

Ethical Standards Commissioner

File Plan and Retention Schedule

Standards

Investigate complaints about the conduct of MSPs, local authority councillors and members of public bodies and when lobbyists fail to carry out specific actions.

Applicable legislation:

- Ethical Standards in Public Life etc. (Scotland) Act 2000
- Scottish Parliamentary Standards Commissioner Act 2002
- Lobbying (Scotland) Act 2016

Records stored in the
s:drive and CMS

Manager responsible:
Senior Investigating Officer

Corporate Services

Provide the office with the property, staff and services required to perform its core functions.

Applicable legislation:

- Scottish Parliamentary Commissions and Commissioners Etc. Act 2010
- Public Services Reform (Scotland) Act 2010
- Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013

Records stored in the
o:drive

Manager responsible:
Head of Corporate Services

Public Appointments

Regulate and monitor how appointments are made by the Scottish Ministers to the boards of specified public bodies.

Applicable legislation:

- Public Appointments and Public Bodies etc. (Scotland) Act 2003

Records stored in the
p:drive and Knowledge Hub

Manager responsible:
Public Appointments Manager

Ethical Standards Commissioner

RETENTION PERIODS - GENERAL RULES	Description of Contents	Retention Period	Trigger
	Consultation responses	In line with the rules for the folder in which they sit – all our consultation responses should now sit in Admin and Comms unless relating to Codes of Conduct or Codes of Practice.	
	Contracts or Service Level Agreements (SLAs)	7 years	End of the financial year in which the contract/SLA expires
	Service Level Agreements (SLAs) – Public Appointments Advisers	In line with the rules for the folder in which they sit	
	Commissioned research – final report	Retain permanently	None
	Minutes	In line with the rules for the folder in which they sit	
	Tenders	7 years	End of the financial year in which the contract awarded

Level 1	Level 2	Level 3	Description of Contents	Retention Period	Trigger
Standards s:drive Folder Structure	Codes of Conduct	Annual Folders	Drafts, research, reviews, correspondence, etc. related to codes of conduct, guidance and the public bodies we cover	3 years	End of the financial year in which the document created/finalised
		Critical Documents	Current and archived Codes of Conduct; list of codes and guidance	10 years	End of the financial year in which the document created/finalised
	Complaints	Archived Complaints: Historic closed cases not available on the CMS	ESC decision, ESC web summary decision (if available), SPSO final decision (if applicable), also SCS or SPPA final decision and Court final decision (if breach). Register of enquiries (redact personal data after 3 years)	Retain permanently	None
			Reports to the Standards Commission for Scotland and reports following an investigation under the Ethical Standards in Public Life, etc (Scotland) Act 2000 concluding there was no breach of a relevant Code of Conduct (non breach and breach reports)	Retain until organisation is dissolved; then transfer to National Records of Scotland	Dissolution of the ESC
			CIlr, M + Lobbying: Complaint sub-folders including: "Initial", "Interview", "Decision", "Hearing", "Post Decision", "FOI" including triage notes	3 years	End of the financial year in which the final decision was issued

Level 1	Level 2	Level 3	Description of Contents	Retention Period	Trigger
			MSP: Complaint sub-folders including: "Initial", "IO/Office", "Interview", "Decision", "Hearing", "Post Decision", "FOI".	5 years	End of the financial year in which the final decision was issued
		Enquiries	Communication relating to general complaint related enquiries (how to make a complaint, complaints outwith jurisdiction). Stored by year in which received.	1 year	End of the financial year after the last activity date
		Post Decision Correspondence	PDC Correspondence tracker	3 years	End of the financial year in which the final decision was issued
		SCS Hearings	CIlr, M + Lobbying: Hearing materials	3 years	End of the financial year in which the final decision was issued
			MSP: Hearing materials	5 years	End of the financial year in which the final decision was issued
	Database	Annual Folders	Development and maintenance of CMS, maintenance of Access database, contract negotiation, helpdesk requests	2 years	End of the financial year in which the document created/finalised

