The Public Records (Scotland) Act 2011

Angus Council and Angus Licensing Board

Progress Update Review (PUR) Final Report by the PRSA Assessment Team

09 January 2019

Contents

1. Public Records (Scotland) Act 2011

The Public Records (Scotland) Act 2011 (the Act) received Royal Assent on 20 April 2011. It is the first new public records legislation in Scotland since 1937 and came into force on 1 January 2013. Its primary aim is to promote efficient and accountable record keeping by named Scottish public authorities.

The Act has its origins in *The Historical Abuse Systemic Review: Residential Schools and Children's Homes in Scotland 1950-1995* (The Shaw Report) published in 2007. The Shaw Report recorded how its investigations were hampered by poor recordkeeping and found that thousands of records had been created, but were then lost due to an inadequate legislative framework and poor records management. Crucially, it demonstrated how former residents of children's homes were denied access to information about their formative years. The Shaw Report demonstrated that management of records in all formats (paper and electronic) is not just a bureaucratic process, but central to good governance and should not be ignored. A follow-up review of public records legislation by the Keeper of the Records of Scotland (the Keeper) found further evidence of poor records management across the public sector. This resulted in the passage of the Act by the Scottish Parliament in March 2011.

The Act requires a named authority to prepare and implement a records management plan (RMP) which must set out proper arrangements for the management of its records. A plan must clearly describe the way the authority cares for the records that it creates, in any format, whilst carrying out its business activities. The RMP must be agreed with the Keeper and regularly reviewed.

2. Progress Update Review (PUR) Mechanism

Under section 5(1) & (2) of the Act the Keeper may only require a review of an authority's agreed RMP to be undertaken not earlier than five years after the date on which the authority's RMP was last agreed. Regardless of whether an authority has successfully achieved its goals identified in its RMP or continues to work towards them, the minimum period of five years before the Keeper can require a review of a RMP does not allow for continuous progress to be captured and recognised.

The success of the Act to date is attributable to a large degree to meaningful communication between the Keeper, the Assessment Team, and named public authorities. Consultation with Key Contacts has highlighted the desirability of a mechanism to facilitate regular, constructive dialogue between stakeholders and the Assessment Team. Many authorities have themselves recognised that such regular communication is necessary to keep their agreed plans up to date following inevitable organisational change. Following meetings between authorities and the Assessment Team, a reporting mechanism through which progress and local initiatives can be acknowledged and reviewed by the Assessment Team was proposed. Key Contacts have expressed the hope that through submission of regular updates, the momentum generated by the Act can continue to be sustained at all levels within authorities.

The PUR self-assessment review mechanism was developed in collaboration with stakeholders and was formally announced in the Keeper's Annual Report published on 12 August 2016. The completion of the PUR process enables authorities to be credited for the progress they are effecting and to receive constructive advice concerning on-going developments. Engaging with this mechanism will not only maintain the spirit of the Act by encouraging senior management to recognise the need for good records management practices, but will also help authorities comply with their statutory obligation under section 5(1)(a) of the Act to keep their RMP under review.

3. Executive Summary

This Final Report sets out the findings of the Public Records (Scotland) Act 2011 (the Act) Assessment Team's consideration of the Progress Update template submitted for Angus Council and Angus Licensing Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

Angus Council is one of the 32 local government council areas of Scotland, a registration county and a lieutenancy area. The council area borders Aberdeenshire, Dundee City and Perth and Kinross. Main industries include agriculture and fishing. Angus was historically a county, known officially as Forfarshire from the 18th century until 1928. It remains a registration county and a lieutenancy area. In 1975 its administrative functions were transferred to the council district of the Tayside Region, and in 1995 further reform resulted in the establishment of the unitary Angus Council.

The Angus Licensing Board is responsible for regulating the sale of alcohol to the public, and certain gambling activities. It does this by issuing Alcohol licences and Betting and Gaming licences and permits.

