidence List* document, section 2.8). *Job Outlines* for the posts of Technology and Solutions

			Manager and Security Architect have been provided, as noted at element 2. The Council maintain an IAR listing digital and paper information systems in use. Each asset has an 'owner' and is assigned a security classification. Systems which contain personal information are entered into the Council's risk register ('Information Security Guidance', section 5). 'Information Security Guidance' for staff (last reviewed June 2019) is included within the *Records Management Guidance Framework* (pages 308-324). It addresses identifying and classifying information (section 5), staff awareness (section 6.1), security incident reporting (section 6.3) and information system ownership and user access (sections 6.4 & 6.5). It notes (section 8.6), ''All information must be stored on central systems. This ensures complete data sets are available, appropriate security access levels can be applied, critical information is backed up and that appropriate disaster recovery arrangements can be put in place. For the same reasons, all documents should be stored on the council's EDRM or on secure network drives where EDRM is not available.'' Section 7 explains and provides guidance on building and office security, including the physical security of hardcopy records, and the secure disposal of information (digital, hardcopy and media). *Screenshots* of the Information Governance and Records Management intranet pages, showing staff access to guidance documentation, have been provided. As explained at element 4, paper records retained in council service areas are managed through a paper log and their movement through a paper tracking form. Records transferred to the Archive and Records Centre, are listed in file lists, and then managed in the Centre through a tracking system. As noted at element 7, a checklist is in place for the physical storage standards required in the Archive and

			Records Centre. Section 8 of the 'Information Security Guidance' details the information security processes in place. These include information/data labelling and security classification in use for both digital and paper records. Processes for systems access security, including password guidance, removeable media and hardware security, and email are outlined. As is use of secure file transfer methods (Objective Connect and Egress) for information sharing, use of Data Protection Impact Assessments (DPIAs), clear screen policy, links to the council's risk management processes which include information management, and classification guidance for information handling. Information security testing processes are also outlined. This document is supported by additional guidance, also within the *Records Management Guidance Framework,* including 'Guide – Redacting Records' (last updated January 2021), 'Guide – Disposing of Records', and 'Guide – Data Labels'; and policies, including *Password Management for IT Systems managed within service areas* (version 1.0 dated 2012 – redacted copy of policy provided), and 'WLC Internet Social Media and Email Policy' (revised 2017 - link to published policy on WLC public website provided). Also, a detailed user guide is included for one of the redaction systems in use. Details of the processes in place and guidance on reporting information security breaches are included in section 6.3 of the *Information Governance Policy* and section 6.3 of the 'Information Security Guidance'*.* Details for reporting data breaches are included in the 'Data Processing Information Handling Standards'. It is also included elsewhere in the *Records Management Guidance Framework*, such as 'Working from Home' guidance (page 235). *Information Security Breach Workflow Instructions* which show the process for reporting breaches using a case workflow in the in the ECM have been provided. The Keeper commends the use of this multi-stage allocation and approval process. A *Security Breach Risk*

			Assessment template has also been provided. Information security breaches are also registered on the IT Services Management System (*Compliance Statement and Evidence List* document). 'Data Processing Information Handling Standards' guidance is included within the *Records Management Guidance Framework* and relates to standards included in contracts with third parties who may be processing data on behalf of the Council. *Data Protection Impact Assessment (DPIA)* and *Data Sharing Processing Agreement* templates have been provided. Both of which include information security provisions. An ECM workflow is in place to manage and record the DPIA authorisation process (*Compliance Statement and Evidence List* document). A checklist has been developed for when new systems are being considered ('Guide – Checklist for New Systems') which ensures records management functionality is considered at the outset. The Checklist includes information security criteria (nos. 1.4 and 6.7). Information security standards for new IT systems are noted at section 8.11 of the 'Information Security Guidance'. A copy of the Council's Public Security Network (PSN) connection compliance certificate 2020-21 has been provided. The *Compliance Statement and Evidence List* document (page 27-28) notes ''The council are continuing to work on the requirements of certification and will notify the Keeper of any significant change to arrangements.'' The Keeper acknowledges that the Council routinely use the Progress Update Review (PUR) mechanism to provide updates. Staff receive mandatory information security training annually and communications are sent to all staff via email, every six months, to reinforce information management procedures and training (*Statement of Compliance and Evidence List* document). An example email relating to cybercrime, sent by the Records Manager, (*Information Matters – Update,* dated September 2021) has been provided. It has

