



Public Records (Scotland) Act 2011
**Report by the Keeper of the
Records of Scotland 2021 - 2022**



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Section 1

Foreword by the Keeper of the Records of Scotland

I am pleased to present this annual report, under the Public Records (Scotland) Act 2011 (the Act), setting out my assessment of the progress made during the year ending 31 March 2022.

Under the legislation National Records of Scotland (NRS) is tasked to provide guidance and support, to ensure that Scottish public authorities meet their obligations and have the appropriate governance, capabilities, skills and knowledge required to maintain and improve record keeping practice.

The Act also requires that public authorities must prepare, implement and keep under review a Records Management Plan (RMP) setting out their arrangements for the management of records they hold or create. These RMPs must be submitted for my agreement and once agreed, these plans must be implemented and regularly reviewed.

During the past year, we agreed twelve plans and invited two public authorities to submit plans for the first time. I am pleased to confirm that all met or exceeded the required standards. While the review process identified some areas for further improvement, I am confident that authorities continue to demonstrate that they understand their responsibilities under the Act and that they are taking the required measures to ensure compliance.

Authorities have continued to participate in our Progress Update Reviews, which provide them with access to a voluntary, non-statutory, improvement mechanism to benchmark their records management and information governance processes over time.

The value of good records management practice has never been more important, they tell the story of the decisions, policies and services that affect us all. As I write this both Scottish and UK Inquiries into the Covid-19 pandemic get underway and the records of public authorities will be key in helping better understand a highly challenging and sadly distressing time in our recent history.

Also this year we have continued to engage with stakeholders in popular, well-attended surgeries and webinars. Our PRSA Knowledge Hub has continued to expand, providing a valuable information resource for organisations and practitioners. We have also continued to engage with stakeholders in Scotland and indeed globally on a range of issues. One example being our contribution to projects aimed at improving the quality of records created and managed by the care system.

Even as our work evolves, our core tasks remains unchanged: supporting and advising authorities, assessing progress and promoting continuous improvement as an essential part of democracy and good governance.

In doing so, we help to ensure the Act continues to fulfil the aspirations of the Scottish Parliament to achieve a forward looking, collaborative and improvement focussed approach to public record keeping.



Paul Lowe

Keeper of the Records of Scotland

December 2022

02

Section 2

Review of the year

Record Management Plans

2 first-time invitations issued

12 Plans agreed (9 first time plans and 3 plans reviewed and submitted under s5)

4 authorities invited to submit reviewed plans

3 voluntary re-submissions under Section 5(6) of the Act

8 reviewed plans submitted

260 plans agreed since Jan 2013

283 invitations issued since Jan 2013

Progress Update Review

195 invitations issued

66 final reports issued

22.2% increase in final reports issued

Engagement

32 one-to-one meetings with public authority key contacts

8 PRSA surgeries delivered to stakeholders

443 delegates attend PRSA surgeries

16 papers on PRSA delivered to external and internal events

32 stakeholder and professional meetings and events attended

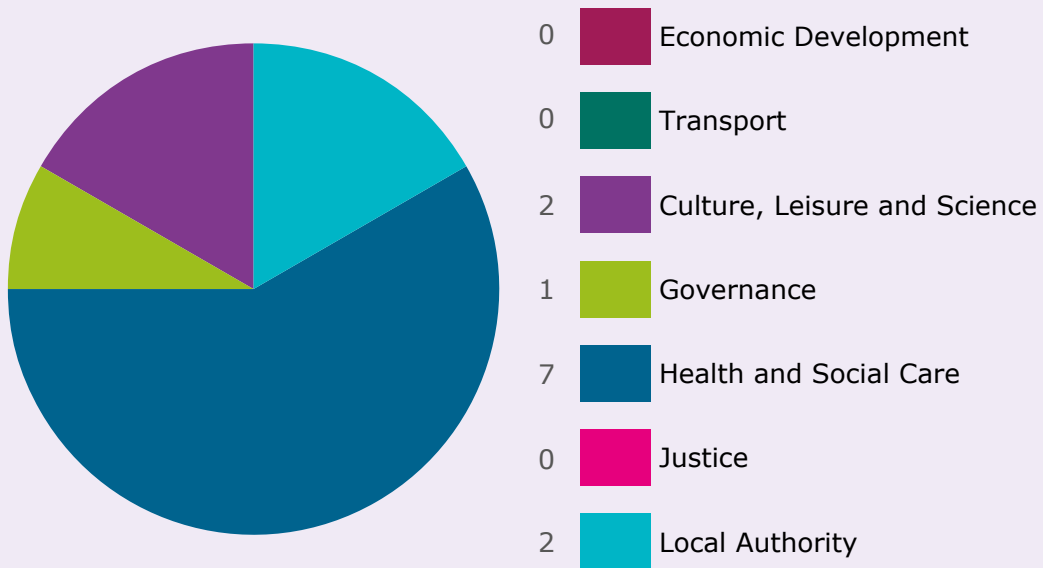
*figures relate to the number of authorities for which plans have been invited/submitted/agreed

