



# The Queen's and Lord Treasurer's Remembrancer

## Records Management Plan

APRIL 2014

## Document Control

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## COVERING STATEMENT

I am pleased to submit the records management plan of the Queen's and Lord Treasurer's Remembrancer for assessment by the Keeper of the Records of Scotland.

The Queen's and Lord Treasurer's Remembrancer (QLTR) is a non-ministerial office-holder in the Scottish Administration and is the Crown's representative in Scotland for *bona vacantia* (Latin for ownerless property). Since 1981, the post of QLTR has been held by whoever holds the post of Crown Agent. The current QLTR is Catherine Dyer.

The QLTR is supported by the QLTR Office which consists of 2 Solicitors and 2 Administrative staff who are seconded from the Scottish Government and the Crown Office and Procurator Fiscal Service.

The QLTR's net receipts have, since devolution, been paid into the Scottish Consolidated Fund.

*Bona vacantia* is based on the common law principle relating to ownerless goods - *Quod nullius est fit domini regis* - which means - that which belongs to no one becomes the King's. Such property can include the property of dissolved companies, other dissolved bodies, missing or untraced owners, *ultimus haeres* estates – where a person has died with no Will and no known and traced relatives – and treasure trove.

This records management plan documents and evidences the QLTR's policies and procedures for the management of her records. It has been prepared and approved by me. The QLTR has also approved this plan.

The Keeper of the Records of Scotland will be alerted to any changes that are made to this records management plan in accordance with section 5(6) of the Public Records (Scotland) Act 2011

Andrew Brown  
Solicitor to the QLTR

## ELEMENT 1: SENIOR MANAGEMENT RESPONSIBILITY

<b>Introduction</b>	Section 1(2)(a)(i) of the Public Records (Scotland) Act 2011 requires an authority's records management plan to identify the individual who is responsible for management of the authority's public records. This compulsory element must identify the person at senior level who has overall strategic responsibility for records management
<b>Statement of Compliance</b>	The senior manager responsible for records management for the Queen's and Lord Treasurer's Remembrancer (QLTR) is the Solicitor to the Queen's and Lord Treasurer's Remembrancer, Andrew Brown
<b>Evidence of Compliance</b>	See the letter from the QLTR set out in Annex 1
<b>Future Developments</b>	There are currently no plans to amend the senior management responsibility for records management for the QLTR
<b>Assessment and Review</b>	This element will be reviewed whenever there are any changes in personnel.
<b>Responsible Officer</b>	The QLTR, Catherine Dyer

## ELEMENT 2: RECORDS MANAGER RESPONSIBILITY

<b>Introduction</b>	Section 1(2)(a)(ii) of the Public Records (Scotland) Act 2011 requires an authority's records management plan to identify the individual who is responsible for ensuring compliance with the plan. This compulsory element must identify the individual to have operational responsibility for records management within the organisation.
<b>Statement of Compliance</b>	The officer with operational responsibility for records management procedures for the QLTR is the QLTR Administrator, Catriona Ogg
<b>Evidence of Compliance</b>	See the letter from the QLTR set out in Annex 1
<b>Future Developments</b>	There are currently no plans to amend the operational responsibility for records management for the QLTR
<b>Assessment and Review</b>	This element will be reviewed whenever there are any changes in personnel.
<b>Responsible Officer</b>	The Solicitor to the QLTR, Andrew Brown

### ELEMENT 3: RECORDS MANAGEMENT POLICY STATEMENT

<p><b>Introduction</b></p>	<p>Section 1(2)(b)(i) of the Public Records (Scotland) Act 2011 requires an authority's records management plan to include provision about the procedures to be followed in managing the authority's public records. The Keeper expects each authority's plan to include a records management policy statement describing how the authority creates and manages authentic, reliable and useable records, capable of supporting business functions and activities for as long as they are required.</p>
<p><b>Statement of Compliance</b></p>	<p>This records management statement is available to all of the QLTR's staff and has been prepared and agreed by the Solicitor to the QLTR.</p>
<p><b>Evidence of Compliance</b></p>	<p><b>QLTR's Records Management Policy Statement</b></p> <p><u>Functions</u></p> <p>The QLTR is the Crown's representative in Scotland for <i>bona vacantia</i> (Latin for ownerless property). Within that her functions relate to:</p> <ul style="list-style-type: none"> <li>• ultimous haeres estates – an estate where a person has died intestate (ie without a Will) and with no known and traced relatives;</li> <li>• other ownerless property, including land and buildings, which has fallen to the Crown as bona vacantia – the property of dissolved companies and other dissolved bodies, property of missing owners or property to which no title can now be traced;</li> <li>• treasure trove.</li> </ul> <p>In respect of the property of dissolved companies, the QLTR operates within the regime set out in the companies legislation – now in Part 31 of the Companies Act 2006 (but for which there are statutory predecessors). That regime has also been applied to other dissolved bodies, particularly limited liability partnerships.</p> <p>The source of the Crown's rights to the other ownerless property is based on the common law.</p> <p>The Scottish Ministers may issue directions to the QLTR under section 2 of the Public Revenue (Scotland) Act 1833.</p> <p>As with any other public authority the QLTR expects to comply with all legislative and regulatory frameworks which apply to her. In the context of the QLTR's records the terms of the following legislation are particularly relevant:</p> <ul style="list-style-type: none"> <li>• Public Records (Scotland) Act 2011</li> <li>• The Environmental Information (Scotland) Regulations 2004</li> <li>• Freedom of Information (Scotland) Act 2002</li> <li>• Data Protection Act 1998</li> </ul>

