

Records Management Policy

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 employees, contractors, agents, consultants 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.

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1. 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.

The underlying principle of records management is to ensure that a record is managed through its life cycle from creation or receipt, through maintenance and use to disposal.

Good records management relies on the following:

- the creation of appropriate records
- the capture of records (received or created) in record keeping systems
- 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 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 in the following areas will be adopted:

- determining what constitutes a record
- version control
- registration on the Information Asset Register
- determining how long to retain records
- vital records¹
- 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.

2. 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 web pages

3. 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.

4. Why do we need to manage records?

¹ Vital records are documented in the Board's Business Continuity Plan

Maintaining appropriate and effective records management practices will help 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, to:

- help us carry out our business
- help us 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
- provides 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
- support research and development
- promote our achievements

5. Regulatory environment

We work in a regulatory environment influenced by a number of factors:

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

- i. General Data Protection Regulation 2016
- ii. Data Protection Act 2018
- iii. Freedom of Information (Scotland) Act 2002
- iv. Environmental Information Regulations 2004
- v. Anti-Terrorism, Crime and Security Act 2001
- vi. The Crime and Disorder Act 1998 - Section 115 relates to the disclosure of information
- vii. The Computer Misuse Act 1990
- viii. The Human Rights Act 1998
- ix. The Re-use of Public Sector Information Regulations 2015
- x. Public Records (Scotland) Act 2011
- xi. 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 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 <https://www.slab.org.uk/about-us/access-to-information/publication/index.html>

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.

6. Roles and responsibilities

The Scottish Legal Aid Board has a responsibility to ensure that its records are well managed. Different staff have different roles in relation to records management and these responsibilities are detailed below:

Executive team - board level responsibility for ensuring compliance with this policy lies with the Director of Corporate Services and Accounts in his capacity as Senior Information Risk Owner (SIRO). Individual Executive Team members have responsibility for ensuring that their departments follow the procedures and guidance in place that comply with the Records Management Policy and the Document Storage, Retention and Disposal Policy and 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 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.

Information Governance Steering Group - this has, but not limited to, the following responsibilities:

- to ensure that the Records Management policy and associated policies and guidance are kept up to date and relevant
- to raise staff awareness of records management
- to 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
- to develop and maintain retention and disposal schedules and document disposal activity.

Line Managers / Information Asset Owners

- Will familiarise themselves with, and follow, records management procedures and practices and ensure that their staff do likewise
- Ensure that staff have access to only 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

- For their own areas, oversee the application of retention schedules to provide input into their development
- 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 for which they are responsible is managed in a way which complies with this policy

All staff

- 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 see Think Privacy on Intraslab http://intraslabdg.slab/?page_id=3428
- Protect confidential information appropriately
- Adopt clear desk policy and ensure any papers held securely

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

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

Please Note:

This is part of the Information Governance Suite of policies within the Scottish Legal Aid Board that provides protection for the safe handling and storage of personal/sensitive information.

Other policies that should be read in conjunction with this policy include:

- The Computer Usage Policy [here](#)
- The Network and Desktop Security Policy [here](#)
- The Data Protection and GDPR Policy [here](#)
- Records Management Guidance [here](#)
- Information Asset Owners- A Practical Guide [here](#).