**figures relate to the number of authorities

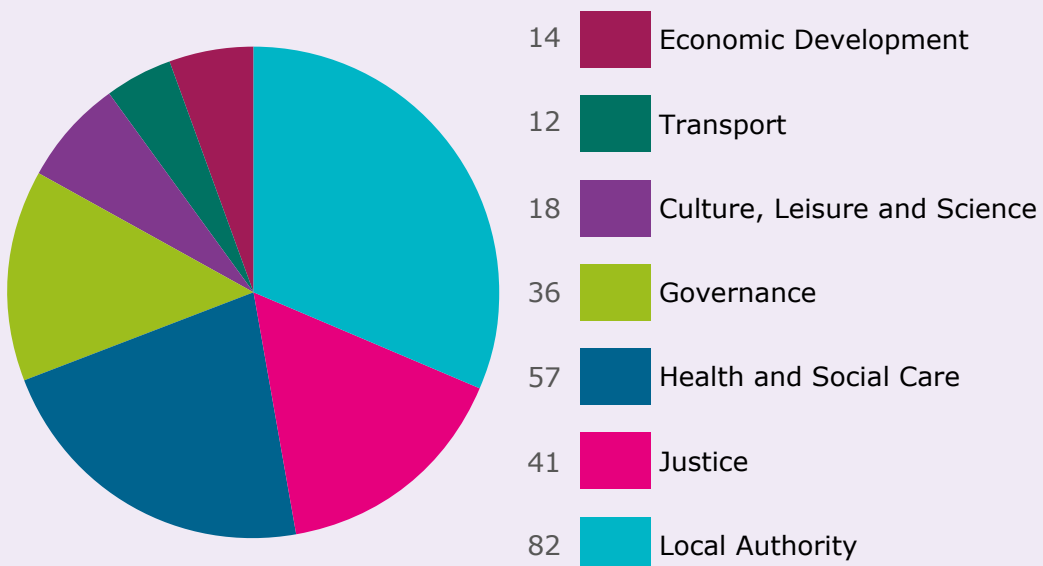
Records management plans agreed by sector

A total of 12 plans were agreed in 2021-2022 out of 258 plans agreed since 2013

Plans agreed, by sector, 2021-2022



Plans agreed, by sector, 2013-2022



Presentations on Act delivered at internal and external events, 2021-2022

| Organisation | Location | Date |
|---|----------|-----------|
| Global Records Access Information Exchange | Online | 15-Apr-21 |
| General Spring PRSA Surgery | Online | 22-Apr-21 |
| General Spring PRSA Surgery | Online | 27-Apr-21 |
| Centre of Excellence for Children's Care and Protection (CELCIS) Keeping the Promise Roundtable | Online | 19-May-21 |
| Protecting the Public Record: Models of International Best Practice | Online | 24-Jun-21 |
| Newcomer PRSA Surgery | Online | 29-Jun-21 |
| Newcomer PRSA Surgery | Online | 29-Jul-21 |
| International Council on Archives: SUV Conference | Online | 29-Jul-21 |
| KRS Model Plan Element 15 PRSA Surgery | Online | 31-Aug-21 |
| Archives and Records Association Raising the Stakes Conference | Online | 02-Sep-21 |
| Memory-Identity-Rights in Records-Access Conference | Online | 08-Sep-21 |
| General Spring PRSA Surgery | Online | 28-Sep-21 |
| Microsoft 365 PRSA Surgery | Online | 26-Oct-21 |
| Glasgow University Information Management Post Graduate Course | Online | 28-Jan-22 |
| Scottish Human Rights Commission 'Interaction' Review Group | Online | 01-Feb-22 |
| Newcomer PRSA Surgery | Online | 28-Mar-22 |

Section 3

Aims, obligations and assessment



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 November 2007.²

The Public Records (Scotland) Act 2011 (the Act),¹ implemented in 2013 requires named authorities to prepare, implement and keep under review, a records management plan setting out proper arrangements for the management of their public records. The plan must be submitted to the Keeper of the Records of Scotland (the Keeper) for assessment and agreement. Its aim is to improve record-keeping across the Scottish public sector.

The Keeper collaborated with stakeholders to develop a Model Records Management Plan (Model Plan) to assist public authorities in meeting their statutory obligations. The Model Plan was reviewed in collaboration with stakeholders, and a new version was published in 2019. His associated Guidance Document is currently under review and will be finalised for publication by April 2023. It will be published alongside the Keeper’s Model Plan and Proper Arrangements Guidance.³



The Keeper has a statutory obligation to report annually to Scottish Ministers. The report serves to update Scottish Ministers on progress, but also to notify them of any significant issues, either thematically or relating to the assessment of an individual body. The Keeper can, for example, return a plan to an authority, under Section 4 of the Act, where he considers it does not meet his proper arrangements requirements. He was not required to consider such action during this reporting period.

1 <http://www.legislation.gov.uk/asp/2011/12/part/1/enacted>
2 [Historical Abuse Systemic Review: Residential Schools and Children's Homes in Scotland 1950 to 1995 \(webarchive.org.uk\)](http://www.webarchive.org.uk/uk/archive/20071106140000/http://www.scotland.gov.uk/About/History/Abuse/Review/Review.htm)
3 <http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources>

Since the Act came into force the Keeper has agreed 260 plans and issued 283 invitations, including invitations and agreements achieved under the provisions of Section 5 of the Act.

Plans agreed

A total of 12 plans were agreed this year. Two new authorities, South of Scotland Enterprise and Environmental Standards Scotland, were invited to submit their plans.

