



Records Management Policy

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The Scottish Legal Aid Board

www.slab.org.uk

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Summary

The Scottish Legal Aid Board (SLAB) is fully committed to compliance with the requirements of the Public Records (Scotland) Act 2011, (the Act) which came into force on 1 January 2013. SLAB will therefore follow procedures that aim to ensure that all permanent and temporary employees, including those who are working off site, contractors, agents, consultants, those on secondment and other trusted third parties who have access to any records held by or on behalf of SLAB, are fully aware of and abide by their duties under the Act. This applies to all records regardless of format or medium.

Policy statement

Records management is vital to the delivery of the services of the Scottish Legal Aid Board (SLAB). We need to be able to deliver our services in an orderly, efficient and accountable manner. Efficient records management will help to ensure that we have the right information at the right time to make the right decisions. It will provide the Board with evidence of what we do and why, therefore protecting the interests of all interested parties. Records, and the information they preserve are an important corporate asset. We aim to balance our commitment to openness and transparency with our responsibility as an effective supplier of Legal Aid in Scotland. We will create and manage records efficiently, make them accessible where it is practicable, protect and store them securely and dispose of them safely at the right time. To support this policy we will ensure that all staff receive appropriate records management training. We will provide procedures and guidance and monitor our compliance with them. We will review our policy on an annual basis and amend it where necessary to ensure that it is kept up to date.

The underlying principle of records management is knowing what you have, where it is kept and how long to keep it. This ensures that all records are managed through their lifecycle from creation or receipt, through maintenance and use to disposal. Good records management relies on:

- the creation of appropriate records
- the capture of records (received or created) in record keeping systems
- version control and naming conventions
- the appropriate maintenance and up-keep of these records
- controlled access to records
- the regular review of information
- the controlled retention of information
- the controlled destruction of information.

Through adhering to these principles, SLAB will benefit from:

- records being easily and efficiently located, accessed and retrieved
- information being better protected and securely stored
- records not being kept for longer than necessary
- records being disposed of safely and at the right time.

As a public body we are required by law to manage our records properly. Legislation such as the General Data Protection Regulation 2016, Data Protection Act 2018 and Freedom of Information (Scotland) Act 2002 set out specific requirements in relation to the creation and management of records. This policy:

- defines how our records must be managed
- enables compliance of existing and evolving records management practice
- enables the identification and promotion of best practice
- supports the increased use of electronic records as a means of gaining organisational benefits without introducing additional risks.

Standards defining records management practice will be adopted in the following areas:

- determining what constitutes a record
- version control
- creation and maintenance of retention schedules
- determining how long to retain records
- identifying vital records
- indexing/classification
- storage and handling
- access and security
- monitoring compliance and disposal.

This policy is designed according to the requirements of the international standard for records management BS ISO 15489.

What does this policy apply to?

This policy applies to the management of records, in all technical or physical formats or media, created in the conduct of business activities.

Although not an exhaustive list, examples of items that can constitute a record are:

- documents (including written and typed documents, and annotated copies)
- computer files (including word files, databases, spreadsheets, and presentations)
- paper based files
- electronic mail messages
- reports
- intranet and internet webpages
- CCTV.

Who does this policy apply to?

This policy applies to all employees of the Scottish Legal Aid Board (both permanent and temporary), contractors, consultants, secondees, and student placements/interns who have access to records, wherever these records may be located.

The policy aims to ensure that all staff are aware of what they must do to manage records in an effective and efficient way.

Why do we need to manage records?

Maintaining appropriate and effective records management practices will help us to deliver and to meet our statutory duties. By adopting this policy we aim to ensure that the record, whatever form it takes, is authentic, accurate, accessible, complete, comprehensive, compliant, and effective.

This will help us:

- carry out our business
- make informed decisions
- protect the rights of employees, regulated entities, and the public
- track policy changes and development
- make sure we comply with relevant legislation
- provide an audit trail to meet business, regulatory, and legal requirements
- make sure that we work efficiently as an organisation
- support continuity and consistency in management and administration
- make sure that we are open, transparent and responsive
- carry out and support our research and development
- promote our achievements.