			been explained that posters are also displayed across the council estate. Example posters, covering a range of topics including phishing scams, virus protection, password security, and information handling have been provided. A redacted copy of *Training – Storyboard - User Security Awareness* and a copy of *Training - Storyboard – Data Protection* slides have been provided. The Council has achieved Cyber Essentials certification (Cyber Essentials certification dated 28 April 2023). An example certificate has been provided. The Keeper agrees that West Lothian Council and West Lothian Licensing Board have procedures in place to appropriately ensure the security of their records as required by the Act.
9. Data Protection	**G**	**G**	The Keeper expects a Scottish public authority to manage records involving personal data in compliance with data protection law. The *RMP* explains responsibilities under data protection legislation and outlines the data protection principles. It notes that the Council (specifically West Lothian Council) is registered as a data controller with the Information Commissioner's Office (ICO): Information Commissioner's Office - Register of data protection fee payers - Entry details (ico.org.uk) (Registration number Z6925127). The Council has appointed a Data Protection Officer (DPO) who is supported by ILOs (see Local Records Management under General Comments) in each service area. The *RMP* explains ''the ILO is responsible for providing routine advice on Data Protection to the Head of Service and other officers and for co-ordinating responses to Subject Access Requests. The ILO also acts as the service representative on the Council's Information Management Working Group, which is chaired by the Data Protection Officer.'' The DPO is the Interim Head of Corporate Services, named at element 1.

			The published *Information Governance Policy* (section 6.1) explains the principles of data protection and states ‘‘The council maintain procedures for the management of personal/special category data and individual’s rights. These documents set out individual’s rights and explain the process for enacting these rights.’’ It also states the use and management of CCTV recording at council premises is done so in accordance with the *Policy.* Section 6.2 explains managing requests under data protection legislation and maintaining privacy notices and managing consent. As noted under element 8, section 6.3 relates to information security. It outlines the role of the DPO (section 4) and the responsibilities of data controllers/processors (section 5). The *Statement of Compliance and Evidence List* document explains a register of data sharing activities is maintained as part of the Register of Processing Activities (ROPA). An extract from the *Data Sharing Processing Register* showing field headings and descriptions has been provided. The *RMP* explains Data Processing/Sharing Agreements and Information Sharing Protocols are in use. An example, redacted *Data Processing Agreement* has been provided. ‘Data Processing Information Handling Standards’ guidance is included within the *Records Management Guidance Framework* and relates to standards included in contracts with third parties who may be processing data on behalf of the council. Data Protection Impact Assessments (DPIAs) are carried out. Copies of a redacted example *Data Protection Impact Assessment (DPIA)* and *Data Protection Impact Assessment (DPIA)* template have been provided. An ECM workflow is in place to manage and record the DPIA authorisation process and a copy of the workflow guidance has been provided as evidence. (S*tatement of Compliance and Evidence List* document).

			The Council maintain an IAR. An *Extract of the IAR* has been provided, which shows it captures details around the presence of personal information, data sharing, data processing, DPIAs, and privacy notices. The Council has a Data Sharing Code of Practice (version 1.1 dated September 2019). A link to the published document has been provided. As noted at element 8, procedures are in place for reporting information security and data breaches. Details are included in section 6.3 of the *Information Governance Policy* and section 6.3 of the 'Information Security Guidance', 'Data Processing Information Handling Standards', 'Working from Home' guidance (page 235). *Information Security Breach Workflow Instructions,* which shows the process for reporting breaches using a case workflow in the in the ECM, have been provided. A *Security Breach Risk Assessment template* has also been provided. Breaches are also registered on the IT Services Management System (*Compliance Statement and Evidence List* document). The *Records Management Guidance Framework* contains reference to managing records in accordance with data protection legislation and the processes in place in numerous staff guides and procedures. These include but are not limited to, 'Managing Electronic Records', 'Information Security Guidance' (for example sections 5 and 8), 'Procedure – Managing Hold Requests', 'Disposing of Records' (which references the principle of storage limitation, page 173), 'Data Processing Information Handling Standards', 'Retention Schedules', 'Sharing Records', 'Working from Home', 'Redacting Records', and 'Checklist for New Systems'. *Screenshots* of the Information Governance, Records Management, and Data Protection intranet pages, showing staff access to policies and guidance documentation, have been provided.

			Further evidence submitted includes a copy of *CCTV Procedures*, section 8 of which relates to dealing with requests for data. The Keeper notes this procedure is currently under review and a commitment is made to providing updates of notifiable changes once complete (*Statement of Compliance and Evidence List* document section 2.9). Also, *Subject Access Request* guidance for staff (dated April 2021), and a redacted copy of *Password Management for IT Systems Policy* have been provided. Information about data protection legislation is published on authority's website, Data Protection and GDPR - West Lothian Council. This includes privacy policies and information about how the public can make a Subject Access Request (SAR). Staff must complete mandatory data protection training annually. Failure to do so when required results in a suspension of access to council systems. A copy of *Training – Storyboard – Data Protection* slides has been provided. These include guidance on dealing with SARs, reporting information security breaches, and data processing and sharing. Staff training is reinforced and supplemented by posters displayed across the council estate and regular email communications on good information management practice. As noted at element 8, evidence has been provided to support this. As noted at element 3, the *Information Governance Policy* replaces a number of policies, including the data protection policy. The *RMP* explains the DPO regularly reviews the *Information Governance Policy* along with the Information Management Working Group (see Key Group under General Comments). The Keeper agrees that West Lothian Council and West Lothian Licensing Board have arrangements in place that allow them to properly comply with data protection

