

**This is document “Schedule 5 Part 2” referred to in this Contract**

**SCOTTISH MINISTERS’ REQUIREMENTS**

**SCHEDULE 5 PART 2**

**RECORDS AND INFORMATION AND COMMUNICATION TECHNOLOGY**

**CONTENTS**

	<b>Page No</b>
<b>1 RECORDS</b>	<b>1</b>
1.1 Definitions	1
<b>2 GENERAL</b>	<b>1</b>
2.1 Records Register	1
2.2 Record Referencing	1
2.3 Freedom of Information Act	1
2.4 Storage	2
2.5 Retention Period	2
2.6 Access and Availability	2
2.7 Quality Management System Procedures	2
<b>3 HISTORICAL RECORDS</b>	<b>3</b>
3.1 During the Mobilisation Period and 90 days thereafter	3
<b>4 CONTEMPORARY RECORDS</b>	<b>3</b>
4.1 General	3
4.2 During All Annual Periods	4
4.3 During the Penultimate Annual Period	4
4.4 Final Annual Period	4
<b>5 INFORMATION AND COMMUNICATION TECHNOLOGY</b>	<b>4</b>
5.1 Information and Communication Technology System Plan	4
<b>6 HANDOVER REQUIREMENTS</b>	<b>5</b>
6.1 Requirements	5
<b>ANNEX 5.2/A – RECORDS AND RETENTION PERIODS</b>	<b>7</b>
<b>ANNEX 5.2/B – SCHEDULE OF RECORDS TO BE TRANSFERRED BY THE OPERATING COMPANY TO A SUCCESSOR ORGANISATION</b>	<b>13</b>

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## **SCOTTISH MINISTERS' REQUIREMENTS**

### **SCHEDULE 5 PART 2**

#### **RECORDS AND INFORMATION AND COMMUNICATION TECHNOLOGY**

## **1 RECORDS**

### **1.1 Definitions**

- 1.1.1 “Contemporary Records” means those Records as referred to in Annex 5.2/A of this Part 2 of this Schedule 5.
- 1.1.2 “Historical Records” means those Records to be obtained by the Operating Company from the previous operating company for this Unit.
- 1.1.3 “Records” means Contemporary and Historical Records.
- 1.1.4 “Records Register” means a schedule of Records to be held by the Operating Company.
- 1.1.5 “Retention Period” means the periods as referred to in paragraph 2.5.1 to 2.5.2 inclusive of this Part 2 of this Schedule 5.

## **2 GENERAL**

### **2.1 Records Register**

- 2.1.1 The Operating Company shall prepare and constantly maintain a fully detailed Records Register identifying
  - (i) all Records retained at the Central Office and
  - (ii) the Retention Periods of those Records.
- 2.1.2 The Operating Company shall maintain an
  - (i) Electronic Copy and
  - (ii) paper copyversions of the Records Register.
- 2.1.3 A hard copy of the Records Register shall also be maintained at the separate facility where the back-up information shall be stored.
- 2.1.4 When data shall be held electronically a copy of the Records Register shall reside on the same electronic device as the electronic data.

### **2.2 Record Referencing**

- 2.2.1 Not later than 60 days before the commencement of the First Annual Period the Operating Company shall submit for the written consent by the Director the referencing system for the Records to be incorporated in the Records Register.

### **2.3 Freedom of Information Act**

- 2.3.1 Not later than 60 days before the commencement of the First Annual Period the Operating Company shall submit to the Director for written consent as part of the Quality Management System its policy and procedure to meet the Freedom of

Information Act (Scotland) 2002 and the Scottish Public Sector Procurement and Freedom of Information Guidance issued in December 2004 by the Scottish Procurement Directorate.

## **2.4 Storage**

2.4.1 The Operating Company shall provide and maintain storage facilities for all Records for the Retention Periods or the Contract Period whichever ends the sooner.

2.4.2 Not later than 60 days before the commencement of the First Annual Period the Operating Company shall submit for the written consent by the Director details of the storage facilities for Records.

The storage facilities holding Records relating to the Unit shall be located at the Central Office.

The storage facilities shall be such as to ensure that the Records

(i) are readily retrievable

(ii) maintained in good condition and without degradation.

2.4.3 Where Records shall be created or maintained on a computer or other electronic storage device the Operating Company shall provide back-up and storage for the Records in a separate secure facility which shall not be the Central Office which shall be subject to the written consent by the Director.

## **2.5 Retention Period**

2.5.1 The Operating Company shall retain Records for the Retention Period as referred to in Annex 5.2/A of this Part 2 of this Schedule 5 or the Contract Period whichever shall be the later.

2.5.2 Where the Operating Company shall be required to keep Records for which Retention Periods shall not be specified as referred to in Annex 5.2/A to this Part 2 of this Schedule 5 the Retention Period for these Records shall be 6 years unless instructed otherwise by the Director.

## **2.6 Access and Availability**

2.6.1 The Director and the Performance Audit Group shall have access at any time to audit or inspect the Records Register and any of the Records.

The Operating Company shall provide to the Director or the Performance Audit Group an Electronic Copy and a hard copy of the Records Register or any of the Records within 5 Working Days of receiving a written request from either the Director or the Performance Audit Group.

2.6.2 Copies of Records requested by the Director or the Performance Audit Group shall be in the same format as the original Record.

## **2.7 Quality Management System Procedures**

2.7.1 Within the Quality Management System as referred to in Part 1 of this Schedule 5 the Operating Company shall include or procure the inclusion of documented procedures for the effective management of Records in compliance with this Part 2 of this Schedule 5.

### **3 HISTORICAL RECORDS**

#### **3.1 During the Mobilisation Period and 90 days thereafter**

- 3.1.1 During the Mobilisation Period and for a period of 90 days thereafter the Operating Company shall undertake as far as shall be reasonably practicable everything necessary to institute and complete a handover of Historical Records and a Records Register between itself and the previous operating company.

Within 5 Working Days of receiving the Historical Records and the previous operating company's records register the Operating Company shall include all such documents in its Records Register at the Central Office.

- 3.1.2 The Operating Company shall include in its Records Register details of all Historical Records transferred to it including the date(s) of delivery to the Central Office and shall check the adequacy of all Historical Records and recording the records register transferred by the previous operating company.

Any deficiencies identified in the Historical Records or records register received shall be notified without delay by the Operating Company to the Director with recommendations for rectifying the deficiencies.

The Director shall notify the Operating Company of actions to be taken and may issue an Order to the Operating Company of further actions to be taken to rectify the deficiencies.

The Operating Company shall undertake these actions within the time required by the Director.

### **4 CONTEMPORARY RECORDS**

#### **4.1 General**

- 4.1.1 Subject to the other provisions of this Contract the Operating Company shall during each Annual Period

- (i) receive
- (ii) produce
- (iii) register
- (iv) file
- (v) store and
- (vi) maintain

in the Central Office all Records of whatsoever nature that it shall be required to

- (vii) receive
- (viii) produce
- (ix) register
- (x) file
- (xi) store and
- (xii) maintain.

## **4.2 During All Annual Periods**

### **4.2.1 Within 5 Working Days**

- (i) after the commencement of each Annual Period and
- (ii) of the end of the Final Annual Period

the Operating Company shall provide to the Director a copy of the Records Register as referred to in paragraph 2.1.1 to 2.1.4 inclusive of this Part 2 of Schedule 5.

### **4.2.2 Throughout each Annual Period the Operating Company shall upgrade the Records Register to reflect changes to the data that shall be required to be**

- (i) produced
- (ii) registered
- (iii) filed
- (iv) stored and
- (v) maintained

in the Central Office.

## **4.3 During the Penultimate Annual Period**

### **4.3.1 At any time after 31 December in the penultimate Annual Period the Operating Company shall within 28 days of a written request from the Director provide to the Director 2 copies of the such Records as referred to in Annex 5.2/A to this Part 2 of this Schedule 5 as the Director shall instruct.**

### **4.3.2 An Electronic Copy and a hard copy of Records requested by the Director shall be in the same format as the original.**

## **4.4 Final Annual Period**

### **4.4.1 During the Final Annual Period the Director shall provide the Operating Company with details of the successor organisation.**

At any time during the Final Annual Period the Operating Company shall

- (i) afford all reasonable facilities for the successor organisation to enable the successor organisation to carry out its contractual obligations to obtain Records
- (ii) undertake all activities necessary for it to hand over to such successor organisation all original Records referred to in Annex 5.2/A to this Part 2 of this Schedule 5 and shall provide any other information required by the Director.

## **5 INFORMATION AND COMMUNICATION TECHNOLOGY**

### **5.1 Information and Communication Technology System Plan**

#### **5.1.1 The Operating Company shall submit in writing for the written consent by the Director an “Information and Communication Technology System Plan” as part of the Quality Management System.**

5.1.2 Notwithstanding any of the provisions of this Contract the Information and Communication Technology System Plan shall conform in all respects with the requirements referred to in Part 1 of this Schedule 5.

5.1.3 The Information and Communication Technology System Plan shall identify as a minimum all

- (i) backup procedures
- (ii) information protocols
- (iii) electronic hardware
- (iv) software protocols and
- (v) access protocols.

## **6 HANDOVER REQUIREMENTS**

### **6.1 Requirements**

6.1.1 Records to be transferred by the Operating Company to a successor organisation shall include but not be limited to those referred to in Annex 5.2/B of this Part 2 of this Schedule 5.

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**SCOTTISH MINISTERS' REQUIREMENTS**  
**SCHEDULE 5 PART 2**  
**RECORDS AND RETENTION PERIODS**

**ANNEX 5.2/A – Records and Retention Periods**

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## Records and Retention Periods

## Annex 5.2/A

Record	Retention Period
Land Ownership - Interfaces ) - Boundaries)	In perpetuity
Drainage Outfalls	In perpetuity
Construction Design and Management Regulations Health & Safety File	In perpetuity
Inventory	Until 6 years after closure of the road
As Built Drawings: - Roads) - Structures (including bar bending schedules) - Electrical) - Landscaping) Maintenance Manuals	Until 2 years after deletion from inventory of designed item  Until 2 years after deletion from inventory of item to be maintained
Design Calculations	Until 2 years after deletion from inventory of designed item
Inspection Records  - Road Maintenance and Management System Safety Inspection) - Road Maintenance and Management System Safety Patrols) - Road Maintenance and Management System Detailed Inspections) - Road Maintenance and Management System Rock Inspections) - Concrete (Visual) - Structures - General) - Principal) - Special) - Electrical	Until 6 years after date of Inspection        Until 2 years after Structure demolished  Until 10 years after date of Inspection

Record	Retention Period
Analyses and Reports - Deflectograph - Sideways Coefficient Routine Investigation Machine - High-Speed Road Monitor  Surveys - Ground - Topographical - Environmental - Traffic - CCTV - CCTV	Until 10 years after date of report  Until 10 years after date of report Until 10 years after date of report  Until 10 years after date of survey Until 10 years after date of survey Until 10 years after date of survey Until 10 years after date of survey Until 10 years after date of survey
- Waiting ) Orders - Speed Limits ) - Waiting ) - Clearway ) - Traffic Regulations ) - Compulsory Purchase ) - Any other Traffic ) - Clearway )	Until 10 years after Order rescinded
Development Control	Until 10 years after adoption
Third Party Claims	Until 5 years after settlement with affected third parties
Accident Records/Reports	In perpetuity
New Roads and Streets Works Act 1991 (i) Designation ) (ii) Apparatus ) (iii) Notices )	Until 10 years after date of Notice
Safety Audits	Until 10 years after date of audit
Abnormal Load Movement Records	Until 10 years after date of record

<b>Record</b>	<b>Retention Period</b>
Contract Documentation - (i) Conditions of Contract) (ii) Bills of Quantities) (iii) Specifications)  Works activities (Site records) Construction records - Engineer's construction reports) - Material Test Results                 )	Until 5 years after financial settlement of a Contract between the Scottish Ministers and Works Contractors   Until 5 years after a Works Contract completion   Until 2 years after deletion from inventory
Noise Assessment	Until 10 years after final assessment
Winter Maintenance Records	Until 7 years after date of record
Emergency Response Records	Until 7 years after date of record
Reports on Monthly Operations Undertaken by the Operating Company	Until 7 years after date of report
General Correspondence Files	Until 15 years after initiation of file

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**SCOTTISH MINISTERS' REQUIREMENTS**

**SCHEDULE 5 PART 2**

**RECORDS AND INFORMATION AND COMMUNICATION TECHNOLOGY**

**ANNEX 5.2/B – Schedule of Records to be transferred by the Operating Company to a  
successor organisation**

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## **SCOTTISH MINISTERS' REQUIREMENTS**

### **SCHEDULE 5 PART 2**

#### **RECORDS AND INFORMATION AND COMMUNICATION TECHNOLOGY**

##### **ANNEX 5.2/B – Schedule of Records to be transferred by the Operating Company to a successor organisation**

- (i) General correspondence files covering general enquires, complaints, requests for information
- (ii) Design calculations for all major maintenance Schemes
- (iii) All As-built records
- (iv) Maintenance manuals including all policy standards but not commercial in confidence procedure of process manuals
- (v) Inspection records and certificates Road Maintenance and Management System, Structures, electrical and the like)
- (vi) Street lighting maintenance records
- (vii) Roads, Structures and ancillary infrastructure inventory
- (viii) Deflectograph, Sideways Coefficient Routine Investigation Machine and High-Speed Road Monitor reports and analyses
- (ix) Surveys (ground investigation, topographical, environmental, traffic, closed circuit television and the like)
- (x) Traffic Regulation Orders, Compulsory Purchase Orders and other Statutory Orders
- (xi) Plans
- (xii) Drawings
- (xiii) Development control records and files
- (xiv) Third Party claims
- (xv) Land ownership details
- (xvi) Weather records
- (xvii) Accident records and reports
- (xviii) New Roads and Street Works Act 1991 data
- (xix) Road safety audits
- (xx) Construction Design and Management Regulations Health & Safety files
- (xxi) Abnormal load movements
- (xxii) Contract documentation used in connection with Operations within the Unit
- (xxiii) Construction records including but not limited to
  - (a) Engineers' reports and

- (b) materials test results
- (xxiv) Noise assessments records
- (xxv) Winter service policy, strategy and records
- (xxvi) Emergency response policy, strategy and records
- (xxvii) Records of damage to Crown Property