

Ethical Standards Commissioner

RECORDS MANAGEMENT PLAN

Prepared in accordance with the Public Records (Scotland) Act 2011
Submitted to the Keeper of the Records of Scotland

31 March 2022

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COVERING STATEMENT

I fully recognise the value of our records and have established records management as a key corporate function.

In view of the scale of this office's operations, individual employees are largely responsible for the proper and effective management of the records they generate and receive. However, the Commissioner accepts strategic responsibility for these records and has allocated a co-ordinating, operational role to the Head of Corporate Services.

Given the importance of our records for our day to day operations, and as the corporate memory of the office, I am committed to ensuring that our policies, procedures and practices are effective, and are regularly reviewed and developed to ensure that they continue to meet our needs and obligations.

This plan includes some future development which, once in place, will further enable us to deliver improvement in business efficiency, helping us to carry out our statutory functions and to comply with legislative requirements.



Ian Bruce
Acting Ethical Standards Commissioner

31 March 2022

THE PUBLIC RECORDS (SCOTLAND) ACT 2011

The Public Records (Scotland) Act 2011 requires the Commissioner to

- prepare a plan setting out proper arrangements for the management of their records
- submit that plan to the Keeper of the Records of Scotland for agreement and
- ensure that their records are managed in accordance with the plan.

The Keeper has published a [Model Records Management Plan](#) to assist authorities when preparing their records management plans (RMP).

The Model Plan details 15 elements that the Keeper would expect a Scottish public authority to consider when creating its RMP. It is recognised that all the elements of the Model Plan might not apply to every authority. The Ethical Standards Commissioner (ESC) has opted to address all 15 elements in its RMP.

The scope of the Model Plan applies to all records irrespective of the technology used to create and store them or the type of information they contain.

Please note that, in this document, the term ‘Commissioner’ refers to the Ethical Standards Commissioner as an individual, whilst ‘ESC’ refers to the organisation.

Element 1: Senior management responsibility

Requirement	<p>A mandatory element of the Public Records (Scotland) Act 2011.</p> <p><i>An individual senior staff member is identified as holding corporate responsibility for records management.</i></p>
Statement of Compliance	<p>The senior person who has overall strategic responsibility for records management is Ian Bruce, Acting Ethical Standards Commissioner.</p> <p>Any change to the post-holder will not invalidate this plan as all records management responsibilities will be transferred to an incoming Commissioner and relevant training provided.</p>
Evidence of Compliance	<p>Evidence submitted in support of Element 1 comprises:</p> <ul style="list-style-type: none"> • The Covering statement which forms part of this document. • RMP01 Records Management Policy and Procedures
Action Required	<p>No further action is required.</p>

Element 2: Records manager responsibility

Requirement	<p>A mandatory element of the Public Records (Scotland) Act 2011.</p> <p><i>An individual staff member is identified as holding operational responsibility for records management and has appropriate corporate responsibility, access to resources and skills</i></p>
Statement of Compliance	<p>The manager who has day-to-day operational responsibility for records management is Karen Elder, Head of Corporate Services.</p> <p>The Head of Corporate Services is a member of the Senior Management Team and reports to the Commissioner. The Head of Corporate Services (HCS) is also the Keeper's initial point of contact for the organisation.</p> <p>The HCS is a member of the Information and Records Management Society (IRMS) and other records management network groups. They attend relevant training and networking events. Further training requirements are identified through the ESC's performance management system.</p> <p>Any staff changes will not invalidate this plan as all records management responsibilities will be transferred to the incoming post-holder and relevant training provided.</p>
Evidence of Compliance	<p>Evidence submitted in support of Element 2 comprises:</p> <ul style="list-style-type: none"> • RMP01 Records Management Policy and Procedures • RMP02 Head of Corporate Service's Role Description
Action Required	<p>No further action is required.</p>