Regulatory environment

We work in a regulatory environment influenced by several factors:

- a) Statute, case law and regulations govern our business environment; these include but are not limited to:

- General Data Protection Regulation 2016
 - Data Protection Act 2018
 - Freedom of Information (Scotland) Act 2013
 - Environmental Information Regulations (Scotland) 2004
 - Anti-Terrorism, Crime and Security Act 2001
 - The Crime and Disorder Act 1998 - Section 115 relates to the disclosure of information
 - The Computer Misuse Act 1990
 - The Human Rights Act 1998
 - The Re-use of Public Sector Information Regulations 2015
 - Public Records (Scotland) Act 2011
 - The Legal Aid (Scotland) Act 1986 and all associated regulations.
- b)** Codes of practice – Section 61 Code of Practice on Records Management under the Freedom of Information (Scotland) Act 2002.
- Freedom of information legislation is only as good as the quality of the records to which it provides a right of access. Such rights are of limited use if reliable records are not created in the first place, if they cannot be found if needed, or if the arrangements for their eventual archiving or destruction are inadequate. This policy assists us in meeting the requirements of the Section 61 Code of Practice.
- c)** Section 23 of the Freedom of Information (Scotland) Act 2002 states that a Public Authority must adopt and maintain a Publication Scheme.
- In terms of the records you create, you should be aware which of these are made available via our Publication Scheme which can be found on our website at www.slab.org.uk/corporate-information/access-to-information/publication-scheme.
- When a record that is available via our Publication Scheme is updated, the owner must ensure that the new version is correctly available. To ensure your record is uploaded correctly the change should be communicated to the Chief Executive's Office who is responsible for the Publication Scheme and Communications who is responsible for the website. If a record is created that you believe fits into one of the classes of information published, this should be made available. The Information Governance Steering Group will make the final decision on whether a record should be published.

Roles and responsibilities

All staff have a responsibility to manage records effectively from creation to disposal. This is done by documenting all decisions and actions taken throughout the record lifecycle, to disposal.

Senior management responsibility for Records Management lies with Linda Ross, Director of Corporate Services & Accounts.

The **Records Management Specialist** is responsible for coordinating records management procedures and practices as well as promoting, monitoring, and reporting compliance with the policy. Other duties include providing support and issuing guidance to all staff throughout the organisation.

For enquiries relating to the Records Management Plan and the operation of records management within SLAB, the contact is **Christine Connerton**, Records Management Specialist.

Other staff have different roles, and these responsibilities are detailed below.

Executive Team

The Executive Team have board level responsibility for ensuring compliance with this policy lies with the Director of Corporate Services & Accounts in their capacity as Senior Information Risk Owner (SIRO).

Individual Executive Team members have a responsibility for ensuring that their departments follow the procedures and guidance in place and comply with the Records Management Policy, ensuring that records management within the organisation is carried out in accordance with those procedures.

The Executive Team will make provision for a regular review, by way of an Internal Audit, of the records management policy and retention schedules, and will instigate modifications where necessary.

Senior Management

Senior Management recognise the importance of maintaining a corporate memory of events and activities, and is committed to providing sufficient staffing, technical and organisational resources to ensure that the above requirements for dealing with records can be achieved and maintained.

The Delivery of Records Management Plan Steering Group

This steering group has, but is not limited to, the following responsibilities:

- ensure the Records Management Policy, and associated policies and guidance, are kept up to date and relevant
- raise staff awareness of records management
- provide advice, assurance, and guidance to the Executive Team, senior managers and line managers
- assist with auditing compliance with the Records Management Policy and associated standards
- develop and maintain retention and disposal schedules, and document disposal activity.

Line Managers/Information Asset Owners

Line Managers and Information Asset Owners will:

- familiarise themselves with, and follow, records management procedures and practices, and ensure that their staff do likewise
- ensure staff only have access to the level of information held in records that is required to do their jobs effectively
- identify staff training needs and arrange for them to be addressed
- oversee the application of retention schedules to provide input into their development for their own area
- undertake management reporting
- ensure records are held in appropriately secure conditions, depending upon their classification
- ensure records can be accessed as needed
- support users
- certify, through the annual Statement of Internal Control, that information they are responsible for is managed in compliance with this policy.

All staff

All staff will:

- follow records management guidance to ensure compliant processing

- file items promptly, accurately, and securely
- identify and use final versions of records
- only provide information to relevant people
- protect confidential information appropriately
- adopt a clear desk policy and ensure any papers are held securely.

Contractors, consultants, secondees, student placements/interns, and others

Everyone with access to SLAB's records or engaged in business on SLAB's behalf is responsible for ensuring that they act in accordance with the Records Management Policy, and associated procedures.

Please note that this is part of the Scottish Legal Aid Board Information Governance suite of policies that provides protection for the safe handling and storage of personal/sensitive information.