			legislation.
10. Business Continuity and Vital Records	**G**	**G**	The Keeper expects that record recovery, prioritising vital records, is an integral part of the authority's business continuity planning. The *Information Governance Policy* includes the objectives ''The council ensure the security and confidentiality of information'' and ''The council identify and mitigate information risks''. Section 6.3 of the *Policy* notes business continuity, contingency and disaster recovery plans are in place. It also notes that vital records are identified in business continuity planning. It states ''The council has in place business continuity and contingency plans, including backup and recovery procedures, to ensure cyber resilience. The council's business continuity plans identify vital council information systems. In addition, a disaster recovery plan for the Council's archives is maintained.'' The *RMP* explains ''West Lothian Council have identified their vital records through the business classification schemes (file plans) and paper inventories of each service. These feed the Business Continuity and Disaster Recovery planning process for each service area.'' The *Statement of Compliance and Evidence List* document (section 2.10) notes ''Methods of backup and recovery procedures are applied through the IT Services management of information systems.'' As noted above, Business Continuity Plans (BCPs) are in place for different council service areas. Heads of Service are responsible for ensuring plans and processes are in place, and any information breaches are reported and responded to (*Information Governance* Policy, section 4.2). The responsibilities of IT Services are outlined at section 5.3 and include ICT system backups and disaster recovery capability.

			The Council have provided a copy of a *Business Continuity Plan template*. This template includes guidance on completion, reference to recovery of IT systems, and notes provision must be made in plans for the event of a successful cyber attack. The *Statement of Compliance and Evidence List* document notes ‘‘The council have a number of business continuity plans that cover the arrangements across vital information assets. Evidence of these can be provided if required.’’ Statements have been provided separately further explaining the business continuity arrangements in place at the Council, ‘‘West Lothian Council’s business continuity plans focus on the delivery of activities (or services) rather than the recovery of records per se. However, the plans call out essential IT applications and generally provide a timescale for when these are required. Backup and recovery arrangements are managed by IT Services. Activities for business continuity planning purposes are prioritised as WLC1, WLC2 and WLC3, not the IT applications. IT applications considered to be essential are linked to the activities and are identified in the Information Asset Register under the WLC No field. Many of the service business continuity plans (not all) have recently been reviewed. In addition, the council recently successfully embarked on a recovery exercise to test backup and recovery procedures.’’ These statements have been endorsed by the Interim Head of Corporate Services, who is identified at element 1. An example redacted copy of an *Archives Disaster Plan* (dated 2020) has been provided. This relates to the council’s Archive and Records Centre. Section 7 relates to salvage recovery prioritisation based on record types/use and lists location. The *Statement of Compliance and Evidence List* document explains BCP arrangements are subject to routine review and testing. Copies of *Business Continuity Test* and *Business Continuity Test Report* templates have been provided. These relate to a desktop test exercise.

			The *Statement of Compliance and Evidence List* document explains vital records are identified in service area BCS (files plans) and paper record inventories/logs (see elements 4 and 5). Guidance on vital records is included in 'What Are Records' (within *Records Management Guidance Framework* pages 15-18). It includes how to identify vital records and where to store them. The guidance states ''The vital records of the council must be detailed in Business Continuity Plans, Information Asset Register, in service file plans and retention schedules and on paper logs.'' An *Extract of the IAR* has been provided. As noted above, the classification of assets which provides a priority status for recovery has been explained separately. Further staff information on vital records in included in local records management guidance, an example of which has been provided – *Managing Records Public Records (Scotland) Act & EDRMS Finance Revenues*, section 2. Paper record logs include a column to identify vital records. As noted under element 4, staff guidance on completing the log is included in the *Records Management Guidance Framework,* and an example completed *Paper Log* has been provided. The Keeper agrees that West Lothian Council and West Lothian Licensing Board has approved and operational business continuity processes in place for the purposes of compliance with this element.
11. Audit trail	**G**	**G**	The Keeper expects an authority to have processes in place to track public records in such a way that their location is known and changes recorded. The *RMP* (section 1.2) states ''The records of the council constitute an auditable account of the authority's activities, which provides evidence of the business,