	<p><u>Record Keeping</u></p> <p>The QLTR recognises that the effective management of her records, regardless of format, is essential in order to support the QLTR's functions, to comply with legal, statutory and regulatory obligations, and to demonstrate transparency and accountability.</p> <p>Records are a vital information asset and a valuable resource for the QLTR's functions, and must be managed effectively from the point of their creation until their ultimate disposal.</p> <p>It is the QLTR's policy to maintain authentic, reliable and useable records which are capable of supporting her functions for as long as they are required.</p> <p>The QLTR's records management plan sets out her policies and procedures for records creation and the policies and procedures in place to manage those records properly.</p> <p>The Solicitor to the QLTR has responsibility for ensuring compliance with this records management policy statement. All staff of the QLTR have a responsibility to manage records effectively throughout their lifecycle, including access, tracking and storage of records; the timely review of records, whether this be for permanent preservation, or confidential destruction or recycling, and, if appropriate, their ultimate disposal.</p>
<p><b>Future Developments</b></p>	<p>There are no planned future developments in respect of this element.</p>
<p><b>Assessment and Review</b></p>	<p>This element will be reviewed by the Solicitor to the QLTR whenever there are any changes to record keeping by the QLTR and otherwise in accordance with the Public Records (Scotland) Act 2011 (see element 13).</p>
<p><b>Responsible Officer</b></p>	<p>Solicitor to the QLTR, Andrew Brown</p>

## ELEMENT 4: BUSINESS CLASSIFICATION

<b>Introduction</b>	The Keeper expects an organisation to carry out a comprehensive assessment of its core business functions and activities, and represent these within a business classification scheme. A business classification scheme usually takes the form of a hierarchical model and records, at a given point in time, the informational assets the business creates and maintains, and in which function or service area they are held.
<b>Statement of Compliance</b>	The QLTR has a business classification scheme and creates and maintains her records in accordance with that.
<b>Evidence of Compliance</b>	See the QLTR's Business Classification Scheme set out in Annex 2.  The QLTR's paper files, electronic Case Management System, financial records and other information held in an electronic shared folder are created and maintained in accordance with that Scheme.
<b>Future Developments</b>	There are no planned future developments in respect of this element.
<b>Assessment and Review</b>	This element will be reviewed by the Solicitor to the QLTR whenever there are any changes to the creation and retention of records for the QLTR and otherwise in accordance with the Public Records (Scotland) Act 2011 (see element 13).
<b>Responsible Officer</b>	Solicitor to the QLTR, Andrew Brown

## ELEMENT 5: RETENTION SCHEDULES

<p><b>Introduction</b></p>	<p>Section 1(2)(b)(iii) of the Public Records (Scotland) Act 2011 requires an authority's records management plan to include provision about the archiving and destruction or other disposal of an authority's public records. An authority's records management plan must demonstrate the existence of and adherence to corporate records retention procedures.</p>
<p><b>Statement of Compliance</b></p>	<p>The QLTR and her staff review records in accordance with her retention policies and procedures.</p>
<p><b>Evidence of Compliance</b></p>	<p>See the Retention Schedule set out in Annex 3. The QLTR's Case Management System has fields to identify the need for a case review against the periods in that Schedule.</p>
<p><b>Future Developments</b></p>	<p>There are no planned future developments in respect of this element.</p>
<p><b>Assessment and Review</b></p>	<p>This element will be reviewed by the QLTR Solicitor whenever any changes are made to retention periods for the QLTR's records and otherwise in accordance with the Public Records (Scotland) Act 2011 (see element 13). The QLTR Administrator will review the Case Management System whenever any changes are made to the retention periods and this element.</p>
<p><b>Responsible Officer</b></p>	<p>QLTR Solicitor, Andrew Brown and QLTR Administrator, Catriona Ogg.</p>