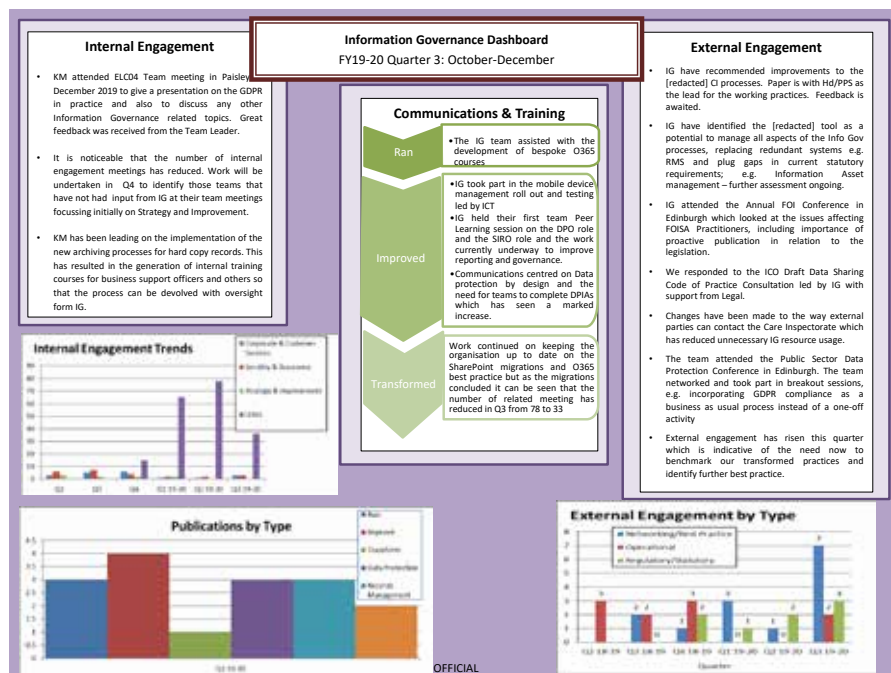
Updating the Act

Named authorities that must comply with the Act are listed under a schedule. Most new bodies are added to the schedule under their own founding legislation, but not all. Work is underway to review and identify any newly created bodies not currently covered under the schedule. This will inform a future Scottish Statutory Instrument.

Progress Update Review

The Keeper is committed to supporting continuous improvement under the Act. In addition to the creation of the Model Plan he has put in place the voluntary and non-statutory Progress Update Review (PUR) mechanism. This provides a route for public authorities to engage outwith the formal assessment process to receive advice and make improvement in their records management provision. The PUR process remains popular with stakeholders and as part of this provides the Keeper with annual updates from participating authorities, which allow him to draw conclusions about the impact of the Act. Approximately half of all authorities have engaged with the PUR process and feedback has been positive. The PUR process helps stakeholders by providing external validation for their ongoing improvement activities, helps to keep records management visible to senior management and helps the authorities prepare for formal review of their plans. In order to promote transparency and broader understanding, each assessment and report on the findings is published to [PRSA pages of the NRS website](#).⁴ Last year we agreed 66 PUR submissions from scheduled public authorities.

⁴ [Progress Update Review \(PUR\) - Assessment Reports | National Records of Scotland \(nrscotland.gov.uk\)](#)



Courtesy of Social Care and Social Work Improvement Scotland (Care Inspectorate)

Despite being entirely voluntary the PUR process has become a core activity of the PRSA assessment team and a key priority for many Scottish public authorities.

As previously reported, the Covid-19 pandemic initially impacted the PUR process. Authorities were forced to prioritise frontline services which saw some records managers in authorities taking on additional responsibilities or being temporarily reassigned to new tasks. Capacity in NRS to progress PUR activity was also to some extent impacted. However, as we have moved through the pandemic we have seen evidence of significant recovery of interest and participation in PUR. NRS also engaged new PUR officers early in 2021, re-established our invitation programme and undertook a range of engagement activities with stakeholders.

In 2021/22 we collated and analysed information amassed from PUR responses. We focussed on the RAG status markings allocated under each Element of authorities' agreed plans in order to better understand where progress is being made, and help inform priorities around the further development of guidance and training.

▶ Amy Cawood, Corporate Records
Manager, NHS Forth Valley.

'Accurate, timely and reliable records are, of course, essential for the smooth, efficient and effective running of our health services. The PUR process, coupled with the Model Plan and associated guidance, and the opportunity to participate in the excellent PRSA surgeries, is an invaluable tool in ensuring that the Health Board continues to maintain its commitment to the proper management of its records for the benefit of patients, carers, NHS staff (clinical and non-clinical) and the wider local community. We recognise that we still have a great deal to do, but the RMP framework helps us to focus on our weaknesses and plan for improvement, whilst also celebrating our strengths.'

Review of Plans under Section 5

Section 5 of the Act allows the Keeper to revisit an authority's agreed records management plan and invite them to review and resubmit the plan for his agreement. He cannot, however, do this until five years have passed since the last agreement. The Act states, 'The Keeper must not determine a review date under subsection (1)(b) which is earlier than five years after the date on which the authority's records management plan was last agreed.' (Section 5(2)). As previously reported, due to the pandemic we had to pause our programme of invitations in early 2021. However, since re-establishing the programme in November 2021 some 136 authorities have been invited to review and resubmit their RMPs. Of these 18 have been assessed and agreed and we are working with the rest of these authorities to conclude the evidence gathering and the assessment of their plans.

Section 5(6) of the Act makes it possible for authorities to voluntarily review their agreed plan at any point and resubmit these for the Keeper's agreement. I am pleased to report that to date 10 authorities have taken the opportunity provided under the Act to comprehensively review their agreed plan and resubmit with all relevant evidence for my agreement. This includes three this year. This is a welcome and encouraging development.