			actions, decisions and resulting policies formed by the council.'' and ''Effective record keeping supports efficiency, consistency and continuity of work and enables the council to deliver a wide range of sustainable services. It ensures that the correct information is: captured, stored, maintained, retrieved and destroyed or preserved in accordance with business need, statutory and legislative requirements.'' The following processes are in place: Digital – EDRMS: A Corporate Enterprise Content Management (ECM) system, Objective, is used as the main system to manage digital public records. The Keeper is familiar with the functionality of this system and can agree it has automatic version control, audit trail capabilities and a powerful search function. Copies of examples of *Audit trail in Objective ECM system* and *ECM Version History* have been provided. Digital – Line-of-Business systems: There are numerous systems in use across the Council which create, store, and manage public records in specific service areas. The *RMP* (section 2.11) states ''IT systems and databases provide audit logs that record usage and updates to records.'' The *Compliance Statement and Evidence List* document notes ''Other line of business systems employ audit functions to ensure that records are maintained of changes or updates.'' The Keeper acknowledges the actions noted in the *PRSA Long-term Action Plan* (11.01) around assessing the audit trail capabilities in all systems listed in the IAR. See element 4 for comments on line-of-business systems. Digital – Shared Drives: The Keeper has been provided with a copy of an example, redacted, *Storage Area Network (SAN) Action Plan*. It details the planned actions to rationalise use, lockdown areas, and move information to the ECM. The Keeper acknowledges that certain records may not be able to be stored in other digital

			systems and the work being undertaken to manage these and legacy records stored on the SAN. As shared drives do not have automatic version control, robust naming conventions are essential for the management of records that remain outwith the ECM. See below for comments on naming convention. Physical - in-house: Paper and other physical records are held onsite in manual filing systems. Paper records, not stored in the Archive and Records Centre, are managed through a paper log/inventory. Their movement is managed through a paper tracking form which records staff logging records in and out. A 'Paper Log Template' forms part of the *Records Management Guidance Framework* (page 138) as does staff guidance on both the use of the paper log and tracking system (pages 139-141 and 143). An example extract from a completed paper log has also been provided. The paper log includes the location of the record, contents, and retention details. Physical - Archive and Records Centre: Records transferred to the Archive and Records Centre are listed in file lists. A 'File List for Boxes' template is included in the *Records Management Guidance Framework*, along with staff guidance. The 'Archives and Records Centre Consignment Procedures' outlines the procedure for identifying and transferring records. An example redacted *Archives File List* has been provided showing records listed for transfer. The Consignment Procedures also outlines how services can retrieve records if required. Records are managed in the Centre through a tracking system. Processes are in place to track the movement of records when transferred between the authority and third parties. This process is used when no other record of movement is in place (*Statement of Compliance and Evidence List* document). A guide to 'Moving or Transferring Records' and a template 'Form for Transferring Records' are included in the *Records Management Guidance Framework.*

			Naming conventions are in place and 'Naming Convention' guidance (last updated January 2021) is included in the *Records Management Guidance Framework* (pages 24-28). The guidance covers naming conventions for digital records and how to name and label paper records. Document control sheets are used to record information of approval and review, and this is evidenced in many of the supporting documents provided. A 'Document Control Sheet template' is included in the *Records Management Guidance Framework.* 'Data Labelling' guidance (last updated January 2021) also forms part of the *Records Management Guidance Framework.* Additional evidence demonstrating the processes in place to track changes to, and movement of records includes guides to 'Migrating Records Between Systems', 'Document Scanning,' 'Procedure for Managing Hold Requests', and 'Data Processing Information Handling Standards'. All of which form part of the *Records Management Guidance Framework.* The Keeper agrees West Lothian Council and West Lothian Licensing Board have procedures in place that will allow them to locate their records and assure themselves that the located record is the correct version.
12. Competency Framework for records management staff	**G**	**G**	The Keeper expects staff creating, or otherwise processing records, to be appropriately trained and supported. The *Information Governance Policy* (section 6.5) states ''All staff are trained in good practice information governance, including, Information Security, Records Management, Freedom of Information and Data Protection.'' The *Policy* is supported by the *Records Management Guidance Framework.* The *Framework* document provided (comprising 499 pages) includes a range of staff guides and associated templates. These are listed in section 9 of the Framework.

			As noted at element 2, a *Job Outline* for the role of Records Manager has been provided. An overview of the postholder's professional qualifications and membership has also been provided, along with details of ongoing professional development training. The *RMP* explains there are a number of staff with specific records management, information governance and information security responsibilities. As noted at element 2, in addition to the Records Manager, *Job Outlines/Roles Descriptions* have been provided for the following: Security Architect and Technology and Solutions Manager, Heritage Manager, Information Liaison Officers, Local Records Officers and Objective Leads. These include the competencies required for these roles. The *Statement of Compliance and Evidence List* document notes additional training is in place for records management support roles, including ILOs. All staff are required to complete information governance training. This is in the form of online training modules covering Records Management, Information Security, Data Protection and Freedom of Information (see elements 8 and 9). Records Management, Information Security and Data Protection training is to be completed annually and Freedom of Information training every two years. Staff completion levels are monitored and access to systems is withdrawn if training is not completed. Copies of staff training modules, *Storyboard – Data Protection, Freedom of Information, Records Management, User Security Awareness*, have been provided to the Keeper. Online training is reviewed and updated annually. The *Statement of Compliance and Evidence List* document notes ‘‘The council continues to monitor training requirements and develops supporting guidance and other training to address any