5. Assessment Process

A PUR submission is evaluated by the Act's Assessment Team. The self-assessment process invites authorities to complete a template and send it to the Assessment Team one year after the date of agreement of its RMP and every year thereafter. The self-assessment template highlights where an authority's plan achieved agreement on an improvement basis and invites updates under those 'Amber' elements. However, it also provides an opportunity for authorities not simply to report on progress against improvements, but to comment on any new initiatives, highlight innovations, or record changes to existing arrangements under those elements that had attracted an initial 'Green' score in their original RMP submission.

The assessment report considers statements made by an authority under the elements of its agreed Plan that included improvement models. It reflects any changes and/or progress made towards achieving full compliance in those areas where agreement under improvement was made in the Keeper's Assessment Report of their RMP. The PUR assessment report also considers statements of further progress made in elements already compliant under the Act.

Engagement with the PUR mechanism for assessment cannot alter the Keeper's Assessment Report of an authority's agreed RMP or any RAG assessment within it. Instead the PUR Final Report records the Assessment Team's evaluation of the submission and its opinion on the progress being made by the authority since agreeing its RMP. The team's assessment provides an informal indication of what marking an authority could expect should it submit a revised RMP to the Keeper under the Act, although such assessment is made without prejudice to the Keeper's right to adopt a different marking at that stage.

Key:

G	The Assessment Team agrees this element of an authority's plan.		A	The Assessment Team agrees this element of an authority's progress update submission as an 'improvement model'. This means that they are convinced of the authority's commitment to closing a gap in provision. They will request that they are updated as work on this element progresses.		R	There is a serious gap in provision for this element with no clear explanation of how this will be addressed. The Assessment Team may choose to notify the Keeper on this basis.

Progress Update Review (PUR) Template: Angus Council and Licensing Board
This includes ANGUSalive which is an ALEO to the council

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1. Senior Officer	G	G	G	Update required on any change.	Chief Information Governance Officer is now Lisa Dallas, Service Manager, Legal and Democratic 01_Chief Information Governance Officer Statement	A statement from Ms Dallas confirming her appointment to this role for the Council has been provided. The Records Manager has also confirmed that Ms Dallas is the named Senior Officer for the Licensing Board. The Assessment Team have noted these changes. As the Council and the Licensing Board are both required to name an individual to this statutory role, the Keeper requests a formal statement confirming this for the Licensing Board.

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2. Records Manager	G	G	G	Update required on any change.	No change	No immediate action required. Update required on any future change.
3. Policy	G	G	G	Update required on any change.	No change	No immediate action required. Update required on any future change.
4. Business Classification	A	G	A	The RMP states that the Council is at the early stages of developing a Business Classification Scheme (BCS). It is intended that the Local Government Classification Scheme (LGCS) developed by the Information and Records Management Society will form the basis of the Council's BCS. The RMP states that service areas are responsible for creating their own file plans, which will then be collated to form the corporate BCS. Services are also developing	All Services have now completed IARs

02_Screendump Information Asset Register Combined

Work continues to look at file plans as we move through reviews and service amalgamations etc. The IARs have taken a considerable amount of time to complete and collate but these are now being seen as pivotal to a more logical way forward for many | Examples of the Information Asset Registers have been supplied along with an extract from a spreadsheet which records progress relating to the information asset register and to Elements 4,5,9 and 14. The Assessment Team thanks the Council for this evidence which demonstrates that the Council is working hard towards full compliance in Element 4. It is to be |

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	🟧	🟩	🟧	Information Asset Registers (IARs) in order to identify business critical records. The Keeper commends the use of local business areas in the development of the BCS as this is likely to lead to a stronger business tool and encourages buy-in from across the organisation. The development of file plans and IARs forms part of the Information Governance Improvement Plan 2016-2018 (evidence 06, action 12). The estimated completion timescale of this project is November 2017. The Keeper requests that he is kept informed of the progress of the work and as evidence of the current work also requests a sample file plan or IAR.	services. 03_Screendump Progress Update Review document It is noted that while a lot of work is ongoing, the move to creating a corporate wide business classification scheme is ongoing and this remains an item on the updated Information Governance Improvement Plan Please find attached a recent file plan made up using the Business Classification Scheme for guidance 06_Health Safety Risk and Resilience	expected that this project will take some time to develop and implement across the whole Council and the Team will be interested in hearing about further progress in future PURs.