The Keeper's assessment team liaises with named authorities over the development, submission and assessment of their proposed plans. The team can be contacted at public_records@nrscotland.gov.uk



The PRSA Assessment Team: (L-R back row) Andrea Wells, Hugh Hagan, Gillian Mapstone (Head of Records and Archives Engagement) and Pete Wadley; (L-R front row) Elizabeth Course, Samantha Walker and Iida Saarinen

Acknowledgement – Crown copyright

Section 4

Engagement



Courtesy of Cairngorms National Park Authority and Will Boyd-Wallis

Surgeries support understanding through communication and are key to the success of our collaboration. Much is achieved by these surgeries, but at their core they are a chance for colleagues to meet on friendly terms to share their challenges and their successes in an informal and supportive space.

► Gayle Fitzpatrick, Corporate Governance Manager, Audit Scotland

Working closely with stakeholders to co-produce advice and guidance has been key to success so far. Stakeholders continue to value our engagement in helping them jointly develop robust records management plans and achieve compliance with the Act. In light of the ongoing challenges of the pandemic, online engagement tools have remained key to our ongoing engagement and support of public authorities.

PRSA surgeries

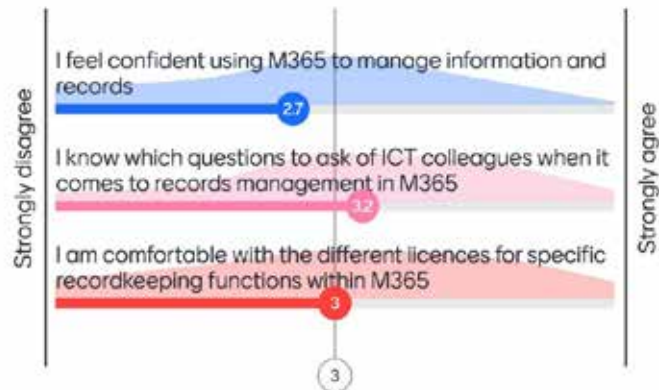
PRSA surgeries, which allow us to share learning and experience, remain popular with stakeholders. Colleagues see them as an opportunity to engage with the PRSA team, but also to meet other colleagues and learn about practical records management experiences in other authorities.

'At Audit Scotland managing our records efficiently and effectively is crucial to our statutory work. We welcome the clear direction on our legal obligations in relation to records management from our colleagues at the NRS who are always approachable, supportive and pragmatic. The recent updates to the model records management plan are concise and helpful for organisation navigating this challenging area. The level of public engagement from the NRS via surgeries, consultation events and the knowledge hub provide valuable insights and opportunities to collaborate with others which enhance our knowledge and understanding and transform our ways of thinking. Recent spotlights on how we effectively utilise O365 technology have been hugely informative and thought-provoking.'

We hosted eight surgeries including three general surgeries to update stakeholders and learn about issues important to them. NRS colleagues with responsibility for Government Records also participated in these surgeries to promote the work they do in helping stakeholders meet their obligations under Element 7 of the Keeper's Model Plan, Archiving and Transfer Arrangements. Last year's re-engagement process alerted us to the fact that, with some new authorities and also some new people, there was a body of colleagues who would benefit from bespoke sessions explaining the background and requirements placed on them under the Act. To this end we also ran three surgeries, with 96 attendees, specifically aimed at those who were new to the PRSA, or were seeking to refresh their fundamental knowledge.

Technological developments continue to shape the records management landscape and it remains vital that in making such changes and choices, public authorities continue to meet their obligations under the Act. A notable development has been the number of Scottish public authorities with agreed RMPs who have adopted Microsoft in the Cloud (M365) as a new records management solution. The potential impact of this led us to engage extensively on this topic, including by collaborating with international colleagues and institutions, and through a special surgery. The event was addressed by Mr Andrew Warland, international expert on M365. The surgery also included contributions from a number of other public sector colleagues with considerable theoretical and practical experience of M365 between them: Tracey Gill, Information Governance and Security/ Data Protection Officer, NHS National Education Scotland; Meic Peirce Owen, Records Manager, Fife Council; Ryan Kerr, Head of Information Governance, Historic Environment Scotland; and Joe Bartoletti, Records Manager, Police Scotland. With 222 individuals registered to attend, there is no doubt about the level of interest in this important topic.

Confidence Scales



Our other special surgery was on the subject of public records created and managed by third party providers; this is Element 15 of the Keeper's Model Plan. *The Historical Abuse Systemic Review* (2007) exposed record keeping failings in Scotland's child care sector where third party provision of this particular function was long established. The Public Records (Scotland) Act 2011 addresses the specific issue of public records created by third parties. Section 3 of the Act, 'Meaning of public records', says:

- (1) In this Act, "public records", in relation to an authority, means—
- (a) records created by or on behalf of the authority in carrying out its functions,
 - (b) records created by or on behalf of a contractor in carrying out the authority's functions,
 - (c) records created by any other person that have come into the possession of the authority or a contractor in carrying out the authority's functions.
- (2) In subsection (1) "contractor", in relation to an authority, means a person to whom functions of the authority are delegated (whether under a contract or otherwise) by the authority.'

The numbers attending surgeries this year soared, partly because of the strength of existing relationships but also because these were tailored to the specific and expressed needs of our stakeholders. Our increased use of online events also allowed higher numbers of attendees than would have been possible with a physical event. Overall this year we attracted 443 attendees across our surgery series.

