

ANNEX I5: Scottish Sentencing Council – Records

Management

Last updated 04 July 2019

Introduction

The Scottish Sentencing Council (“the Council”) was established in October 2015 as an independent advisory body under the Criminal Justice and Licensing (Scotland) Act 2010.

The Scottish Courts and Tribunals Service (“SCTS”) has a statutory obligation under section 62 of the Judiciary and Courts (Scotland) Act 2008 and The Scottish Courts and Tribunals Service (Administrative Support) (Specified Persons) Order 2015 to provide, or ensure the provision of, the property, services and staff required for the purposes of the Council. As a result, the Council’s secretariat is composed of SCTS staff, and operates using SCTS IT systems and processes, adapted as necessary for the Council’s purposes.

The Council is therefore included within SCTS’s Records Management Plan (“the SCTS RMP”) but, reflecting its status as an independent body, its approach is set out separately in this annex. Notwithstanding this, certain parts of the SCTS RMP do apply to the Council; these are highlighted at relevant points within the annex.

Element 1: Senior management responsibility:

“Identify an individual at senior level who has overall strategic accountability for records management.”

- 1.1 Richard Maconachie, Chief Financial Officer and Senior Information Risk Owner of the SCTS, has overall strategic accountability for records management within the SCTS.
- 1.2 The senior manager with specific strategic accountability for the Council’s records management is:

Graham Ackerman
Secretary to the Scottish Sentencing Council
Parliament House
Edinburgh
EH1 1RQ

Telephone: 0131 2406822
Email: sentencingcouncil@scotcourts.gov.uk

- 1.3 The Secretary fully endorses this annex, and will ensure the Council’s records management procedures are implemented corporately and monitored by the records manager and other members of the Council’s secretariat through the assessment and review process.

Element 2: Records manager responsibility:

“Identify individual within the authority, answerable to senior management, to have day-to-day operational responsibility for records management within the authority.”

2.1 The individual within the Council who is answerable to senior management and who has day to day operational responsibility for records management is:

David Ross
Senior Policy Officer
Scottish Sentencing Council
Parliament House
Edinburgh
EH1 1RQ

Telephone: 0131 2406897
Email: sentencingcouncil@scotcourts.gov.uk

2.2 The senior policy officer (“records manager”) manages the official filing system for the Council’s records in accordance with this annex. The operation of the records management plan is a specific objective in their role profile.

Element 3: Records management policy statement:

“A records management policy statement underpins effective management of an authority’s records and information. It demonstrates to employees and stakeholders that managing records is important to the authority and serves as a mandate for the activities of the records manager.”

3.1 The Council is committed to adopting appropriate and effective procedures for the creation, protection, preservation, and eventual disposal of the records it generates. The Council will liaise with, and seek feedback from, SCTS and NRS to ensure that the records management procedures set out in this annex comply with the relevant legislation, and follow best practice. The Council will review its records management procedures on an annual basis.

3.2 The Council’s records are electronic only. They are stored on a shared drive on a network administered by the SCTS. The shared drive is accessible only by members of the Council’s secretariat and SCTS IT support.

3.3 The Council’s records are filed in electronic folders under one of eight categories listed at Element 4 of this annex. Sub-folders are created and managed according to a filing system and naming convention, as overseen by the records manager.

3.4 This statement was approved by the Council at its meeting on 01 March 2019.

Element 4: Business classification

“A business classification scheme describes the business activities the authority undertakes – whether alone or in partnership.”

4.1 The Council has the following statutory objectives:

- to promote consistency in sentencing practice;
- to assist the development of policy in relation to sentencing; and
- to promote greater awareness and understanding of sentencing policy and practice.

4.2 The Council's functions include:

- preparing sentencing guidelines for the courts;
- publishing guideline judgments issued by the courts; and
- publishing information about sentences handed down by the courts.

4.3 The Council also has powers to publish information about, and conduct research into, sentencing and to provide advice and guidance of a general nature on sentencing matters.

4.4 The records created pursuing the Council's objectives and functions are filed and managed under the following eight categories:

- **Administrative** – including desk instructions, templates, and communications relating to secretariat staffing and resources.
- **Appointments** – records relating to the appointment of Council and committee members, including minutes of appointment.
- **Council and committees** – agendas, papers and minutes of Council and committee meetings.
- **Correspondence and engagement** – routine correspondence, stakeholder engagement, and media materials.
- **Finance** – records relating to the Council's budget and expenditure.
- **Governance** – records relating to the implementation of the Council and its governance arrangements and processes, including its standing orders.
- **Policy development** – records relating to formal correspondence, guideline development, and research reports.
- **Work programme** – records relating to the Council's annual reports, business plans, and project plans.

Element 5: Retention schedules

“A retention schedule is a list of records for which pre-determined disposal dates have been established.”