## ELEMENT 6: DESTRUCTION ARRANGEMENTS

<p><b>Introduction</b></p>	<p>Section 1(2)(b)(iii) of the Public Records (Scotland) Act 2011 requires an authority's records management plan to include provision about the archiving and destruction or other disposal of an authority's public records. This compulsory element must show that the authority has developed proper destruction arrangements.</p>
<p><b>Statement of Compliance</b></p>	<p>The QLTR recognises the importance of following correct procedures when destroying business information in order to minimise the risk of an information security incident and to ensure that the QLTR meets her obligations in relation to the effective management of her records throughout their lifecycle.</p> <p>Records that are no longer required for business use and have reached the end of their retention period are disposed of in order to reduce unnecessary cost to the organisation (both in relation to the storage of records and staff time spent searching for information).</p> <p>Any records that are deemed to have a long term legal or historical value will be transferred for archiving with the Keeper of the Records of Scotland except for those records where the QLTR maintains the permanent archive (see element 7)</p>
<p><b>Evidence of Compliance</b></p>	<p>See the Records Disposal Policy set out in Annex 4</p> <p>The following items are also submitted in support of this element:</p> <ul style="list-style-type: none"> <li>• item 1: QLTR's Disposal Log – template</li> <li>• item 2: Certificate of Destruction – Shred-It</li> <li>• item 3: Letter from Crown Office and Procurator Fiscal Service, Information Technology Department – handling of back up tapes and destruction and wiping of hardware</li> </ul>
<p><b>Future Developments</b></p>	<p>There are no planned future developments in respect of this element.</p>
<p><b>Assessment and Review</b></p>	<p>This element will be reviewed by the Solicitor to the QLTR whenever there are any changes to the arrangements for the destruction of paper records or to the IT systems which might affect the electronic records held by the QLTR within those systems and otherwise in accordance with the Public Records (Scotland) Act 2011 (see element 13).</p>
<p><b>Responsible Officer</b></p>	<p>Solicitor to the QLTR, Andrew Brown</p>

## ELEMENT 7: ARCHIVING AND TRANSFER ARRANGEMENTS

<p><b>Introduction</b></p>	<p>Section 1(2)(b)(iii) of the Public Records (Scotland) Act 2011 requires an authority's records management plan to include provision about the archiving and destruction or other disposal of an authority's public records. This compulsory element must show that the authority has archiving and transfer arrangements to ensure that records of enduring value are deposited in an appropriate archive repository.</p>
<p><b>Statement of Compliance</b></p>	<p>The QLTR will deposit all records which have a long-term legal or historical value with the Keeper of the Records of Scotland (except those records for which the QLTR will maintain her own archive for the items identified in Annex 5). The QLTR's Case Management System has an additional field to identify records which are considered to have such value to avoid these being destroyed inadvertently.</p> <p>When a paper record, or a copy of an electronic record, are being transferred to the permanent archive the QLTR's Disposal Log is completed to record the details and to record the officer authorising the transfer (being the officer arranging the transfer).</p>
<p><b>Evidence of Compliance</b></p>	<p>The QLTR's policy for assessing records against suitability for permanent archiving is set out in Annex 5.</p> <p>The following are also submitted in support of this element:</p> <ul style="list-style-type: none"> <li>• item 1: QLTR's Disposal Log</li> <li>• item 4, the Memorandum of Understanding between the QLTR and the Keeper of the Records of Scotland</li> </ul>
<p><b>Future Developments</b></p>	<p>There are no planned future developments in respect of this element.</p>
<p><b>Assessment and Review</b></p>	<p>This element will be reviewed if there are any changes to record keeping by the QLTR or to the criteria for records considered appropriate for permanent archiving and otherwise in accordance with the Public Records (Scotland) Act 2011 (see element 13)</p>
<p><b>Responsible Officer</b></p>	<p>Solicitor to the QLTR, Andrew Brown</p>

## ELEMENT 8: INFORMATION SECURITY

<p><b>Introduction</b></p>	<p>Section 1(2)(b)(ii) of the Public Records (Scotland) Act requires an authority's records management plan to include provision about maintaining the security of information contained in the authority's public records. This compulsory element must show that the authority has made provision for the proper level of security of its public records.</p>
<p><b>Statement of Compliance</b></p>	<p><b>Paper Records</b></p> <p>Paper records are held in the QLTR Office. Any public access to the QLTR Office is limited and would be under supervision of QLTR staff. File cabinets are locked outwith working hours. Fire proof safes hold Deeds of Gift (the QLTR's title to heritable properties) and Indemnities, securities and other principal documents relating to the QLTR.</p> <p>For all new cases from 1 April 2013, all case records are in electronic form so any records for such a case with a paper file can be retrieved through the Case Management System (see below for the security arrangements for those).</p> <p><b>Electronic records</b></p> <p>The QLTR's IT system is provided and maintained by Crown Office and Procurator Fiscal Service (COPFS) and is part of the Government Secure intranet (GSI). PC's are password protected.</p> <p>Electronic records are held on a server in the COPFS Edinburgh and Glasgow Data Centres. They are backed up daily on each working day. A copy of the backed up server is also made and that is held remotely against a calamity occurring at the Data Centres. In the event of a problem with a server, COPFS IT would seek recovery back to the last information back up.</p> <p>COPFS IT deploys "failover" solutions as part of its resilience and disaster recovery planning.</p> <p><b>General</b></p> <p>The QLTR staff are subject to the COPFS Guidance regarding, amongst others, security of information, freedom of information and data protection.</p>
<p><b>Evidence of Compliance</b></p>	<p>COPFS information security policies are submitted as evidence in support of element 8:</p> <ul style="list-style-type: none"> <li>• Item 3: Letter from COPFS, Information Technology Department – back up of IT systems and "failover"/disaster recovery arrangements</li> <li>• Item 5: COPFS Records Management Manual, Chapter 6 (Security Considerations) [Note: COPFS have withdrawn the link at paragraph 6.8 to their Information Security Policy]</li> </ul>