The Act has at its core Scottish Ministers' ambition to close the gap in provision that previously put public records created by third parties delivering a public function at risk. This is challenging, not least because public sector records managers, historically and currently, may have little or no role in overseeing or monitoring the management of records created by third-party providers. Such arrangements are dependent on the contractual and governance arrangements in place for the award and subsequent monitoring of the delivery of the outsourced service. While we have delivered guidance on suitable public records contractual clauses, this is an issue that we intend to focus on in our future work.

In addition to issuing guidance, we held a dedicated Element 15 surgery, attended by 90 stakeholders. This included input from Zarya Rathe, Information Governance and Data Protection Officer, East Lothian Council, and Joanne Wishart, Research Assistant, Aberdeen City Council. Joanne was previously archivist at Seamab, a charity based in Perth and Kinross that provides residential care and education for children and young people from across Scotland. This session provided an opportunity to focus on good practice and real-world examples from the public and third sectors. We will use feedback from this session to shape the further development of our guidance and our plans to engage with public authorities in this regard.

We continue to look forward to in person meetings, but the benefits of online events, which allow us to bring together colleagues from across all of Scotland's public sector, and across the globe, are such that we also plan to continue with this way of engaging.

Outreach activities

Much like our surgeries, our authority-level engagement grew this year. It is vital that we remain in direct contact with authorities to help them meet their statutory obligations and offer assistance and guidance relative to their individual needs. This year we met with individual authorities on 32 occasions.

Meetings with public authorities 2021 - 2022

| | |
|--|--|
| Angus IJB | Environmental Standards Scotland |
| City of Edinburgh Council | Aberdeen City Council |
| Office of the Scottish Charity Regulator | South Lanarkshire IJB (x 2 meetings) |
| Argyll & Bute Council (x 2 meetings) | David McBrayne Ltd |
| Office of the Scottish Information Commissioner | West Dunbartonshire IJB |
| Renfrewshire Integration Joint Board | Redress Scotland |
| Care Inspectorate | NHS Forth Valley |
| Inverclyde Council (x 2 meetings) | Scottish Forestry |
| Dundee IJB (x 2 meetings) | NHS Ayrshire & Arran |
| Audit Scotland/Auditor General/Accounts Commission | Scottish Pubs Code Adjudicator |
| South Lanarkshire IJB | Borders IJB |
| Police Scotland | Parole Board for Scotland (x 2 meetings) |
| East Dunbartonshire IJB | Scottish Commissioner for Human Rights |
| NHS Fife | Scottish Biometrics Commissioner |

We also continue, by invitation, to participate in the work of the NHS Scotland Records Management Forum. We contributed to three Forum meetings this year where we updated colleagues on progress under the Act and our involvement with the Microsoft Customer Advisory Board (CAB) on Microsoft 365 (M365). This is of particular interest to Forum members as the NHS in Scotland continues to transition to a M365 solution for its record and information management.

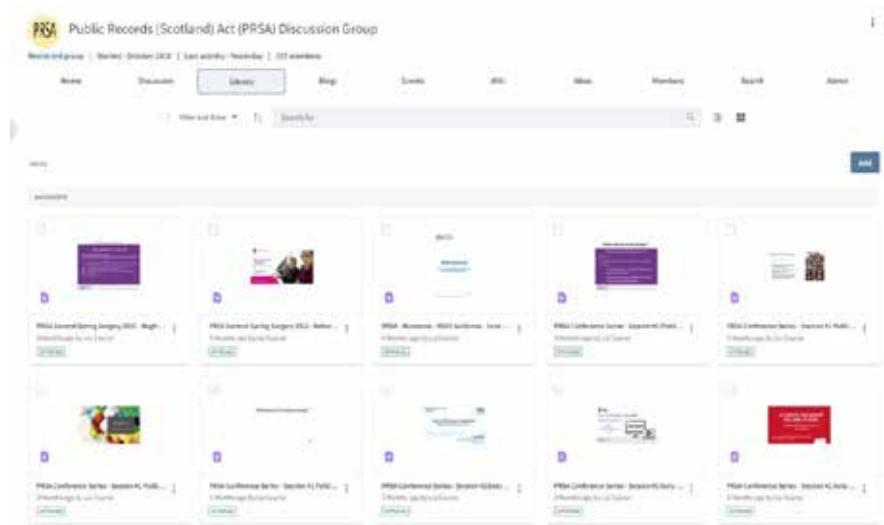
The Microsoft CAB allows us to engage directly with the M365 development and leadership team. It provides us with an opportunity to influence the future direction of the platform and contribute to the ongoing improvement of M365's records management capabilities.

The PRSA team will continue to support the work of the Microsoft CAB to ensure the requirements of the Act feature in all its discussions and we continue to contribute to improved records and information management under M365.

The ability of M365 to meet records and information management community expectations with regard to record retention, deletion and long-term preservation, which are central to the Act, has formed a considerable part of the conversation to date. (see *Annex 2.*)

We maintained our association with the Social Work Scotland Historical Abuse Practice Network and the Scottish Public Sector Data Protection Practitioner Group. Team members participated in the AGMs of the Information and Records Management Society and the Archives and Records Association Records Management Group. We liaised with colleagues in the Scottish Council on Archives. We further engaged with professional colleagues by providing an update to a meeting of the Archivists of Scottish Local Authority Working Group (ASLAWG).