5.1 The Council's retention schedule is set out in the table below.

Nature of Record	Retention/Transmission/Destruction period
Administrative	Securely destroy after 15 years of closure of file or date of last paper.
Appointments	Information relating to unsuccessful applicants deemed not appointable will be securely destroyed 90 days after appointment of the successful applicant. Information relating to unsuccessful applicants deemed appointable will be securely destroyed 12 months after the appointment of the successful candidate. The successful applicant's information will be destroyed at the end of their term (members cannot sit for more than one term). Expressions of interest for Council membership will be destroyed following the next recruitment round to the relevant position on the Council. Expressions of interest to work with the Council in another capacity will be destroyed after one year . Minutes of appointment to be transmitted to NRS after 15 years .
Council and committees	Transmit to NRS after 15 years of closure of file or date of last paper.
Correspondence and engagement	Securely destroy routine correspondence after 5 years due to personal data .
Finance	Securely destroy 15 years after closure of file. Payment records to be destroyed after 7 years .
Governance	Transmit to NRS after 15 years of closure of file or date of last paper.
Policy development	Transmit to NRS after 15 years of closure of file or date of last paper. Any policy development documents containing personal data will be securely destroyed after 5 years. Responses to judicial consultations, and responses to public consultations which we do not have permission to publish, will be securely destroyed 6 months after the High Court has approved the relevant guideline. Where we have permission to publish a response, non-published personal data will be securely destroyed 6 months after the High Court has approved the relevant guideline.
Work programme	Transmit to NRS after 15 years of closure of file or date of last paper.

Element 6: Destruction arrangements

"It is not always cost-effective or practical for an authority to securely destroy records in-house. Many authorities engage a contractor to destroy records and ensure the process is supervised and documented."

- 6.1 The Council's electronic records are stored in the SCTS network file storage system. The retention schedule in Element 5 of this annex sets out which of those records are to be securely destroyed. As noted in Element 6 of the SCTS RMP, the destruction of electronic records – and in particular the deletion of material stored in email inbox folders – is under review by the SCTS. The Council will follow such destruction arrangements for electronic records as are put in place by SCTS.
- 6.2 The Council does not hold paper records.

Element 7: Archiving and transfer arrangements

“This is the mechanism by which an authority transfers records of enduring value to an appropriate archive repository, specifying the timing of transfers and other terms and conditions.”

- 7.1 There is no formal transfer agreement between the Council and NRS. Records which may be of interest to NRS are identified in the Council's information asset register and are transferred in line with the timescales set out in the retention schedule in Element 5 of this annex.
- 7.2 As noted in the SCTS RMP, formal transfer arrangements for electronic records to NRS are the subject of discussion between SCTS and NRS towards reaching a Memorandum of Understanding. The Council will consider whether, or to what extent, it should adopt any formal transfer arrangements arising out of such a memorandum once an agreement is in place.

Element 8: Information security

“Information security is the process by which an authority protects its records and ensures they remain available. It also maintains privacy where appropriate and provides for the integrity of the records.”

- 8.1 The Council's records are accessible only by its secretariat and SCTS IT support. Members of the secretariat who receive, create, maintain or delete records are responsible for ensuring that they do so in accordance with the SCTS Data Security Policy, which is at Annex O of the SCTS RMP.
- 8.2 Members of the secretariat are also required to complete and pass a mandatory e-learning course on protecting information on an annual basis.
- 8.3 Access to certain records containing personal information about Council members, or sensitive information about the Council's budget, is restricted or password-protected, as appropriate.

Element 9: Data protection

“An authority that handles personal information about individuals has a number of legal obligations to protect that information under the Data Protection Act 1998.”

9.1 The Council adheres to the SCTS Data Security Policy, and relevant data protection legislation, as set out in Element 9 of the SCTS RMP.

Element 10: Business continuity and vital records

“A business continuity and vital records plan serves as the main resource for the preparation for, response to, and recovery from, an emergency that might affect any number of crucial functions in an authority.”

10.1 The Council maintains a business continuity plan in accordance with SCTS requirements, as set out in Element 10 of the SCTS RMP. The Council’s business continuity plan is reviewed on an annual basis and is otherwise updated when required (for example to reflect staff changes).

Element 11: Audit trail

“An audit trail is a sequence of steps documenting the movement and/or editing of a record resulting from activities by individuals, systems or other entities.”

11.1 The Council’s records can only be moved or edited by members of the secretariat. Files are created and saved according to a naming convention. Version control is employed where necessary. The integrity of the Council’s electronic files and records is monitored by the records manager.

11.2 The Council maintains an information asset register, which lists the ownership, lead contact, storage area, special access controls, and retention/transmission/destruction period for each of the Council’s records.

Element 12: Competency framework for records management staff

“A competency framework lists the core competencies and the key knowledge and skills required by a records manager. It can be used as a basis for developing job specifications, identifying training needs, and assessing performance.”

12.1 The competency framework for the Council’s records management staff is as set out at Annex W of the SCTS RMP.

Element 13: Review and assessment

“Regular assessment and review of records management systems will give an

authority a clear statement of the extent that its records management practices conform to the Records Management Plan as submitted and agreed by the Keeper.”

- 13.1 The Council has committed to review this records management plan three months after its implementation to determine whether it is operating as expected, and to review it annually thereafter.

Element 14: Shared information

“Under certain conditions, information given in confidence may be shared. Most commonly this relates to personal information, but it can also happen with confidential corporate records.”

- 14.1 Personal information is not routinely shared with anyone other than Council members and the Council’s secretariat and access controls are in place to ensure that only those with a need to access information do so.
- 14.2 In the context of the recruitment of new Council members, personal information about applicants may be shared with interview panel members who are not Council members.
- 14.3 Personal information given in responses to Council consultations may be shared with third party analysts for the sole purpose of analysing and reporting on consultation responses. Any such arrangements will be covered by data protection compliant contracts.
- 14.4 Personal information of correspondents is destroyed according to the retention schedule set out at Element 5 of this annex.