			gaps.'' The *RMP* explains that staff undergo annual appraisal and development reviews which incorporate training requirements. The *Statement of Compliance and Evidence List* document gives examples of the communication methods employed to raise awareness and to ensure staff are kept informed about records management. Communications are sent to all staff via email, every six months, to reinforce information management procedures and training. An example email (*Information Matters – Update*) sent by the Records Manager has been provided. Posters are also displayed across the Council estate reminding staff of records management and information governance responsibilities. Copies of examples of these posters have been provided. Comprehensive staff guidance is in place in the form of the *Records Management Guidance Framework,* which is referenced throughout this report. Staff are directed to guidance within the ECM, but it is also available via the staff intranet. *Screenshots* of the Information Governance, Records Management, and Data Protection intranet pages, showing staff access to policies and guidance documentation, have been provided. The *RMP* explains that local training is place for service areas which deal with sensitive information. A copy of a service specific, redacted, *Local Records Management Guidance* has been provided. The Keeper agrees that the individual identified at element 2 has the appropriate responsibilities, resources and skills to implement the records management plan. Furthermore, she agrees that West Lothian Council and West Lothian Licensing Board consider information governance training for staff as required.

13. Assessment and Review	**G**	**G**	Section 1(5)(i)(a) of the Act says that an authority must keep its RMP under review. The Council review and formally audit their Records Management Plan annually. (*RMP* sections 1.1 and 2.13 and *Information Governance Policy* section 6.1 and 6.6). It is subject, along with the *Information Governance Policy,* to the council's standard governance monitoring and review process (*RMP* section 2.13). The *RMP* and *Information Governance Policy* both include a table showing the authority's governance of the Plan from the Information Management Working Group through to the Council Executive. The governance/scrutiny role of the Information Management Working Group is stated as ''Developing and implementing policies and procedures relating to the plan and monitoring/reporting progress across service areas''. This group reports to the Governance and Risk Board whose role is ''Reviewing and implementing policies, procedures and standards. Monitoring performance relating to this plan''. The Deputy Chief Executive, who is also the SIRO, chairs this board. The Information Management Working Group meets monthly and reports to the Governance and Risk Board quarterly. The Interim Head of Corporate Services (named at element 1) chairs the group and the Records Manager (named at element 2) sits on this group. Since submission an updated *Terms of Reference* for this group has been provided (see Key Group under General notes on submission). A copy of a quarterly *Governance and Risk Board Report* (dated November 2021) has been provided. It includes sections on the IAR; PRSA; Data Protection, Freedom of Information and Environmental Information Legislation; Online Training; Data Breaches; and SAN Reduction. The Council is a large authority and in order to manage the assessment and review of implementation of the *RMP,* service areas undertake local reviews. The *RMP* states, ''All services are required to monitor, self audit and report on performance on

			an ongoing basis. Service level plans are put in place for the continued development and improvement of records management practice in each area.'' PRSA long-term improvement plans for service areas are developed from regular local area surveys of record keeping arrangements. These plans are reviewed at the Information Management Working Group and Governance and Risk Board (*Statement of Compliance and Evidence List* document sections 1.2 and 2.13). An example *PRSA – Long-Term Improvement Plan* has been provided. It is divided into the 15 elements of the Keeper's Model Plan, and includes the person/group responsible, resources required, deadline date, status, and notes. In addition to this routine assessment and review process, spot checks on records management arrangements are also carried out. Staff guidance explains these arrangements in a guide to 'Monitoring and Auditing Compliance' (last updated January 2021) (*Records Management Guidance Framework,* pages 267-269). This guidance notes the authority's participation in the voluntary Progress Update Review (PUR) mechanism. The Keeper's commends the authority's commitment to regularly providing updates. Online surveys are used and an example 'PRSA Self Audit – Questions for Online Survey' is included in the *Records Management Guidance Framework* (pages 270-272). Examples of a 'Spot Check' and 'Spot Check Summary Report' are also included (page 273 and pages 274-277). The Keeper has also been provided with an example *Self Audit - Records Management Survey Results*, showing levels of compliance and a comparison with online survey results. The 'Monitoring and Auditing Compliance' guidance notes further examples of monitoring tools, including a Records Management Assessment Checklist, which ''…facilitates to focus records management efforts and enables the Records Manager to maintain activities in line with BS 15489.'' An example 'Records