Element 3: Records management policy statement

Requirement	<i>The authority has an appropriate policy statement on records management.</i>
Statement of Compliance	<p>The Commissioner fully recognises the value of records and has established records management as a key corporate function.</p> <p>In view of the scale of this office’s operations, individual employees are largely responsible for the proper and effective management of the records they generate and receive. However, the Commissioner accepts strategic responsibility for these records and has allocated a co-ordinating, operational role to the Head of Corporate Services.</p> <p>Given the importance of records for day to day operations, and as the corporate memory of the office, ESC is committed to ensuring that policies, procedures and practices are effective, and are regularly reviewed and developed to ensure that they continue to meet our needs and obligations.</p> <p>Our commitment and overall approach are set out in the Records Management Policy and Procedures.</p> <p>These policies and procedures were updated and approved by the Senior Management Team (SMT) at its meeting on 27 January 2022.</p>
Evidence of Compliance	<p>Evidence submitted in support of Element 3 comprises:</p> <ul style="list-style-type: none"> • The Covering statement which forms part of this document. • RMP 01 Records Management Policy and Procedures • RMP03 SMT Meeting Minutes 27/01/2022
Action Required	No further action is planned.

Element 4: Business classification

Requirement	<i>Records are known and are identified within a structure, ideally founded on function.</i>
Statement of Compliance	<p>ESC maintains a File Plan (Business Classification Scheme) which provides a structure for classifying all records across the organisation regardless of format or storage system.</p> <p>The File Plan includes a Retention Schedule and is used to identify and retrieve records relating to each function and activity.</p> <p>The File Plan is structured in a three-tier hierarchy. The first tier denotes our three business functions with following tiers capturing the activities and sub-activities carried out within each of those functions.</p> <p>The File Plan is reviewed every six months to ensure it accurately reflects current activity and that files are being managed in accordance with the Retention Schedule and Records Management Policy and Procedures.</p> <p>The file plan and retention schedule was updated and approved by the Senior Management Team (SMT) at its meeting on 27 January 2022.</p>
Evidence of Compliance	<p>Evidence submitted in support of Element 4 comprises:</p> <ul style="list-style-type: none"> • RMP01 Records Management Policy and Procedures • RMP03 SMT Meeting Minutes 27/01/2022 • RMP04 File Plan and Retention Schedule
Action Required	No further action is planned.

Element 5: Retention schedules

Requirement	<p>A mandatory element of the Public Records (Scotland) Act 2011.</p> <p><i>Records are retained and disposed of in accordance with the Retention Schedule.</i></p>
Statement of Compliance	<p>ESC maintains a Retention Schedule, which is aligned to its File Plan (Business Classification Scheme). The retention schedule lists the records and their pre-determined destruction dates.</p> <p>Retention periods are determined by legal, statutory and business requirements. The retention schedule ensures that all records of the same types are managed consistently.</p> <p>Records of enduring value have been identified and agreed with the National Records of Scotland, the ESC’s archive provider.</p> <p>The schedule is reviewed as set out in our Records Management Policy and Procedures.</p>
Evidence of Compliance	<p>Evidence submitted in support of Element 5 comprises:</p> <ul style="list-style-type: none"> • RMP01 Records Management Policy and Procedures • RMP04 File Plan and Retention Schedule
Action Required	<p>In preparing this plan, it became clear that the retention schedule is not being fully implemented. ESC will develop a project plan to address any backlog and embed this work in our procedures. Resources and training required will be taken into consideration. Timescale: Implementation by March 2025</p>