	<ul style="list-style-type: none"> <li>• Item 6: COPFS Policy for Acceptable Computer Use</li> <li>• Item 7: COPFS Freedom of Information Guidance</li> <li>• Item 8: COPFS Data Protection Manual</li> </ul>
<b>Future Developments</b>	There are no planned future developments in respect of this element.
<b>Assessment and Review</b>	COPFS will advise the QLTR if security policies are reviewed and the Solicitor to the QLTR will review this element in that event and otherwise in accordance with the Public Records (Scotland) Act 2011 (see element 13).
<b>Responsible Officer</b>	Solicitor to the QLTR, Andrew Brown

## ELEMENT 9: DATA PROTECTION

<p><b>Introduction</b></p>	<p>An authority that handles personal information about individuals has a number of legal obligations to protect that information under the Data Protection Act 1998. The Keeper of the Records of Scotland expects an authority's records management plan to indicate compliance with its data protection obligations.</p>
<p><b>Statement of Compliance</b></p>	<p>The QLTR and her staff appreciate the QLTR's obligations under the Data Protection Act 1998 and are committed to compliance with the Act and to the safeguarding and fair processing of all personal data which the QLTR collects and processes. The QLTR mainly collects personal data in relation to case work (such as family or claimants of a deceased, individuals seeking to acquire <i>bona vacantia</i> or finders of treasure trove).</p> <p>The QLTR has notified the Information Commissioner's Office that she processes personal data. As COPFS provide and maintain the QLTR's IT systems the QLTR has a Data Processing Agreement with COPFS for the purposes of paragraphs 11 and 12 of Part 2 of Schedule 1 to the Data Protection Act 1998.</p> <p>The QLTR staff are subject to and follow the COPFS Guidance on data protection.</p>
<p><b>Evidence of Compliance</b></p>	<p>The QLTR's notification to the Information Commissioner's Office that she processes personal data can be viewed on the ICO website – <a href="http://www.ico.gov.uk">www.ico.gov.uk</a>; the registration reference is Z325659X.</p> <p>The following are also submitted in support of this element:</p> <ul style="list-style-type: none"> <li>• Item 8: COPFS Data Protection Manual</li> <li>• Item 9: Data Processing Agreement between the QLTR and Scottish Ministers (for COPFS)</li> </ul>
<p><b>Future Developments</b></p>	<p>There are no planned future developments in respect of this element.</p>
<p><b>Assessment and Review</b></p>	<p>This element will be reviewed if there are any changes to the purposes for which data is processed by the QLTR and otherwise in accordance with the Public Records (Scotland) Act 2011 (see element 13).</p>
<p><b>Responsible Officer</b></p>	<p>Solicitor to the QLTR, Andrew Brown.</p>

## ELEMENT 10: BUSINESS CONTINUITY AND VITAL RECORDS

<p><b>Introduction</b></p>	<p>It is recommended that public authorities have a business continuity and vital records plan in place in order to ensure that key records and systems are protected and made available as soon as possible in the event of, and following, an emergency. The plan should identify the measures in place to prepare for, respond to and recover from such an emergency.</p>
<p><b>Statement of Compliance</b></p>	<p>The QLTR has a Business Continuity Plan which will be implemented, as required, with support from COPFS IT (who provide and maintain the QLTR's IT), COPFS Estates (who arrange the provision of accommodation for the QLTR) and other COPFS support as need may require.</p> <p>Personnel records are maintained by COPFS or the Scottish Government from whom all of the QLTR staff are seconded.</p> <p>The QLTR's vital records have been identified as:</p> <ul style="list-style-type: none"> <li>• The internal strategy, guidance and finance information – held on COPFS IT systems which can be accessed from other premises</li> <li>• The individual case records – all cases opened since 1 April 2013 are held on COPFS IT systems which can also be accessed from other premises.</li> </ul>
<p><b>Evidence of Compliance</b></p>	<p>Item 10, the QLTR's Business Continuity Plan is submitted to evidence this element under redaction of personal data.</p> <p>See also the arrangements for the back up and recovery of IT records at element 8.</p> <p>Although not considered vital records, original documents including indemnities, securities and Deeds of Gift in favour of the QLTR, are held in fire proof cabinets.</p>
<p><b>Future Developments</b></p>	<p>There are no planned future developments in respect of this element.</p>
<p><b>Assessment and Review</b></p>	<p>Arrangements for business continuity will be reviewed annually by the QLTR Administrator</p>
<p><b>Responsible Officer</b></p>	<p>QLTR Administrator, Catriona Ogg</p>