We continued to grow our online presence this year through our commitment to the Public Records Scotland Act Knowledge Hub discussion forum (KHub). We first established the discussion group in October 2018. Since moving our stakeholder engagement online in 2021 due to Covid-19, the group has been a valuable tool for staying in touch with our public authority colleagues and has become much more active, offering a 'virtual' platform for networking in the absence of face-to-face meetings. In April 2021 there were 142 registered members; there are now 214 members. It is utilised to promote both PRSA and wider events, to point members to useful resources, and to share news, knowledge and experience. We have also created a library of resources where members can access over 30 sets of presentation slides from speakers at all online surgeries.



Our KHub forum has become an increasingly important resource and collaborative tool over the course of this year. It has seen a marked increase in stakeholders engaging with each other through posting questions, comments and useful resources. We will continue to support colleagues to engage this way and to develop the PRSA KHub forum further.

Rights in Records initiatives

The NRS PRSA team participated in the Global Records Access Exchange: Childhood Care Records event in April 2021. We provided input on the issue of care records created by third-party providers. This marked the beginning of our annual activities to engage with colleagues across sectors and across geographical boundaries on the broad issue of rights in records. Online events gained in momentum this year, and all the rights in records events we participated in were delivered this way.

In 2020, Scotland's Independent Care Review concluded and published *The Promise*. This report describes how care records can often feel like their purpose is to meet the administrative purposes of the 'care system' rather than capturing the life stories, experiences and feelings of care experienced people. Initiatives to help deliver the ambitions of *The Promise* engaged with the care experienced to understand what must be done to ensure they have a sense of ownership over their records, the ability to access and reflect on their own stories, memories, emotions and needs. They also need to be confident, however, that

their records are being properly managed to ensure they remain accessible over time. We were able to contribute to this discussion in a Keeping the Promise round table event, organised and hosted by Aberdeen City Council, CELCIS and Who Cares? Scotland that took place in May 2021, and which attracted international attention.

▶ Estelle Carmichael, Lead for non-recent (historical) abuse work, CELCIS (The Centre for Excellence for Children's Care and Protection)

'Care experienced adults continue to highlight the need for accessible, informative, child-centred personal records. These documents can help make sense of their background, identity and decisions made in childhood. For survivors of non-recent abuse in care, records can influence recovery from trauma and at times, provide a vital source of evidence for justice proceedings. The Public Records (Scotland) Act 2011, its origins strongly influenced by survivors, has been crucial to helping ensure documents are managed and stored effectively for some of Scotland's most vulnerable children, young people, and adults.'

The Archiving Residential Children's Homes (ARCH) in Scotland and Germany project, which considers issues relating to the creation and preservation of personal and institutional records of children in care, gathered pace this year. Representing the project, and the ambitions of the Act for the better management of care records, we spoke to the International Council on Archives annual conference on Archives, Ethics and Society. Our paper, 'Everyday records or living archives. Creating a new standard for record keeping in residential care homes in Scotland and Germany', drew on the Shaw Report and reflected on absences of care-related records in the archive. It also referenced the need for those in care to be able to access their own personal histories and the possibilities offered by digital record-keeping and social media to create new 'living archives' for children in care. We will continue to support and contribute to this exciting project.

We were invited to contribute to the National Archives of Ireland's conference Protecting the Public Record: Models of International Best Practice. Reflecting on their current archive legislation our Irish colleagues invited speakers from Archives New Zealand, Danish National Archives and National Records of Scotland to share a platform with them to explore aspects of best practice from each participant's jurisdictions. Drawing on the Public Records (Scotland) Act's broad definition of a public record, designed to protect records created under contract by a third party, our paper, 'Safeguarding public records wherever, however and whoever creates them!', explored the opportunities and the challenges of regulating such a statutory obligation.

Further promoting the theme of safeguarding public records created under contract by third party providers, we contributed to the Memory – Identity – Rights in Records – Access (MIRRA) Symposium, organised and hosted by University College London, on the records of the care experienced. Our paper introduced the audience, which included care leavers and survivors of in-care abuse, to the Act's ambition for records created on behalf of those experiencing care being provided by a third party under contract to a public authority. It also addressed Scottish Ministers' long-term ambitions for the Act to help change the culture around the creation and management of records and information across the Scottish public sector.

Changing the culture around public records had a particular focus for us this year as we collaborated with Scottish Government colleagues and others in a discussion on duty to record. The Scottish Parliament Public Audit and Post Legislative Scrutiny (PAPLS) Committee undertook post-legislative scrutiny of the Freedom of Information (Scotland) Act 2002 (FOISA) in 2019, and reported to Ministers in May 2020. The Scottish Government provided its formal response to the Committee's report on 25 February 2021. In that response the Government accepted the Committee's recommendation to consider the introduction of a 'duty to record' certain categories of information. It was the Committee's view that any such duty, should the principle be accepted, would sit naturally within Scotland's Public Records legislation. The Scottish Government embarked on a broad discussion with relevant stakeholders, including the PRSA team, and

committed to research the topic in some depth. The Scottish Government is exploring options for taking the research forward. The PAPLS successor committee, the Standards Procedures and Public Appointments Committee, will be updated on the progress in due course.

We will continue to participate in the debate and contribute to meetings convened by Scottish Government colleagues. This year we took part in a workshop that brought together colleagues from across the Scottish Government and NRS to meet with the Scottish Information Commissioner, the Scottish Public Services Ombudsman and the Commissioner for Ethical Standards in Public Life in Scotland. The workshop was also attended by the Electoral Reform Society Scotland and Transparency International.