Element 6: Destruction arrangements

Requirement	<p>A mandatory element of the Public Records (Scotland) Act 2011.</p> <p><i>Records are destroyed in a timely and appropriate manner and records of their destruction are maintained.</i></p>
Statement of Compliance	<p>All ESC's records are held electronically. Paper documents received by the ESC are scanned, filed in line with the File Plan and then destroyed. Electronic documents are deleted in line with the Retention Schedule and Records Management Policy and Procedures.</p> <p>Some paper records are generated and held for limited periods. These are employees' working papers and notes. These papers may be generated onsite and in remote-working environments. The ESC operates a clear desk policy and all paper records must be stored securely. Non-confidential paper records are sent for recycling. Paper records containing confidential or personal data must be returned to the office and securely destroyed. The Scottish Legal Aid Board, ESC's landlord, arranges this secure destruction. The Scottish Legal Aid Board's secure destruction arrangements are laid out under Element 6 of their own Records Management Plan (p11).</p> <p>The Commissioner also has arrangements in place for the secure disposal of electronic equipment.</p>
Evidence of Compliance	<p>Evidence submitted in support of Element 6 comprises:</p> <ul style="list-style-type: none"> • RMP01 Records Management Policy and Procedures • RMP04 File Plan and Retention Schedule • RMP05 Data Protection Policy • RMP06 Data Protection Procedures • RMP07 SLAB's RMP – Element 6 (p11) • RMP08 Secure Destruction Arrangements (Hardware) • RMP09 Information Security Policy • RMP10 Excerpts from Destruction Logs
Action Required	<p>See action outlined under Element 5.</p>

Element 7: Archiving and transfer arrangements

Requirement	<p>A mandatory element of the Public Records (Scotland) Act 2011.</p> <p><i>Records that have enduring value are permanently retained and made accessible in accordance with the Keeper's 'Supplementary Guidance on Proper Arrangements for Archiving Public Documents'.</i></p>
Statement of Compliance	<p>All ESC's records are held electronically. Paper documents received by the ESC are scanned, filed in line with the File Plan and then destroyed. Electronic documents are deleted in line with the Retention Schedule and Records Management Policy and Procedures.</p> <p>ESC submits key publications to the National Library of Scotland. Under the Legal Deposit Libraries (Non-Print Works) Regulations 2013, a copy of any electronic-only publication must be sent to the National Library of Scotland (NLS). In 2014, the Commissioner and NLS agreed the type of documents to be submitted. Historic publications were lodged at that date and submissions are ongoing.</p> <p>Under the Non-Print Legal Deposit Regulations 2013, the British Library has powers to archive the whole of the UK web domain. The Commissioner's websites have been accepted for inclusion in this archive since 2015.</p> <p>The Commissioner archives records of enduring historical, cultural and research value with the National Records of Scotland (NRS) to fulfil obligations under the Public Records (Scotland) Act 2011. The Commissioner has agreed with the NRS the type of records to be submitted. The process for archiving these records is set out in the ESC's Archiving Agreement with the NRS.</p>
Evidence of Compliance	<p>Evidence submitted in support of Element 7 comprises:</p> <ul style="list-style-type: none"> • RMP01 Records Management Policy and Procedures • RMP04 File Plan and Retention Schedule • RMP11 Archiving procedures

	<ul style="list-style-type: none">• RMP12 Agreement with National Library of Scotland• RMP13 Agreement with British Library• RMP14 Archiving Agreement with National Records of Scotland
Action Required	No further action is planned.

Element 8: Information security

Requirement	<i>Records are held in accordance with information security compliance requirements.</i>
Statement of Compliance	<p>The Commissioner recognises that information is a valuable asset and that business continuity is dependent on the integrity and continued availability of that asset. Therefore, ESC has taken a number of steps to protect information assets from unauthorised use, modification, disclosure or destruction, whether accidental or intentional.</p> <p>ESC has in place a range of policies and procedures to protect the information under its control.</p> <p>It operates an Information Security Policy which covers:</p> <ul style="list-style-type: none"> • acceptable use of IT systems • using hardware safely • working remotely • using software safely • protecting information • using social media <p>It is supported by a range of other policies and procedures addressing both practical security measures as well as the behaviour expected from staff when using ESC’s information.</p> <p>All ESC’s records are held electronically. Staff management of electronic records is outlined in the policies listed below.</p> <p>ESC has obtained Cyber Essentials Plus accreditation to demonstrate its commitment to safely managing its electronic systems and the information contained in them.</p> <p>Some paper records are generated and held for limited periods. These are employees’ working papers and notes. These papers may be generated onsite and in remote-working environments. The ESC operates a clear desk policy and all paper records must be stored securely. Non-confidential paper records are sent for recycling. Paper records containing confidential or personal data must be returned to the office and securely destroyed.</p>