## ELEMENT 11: AUDIT TRAIL

<p><b>Introduction</b></p>	<p>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. The Keeper will expect an authority's records management system to provide evidence that the authority maintains a complete and accurate representation of all changes that occur in relation to a particular record.</p>
<p><b>Statement of Compliance</b></p>	<p>The QLTR's electronic Case Management System (CMS) (see the discussion of the arrangements for the form of the QLTR's records in Annex 2) tracks the location of all cases within it (including those held as a paper file). All changes to those cases will be reflected on the paper file and/or the electronic record in the CMS (see Annex 2). The CMS imposes an audit trail at the time of document creation.</p> <p>For case records prior to the CMS, Cardbox (see Annex 2) tracks the location of the file and all changes to the case will be on the paper file.</p> <p>Both the CMS and Cardbox are searchable to identify a record.</p> <p>For documents held in the electronic shared folder (see Annex 2), version control is maintained by appropriate headers and the naming approach applied when saving documents. Staff are required to save a document by a name reflecting what the document is. The QLTR Administrator keeps the shared drive under regular informal review and undertakes a formal review no less frequently than annually.</p>
<p><b>Evidence of Compliance</b></p>	<p>As above.</p>
<p><b>Future Developments</b></p>	<p>There are no planned future developments in respect of this element.</p>
<p><b>Assessment and Review</b></p>	<p>This element will be reviewed by Solicitor to the QLTR whenever any changes are made to the QLTR's records management system and otherwise in accordance with the Public Records (Scotland) Act 2011 (see element 13). The QLTR Administrator will keep the shared drive under review.</p>
<p><b>Responsible Officer</b></p>	<p>Solicitor to the QLTR, Andrew Brown and (for review of shared drive) Catriona Ogg, the QLTR Administrator.</p>

## ELEMENT 12: COMPETENCY FRAMEWORK FOR RECORDS MANAGEMENT STAFF

<b>Introduction</b>	<p>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.</p>
<b>Statement of Compliance</b>	<p>Specific objectives as part of the annual Performance Appraisal arrangements have been allocated to the senior manager responsible for records management and the officer with operational responsibility for records management procedures as follows:</p> <p><b>Senior manager – Solicitor to the QLTR</b></p> <p>Senior manager responsible for records management for the QLTR including reviewing the QLTR’s Records Management Plan as required in terms of the Public Records (Scotland) Act 2011 and the QLTR’s Plan.</p> <p><b>Records manager – QLTR Administrator</b></p> <p>Records manager with operational responsibility for compliance with the QLTR’s Records Management Plan and for reviews as allocated within that Plan.</p>
<b>Evidence of Compliance</b>	<p>As above</p> <p>The senior manager responsible for records management for the QLTR and the records manager with operational responsibility for compliance with the QLTR’s Records Management Plan attended a Public Records (Scotland) Act 2011 Masterclass by “ig Scotland” on 14 November 2013.</p>
<b>Future Developments</b>	<p>There are no planned future developments in respect of this element.</p>
<b>Assessment and Review</b>	<p>This element will be reviewed annually, when objectives are set, by the Solicitor to the QLTR</p>
<b>Responsible Officer</b>	<p>Solicitor to the QLTR, Andrew Brown</p>

### ELEMENT 13: REVIEW AND ASSESSMENT

<b>Introduction</b>	Section 5(1)(a) of the Act requires an authority to keep its records management plan under review. 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 to and agreed by the Keeper. An authority's records management plan must describe the procedures in place to regularly review it in the future.
<b>Statement of Compliance</b>	The Solicitor to the QLTR will formally review the QLTR's Records Management Plan annually (commencing Summer 2015) and will keep the Plan under more frequent informal review as required to reflect any developments as they arise.
<b>Evidence of Compliance</b>	As above.
<b>Future Developments</b>	There are no planned future developments in respect of this element.
<b>Assessment and Review</b>	The Solicitor to the QLTR regularly reviews the policies and procedures set out in this plan on an informal basis. A formal review both of the records management plan and the arrangements for review and assessment will be conducted annually.
<b>Responsible Officer(s)</b>	Solicitor to the QLTR, Andrew Brown.

## ELEMENT 14: SHARED INFORMATION

<p><b>Introduction</b></p>	<p>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. The Keeper of the Records of Scotland expects an authority's records management plan to indicate what safeguards are in place to ensure that information will be shared lawfully and securely.</p>
<p><b>Statement of Compliance</b></p>	<p>The QLTR would only share information within this element in accordance with the Data Protection Act 1998 (where that applied). Most typically data would be shared with the written consent of the data subject, or if without that consent, in compliance with that Act for example where permitted for the prevention, detection or prosecution of crime.</p> <p>As COPFS provide and maintain the QLTR's IT systems the QLTR has a Data Processing Agreement to cover that arrangement (see element 9).</p>
<p><b>Evidence of Compliance</b></p>	<p>As above.</p>
<p><b>Future Developments</b></p>	<p>There are no planned future developments in respect of this element.</p>
<p><b>Assessment and Review</b></p>	<p>This element will be reviewed by the Solicitor to the QLTR on any development suggesting an additional Data Processing or Sharing Agreement may be appropriate and otherwise in accordance with the Public Records (Scotland) Act 2011 (see element 13).</p>
<p><b>Responsible Officer(s)</b></p>	<p>Solicitor to the QLTR, Andrew Brown</p>