The importance of the debate around rights in records was further demonstrated this year when we were alerted by our records management colleague in West Dunbartonshire Council to a developing situation involving care records in the keeping of third-party providers. Balnacraig School, Perth, an independent charity providing care to children with special needs, announced in the autumn of 2021 that it would soon stop operating and go into receivership. The same colleague soon after alerted us to another care facility, Snowden House, Stirling, that had also announced it would close by the end of 2021. Both these establishments had been operating over many years, since 1843 in the case of Balnacraig, and held considerable quantities of case files and other records that were the property of the local authorities who had commissioned them to provide care and education to vulnerable young people. Thanks to the swift action of our West Dunbartonshire Council colleagues, alert to their responsibilities under the Act, we were able to work jointly to help them safeguard these vital records by ensuring they transferred back into the keeping of the appropriate local authorities.

Conferences and wider talks

The 2013 Action Plan on Justice for Victims of Historic Abuse of Children in Care (the 'Action Plan'), was the product of the Scottish Human Rights Commission-led Interaction with survivors of in-care abuse. The Action Plan was monitored by an Interaction

Action Plan Review Group (the 'Review Group'). The Review Group's work concluded this year and, before writing to Scottish Ministers with its assessment of progress, it invited us to update them on the Keeper's implementation of the Act. We delivered a paper and participated in a discussion at a Review Group meeting in February.

The Review Group applauded the work of the Act in protecting the records of the most vulnerable in our society. In writing to Scottish Ministers the Review Group did, however, point out the Act 'does not extend to private, commercial, charitable or public bodies not named under the Schedule to the Act, even if they are delivering the functions of named public authorities.' The Group made this statement to highlight that third-party providers are not named under the legislation and therefore have no statutory responsibilities under the Act. Named public authorities, however, remain responsible for public records created under such contracts and must satisfy the Keeper under their RMPs of the confidence they have in the records management arrangements of contracted organisations. It is therefore essential that our ambitions under Element 15 of the Keeper's Model Plan, addressing records created and managed by third party providers, remain a priority for the PRSA team.

Engaging with the UK records and archives profession is key to ensuring the work of the PRSA team is known and understood more widely. Much of the guidance developed to help our Scottish public sector colleagues has broader application and it is important that the profession is kept informed. This year we delivered a paper to the Archives and Records Association conference, 'We Love Records: Sustainability, Diversity, Advocacy'. Our paper, 'Raising the Stakes: The Effect of the Public Records Scotland Act on the profile of records management in the Scottish public sector', drew on work currently underway, using data harvested from the PUR mechanism, that will help us measure the impact the Act is having across the sector. We want, among other things, to gauge the extent to which the Act is positively impacting the profile of records management and records managers within named public authorities.

Section 5

Reflections on progress and looking forward



The evidence from our statutory and voluntary assessment processes indicates that public authorities are navigating the challenges still present from the pandemic. It is encouraging given these challenges, that stakeholders remain committed to compliance with the Act and that there remains a high level of participation in the voluntary PUR mechanism as a way of maintaining momentum and delivering on progress.

Remote working, hybrid working and greater use of digital collaboration and records management tools continued to be important trends seen across the records management landscape this year.

Despite the ongoing challenges, faced by all Scottish public authorities, this year has seen further progress under the Act. Our invitation programme continued, public authorities complied with their statutory obligations by submitting RMPs as required, we assessed and agreed RMP submissions and our Progress Update Review (PUR) mechanism remained a popular aid to our records management colleagues.

We continue to benefit from excellent stakeholder relationships, built over years, that have helped us better understand their challenges and co-design guidance that serves all our interests. This year's engagement programme built on the learning from last year when we embraced new technology to communicate with stakeholders. In-person meetings will once again become an option for us, but the success of online engagement and the greater reach it affords is without question. Our virtual surgeries attracted public authorities from all over Scotland and have included professional colleagues from other parts of the UK. We look forward to delivering our 2022-2023 programme of engagement and will seek to be adaptable to the changing landscape and the identified needs of public authorities.

We have further grown the PRSA Knowledge Hub forum this year. We are now more routinely posting advice and guidance and we are facilitating greater discussion and networking among colleagues. The forum now supports several threads of discussion on different topics and we will take the opportunity to expand on this next year.

Working closely with professional colleagues is key to expanding our reach and promoting the work of the Act beyond the Scottish public sector. We will continue to embrace all opportunities to work closely with professional groups, including the Scottish Council on Archives, the Information and Records Management Society Scotland, the Archives and Records Association Scotland and the Archivists of Scottish Local Authority Working Group (ASLAWG), to advance the work of the Act and collaborate to deliver solutions, advice and support.

Next year we will ensure our engagement continues to prioritise records and information management issues that, while focussing on the practical application of systems, will promote the importance of robust governance processes to safeguard the rights of all of Scotland's citizens.

We will similarly continue to contribute to rights in records initiatives where appropriate. We remain alert to the background to the Act and the particular importance of records to the vulnerable in our society, who rely on the state for their care. We are committed to our participation in the Archiving Residential Children's Homes project. We will also continue to engage with the work of the Global Records Access Exchange and the Memory – Identity – Rights in Records – Access initiatives and deliver papers to UK and international events on the subject of rights in records.

The continuing popularity of our PUR process is very encouraging. The aim of the Act is to encourage continuous improvement and stakeholder uptake of the annual, voluntary, self-assessment PUR process is early offering stakeholders a way to do this in a systematic, straightforward and measured way. We started the task of drawing down PUR data this year to help inform future engagement and guidance and we will further develop this over the coming year.