Level 1	Level 2	Level 3	Description of Contents	Retention Period	Trigger
		Approved (live and archived)	Back-ups – Access Dbase; PREVIOUS CLLR + M dbases; PREVIOUS MSP dbases	Retain permanently	None
			Instructions; Location and password	Retain until replaced	When document superseded
			Development details (CMS)	7 years	End of financial year in which the document created/finalised
		Approved contracts (7 years)	Tenders, Contracts and extensions	7 years	End of the financial year in which the document created/finalised
	External Communication and Events	Annual Folders	General correspondence with external bodies relating to standards issues, event dates, drafts, agenda, training events etc. (Anything relating to office management or HR should be stored in the o:\drive).	3 years	End of the financial year in which the document created/finalised
	Legislation (specific to function)	Annual Folders	Research, drafts and correspondence relating to new legislation impacting our CHF	3 years	End of the financial year in which the document created/finalised
			Critical Documents	Legislation, legal advice, directions and guidance relating to complaints/Codes of Conduct	Retain permanently

Level 1	Level 2	Level 3	Description of Contents	Retention Period	Trigger
	MSP Material	Annual Folders – certain items also on CMS	ESC final decision, ESC report to parliament and associated material TBC (if applicable), SPPA final decision and Court final decision (if breach).	Retain permanently	None
			Complaint sub-folders including: "Initial", "IO/Office", "Interview", "Decision", "Hearing", "Post Decision", "FOI".	2 years – held on CMS for 5 years	End of the financial year in which the final decision is issued
			Internal and External communications on general handling of MSP complaints	2 years	End of the financial year in which the document created/finalised
		Critical Documents	Precedents, contracts and action plans	7 years	End of the financial year in which the document created/finalised
	Procedures and Templates	Annual Folders	Research, drafts correspondence etc around developing procedures and templates	2 years	End of the financial year in which the document created/finalised
		Critical Documents	CMS Procedures and Instructions, Complaints Procedures, Complaints Templates, Press Procedure, Signatures and Unacceptable Behaviour Template	Move to archive	When document replaced

Level 1	Level 2	Level 3	Description of Contents	Retention Period	Trigger
			Archived CMS Procedures and Instructions and Archived Press Procedure	10 years	End of the financial year in which the document was archived
			Archived complaint investigation procedures	10 years; then transfer to National Records of Scotland	End of the financial year in which the document was archived
	Statistics and targets	Annual Folders	Working, correspondence, daily, weekly monthly stats, etc.	2 years	End of the financial year in which the document created/finalised
		Annual Stats and Targets	Annual summaries and published statistics and targets.	Retain permanently	None
	Working folders	Personal Folders	IO Working folders relating to case work.	2 years	End of the financial year in which the document created/finalised
		IO Meetings	Annual folders of IO meetings	2 years	End of financial year in which the document created/finalised

Level 1	Level 2	Level 3	Description of Contents	Retention Period	Trigger
			Final Minutes	7 years	End of financial year in which the document created/finalised
		Old	Old employee working folders relating to case work.	2 years	After relevant employees leaving date

Level 1	Level 2	Level 3	Description of Contents	Retention Period	Trigger
Standards CMS Structure	Cases	Case Documents	ESC decision, SPSO final decision (if applicable), SCS final decision, SPPA final decision and Court final decision (if applicable)	Retain permanently	None
			Reports to the Standards Commission for Scotland and reports following an investigation under the Ethical Standards in Public Life, etc (Scotland) Act 2000 concluding there was no breach of a relevant Code of Conduct (non breach and breach reports)	Retain until organisation is dissolved; then transfer to National Records of Scotland	Dissolution of the ESC
			Other Cllr/M/Lobbyist complaint documents including: Initial Complaint, Requests for information, general correspondence etc.	3 years	End of the financial year in which the final decision is issued
			Other MSP complaint documents including: Initial Complaint, Requests for information, general correspondence etc.	5 years	End of the financial year in which the final decision is issued