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11 April 2014

Dear Sir

**PUBLIC RECORDS (SCOTLAND) ACT 2011  
RECORDS MANAGEMENT PLAN**

Thank you for the Keeper's invitation to the QLTR to submit the QLTR's records management plan under Part 1 of the Public Records (Scotland) Act 2011.

I can confirm that the QLTR's records management plan submitted to the Keeper along with this letter has been approved by me.

I also confirm that I have decided that the Solicitor to the QLTR, currently Andrew Brown, is the senior manager responsible for the management of the QLTR's records.

I can also confirm that the QLTR Administrator, currently Catriona Ogg, has operational responsibility for records management procedures for the QLTR.

Yours faithfully

Catherine Dyer,  
QLTR

## QLTR: BUSINESS CLASSIFICATION SCHEME

The QLTR is the Crown's representative in Scotland for *bona vacantia* (Latin for ownerless property). Within that overall function, the QLTR applies the following 4 business classifications to her work:

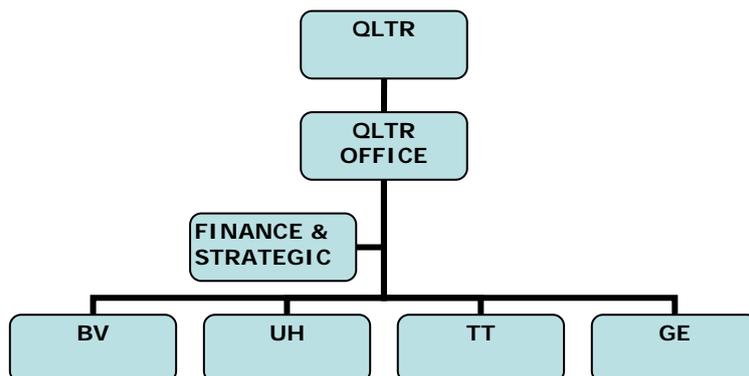
- BV – bona vacantia – the heritable (land and buildings and interests in land) and moveable (bank accounts, cash balances, trade marks and any other property which is not heritable) property of dissolved companies, other dissolved bodies, missing or untraced owners (including property where the rights of successors or representatives to complete a title have prescribed)
- UH – ultimus haeres estates – a person has died intestate (ie leaving no Will) and no known and traced relatives
- TT – treasure trove – the lost and abandoned property falling to the Crown which by its nature is considered appropriate to be claimed by the Crown for potential allocation to a museum
- GE – general enquiry – other inquiries received by the QLTR not falling in the other business classes (such as a freedom of information request which does not relate to a specific matter for which a case has been opened under one of the other business classes).

Note: although property classed as UH and TT is bona vacantia falling to the Crown, for the purposes of our business classification we use BV to cover any property which is not UH or TT.

In addition, records are maintained for internal guidance and strategy documents, financial information for accounts and other information relevant to the QLTR's operations.

The QLTR is supported by the QLTR Office.

This business classification can be represented schematically as follows:



All of the case records of the QLTR are retained in accordance with those 4 business classifications.

Since its introduction during 2005, the QLTR has had an electronic case management system (CMS). The QLTR also holds paper files.

Part of the treasure trove function is undertaken by staff of the Board of Trustees of the National Museums of Scotland and the QLTR can be satisfied that appropriate records management provision exists in this body which is subject to the Public Records (Scotland) Act 2011.

The QLTR's records are held in the following forms:

**(a) pre CMS cases**

All case records still held by QLTR (ie which have not been transferred to the National Archives of Scotland) prior to the introduction of the CMS during 2005 are in paper form. During 1989 an electronic database of these files opened after that was introduced ("Cardbox").

**(b) cases since CMS introduced in 2005 but opened prior to 1 April 2013**

(i) The following records are paper free and are only held electronically on the CMS:

BV – any BV case other than where a paper file is held as set out below  
TT – all cases (from 1 April 2006)  
GE – all cases

(ii) The following records are held in paper form and there is also an incomplete record on the CMS (where a paper file is held not all incoming correspondence or documents have been scanned in to the CMS for these cases as the paper record is used to record those):

BV – the following cases:

- all cases involving any heritable or moveable property or right coming to the attention of the QLTR (and not falling into the following BV case types)
- calling-up notices or notices of default (for a standard security where a debtor is deceased with no representatives or a company is dissolved)
- cash balances opened before 1 July 2006
- petitions to restore a company to the Companies Register, or to declare dissolution void, opened in either case before 1 August 2006

UH – all cases

TT – all cases opened before 1 April 2006

**(c) cases opened after 1 April 2013**

The electronic record for all cases opened after 1 April 2013 is complete. The following cases will also be held in paper form:

BV – as for paper files in the first bullet point for BV at (b)(ii) (and not being a case type falling within any of the other bullet points for BV at (b)(ii))  
UH – all cases (unless the estate is claimed prior to administration by the QLTR)

For those cases the paper record will be destroyed in advance of the electronic record on the CMS in accordance with the record retention periods in Annex 3.

**Archiving by QLTR of records created in the CMS pending expiry of the retention period**

All electronic records created within the CMS are transferred to a separate server used by the QLTR, in order to release space within the server for the CMS, at the end of the following periods:

BV and UH – 5 years from the case having been closed

TT and GE – 1 year from the case having been closed

QLTR refer to this process as archiving the record from the CMS. It follows however that the record is still held by the QLTR within the QLTR's records and will remain so (and can still be retrieved by the QLTR) until the record is either destroyed or transferred (see elements 6 and 7) following expiry of the retention period (see element 5 and Annex 3).

The QLTR Office also maintains an electronic shared folder (documents are stored by sub-folder according to topic) of internal guidance and other strategy documents, financial information for the QLTR's accounts and other information relevant to the QLTR's operations. The QLTR's Disposal Log (the template for which is item 1 in Annex 6), is permanently held in this folder.

Financial information relating to cases is held electronically on the Sun programme operated by the QLTR Office.

### QLTR: RETENTION SCHEDULE

Note: UH, BV, TT and GE have the meanings assigned in the Business Classification Scheme (see Annex 2).

For UH and BV records, the retention periods have been set against the periods in the QLTR's policies within which funds received by the QLTR are open to a possible claim.

For paper records for BV and UH cases opened since 1 April 2013, the paper record will only be retained for a period:

- (for BV) during which any further approach about the case is most likely to arise, or
- (for UH) a claim of the estate is most likely to be made,

unless the record has been assessed at that stage as appropriate for permanent archiving with the Keeper of the Records of Scotland at the expiry of the retention period.

For TT and GE records, the retention periods are set at a period within which it is expected that any further approach might arise requiring reference to the records.

The record retention periods are as follows:

<b>(1) Case type</b>	<b>(2) Cases opened after 1 April 2013 <u>ONLY</u> – the paper file will be retained for the following period (and consequently will be destroyed in advance of the electronic record) [Note 1]</b>	<b>(3) Retention period</b>
<b>BV</b>	(a) If asset disposed of/received – 1 year after file was closed  (b) If no asset disposed of/received – on file being closed	(a) BV from dissolved company (or equivalent body) – 10 years from being closed  (b) Other BV – (i) if asset disposed of/received - 20 years from being closed  (ii) if no asset disposed of/received – 10 years from being closed  <b>[Note 2]</b>
<b>UH</b>	Whichever of the following first occurs: • 5 years from	(a) If estate administered - 20 years from completion

	completion of administration of estate <ul style="list-style-type: none"> <li>• estate claimed</li> <li>• decision not to administer as established estate insolvent</li> </ul>	of administration (b) If estate not administered – 10 years from being closed <b>[Note 2]</b>
<b>TT</b>	Does not arise - all records electronic	5 years from being closed
<b>GE</b>	Does not arise - all records electronic	5 years from being closed

Financial information for the QLTR's accounts is held for the 6 previous years together with the current financial year.

The other information on the shared folder will be subject to a minimum of annual review.

Financial information for a case held on the Sun programme, and the entry in Cardbox for a pre-CMS case, will be retained for the same period as the case to which it relates (as set out in column (3) of the table).

**Note 1:** This does not apply to any paper file for any record assessed prior to the expiry of the relevant period in column (2) of the table as appropriate for permanent archiving with the Keeper of the Records of Scotland on expiry of the retention period.

**Note 2:** If the record has been closed prior to 1 April 2014, the retention period for all BV and UH records is 20 years from being closed (a UH estate which was administered is closed for these purposes when administration is complete).

## QLTR: RECORDS DISPOSAL POLICY

The options for disposal of a record are either

- destruction to which element 6 and this Annex apply, or
- transfer to permanent archive to which element 7 and Annex 5 apply.

All records will be disposed of at the end of the retention period set out in column (3) of the table in Annex 3 (Retention Schedule), other than paper files opened after 1 April 2013 which will be destroyed in advance of the electronic record at the end of the period set out in column (2) of that table unless that record has been assessed prior to that as appropriate for permanent archiving with the Keeper of the Records of Scotland.

The following arrangements apply to the destruction of a record or its transfer to permanent archive:

### Paper records

Scottish Government has a Cleaning and Associated Services contract in place which covers the confidential destruction and recycling of waste. Through arrangements put in place by the Crown Office and Procurator Fiscal Service the QLTR (who is part of the Scottish Administration), uses that contract. (The contract is with MITIE who subcontract confidential waste/records destruction to Shred-It).