The Scottish public sector is constantly changing. New authorities come into existence, others stop operating while some merge and attract new names and functions. In most cases, new bodies are added to the Schedule of the Act under their founding legislation, but not always. We continue to monitor this and will in the course of next year develop a Scottish Statutory Instrument to update the Schedule and ensure all relevant authorities and all name changes are properly addressed under the Act.

Changes in working patterns and records management roles have taken place across the public sector as a consequence of the global pandemic. Our Covid-19 survey, which we reported on last year, evidenced these changes. The long term ramifications of these changes are yet to be seen, but we will use our engagement and monitoring processes over the next and subsequent years to remain alert to the impact on records and information governance across the Scottish public sector.

What is clear is that engagement with the PRSA team throughout the pandemic has been important to our public sector colleagues. The importance of what records professionals do to manage and protect the public record, and by so doing safeguard the rights of Scotland's citizens, has gained prominence throughout this period, and we will ensure next year's engagement programme promotes this further.

records MANAGEMENT

Where to start? ① ② ③

So you have read all of the information and guidance on the Records Management Toolbox on Connect, but you may be wondering where to start? Here are a few hints and tips on how you can start to better manage your own records at DGC.

① START by dedicating time in your working week to manage the paper and electronic files you have on and around your desk. Including: pedestals, drawers, cabinets, your C:drive and O:drive

② FIND out what you have in your office. Are there boxes of files? Filing cabinets full of old/miscellaneous files? Is there a generic storage area that needs to be reviewed? Highlight this to your line manager.

③ PLAN with your team and line manager how you will assess, mark and secure the records you work with or you have in storage

REMEMBER you are responsible for the day to day management of the records you create, maintain, access and/or edit

REMEMBER do not make unnecessary additional copies of documents

REMEMBER you should save all Council records to an appropriate file, shared drive or information system

REMEMBER to delete your 'Deleted Items' in your email inbox and empty the 'Recycle Bin' on your desktop

Further information
Visit the Records Management page on Connect
Access training courses on Flexible Learning Online (FLO).
Contact your line manager or the Council's Records & Information Management Office:
recordsmanagement@dumgal.gov.uk

Dumfries & Galloway COUNCIL

Courtesy of Dumfries and Galloway Council

We will promote discussion on skills and resourcing within the records and archives profession, digital preservation and authority and control in recordkeeping environments. We will engage further with colleagues across the public sector, and draw on contacts within the charitable sectors, on the topic of public records created under contract by third-party providers. This is a key part of the legislation, stemming directly from the findings of the Historical Abuse Systemic Review, and is core to the topic of rights in records.

We will continue to liaise with Scottish Government and others on any future developments in public record keeping, providing our own insights and those from the wider sector.

The collaboration across records management professionals in Scotland and with my PRSA team has been a hugely positive outcome from the Act. This provides a healthy foundation from which we can embrace change, even when it arrives unexpectedly and at pace.

The Scottish public sector is managing constant change. Although it was not a concern this year the more recent developments in the economy, driven by the tragic events in Ukraine and other factors have the potential to impact on public spending and the buying-power of organisations. We will continue to work closely with public authorities to understand their forward-looking plans and arrangements for records management services to ensure that compliance with the Act is maintained.

Another important change currently and into the near future is about the solutions public authorities employ to create and manage their information. The pandemic often required authorities to quickly find ways to conduct their business remotely and significantly accelerated the move of many authorities from paper record keeping to digital. However, it remains important that the disciplines and considerations of the Act remain embedded in the record-keeping practices and approaches undertaken by the public authority when using digital solutions. As with all new systems, the obvious benefits can often be accompanied by not so obvious challenges. We continue to support and advise public authorities who have made or are contemplating such changes to their records management infrastructure.

It has enabled us to take advantage of new ways of working, such as online working, and to act quickly as a practitioner community to share learning vital to protecting the public record in the digital age. The year ahead will undoubtedly bring more change and new challenges, but our work to date will help ensure we are equipped to meet these challenges positively. Ultimately our commitment under the Act is to protect the rights of Scotland's citizens by safeguarding public records created on their behalf. We remain committed to this goal and will continue to work with all our stakeholders to deliver on this.



Paul Lowe
December 2022

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Section 6

Annex One: List of Records Management Plans and Progress Update Reviews agreed 2020-2021

Records Management Plans agreed, 2021-2022

| Authority | Date of Agreement | Sector |
|--|-------------------|------------------------------|
| North Ayrshire Integration Joint Board | 01-Apr-21 | Health and Social Care |
| Aberdeen City Integration Joint Board | 07-Jun-21 | Health and Social Care |
| Perth and Kinross Integration Joint Board | 21-Jul-21 | Health and Social Care |
| Forestry and Land Scotland | 19-Oct-21 | Culture, Leisure and Science |
| Edinburgh Integration Joint Board | 25-Oct-21 | Health and Social Care |
| *Falkirk Council | 16-Nov-21 | Local Authority |
| *Falkirk Licensing Board | 16-Nov-21 | Local Authority |
| Scottish Fiscal Commission | 18-Nov-21 | Governance |
| **Social Care and Social Work Improvement Scotland | 08-Dec-21 | Health and Social Care |
| East Dunbartonshire Integration Joint Board | 09-Dec-21 | Health and Social Care |
| Scottish Forestry | 09-Dec-21 | Culture, Leisure and Science |
| Aberdeenshire Integration Joint Board | 27-Jan-22 | Health and Social Care |

* Submission by invitation under Section 5(1)

**Voluntary submission under Section 5(6)

PUR Final Reports sent to authorities, 2021-2022

| Authority | Final Report sent to CEO/SO | