



BUSINESS CLASSIFICATION SCHEME

Introduction

A business classification scheme describes the business activities an organisation undertakes. The Commission's primary function is to determine whether there may have been a miscarriage of justice in each case it reviews, and whether it is in the interests of justice to refer the case to the High Court for determination. In light of that primary function, the Commission has developed a straightforward business classification scheme which meets its needs.

In doing so, the Commission has had regard to the Government Security Classifications,¹ in which the Cabinet Office classifies information into three overarching types – “Official”, “Secret” and “Top Secret” – and in which it sets out four key principles for processing information. Those principles are as follows:

- (1) All information an organisation processes to conduct its business has intrinsic value and requires an appropriate degree of protection.**
- (2) All staff must safeguard the information they access**
- (3) Access to sensitive information must be granted only on a genuine “need-to-know” basis**
- (4) Information exchanged with external stakeholders must be protected in accordance with the relevant statutory and regulatory requirements**

The Commission follows those four principles.²

¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/251480/Government-Security-Classifications-April-2014.pdf

² See the Commission's data protection policy, its data retention policy, its disclosure policy, its breach management plan, its publication scheme under the Freedom of Information (Scotland) Act 2002 (FOISA), its case handling procedures, its records management plan and its records management policy.

The Commission classifies the information it processes as “Official” (but it has, on occasion, had reason to classify certain information it has processed as “Secret”).

The key division in the Commission’s business classification scheme is the division between “**case-related**” records and “**non-case-related**” records.

1.0 Case-related records

1.1 Case-related records concern the records the Commission keeps about applications for review, cases it is reviewing and cases it has reviewed. Those records may be classified under the following **seven** key headings:–

Applications the Commission is deciding whether to accept for review

1.2 The records are kept on Solcase or in hard copy. The electronic records are kept in the Solcase file pertaining to the particular application. The hard-copy records are stored in a filing cabinet in the office of the legal officer to whom the application is allocated, in the file pertaining to the particular application.

Applications the Commission did not accept for review

1.3 The electronic records are kept in the Solcase file pertaining to the particular application. After the Commission decides not to accept an application for review the hard-copy records which the legal officer considers were relevant to the Commission’s decision not to accept the application for review are scanned on to Solcase, in the file pertaining to the particular application. The remaining hard-copy records are destroyed or are returned to source.

1.4 The subsequent disposal of the electronic records is done in accordance with the Commission’s data retention policy and its associated data retention and destruction procedures.

1.5 The Commission’s decision not to accept the application for review is kept on Solcase, in the file pertaining to the particular application, in perpetuity.

Cases the Commission is reviewing

1.6 The records are kept on Solcase or in hard copy. The electronic records are kept in the Solcase file pertaining to the particular case. In addition, electronic records obtained from Crown Office (or some of those records) are stored initially on one of the Commission’s network drives, in the file pertaining to the particular case. The hard-copy records are stored in a filing cabinet in the office of the legal officer to whom the case is allocated, in the file pertaining to the particular case.

Cases the Commission has reviewed

1.7 The electronic records are kept in the Solcase file pertaining to the particular case. After the Commission completes a case review the hard-copy records which the legal officer considers were relevant to the Commission’s decision whether to refer the case to the High Court are scanned on to Solcase, in the file pertaining to

the particular case. The other hard-copy records are destroyed or are returned to source.

1.8 The subsequent disposal of the electronic records is done in accordance with the Commission's data retention policy and its associated data retention and destruction procedures.

1.9 The Commission's decision whether to refer a case to the High Court – the statement of reasons (and, where applicable, the supplementary statement of reasons) – is kept on Solcase, in the file pertaining to the particular case, in perpetuity.

Cases the Commission reviewed between the financial year 2009-10

1.10 The Commission still keeps in hard copy some records pertaining to cases in which the Commission concluded its review between the financial years 2003-04 and 2009-10 (inclusive). Those hard-copy records are kept in a secure file room. Those records will be disposed of by the end of the financial year 2019, in accordance with the Commission's data retention policy and its associated data retention and destruction procedures.

"Exceptional" cases

1.11 The Commission has put in place a procedure whereby it can classify certain cases it has reviewed as "exceptional"; to date, 11 cases have been classified as such. Some electronic records pertaining to those cases are kept on Solcase and some are kept on one of its network drives; some records pertaining to those cases are kept in hard copy. In addition, certain named cases have been stored in hard copy for ten years.

1.12 The Commission will archive those records (and the records pertaining to those cases it subsequently classifies as "exceptional") in its premises (see element 7 of the Commission's Record Management Plan; see also the Commission's data retention policy).

Case-related records kept on a network drive

1.13 Certain case-related records are still kept on one of the Commission's network drives, under the following headings:

- **Cases**
- **Case Matters**
 - Committee minutes
 - Case target sheet
 - Case notes

2.0 Non-case-related records

2.1 Non-case-related records are the other records the Commission keeps. The Commission classifies non-case-related records under the following **11** key headings and respective sub-headings:–

- **Agreements and related correspondence**
 - Contracts with suppliers
 - Licensing agreements
 - Rental agreements
- **Property**
 - Leases
- **Accounts and finance**
 - Payroll and PAYE records
 - Invoices and payments information
 - Accounts and budgets
- **Employee records**
 - Staff personal records
 - Applications for jobs (where the candidate was unsuccessful)
 - Payroll records and expenses
 - Sickness records
 - Accident book
 - Health and safety records
- **Board Member records**
 - Payroll
 - Appraisals
- **Board and Senior Management**
 - Board minutes (which include case-related information)
 - Management meeting minutes
- **Corporate**
 - Audit committee meetings
 - Internal audit
 - External audit
 - Management meeting minutes
 - Strategic planning
 - Business planning
 - Financial planning
 - Risk register
 - Statistics and data collection

- Policies
- Contributions to legislation
- Research and evidence

- **Insurance**
 - Employer’s liability certificate

- **Communications**
 - Media cuttings
 - Image library records (Board/staff photographs)
 - Events organisation
 - Publications
 - Press releases

- **Information requests**
 - FOI requests
 - Subject access requests

- **Customer Feedback**
 - Complaints
 - Compliments

2.2 The disposal of those records is done in accordance with the Commission’s data retention policy and its associated data retention and destruction procedures.

Date approved	16 August 2013
Date of last review	11 February 2016
Date of next review	11 February 2017