Evidence of Compliance	<p>Evidence submitted in support of Element 8 comprises:</p> <ul style="list-style-type: none"> • RMP01 Records Management Policy and Procedures • RMP05 Data Protection Policy • RMP06 Data Protection Procedures • RMP09 Information Security Policy • RMP15 Business Continuity Plan • RMP16 Code of Conduct • RMP17 Confidentiality Policy • RMP18 Remote Working Policy • RMP19 Extracts from the Contract of Employment • RMP20 Scottish Legal Aid Board’s Computer Room Access Policy & Procedures • RMP21 Scottish Legal Aid Board’s Building Security Policies • RMP22 Cyber Essentials Plus accreditation
Action Required	No further action is planned.

Element 9: Data protection

Requirement	<i>Records involving personal data are managed in compliance with data protection law.</i>
Statement of Compliance	<p>ESC complies with its obligations under the UK General Data Protection Regulation and the Data Protection Act 2018.</p> <p>The Commissioner operates a Data Protection Policy and has appointed a Data Protection Officer.</p> <p>ESC undertakes audits to identify the personal data it holds and the legal basis for doing so. These audits are based on the file plan and the results are incorporated into retention periods. Personal data audits were last undertaken in 2018.</p> <p>The Commissioner is a data controller registered with the Information Commissioner’s Office (ICO).</p> <p>The Commissioner complies with their obligations under the Freedom of Information (Scotland) Act 2002. Robust records management is required to carry out these duties effectively.</p>
Evidence of Compliance	<p>Evidence submitted in support of Element 9 comprises:</p> <ul style="list-style-type: none"> • RMP05 Data Protection Policy • RMP06 Data Protection Procedures • RMP16 Code of Conduct • RMP23 Privacy Policy • RMP24 Freedom of Information guidance • RMP25 Freedom of Information Policy & Procedures • RMP26 ICO registration
Action Required	<p>Review of Freedom of Information policy and procedures, including the Guide to Information. Timescale: 2022/23.</p> <p>Personal data audits to be updated. Timescale: 2023/24.</p>

Element 10: Business continuity and vital records

Requirement	<i>Record recovery, prioritising vital records is an integral part of the authority's business continuity planning.</i>
Statement of Compliance	The Commissioner maintains a Business Continuity Plan to allow the organisation to recover in the event of loss of accommodation, data and/or staff. The Plan lists the Commissioner's vital records.
Evidence of Compliance	Evidence submitted in support of Element 10 comprises: <ul style="list-style-type: none"> • RMP15 Business Continuity Plan
Action Required	No further action is planned.

Element 11: Audit trail: Tracking and version control

Requirement	<i>The location of records is known and changes recorded.</i>
Statement of Compliance	<p>The Commissioner's office is small and has a relatively narrow remit. The Commissioner does not operate an Electronic Documents and Records Management System (ERDMS). Records are managed manually. The Commissioner does have an online Case Management System (CMS). Destruction of the records on the CMS are also managed manually.</p> <p>The Commissioner has procedures in place to ensure an audit trail exists for the movement of certain records and destruction of all records.</p> <p>The Records Management Policy and Procedures describes how staff should identify and save records and how to manage version control. It also describes the review, disposal and archiving arrangements. Retention periods are outlined in the File Plan and Retention Schedule.</p> <p>Changes to the file plan are recorded in the electronic records destruction logs.</p>
Evidence of Compliance	<p>Evidence submitted in support of Element 11 comprises:</p> <ul style="list-style-type: none"> • RMP01 Records Management Policy and Procedures • RMP04 File Plan and Retention Schedule • RMP10 Excerpts from Destruction Logs
Action Required	No further action is planned.

