The Public Records (Scotland) Act 2011

Angus Council and Angus Licensing Board

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

7th October 2022

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 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 licenses and Betting and Gaming licenses 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.

6. Progress Update Review (PUR) Template: Angus Council and Angus Licensing Board

Element	Status under agreed Plan 24MAR17	Progress status 08NOV21	Progress status 07OCT22	Keeper's Report Comments on Authority's Plan 24MAR17	Self-assessment Update submitted 23JUL21	Progress Review Comment 08NOV21	Self-assessment Update as submitted by the Authority since 08NOV21	Progress Review Comment 07OCT22
1. Senior Officer	G	G	G	Update required on any change.	There has been no change from the Progress Update Review submitted in 2020.	Update required on any future change.	No change from the Progress Update Review submitted in 2021.	Thank you for letting us know there have been no changes to this Element. Update required on any future change.
2. Records Manager	G	G	G	Update required on any change.	There has been no change from the Progress Update Review submitted in 2020.	Update required on any future change.	No change from the Progress Update Review submitted in 2021.	Update required on any future change.
3. Policy	G	G	G	Update required on any change.	There has been no change from the Progress Update Review submitted in 2020.	Update required on any future change.	No change from the Progress Update Review submitted in 2021.	Update required on any future change.
4. Business Classification	A	A	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 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. 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.	Work to define and apply classifications for Office 365 has not progressed as quickly as we would have liked but understandably so given the circumstances and IT priorities throughout 2020. Our approach maintains the same and we have work scheduled to define classifications based on IARs and will use these to define appropriate policies within Office 365 throughout SharePoint. To help accelerate this work we have contracted external expertise to deliver classification and retention configuration as a key milestone along with other Office 365 components.	The Assessment Team thanks Angus Council for this update. As you note, it is understandable that planned work has been affected by the Covid-19 pandemic. It is acknowledged that work is scheduled to define and apply classifications in SharePoint. It is also noted that an external contractor has been engaged to provide expertise and assistance with classification and retention configuration in O365 The Assessment Team look forward to updates in subsequent PURs. This element remains at Amber while this work is ongoing.	Work continues on planning and migrating documents to Office 365. A project has been initiated to procure products and services to help deliver this. A chosen supplier will use their tools to scan our file shares as a data discovery exercise. They will use these to identify old, duplicate and similar documents, and will also support the migration of active documents into Office 365. Classification and retention will be applied as part of the migration.	The Assessment Team thanks you for this update on the progress of gradual O365 implementation. It is acknowledged that a supplier will be engaged in a data discovery exercise, and that this will also support the migration of active records into Office 365, including retention and records classification labels. The O365 implementation is a major project, and will take a significant amount of time to embed properly. As this project is ongoing, this Element will remain at Amber. The Assessment Team looks forward to being updated on progress in

								subsequent PUR submissions.
5. Retention Schedule	A	A	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 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 the gap.	Office 365 retention has been defined for Exchange, and for certain aspects of Teams and SharePoint. All Exchange mailboxes have been migrated to Office 365 and have our corporate policy applied with 1-year retention. Teams chat has been implemented with 30 days retention on chat messages. Other Teams capability such as collaboration and A/V recording are being considered or newly released, retention for these will follow in 2021 Retention for SharePoint has been defined in certain areas around the Angus Health & Social Care Partnership (AHSCP), work to define and apply retention labels for other sites and new sites will follow the work noted in 4 above and will take advantage of the external resources available to support this. Future retention requirements for Office 365 components such as OneDrive will be defined as these as considered for deployment. We are at the consultation stage of defining and agreeing an Application Strategy for the future of council applications, whether off-the-shelf or specific to business systems. This strategy will define key principles including the need for good information management capabilities within systems. An application roadmap will follow to consider the suitability of major applications and this process will include review of retention, deletion and audit functionality.	Progress is clearly being made with the application of retentions in Exchange, Teams and SharePoint. This is welcomed by the Assessment Team and we look forward to updates as this work progresses. Thank you for the update on the application of retentions in SharePoint for Angus Health and Social Care Partnership (AH&SCP). The development of the Council's Application Strategy and the application roadmap which will follow is noted. It appears information governance capabilities are a key focus in this process. This element remains at Amber while this work is ongoing.	Retention for SharePoint will be applied as per the project noted in item 4 above. OneDrive is in the process of being deployed and 1 year retention will be default for all users with options to manually apply 3 or 5 years retention to files.	Thank you for this update on retention schedules. It is clear that Angus Council and Licensing Board are making progress in the implementation of O365 systems, and it is good to hear that OneDrive is currently in progress of being deployed. This element remains at Amber while this work is ongoing.
6. Destruction Arrangements	A	A	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 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	Destruction arrangements for all Office 365 content will form part of the separate retention policies described above. Arrangements for the new SEEMIS system are not yet known as this is now scheduled for release late 2021.	For progress with O365 see elements 4 and 5 above. The Assessment Team notes arrangements for the new SEEMIS system will be confirmed when released in late 2021. This element remains at Amber while work is ongoing.	Work is ongoing – no change from Progress Update Review submitted in 2021.	Thank you for letting the Team know that work is ongoing. This element remains at Amber.

				conditional on the basis that the Keeper is kept regularly informed of the progress of work as it moves forward.				
7. Archiving and Transfer	G	G	G	The Future Developments section of this Element indicates that Angus Archive's 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.	There has been no change from the Progress Update Review submitted in 2020.	Update required on any future change.	No change from the Progress Update Review submitted in 2021.	Update required on any future change.
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 the amended copies of these documents when they become operational.	There has been no change from the Progress Update Review submitted in 2020.	Update required on any future change.	No change from the Progress Update Review submitted in 2021.	Update required on any future change.
9. Data Protection	G	G	G	Update required on any change.	There has been no change from the Progress Update Review submitted in 2020.	Update required on any future change.	No change from the Progress Update Review submitted in 2021.	Update required on any future change.
10. Business Continuity and Vital Records	A	A	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.	Due to the impact of the global pandemic, this is still work in progress. Business continuity and emergency plans have been utilised throughout the pandemic and an incident management approach in place. This approach continues and a fuller review of all plans will be undertaken later in 2021.	The delay to the planned work outlined in the previous PUR (the consideration of paper records and recovery of vital paper records in business continuity planning) is understandable due to the Covid-19 pandemic. The intention to carry out a full review of all business continuity and emergency plans in 2021 is noted. The Assessment Team look forward to updates in subsequent PURs. This element remains at Amber while this work is ongoing.	Plans have been updated using the learning from the Pandemic and Storms. Further annual update will be done aligned to exercises being held during 2022/23.	Thank you for this update detailing that Business Continuity and Emergency Plans have been reviewed and updated as scheduled, and that future review is planned to align with exercises to be held in 2022/23. This is commendable. The implementation of a new digital records management system (O365) makes frequent accompanying review of the Plans particularly important. The Assessment Team look forward to updates in subsequent PURs regarding both vital paper and digital records. This element remains at Amber while work is ongoing.

Element				Assessment				
11. Audit Trail	A	A	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 being developed.	See Element 4 re O365 work. There has been no change from the Progress Update Review submitted in 2020.	For progress with O365 see elements 4 and 5 above. This element remains at Amber while work is ongoing.	Work is ongoing – no change from Progress Update Review submitted in 2021.	Thank you for letting the Assessment Team know that work under Element 11 is ongoing. This Element will remain at Amber. We look forward to being updated on progress in subsequent PURs.
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.	There has been no change from the Progress Update Review submitted in 2020.	Update required on any future change.	No change from the Progress Update Review submitted in 2021.	Update required on any future change.
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 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 informed as this work progresses.	There has been no change from the Progress Update Review submitted in 2020.	Update required on any future change.	No change from the Progress Update Review submitted in 2021.	Update required on any future change.
14. Shared Information	G	G	G	Update required on any change.	There has been no change from the Progress Update Review submitted in 2020.	Update required on any future change.	No change from the Progress Update Review submitted in 2021.	Update required on any future change.

7. The Public Records (Scotland) Act Assessment Team's Summary

<u>Version</u>

The progress update submission which has been assessed is the one received by the Assessment Team on 30 June 2022. The progress update was submitted by 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**.

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 various 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 Angus Licensing Board continues to take its records management obligations seriously and is working to bring all elements into full compliance.

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 resubmit its plan under section (5)(6) of the Act.

8. The Public Records (Scotland) Act 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

Iida Saarinen

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