Level 1	Level 2	Level 3	Description of Contents	Retention Period	Trigger
		Enquiries	Communication relating to general complaint related enquiries (how to make a complaint, complaints outwith jurisdiction).	1 year	End of the financial year after the last activity date
	Contacts and Organisations		Contact details for complainers, respondents and others involved in cases.	Retain permanently	None
	Hearings, Complaints and PD/Serv Comments		Links to main case files, contacts and occasional hard data	Retain permanently	None

Level 1	Level 2	Level 3	Description of Contents	Retention Period	Trigger
Office Operation o:drive Folder Structure	Accommodation	Annual Folders	Facilities maintenance, SLAB H&S items, annual lease negotiations, building closures, etc.	2 years	End of the financial year in which the document created/finalised
		Critical Documents	Signed annual leases and spreadsheet summary of costs.	Retain permanently	None
			Tenders - identification, negotiation, recommendation, approval of office location	7 years	End of the financial year in which the document created/finalised
			SLAB policies	None	Replace when superseded
			Relocation documents	7 years	End of the financial year in which the document created/finalised
	Administration and Communication	Annual Folders	Presentations by, and communications with, external parties (non-core function), meeting requests (non-core), media articles, press releases, media liaison, media interviews, communications strategy development, presentations to external parties, PR events, brand development, COG arrangements, purchase orders (stationery, office furniture, printer toner, post, courier, catering, photocopier, etc), potential	2 years	End of the financial year in which the document created/finalised

Level 1	Level 2	Level 3	Description of Contents	Retention Period	Trigger
			suppliers, TV licensing, corporate memberships, consultations.		
		Critical Documents	Logos, brand images, etc. Archive folder contains selection of previous items.	Retain a selection of items permanently	When superseded
			Templates, distribution list, key register, organisation charts, potential supplier list, procurement template contracts and register etc. Archive folder contains selection of previous items.	None	Replace when superseded
			Photocopier lease	7 years	Expiry of contract
			COG Minutes and Terms of Reference, final consultation responses and comms strategy.	5 years	End of the financial year in which the document created/finalised or when superseded
	Annual Reports and Accounts	Annual Folders	Workings, laying papers, distribution, workings and research for accounts direction, annual accounts, external audit, appointment of auditors, etc.	7 years	End of the financial year in which the document created/finalised
			Drafts	None	On publication of final version
		Critical Documents	Final version of reports, key working documents and whistleblowing reports, appointment of auditors, accounts	Retain permanently	None

Level 1	Level 2	Level 3	Description of Contents	Retention Period	Trigger
			direction, annual accounts, AAB minutes and terms of reference.		
	Corporate Governance	Annual Folders	Workings and research for MTM, Scheme of Delegation, Standing Orders, policies and procedures (those not covered by contract of employment – see Staff), business and strategic plans, SPCB operating agreements, risk management, risk registers, health and safety items, changes to CESPLS underpinning legislation, prescribed persons material, complaints about us, UBP implementation, etc.	3 Years	End of the financial year in which the document created/finalised
			Health and safety – accident books, incident records, health and safety audits, risk assessments.	5 Years	End of the financial year in which the document created/finalised
		Critical Documents	Restructure, complaints handling procedures (about us), contingency plan (<i>remove personal details when archiving</i>), COPFS Protocol, declaration of interests and gifts & hospitality register, equality duties, general legal advice, laying procedures, PAA SLA and expense policy, KPIs, prescribed persons material, risk management policy and current register, Scheme of Delegation, Standing Orders, strategic plans, SPCB operating agreements and procedures, final policies and procedures (those not covered by	Transfer to archive folder and retain permanently	When superseded

Level 1	Level 2	Level 3	Description of Contents	Retention Period	Trigger
			contract of employment, e.g. UBP – see Staff), etc. Policy, contract, consultation, unacceptable behaviour policy and documents laid registers.		
			Annual business plans and SMTM minutes	10 years; then transfer to National Records of Scotland	Dissolution of the ESC
	Finance	Annual Folders	PSR Act information, insurance, desk instructions, fixed asset registers, RBS bank accounts, etc. Annual bank statements, budgets & MI, credit card statements, direct debit mandates, expense claims, funding drawdown requests, invoices issued and received, journals, pension set-up and maintenance, petty cash and sage back-ups.	7 years	End of the financial year in which the document created/finalised
		Payroll	Information related to payroll split into annual folders. Not stored in standard 'annual folders' to allow for restricted access permissions.	7 years	End of the financial year in which the document created/finalised
		Critical Documents	Bank account setup, insurance policies & certificates, desk instructions, fixed asset registers and supporting documentation, HMRC setup, contracts, key pensions documents, etc.	Transfer to archive folder and retain permanently	When superseded

Level 1	Level 2	Level 3	Description of Contents	Retention Period	Trigger
	ICT	Annual Folders	Helpdesk requests (ICT and website), activity reports (ICT and website), project working papers, workings for software and hardware purchases, cyber resilience, CMS maintenance and development, broadband, telephone, etc.	2 years	End of the financial year in which the document created/finalised.
		Critical Documents	Registration certificates, licence agreements, warranties, service and support agreements and contracts.	7 years	End of the financial year in which the document expires.
			Secure disposal certificates, purchase and installation of hardware and software, cyber essentials key documents, development of website, CMS ad other projects (significant records).	Retain permanently	None
			Instructions for ICT equipment, software and processes, domain name register, router access, permissions register, software white list, users and equipment list.	None	Replace when superseded
	Records Management	Annual Folders	Data protection subject access requests, data protection workings (compliance, breaches, training, policy), DPA notifications, EIR requests, FOISA requests, FOISA publication scheme workings, FOISA workings (compliance, training), workings for records management (draft retention schedules, classification schemes, etc), submissions to NLS, meetings, FOISA statistics, workings for data sharing agreements.	3 years	End of the financial year in which the document created/finalised

Level 1	Level 2	Level 3	Description of Contents	Retention Period	Trigger
		Critical Documents	Data protection – audits, breaches, sharing agreements, guidance, privacy notices, policies and impact assessments. FOI – publication scheme, policy, register, guidance, templates. Records management – destruction log, agreements with NLS, NRS and British Library, records management plan, keepers assessments, classification scheme and retention schedules (final versions).	Transfer to archive folder and retain permanently	When superseded
	Staff	Annual Folders	Correspondence with SPCB (staff numbers, terms), draft job descriptions, policies and terms and conditions, training course files and materials, workforce planning, annual leave allowance and calculations, SPCB pay and travel awards, SPCB training scheme, staff communications, public sector employment stats, induction, living wage accreditation and LSS.	2 years	End of the financial year in which the document created/finalised
			Recruitment - unsuccessful applications, equal opportunities monitoring forms, all personal data.	6 months	Date of appointment
			Recruitment - advert, application pack, all templates (evaluation, interview, timetables, summaries of monitoring form, applicant tracker, etc). ALL PERSONAL DATA TO BE REMOVED.	Transfer to critical documents	Six months after date of appointment

Level 1	Level 2	Level 3	Description of Contents	Retention Period	Trigger
		Personnel Files	Contact details, personal details, application for employment, contract of employment (initial and updated), leave allowances, references (incoming and outgoing), medical assessments, disciplinary proceedings (founded), maternity/paternity leave, performance management records, sickness, termination of employment, induction, training, declaration of interests and gifts & hospitality, DSE and H&S assessments, excess fares claims.	5 years	Termination of employment
			Timesheets	2 years	End of the financial year in which the document created/finalised
			Disciplinary proceedings (unfounded)	Not held	Case closure
			Individual pension records	Retain permanently	None
		Critical Documents	Job descriptions, terms and conditions (policies), performance management scheme, induction and recruitment material, role instructions, living wage accreditation and pay scales.	Transfer to archive folder and retain permanently	When superseded
			Register of staff contact details.	None	Replace when superseded