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				The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified a gap in provision (the lack of an organisation-wide BCS) and has identified how it intends to close this gap. As part of this agreement the Keeper requests that he is kept informed of the progress of the work.		
5. Retention Schedule	A	G	A	The RMP goes on to say that although SCARRS has been adopted as a retention schedule by the Council, it is not uniformly applied to the paper records, electronic records and line of business systems used by the Council. The Council recognises that this is an area for development	Work continues to make improvements in this area and this continues as an item on the Improvement Plan.

For electronic files the council are moving to introduce Office 365 and records will be moved over | It is essential that any move to new systems takes account of the requirements to manage records appropriately as well as other technical and business requirements. New systems are an opportunity to improve adherence to retention |

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	🟧	🟩	🟧	and states that a great deal of work has been undertaken to remedy this. The work to fully implement the retention schedule is built into the Information Governance Improvement Plan 2016-2018 (evidence 06). The Keeper requests that he is kept informed as work in this area progresses… The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified a gap in provision (the lack of a fully operational retention schedule) and has identified how it intends to close this gap. As part of this agreement, the Keeper requests that he is regularly informed of the progress of the work to close	from servers to the Office 365 platform. The Team Leader – Information Governance will be involved in the development of this work ensuring there will be the capability to integrate retention schedules to information being moved into the new platform. The council continues to move towards a paperless more agile way of working and therefore retention schedules are important for the cleansing of paper records. Other areas of improvement to date are: • 4 senior clerical members of staff have been employed to assist	schedules and the BCS. It is positive that Angus Council are ensuring that the Team Leader – Information Governance can contribute records management expertise to the Office 365 development. The Assessment Team note that retention schedule capabilities are being developed with SEEMIS, NORTHGATE and Eclipse software. It is important that ASLAWG are supported in negotiations with SEEMIS over the separation of pupil data into information of enduring value and information that should be

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	🟧	🟩	🟧	the gap.	with records manage-ment tasks of services across the council while being managed centrally by the Team Leader – Information Governance • Treesize reports continue to be produced for electronic files • New systems introduced will have a records management aspect to them – where appropriate IDOX - retention periods available SEEMIS – Archivist Scottish Local Authority Working Group working with SEEMIS to look at retention on a national level - proposal in the early stages CAREFIRST (to be replaced	deleted at an appropriate point under the Data Protection Act 2018. It is recommended that Angus Council collaborate with those other Councils who also use Northgate or other common software to ensure that the software suppliers accommodate flexibly the different retention periods required for different data including the capability to export data of enduring value to non-proprietary formats. It is positive to hear that Eclipse already has the capability to apply retention periods and ensure tracking of disposals.

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					by Eclipse) Eclipse will have a control mechanism in place to allow audit trail, retention schedules and destruction arrangements to be set up. NORTHGATE - Northgate and Civica have disposal modules that are not in use yet but are planned to be in the near future	
6. Destruction Arrangements	A	G	A	The Information Governance Improvement Plan 2016-2018 (evidence 06) includes an action (13) to develop procedures for the permanent destruction of electronic records by August 2017. This is tied in to action 14 which will provide an audit trail of destroyed records. The Information Governance Improvement Plan also	The authority believes that the introduction of Office 365 will be instrumental in being able to audit the trail of and destruction of electronic records. The Team Leader – Information Governance will work closely with IT colleagues in the development or implementation of Office 365.	This element deals with the secure destruction or deletion of records in accordance with the retention schedules. It is very positive that the Council is making progress in identifying software that will enable the deletion of records to be tracked and recorded. The Assessment Team look

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				contains an action (15) to use 'Treesize to improve compliance with retention periods and disposal - associated with electronic documents'. The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified a gap in provision (the destruction of electronic records held out-with the IDOX system) and has evidenced a commitment to close this gap. This agreement is conditional on the basis that the Keeper is kept regularly informed of the progress of work as it moves forward.		forward to hearing of further progress in other electronic systems including SEEMIS, Northgate and Eclipse as identified under Element 5, and to hearing about the development of procedures.
7. Archiving and Transfer	G	G	G	The Future Developments section of this Element indicates that Angus Archive's	The Archives Care of Collections and Conservation Policy (draft	The Keeper thanks the Council for sight of the 2018 draft Archives Care

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				collections care and conservation plan is currently in draft. The Keeper would be interested in seeing a copy of this document once it has been finalised.	2018) has been provided. This is due to be finalised soon.	of Collections and Conservation Policy and looks forward to seeing a finalised version in due course. The Assessment Team note that the draft policy states that "lack of space may inhibit or totally disallow the transference of material from Angus Council to the archive collections" and further that the collecting policy of Angus Archives does not include digital records or Council records after 1975. It is the responsibility of the Council to ensure that their records of enduring value are placed in an appropriate archives. If their current choice of archives is unable to

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						accommodate the records, the Council must either support the archives to develop additional suitable accommodation or make alternative arrangements. The Keeper has issued mandatory "Supplementary Guidance on Proper Arrangements of Archiving Public Records" https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/supplementary-guidance-on-proper-arrangements-for-archiving-public-records.pdf If this were a statutory submission it is possible that the RAG for this element would move to Amber but it is retained at

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						Green as this is still only a draft policy.
8. Information Security	G	G	G	The Future Developments section of this Element states that the Financial regulations are currently being reviewed. The Keeper requests that he is informed when this taken place and is provided with a revised version or a link to the appropriate area of the Council's website. It also states that the Information Security Policy and the IT Security Policy will be merged into a single Information Security Policy. Additionally, the RMP states that the Information Security Users Guidelines (evidence 63) will also be updated to reflect the changes to the password policy (evidence 61). The Keeper requests that he is sent	Financial Regulations: https://www.angus.gov.uk/sites/angus-cms/files/2017-06/FinancialRegulations_0.pdf After much deliberation it was agreed between Manager, Governance, Risk & Scrutiny, Team Leader – Information Technology and Team Leader – Information Governance that there was in fact a need for both documents. The Information Security Policy is the overarching policy but the Information Technology (IT) Security Policy was, in its own right a very important document, and a	The Council has supplied the updated Information Security Policy and the Information Technology Security Policy. The Keeper thanks the Council for keeping their submission up to date. The decision to have two separate policies is a business matter for the Council. IT security is a key compliance issue in relation to Public Sector Network requirements. The Council has also provided the Information Security User Requirements and it is clear that this is supported by a suite of related

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				the amended copies of these documents when they become operational.	compliance requirement. At this time the Information Security Policy, the Information Technology (IT) Security Policy and all Information Security - User guidelines have been reviewed. The advice given from IT colleagues was - the need to change the wording to passphrase was not required as no matter what letters, numbers or symbols have been used, or how long it is, it is still a password.	information security policies.
9. Data Protection	G	G	G	Update required on any change.	Many improvements made in this area eg: • Data Protection Officer appointed;	The Council has made significant progress in this area, in compliance with the Data Protection Act

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					• New e-learning available, mandatory for staff to complete annually; • DP Breach response plan is now available; • Centralised DP Breach register • Information Officers investigate breaches within their own service before passing to DPO; • Data Protection Policy created The Council's annual Corporate Governance Questionnaire included questions on data protection> 05_Corporate Governance Questionnaire Section 3	2018, and are to be commended for these developments. Evidence of the data protection questions in the Corporate Governance Questionnaire demonstrate compliance and this questionnaire is a good method of checking compliance across the Council.

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10. Business Continuity and Vital Records	A	G	A	The work to identify business critical records is built in to the project to develop a corporate BCS and IARs (see Element 4). The Keeper requests that he is kept informed of the progress of the work to identify vital records and put in place measures to ensure these are available in the event of a disaster. The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified a gap in provision (the identification and protection of vital records) and has outlined how it intends to close this gap. As part of this agreement the Keeper requests that he is kept informed of the progress of this work.	The identification and protection of vital records has been picked up through the development of services IARs. These IARs are held centrally on Sharepoint and would be readily available to all staff in the event of a disaster Services are currently producing Business classification schemes as stated in Element 4. A full IT test to be undertaken with regard to resilience – our contractor is helping with this and will develop a planned exercise. We hope that these actions will give	Screenshots of sample Information Asset Registers have been supplied and these demonstrate that business continuity has been considered. IT resilience is being carefully considered and tested. The use of Sharepoint should ensure that staff can find out what arrangements have been put in place in the event of an incident involving vital records. The Archives Collections Care and Conservation Policy also has a section on emergency planning. There appears to be a gap in planning for the recovery of vital records held on paper and the Assessment

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					rationale and evidence for any further work and or resource requirements.	Team recommend that this is reviewed and arrangements identified.
11. Audit Trail	A	G	A	The 'Future Developments' section of this Element indicates that the Council recognises that its shared drives currently have no audit trail functionality. This will be remedied by the procurement of a corporate EDRMS. Action 14 of the Information Governance Improvement Plan (evidence 06) contains a commitment to ensure that audit trails will form part of the specification for new systems. The use of metadata and Document Naming Conventions will form part of the Records Management training which is currently	As with Elements 5 and 6 the audit trail for records will be switched on – where appropriate in Office 365.	The use of Office 365 for tracking electronic files is an appropriate and positive development. It is to be expected that this will take some time to implement and the Assessment Team look forward to hearing progress in future PURs.

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				being developed.		
12. Competency Framework	G	G	G	The Council is also developing a specific e-learning module on records management and this forms part of the Information Governance Improvement Plan 2016-2018 (evidence 06). The Keeper commends this commitment to ensuring staff have the necessary skills to carry out their records management responsibilities and would be interested to see a sample of this training once it has been developed and implemented.	Records management training was carried out by Act Now and rolled out to all staff. This narrated presentation is available to staff on the Information Governance webpage and was broken down into manageable 10 minute videos and available on the corporate e-learning platform. 04 Screendump of records management training New Data Protection e-learning takes account of GDPR and the Information Governance induction training – have many records management	The rollout of Council–wide training in records management is a positive development and the Council is to be commended for this. If the Council does not already record the uptake of this training, they may find it useful to do so as it provides assurance that a viable percentage of the staff have appropriate and up to date knowledge of the Council's commitment to records management.

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					aspects.	
13. Assessment and Review	A	G	G	The RMP indicates that a compliance framework is being developed by the Records Manager and audit colleagues. Audits into Information Governance Data Security in the Children and Learning Directorate and IT Security have been carried out recently. The final reports of the internal auditors have been supplied (evidence 29 and 30) showing a number of recommendations to improve compliance in these areas. A link to the Council's Annual Internal Audit Plan for 2016-2017, which is available on its website, has also been provided showing that information management and governance appears on the work programme for the	The reported gap has now been filled:

We include review of the RMP as an action on our Information Governance Improvement Plan which is recorded through Pentana (which covers audit, policy, risk, control and performance management), to ensure that this happens on an annual basis.

We have produced a new iteration of the Records Management Plan to take into account changes that have happened this year and published this updated one on our website. | The commitment to the annual submission of a PUR is welcome and this is certainly a good method of ensuring compliance with the statutory requirement to keep the RMP under review. Including questions relating to records management in an annual Corporate Governance questionnaire can be a highly effective method of ensuring that issues are highlighted and staff are kept aware of records management. The Council is to be commended for both these initiatives.

The Assessment Team |

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				internal auditors. The Keeper commends the use of internal auditors for monitoring levels of provision and reporting recommendations through the appropriate governance structures and requests that he is kept informed as work to develop a compliance mechanism moves forward… The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified a gap in provision (the lack of a Council-wide method for ensuring that the RMP is assessed and reviewed to ensure that it remains current) and has identified how it intends to close this gap. As part of his agreement, the Keeper requests that he is kept	We are committed to producing a PUR on an annual basis which is also highlighted in our Information Governance Improvement Plan Questions relating to the RMP have now been included in the council's annual Corporate Governance Questionnaire. (The questions will vary from year to year.)	have noted the updated RMP and welcome this continuous review. However, it should be noted that unless the Council choose to submit a new Records Management Plan, the Keeper can only refer to the original RMP as agreed. On the evidence supplied, if this were a statutory submission it is likely that this Element would achieve a Green RAG rating.