The following arrangements apply to the destruction of a paper file for a case:

- 1 The record is placed in our locked receptacle for confidential destruction by the contractor;
- 2 The disposal log is completed to record the date of that as the date of destruction and it is recorded who authorised the destruction (being the officer placing the record in the receptacle) along with the other information required by the Log – see item 1: a template of the QLTR's Disposal Log
- 3 The contractor (Shred-It) empties the receptacle every 4 weeks for secure destruction of the contents and provides a certificate to confirm the destruction – see item 2: Shred-It Certificate of Destruction

### Paper records being permanently archived

Where at the expiry of the retention period a record is to be permanently archived with the Keeper of the Records of Scotland and is held in both paper and electronic forms, it will normally be the paper version which is transferred to the permanent archive and not the electronic version. Consequently, any paper file assessed at that point as being potentially appropriate for transfer to the permanent archive will not be destroyed at the expiry of the period in column (2) of the table in Annex 3 in advance of disposal of the electronic record for that case. Arrangements for the secure transfer of a paper record will be agreed with the permanent archive at the time of the transfer and the disposal log will record the date of the transfer and the officer who authorised it.

### Electronic records

The following arrangements apply to the destruction of an electronic case record:

- 1 When the case record is deleted from the Case Management System, the officer actioning that will at the same time complete the disposal log to record the date of

that as the date of destruction and who authorised the destruction (being the officer deleting the record) along with completing the other information required by the Log – see item 1: a template of the QLTR's Disposal Log

- 2 As COPFS back up servers daily (on each working day), and as the monthly back ups are retained by COPFS for 6 months, the record will only finally become irretrievable on the expiry of that 6 month period – see item 3 of Annex 6 regarding the back up arrangements.

In accordance with COPFS policies the following applies to Outlook mailboxes. Sent emails are automatically deleted from each staff members Sent items folder after 40 days. All deleted Outlook items from each officer's mailbox will remain in the monthly back up for 6 months and so will only become irretrievable on the expiry of that 6 month period.

### **Electronic records being permanently archived**

The foregoing arrangements for the destruction of any electronic record which is being transferred to a permanent archive will apply to the electronic record held by the QLTR once the permanent archive have confirmed they have received successful transfer of the archive copy (arrangements for the transfer of the copy will be agreed with the permanent archive at the time of the transfer). The Disposal Log will also record the transfer of the copy of the electronic record to the permanent archive.

## QLTR: POLICY FOR ASSESSING RECORDS AGAINST SUITABILITY FOR PERMANENT ARCHIVING

The following records should be preserved once the business need for this information has been exhausted:

- records relating to the origins and history of the QLTR and the procedures and functions of the QLTR (office notices, organisation charts and her Policies and Office Guidance may be as important as files relating to these matters); **QLTR maintains the archive for these items unless otherwise agreed with National Records of Scotland**
- annual and major reports; **QLTR maintains the archive for these items unless otherwise agreed with National Records of Scotland**
- records relating to the implementation and interpretation of the QLTR's policy, and to changes in policy; **QLTR maintains the archive for these items unless otherwise agreed with National Records of Scotland**
- records relating to the authority's accomplishments, or to obsolete activities or investigations or aborted schemes initiated by the QLTR;
- documents cited in or noted as having been consulted in the preparation of official histories;
- records which must be permanently preserved by statute;
- documents relating to well-known public or international events, persons or causes celebre, or major events which give rise to interest or controversy at national level, particularly where those records add significantly to what is already known;
- records relating to trends or developments in political, social, economic or other fields, particularly where they contain unpublished statistical or financial data covering a long period of time or a wide area;
- records of significant regional or local interest on which it is unreasonable to expect that evidence or information will be available locally, or those comprising synopses of such information and covering the whole of Scotland or a wide area of the country;
- statistical and quantitative research either sponsored by the QLTR or undertaken by outside bodies, where its findings affect the QLTR's decision-making and the research reflects on demographic, medical, social, cultural and economic history or historical geography.

### OTHER EVIDENCE SUBMITTED IN SUPPORT OF THE QLTR's RMP

Please find a list of other evidence submitted in support of elements of the QLTR's Records Management Plan

Number	Details:	In support of Element:
1	Template – QLTR's Disposal Log	6, 7
2	Certificate of Destruction – Shred-It	6
3	Letter from COPFS, Information Technology Department dated 9 January 2014	6, 8
4	The Memorandum of Understanding between the QLTR and the Keeper of the Records of Scotland	7
5	COPFS Records Management Manual, Chapter 6 (Security Considerations) [Note: COPFS have withdrawn the link at paragraph 6.8 to their Information Security Policy]	8
6	COPFS Policy for Acceptable Computer Use	8, 9
7	COPFS Freedom of Information Guidance	8
8	COPFS Data Protection Manual	8, 9
9	Data Processing Agreement between the QLTR and Scottish Ministers (for COPFS)	9
10	QLTR's Business Continuity Plan	10