Level 1	Level 2	Level 3	Description of Contents	Retention Period	Trigger
Appointments p:drive Folder Structure	Advisers	Annual Folders	Appraisal documents, communication and networking event correspondence, general correspondence, records relating to SLA agreements with PAAs	5 years	End of the financial year in which the document created/finalised
		Adviser Allocation	Allocation database, database back up and desk instructions	Retain permanently	When superseded or obsolete
		Adviser Files	PAA files – archive	7 years	End of the financial year in which contract expires
			PAA files – current	Transferred to archive	End of the financial year in which contract expires
			Training register, legal advice, resource library	Retain permanently	None
			Contact details register, specialisms register.	Retain permanently	Content edited in line with PAA file movement
		Empty folders for records move	Template folder structure	Not records – records management tool	
		Tendering Processes	Tenders for PAAs – dated folders	7 years (if successful)	End of the financial year in which tender process finalised
				1 year (if unsuccessful)	End of financial year following tender process

Level 1	Level 2	Level 3	Description of Contents	Retention Period	Trigger
	Code of Practice	Code Folders	Background/Drafts/Consultation/Distribution	Lifespan of current Code (plus 2-year transition period)	2 years after publication of revised Code
	Complaints Procedures	Archive Procedures	Previous versions of procedures for reference in Code Files.	10 years	Publication of revised Code
		Complaint Handling Process	Procedures and templates	Transfer to archive folder	When superseded or obsolete
		Investigations Process	Procedures and templates	Transfer to archive folder	When superseded or obsolete
		Procedure development	Background, research, workings, correspondence and drafts	2 years	Publication of revised procedures
	Critical Documents	Subject Folders	Any document laid before parliament, diversity strategy, breach of compliance reports, historic relationships with key stakeholders, applicant survey, commissioned research etc.	Retain permanently	None
	Diversity	Diversity Delivers Strategy Folder	Background, development materials, drafts, consultation and implementation guidance relating to any diversity strategy implemented during or relevant to the Code.	Lifespan of current strategy (plus 2 year transition period)	Publication of revised strategy
	Guidance on the Code	Code Folders	Audits / best practice - innovative ideas / code decision database / general correspondence / general guidance / handbook / statutory guidance)/ guidance provided by CESPLS to the Scottish	Lifespan of current code (plus 2-year transition period)	2 years after publication of revised code

Level 1	Level 2	Level 3	Description of Contents	Retention Period	Trigger
			Government / drafts (statutory guidance, general guidance, handbook etc)		
		Empty folders for records move	Template folder structure	Not records – records management tool	
	Monitoring of the Code	Code Folders	Diversity initiatives, process initiatives, review forms, reappointments, statistics, training and events, work undertaken by the Scottish Government	Lifespan of current code (plus 2-year transition period)	2 years after publication of revised code
		Empty folders for records move	Template folder structure	Not records – records management tool	
	NDPBs	Code Folders	All working documents relating to the body – identification that round pending, allocation of risk level and PAA if relevant, any queries, reports and feedback relevant to the round (including investigations and complaints). Abolished bodies or removed from remit / NDPBs general / regulated bodies / unregulated bodies / draft versions of investigation reports	Lifespan of 3 Codes	Publication of revised Code
		Empty Folders for records move	Template folder structure	Not records – records management tool	
	Scottish Government	Annual Folders	Meetings, Minister Correspondence, PAT Correspondence	5 years	End of the financial year in which the document created/finalised
		Empty folders for records move	Template folder structure	Not records – record management tool	

Level 1	Level 2	Description of Contents	Retention Period	Trigger
Appointments Knowledge Hub	Forum	ESC regulation, General governance, good practice links, improvement projects and a PAA toolkit	Retain until replaced	When document is superseded or obsolete
	Library	Terms of use for Knowledge Hub group, Service Level Agreements and associated policies and a PAA toolkit	Retain until replaced	When document is superseded or obsolete
		End of Involvement Reports	Duration of the Code version and for 4 years following the introduction of a new Code	4 years after the introduction of a new Code
	Events	No material currently in this folder		
	Members	Names and contact details of members of the ESC Public Appointments Advisor Knowledge Hub group	Retain until replaced	When document is superseded or obsolete

This file plan and retention schedule was approved for use by:



Ian Bruce, Acting Ethical Standards Commissioner

Date: 24 February 2022