Element 12: Records Management training for staff

Requirement	<i>Staff creating, or otherwise processing records, are appropriately trained and supported.</i>
Statement of Compliance	<p>The Commissioner’s office is small, comprising 12.6 FTE staff. Accordingly, a dedicated records management post is not justifiable.</p> <p>Records management forms part of the Head of Corporate Services’ responsibilities. Individual managers have been identified and are responsible for the records belonging to each of the organisation’s three high-level functions.</p> <p>Managers identify staff training needs and the Head of Corporate Services arranges specific training. Further training is identified as part of ESC’s performance management system.</p> <p>The Commissioner runs inhouse records management and freedom of information seminars for staff. These are repeated at appropriate intervals. The seminars form part of the induction training for new staff.</p> <p>The Head of Corporate Services is a member of the Scottish Information Commissioner’s Part 7 Network Group which shares experience and best practice about information management. Staff with records management duties have the opportunity to become members of the Information and Records Management Society and other records management network groups.</p> <p>The Head of Corporate Services and other staff members as appropriate attend relevant training and networking events as well as seminars on freedom of information, data protection and records management.</p>
Evidence of Compliance	<p>Evidence submitted in support of Element 12 comprises:</p> <ul style="list-style-type: none"> • RMP01 Records Management Policy and Procedures • RMP02 Head of Corporate Services’ Role Description • RMP27 Business Officer’s Role Description

	<ul style="list-style-type: none">• RMP28 Corporate Services Officer's Role Description• RMP29 Investigations Paralegal's Role Description• RMP30 Records Management presentation• RMP31 Freedom of Information presentation
Action Required	No further action is planned.

Element 13: Assessment and review

Requirement	<p>A mandatory element of the Public Records (Scotland) Act 2011.</p> <p><i>Records Management arrangements are regularly and systematically reviewed with actions taken when required.</i></p>
Statement of Compliance	<p>The Commissioner’s policies and procedures are reviewed regularly. A policy register is maintained to identify these documents and record review dates.</p> <p>This Records Management Plan is reviewed annually.</p> <p>The Records Management Policy and Procedures were introduced in April 2015 and were last updated in February 2022. Under these procedures, managers must undertake a review of their records every six months. The results are fed back to the next Senior Management Team Meeting.</p> <p>The other policies identified in the Records Management Plan will be reviewed at their next review date.</p>
Evidence of Compliance	<p>Evidence submitted in support of Element 13 comprises:</p> <ul style="list-style-type: none"> • RMP01 Records Management Policy and Procedures • RMP32 Policy Register
Action Required	<p>No further action is planned.</p>

Element 14: Shared Information

Requirement	<i>Information sharing, both within the Authority and with other bodies or individuals, is necessary, lawful and controlled.</i>
Statement of Compliance	<p>The Commissioner complies with the requirements of the UK General Data Protection Regulation and the Data Protection Act 1998.</p> <p>The Commissioner contracts the services of Public Appointments Advisers to carry out some of their functions under the Public Appointments and Public Bodies etc. (Scotland) Act 2003. These PAAs sign a service level agreement that includes a records management statement.</p> <p>The Commissioner has a data sharing agreement with the Standards Commission for Scotland in order for both organisations to undertake their respective roles and perform their statutory duties.</p> <p>The Commissioner has a data sharing agreement with the Crown Office and Procurator Fiscal Service to enable both organisations to pursue their legitimate interests and statutory functions.</p> <p>When the Commissioner shares personal data with suppliers and other authorities they ensure the relevant data protection safeguards are considered and included in the contract.</p>
Evidence of Compliance	<p>Evidence submitted in support of Element 14 comprises:</p> <ul style="list-style-type: none"> • RMP05 Data Protection Policy • RMP16 Code of Conduct • RMP17 Confidentiality Policy • RMP33 Template PAA Service Level Agreement • RMP34 PAA Records Management Statement • RMP35 SCS Data Sharing Agreement • RMP36 COPFS Data Sharing Agreement • RMP37 Permissions Register
Action Required	No further action is planned.