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				informed as this work progresses.		
14. Shared Information	G	G	G	Update required on any change.	Work continues to improve in this area, eg there is a centralised data sharing register available so that staff can check if a data sharing agreement is already available or if one requires to be developed. Work on IARs and GDPR have been an added benefit in this area.	The commitment to continuous improvement is very welcome. It is positive to see that the benefit of work required for compliance with the Data Protection Act 2018 is recognised in this element.

Version

The progress update submission which has been assessed is the one received by the Assessment Team on 27 September 2018.
The author of the progress update submission is Angela Dunlop, Team Leader - Information Governance.

The progress update submission makes it clear that it is a submission for **Angus Council and Angus Licensing Board**.

7. PRSA Assessment Team's Summary

The Assessment Team has reviewed **Angus Council and Angus Licensing Board's** Progress Update submission and agrees that the proper record management arrangements outlined by the fourteen elements in the authority's plan continue to be properly considered. The Assessment Team commends this authority's efforts to keep its Records Management Plan under review.

<u>General Comments</u>

Angus Council and Licensing Board have been working hard towards bringing all the elements of their Records Management Plan into full compliance with the Act. It is clear that the additional requirements of the Data Protection Act 2018 have influenced prioritisation of the range of work which is on-going: the development of Information Asset Registers is a practical and sensible decision which will have continuing benefits for good records management as well as Data Protection Act compliance. The authority are planning to develop systems which will enable compliance for the management of electronic records: the specific software chosen is a business matter for the authority and compliance should be achievable once the retention schedules and the business classification scheme can be applied to all electronic records and the authority can be assured of having a viable audit and tracking system and appropriate disposal of electronic records.

The Assessment Team are concerned that the archives service has identified that there is insufficient space for the Council's records to be accommodated and the Council has not made provision for this. There also appears to be no provision for digital records of enduring value. Public authorities are responsible for ensuring that all their records of enduring value are deposited in an appropriate archives service which meets the standards set out in the Keeper's mandatory "Supplementary Guidance on Proper Arrangements of Archiving Public Records". If the archives service cannot accommodate anticipated deposits then the onus is on the Council to invest in the archives or identify alternatives which meet the standards. This Guidance can be found at https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/supplementary-guidance-on-proper-arrangements-for-archiving-public-records.pdf

Section 5(2) of the Public Records (Scotland) Act 2011 provides the Keeper of the Records of Scotland (the Keeper) with authority to revisit an agreed plan only after five years has elapsed since the date of agreement. Section 5(6) allows authorities to revise their agreed plan at any time and resubmit this for the Keeper's agreement. The Act does not require authorities to provide regular updates against progress. The Keeper, however, encourages such updates.

The Keeper cannot change the status of elements formally agreed under a voluntary submission, but he can use such submissions

to indicate how he might now regard this status should the authority choose to resubmitted it plan under section (5)(6) of the Act. The Assessment Team consider that if this were a statutory submission, Element 13 would be likely to achieve a RAG status of Green. The RAG status for Element 7 would depend on what evidence was supplied in a final signed off version of the Archives Care of Collections and Conservation Policy. All other elements would remain at the RAG status as allocated by the Keeper's original Agreement Report.

Where 'no change' has been recorded under the update on provision by the authority, the Assessment Team is happy to agree that these elements require no further action for the time being.

8. PRSA Assessment Team's Evaluation

Based on the progress update assessment the Assessment Team considers that **Angus Council and Angus Licensing Board** continue to take their statutory obligations seriously and are working hard to bring all the elements of their records management arrangements into full compliance with the Act and fulfil the Keeper's expectations.

- The Assessment Team recommends authorities consider publishing PUR assessment reports on their websites as an example of continued good practice both within individual authorities and across the sector.

This report follows the Public Records (Scotland) Act Assessment Team's review carried out by,

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Elspeth Reid
Public Records Officer