			Management Assessment Checklist 2020-21' is included in the *Records Management Guidance Framework* (pages 280-307). Internal audits are also conducted. An example *Audit of Arrangements* document has been provided to demonstrate how records management arrangements are audited. This example is from a particular service area and is dated 2015. The Keeper commends the authority's comprehensive approach to monitoring compliance, reporting, and ensuring implementation of the *RMP* is continually under review. Additionally, the *Statement of Compliance and Evidence List* document includes an assessment and review section and a responsible officer section under each element. For example, at element 8, "Procedures and standards required under this element are subject to ongoing monitoring and annual review under the Cyber Essentials Plus and PSN requirements. Mandatory online training is conducted annually. In addition, the Information Management Working Group and, where applicable, the Governance and Risk Board monitor progress." Further evidence of governance and reporting arrangements has been provided. This includes the progression of the *RMP* through the Partnership and Resources Policy Development and Scrutiny Panel (link to published committee paper presented on 23 April 2021 provided); and the Council Executive approving the *RMP* (link to published report presented to Council Executive on 18 May 2021 provided). An overview of the Council's approach to monitoring and improving record keeping arrangements is shown in the *Records Management Guidance Framework* (page 9). **The *Information Governance Policy* is reviewed annually and is currently being reviewed. It has been confirmed separately that the Keeper will be**

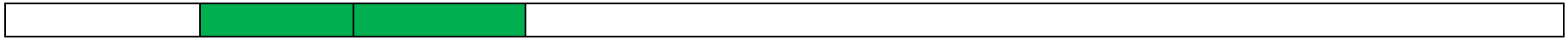
			provided with an updated position with regards the *Information Governance Policy* through the PUR process. Document control sheets show review and approval history. The *Records Management Guidance Framework* comprises an extensive range of guides, procedures, and templates. These include the date of last review. Section 11 notes ‘‘This guide and associated supporting guidance will be reviewed annually or on change to legislation or standards defined above.’’ Service area and Council wide plans and strategies commit to developing and improving the management of data and information. Links to published Corporate Services Management Plan 2022/23 and Improvement Strategy 2018/19-2022/23 have been provided. The *Statement of Compliance and Evidence List* document notes ‘‘This plan identifies priorities for improving the quality and value of council services including the archives service. Specific reference is made to the importance of effective information related policies and procedures and the provision of an information and records management service.’’ And ‘‘Details of the council’s commitment to improving upon the management and use of data assets.’’ The Keeper agrees that West Lothian Council and West Lothian Licensing Board have made a firm commitment to review their *RMP* as required by the Act and have explained who will carry out this review and by what methodology. It has been thoroughly demonstrated that this has been carried out since the date of last agreement. Furthermore, she agrees that supporting policy and guidance documents have appropriate review periods allocated.
14. Shared Information	**G**	**G**	The Keeper expects a Scottish public authority to ensure that information sharing, both within the Authority and with other bodies or individuals, is necessary, lawful and controlled.

			The Council state in their *Information Governance Policy* (section 5.1), ‘’To provide services, the council may share personal information with third parties, such as, NHS, Police, other Local Authorities and Charities. Third parties may also process data on behalf of the council. These arrangements are formalised in agreements, such as, Integration Schemes, Memorandum of Understandings (MOU), Data Sharing Agreements, Data Processing Agreements or Contracts. Each arrangement identifies the organisation(s) that act as Data Controller(s) or Data Processor(s).’’ The Council share information both between council service areas and with third parties (*RMP* section 2.14). The *RMP* explains that data sharing is managed through the use of Data Processing/Sharing Agreements and Information Sharing Protocols, when required. It also states the authority follow the Information Commissioners Office (ICO) Data Sharing Code of Practice (*RMP* section 2.14). The *Statement of Compliance and Evidence List* document (section 2.14) states, ‘’The council … develops data sharing protocols for sharing arrangements with, for example, the NHS, Police Scotland and other Lothian councils.’’ A copy of the *Pan-Lothian Information Sharing Framework* (version 0.6 dated February 2024) has been provided separately as evidence. It specifically references the Act on page 10. It has been explained that following review this is the final version of the document and is awaiting signature. As noted at element 9, a data sharing register is maintained, which is linked to the IAR. An extract from the *Data Sharing Processing Register* showing field headings and descriptions has been provided. A link to a published Data Sharing Code of Practice (version 1.1 dated September 2019) has been provided. This relates specifically to the sharing of personal information (page 4). An example, redacted *Data Processing Agreement* has been provided. ‘Data Processing Information Handling Standards’ guidance is included within the *Records Management Guidance Framework* and relates to standards included in contracts with third