Element 15: Public Records Created or Held by Third Parties

Requirement	<i>Adequate arrangements must be in place for the management of records created and held by third parties who carry out any functions of the authority.</i>
Statement of Compliance	<p>The Commissioner has a range of statutory functions. The Commissioner may authorise any person, whether or not a member of staff, to carry out any of these functions.</p> <p>Currently, only one of the Commissioner's functions is contracted to third parties.</p> <p>The Commissioner contracts the services of advisers to undertake statutory functions in relation to public appointments. This work is subject to tender and a service level agreement. The agreement covers records management, information security and data protection.</p>
Evidence of Compliance	<p>Evidence submitted in support of Element 15 comprises:</p> <ul style="list-style-type: none"> • RMP33 Template PAA Service Level Agreement • RMP34 PAA Records Management Statement
Action Required	No further action is planned.

Appendix 1: List of Actions Required

Element		Action Required	Timescale
5	Retention schedules	In preparing this plan, it became clear that the retention schedule is not being fully implemented. ESC will develop a project plan to address any backlog and embed this work in our procedures. Resources and training required will be taken into consideration. Timescale: Implementation by March 2025.	March 2025
6	Destruction arrangements	See above.	March 2025
9	Data protection	Review of Freedom of Information policy and procedures, including the Guide to Information.	2022/23
		Personal data audits to be updated.	2023/24

Appendix 2: Schedule of Evidence

RefNo	Title	Location	Elements
RMP01	Records Management Policy and Procedures	Weblink	
RMP02	Head of Corporate Services' Role Description	Supplied	
RMP03	SMT Meeting Minutes 27/01/2022	Weblink	
RMP04	File Plan and Retention Schedule	Weblink	
RMP05	Data Protection Policy	Weblink	
RMP06	Data Protection Procedures	Weblink	
RMP07	SLAB's RMP – Element 6 (p11)	Weblink	
RMP08	Secure Destruction Arrangements (Hardware)	Supplied	
RMP09	Information Security Policy	Supplied	
RMP10	Extracts from Destruction Logs	Supplied	
RMP11	Archiving procedures	Weblink	
RMP12	Agreement with National Library of Scotland	Supplied	
RMP13	Agreement with British Library	Supplied	
RMP14	Archiving Agreement with National Records of Scotland	Supplied	
RMP15	Business Continuity Plan	Weblink	
RMP16	Code of Conduct	Weblink	
RMP17	Confidentiality Policy	Weblink	
RMP18	Remote Working Policy	Weblink	
RMP19	Extracts from the Contract of Employment	Supplied	
RMP20	Scottish Legal Aid Board's Computer Room Access Policy & Procedures	Supplied	
RMP21	Scottish Legal Aid Board's Building Security Policies	Supplied	
RMP22	Cyber Essentials Plus accreditation	Supplied	
RMP23	Privacy Policy	Weblink	
RMP24	Freedom of Information guidance	Weblink	
RMP25	Freedom of Information Policy & Procedures	Weblink	
RMP26	ICO registration	Supplied	
RMP27	Business Officer's Role Description	Supplied	
RMP28	Corporate Services Officer's Role Description	Supplied	
RMP29	Investigations Paralegal's Role Description	Supplied	

RefNo	Title	Location	Elements
RMP30	Records Management presentation	Supplied	
RMP31	Freedom of Information presentation	Supplied	
RMP32	Policy Register	Supplied	
RMP33	Template PAA Service Level Agreement	Weblink	
RMP34	PAA Records Management Statement	Weblink	
RMP35	SCS Data Sharing Agreement	Weblink	
RMP36	COPFS Data Sharing Agreement	Supplied	
RMP37	Permissions Register	Supplied	
RMP38*	Example Certificate of Destruction	Supplied	
RMP39*	Example IT Equipment Disposal	Supplied	
RMP40*	Screenshot of location of Information Security Policy	Supplied	
RMP41*	CMS Naming Conventions	Supplied	
RMP42*	Draft Policy Register	Supplied	

*RMP38 – RMP42 were submitted on 02 February 2023 following the Keeper's interim report dated 15 December 2022.