			parties who may be processing data on behalf of the council. Before entering into data sharing agreements, a DPIA is carried out (see element 9). Staff are provided with guidance on information sharing in the guide to 'Sharing Records' within the *Records Management Guidance Framework* (231-232), which references the Act. It explains the records management requirements to be considered when sharing information. It relates to the sharing of all types of information both externally with third parties and internally within the Council. Sections 8.5 and 8.10 of the 'Information Security Guidance' relate to information sharing with third parties and notes that the third party is required to adhere to an approved 'Third Party Access Agreement' (*Records Management Guidance Framework*). Information sharing is considered when new systems are being developed and procured. Section 6 of the 'Checklist for New Systems' guide relates to sharing records (*Records Management Guidance Framework* page 67). Secure transfer methods (Egress and Objective Connect) are used for sharing digital information outwith the authority. Staff guidance for transferring records, digital and paper, is detailed in 'Moving or Transferring Records' (*Records Management Guidance Framework,* pages 220-230). The responsibilities of the authority's Legal Services, noted in *Information Governance Policy* (section 5.4), include ''Developing data sharing protocols and agreements between the council, third party organisations and other partner agencies''. Data sharing arrangements are regularly reviewed and updated as new arrangements are put in place or updated (*Statement of Compliance and Evidence*

			List document, section 2.14). The Keeper can agree that West Lothian Council and West Lothian Licensing Board properly considers records governance when undertaking information sharing programmes.
15. Public records created or held by third parties	**G**	**G**	The Public Records (Scotland) Act 2011 (PRSA) makes it clear that records created by third parties when carrying out the functions of a scheduled authority should be considered 'public records' - PRSA Part 1 3 (1)(b). The *RMP* states ''Where the council make use of third parties to provide services on our behalf, appropriate contractual arrangements are in place that define the responsibilities of the third party in keeping with the requirements of the Public Records (Scotland) Act 2011, Data Protection Act 2018, UK GDPR and Freedom of the Information (Scotland) Act 2002. Third parties are required to agree to appropriate contractual controls including standard contractual terms and conditions. Terms and conditions are reviewed and updated where changes to legislation require us to do so''. The *RMP* (section 1.4) is clear on the scope of the records it covers, ''In line with the Act, all records created in the carrying out of the council's functions (whether directly or by third parties) are public records.'' Section 6.1 of the *Information Governance Policy* states ''The council's plan, as agreed with the Keeper, sets out proper arrangements for the identification, management, preservation and disposal of council records including those handled by any contracted out service.'' The Keeper has been provided with a copy of *PRSA Standard Contractual Ts and Cs*. This document shows two options for text to be inserted in contracts with third parties. These reference the Act, the authority's *RMP*, and the responsibilities around records management provision when creating records while carrying out

			functions on behalf of the authority. These also reference a ‘‘PRSA Appendix’’. It has been explained separately that ‘‘Where required, contracts are supplemented with an appendix that includes information handling guidance. This guidance can be used and tailored to specific contracts.’’ A copy of *Data Processing Information Handling Standards* (version: 1.2 dated February 2018) has been provided as evidence. The *RMP* (section 2.15) is clear that the Council require third parties to provide evidence of their ability to appropriately create, manage, and securely store records. It is also clear that provision is made for the management of end of contracts to ensure arrangements are in place around records, including their return to the authority. A *template contract used within Social Policy for the contract of services* has been provided separately. Section 3 relates to statutory obligations and guidance, and Section 31.2 specifically relates to the Act. Reference is made throughout the *RMP* to the management of records by third parties. For example, ‘‘Standards for records retention are built into contracts and agreements with third parties who share or process information on the council’s behalf.’’ (section 2.5); ‘‘Standards for records destruction arrangements are built into contracts and agreements with third parties who handle or process records on the council’s behalf.’’ (section 2.6). Elements 9 and 14 detail arrangements in place when the authority shares information with third parties. The Keeper agrees that West Lothian Council and West Lothian Licensing Board has properly considered the management of records created by third parties who carry out any functions of the authority.



West Lothian Council and West Lothian Licensing Board
(For convenience both, separately scheduled, authorities will be referred to as 'the Council' in this assessment)

General notes on submission

Version: This assessment is on the common Records Management Plan (RMP) of West Lothian Council and West Lothian Licensing Board. This is Version 3.0 which was approved by the Council Executive on 18 May 2021. An updated version 3.1, dated 11 January 2024, has been provided in the course of this assessment and changes incorporated into this report. The *RMP* references the Public Records (Scotland) Act 2011 (the Act) and is based on the Keeper's 15 element Model Plan http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources/model-records-management-plan.

The Keeper originally agreed the RMP of these authorities in June 2013, Draft Keeper's Report (nrscotland.gov.uk). This was one of the first RMPs agreed and rather than a RAG status grading, a 'tick' grading was used. These ticks equated to what would now be a 'green' RAG status grading.

The authority submitted updates to the Keeper's assessment team through the voluntary Progress Update Review (PUR) mechanism in 2017 (West Lothian Licensing Board - Progress Update Review (PUR) Final Report - 30 April 2018 (nrscotland.gov.uk)) and in 2019 (NRS - Progress Update Review (PUR) Final Report by the PRSA Assessment Team for West Lothian Council and Licensing Board, February 2020 (nrscotland.gov.uk)). In addition, prior to the development of the PUR mechanism, updates were submitted between 2013 and 2017.

The reviewed RMP (page 4) is clear it covers the public records of both authorities stating, ''It encompasses all records across all

council service areas. The plan also incorporates records held by West Lothian Licensing Board and West Lothian Schools (hereafter referred to as the council).''

Section 1.2 of the RMP states, ''Records represent a vital asset, which support the daily functions of the council and protect the interests and rights of staff, and members of the public, who have dealings with the council. Effective record keeping supports efficiency, consistency and continuity of work and enables the council to deliver a wide range of sustainable services. It ensures that the correct information is: captured, stored, maintained, retrieved and destroyed or preserved in accordance with business need, statutory and legislative requirements.'' This is echoed in the introduction to the *Information Governance Policy*. The Keeper agrees this statement.

The introduction to the *Statement of Compliance and Evidence List* document notes, ''The extent of West Lothian Council's RMP includes the management framework, policies, procedures, people, records management systems and tools employed within the council to ensure compliant record keeping. This document details each of the elements of the PRSA and evidence of records management arrangements that are in place across all service areas. This includes both corporate evidence, such as, policies, procedures, guidance and localised application of corporate standards. This document includes an example of a long-term plan, in order to identify and address any gaps and ensure a culture of continuous improvement. Plans are updated regularly. Progress is monitored through a standing agenda item of the Information Management Working Group and Governance and Risk Board. This document serves as a reference to the evidence that demonstrates council compliance with the PRSA.''

The Keeper acknowledges the statement ''The council continue to monitor the use of the Objective ECM and other information management systems to ensure that they remain fit for purpose. Paper records are subject to regular review. However, due to Covid-19 restrictions the work to review paper records for 2020-2021 has been delayed until such time as staff are able to return to office working.'' (*Statement of Compliance and Evidence List* document page 37). The Keeper understands the impact of Covid-19 restrictions and changes to ways of working, in particular moves to hybrid working, will have impacted work to review physical files.

Key group:

- Information Management Working Group – The role of this group is to develop and implement policies and procedures relating to the RMP and monitoring/reporting progress across service areas. The group meets on a monthly basis and reports quarterly to the Governance and Risk Board. The group is chaired by the Interim Head of Corporate Services (see

element 1), who is supported by the Records Manager (see element 2). The group's membership is drawn from all service areas.

Local records management:

- Information Liaison Officers (ILOs) – ILOs are nominated representatives from different service areas who are responsible for co-ordinating, monitoring and reporting on compliance activities. Their responsibilities are outlined in the *Information Governance Policy* (section 5.6). ILOs act as service representatives on the Information Management Working Group (RMP section 2.9).
- Local Records Officers (LROs) – LROs support the ILOs at a local level. This is a role that is an add on to existing jobs and is not a dedicated position within the council. There are one to two staff members appointed per service area.
- Objective Leads (OLs) – OLs support the record keeping activities at a local level for the council's ECM system. This is a role that is an add on to existing jobs and is not a dedicated position within the council. There are one to ten staff members appointed per service area.
- Heads of Service – Responsibilities outlined in the Records Management Guidance Framework (section 5) are ‘‘accept overall responsibility for ensuring records management principles are implemented across all record keeping systems and practices. In addition, they are responsible for ensuring that proper contractual arrangements and agreements are in place with third parties and contracted out services. They also approve changes to the Records Retention Schedules in line with business functions and activities within their service areas’’.

6. Keeper's Summary

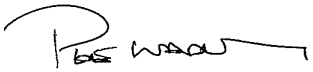
Elements ***1 to 15*** that the Keeper considers should be in a public authority records management plan have been properly considered by ***West Lothian Council and West Lothian Licensing Board***. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of ***West Lothian Council and West Lothian Licensing Board***.

- The Keeper recommends that West Lothian Council and West Lothian Licensing Board 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

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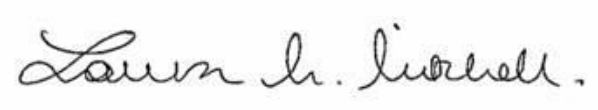
Liz Course
Public Records Officer

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 ***West Lothian Council and West Lothian Licensing Board*** In agreeing this RMP, the Keeper expects *West Lothian Council and West Lothian Licensing Board* to fully implement the agreed RMP and meet its obligations under the Act.



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Laura Mitchell
Deputy Keeper of the Records of Scotland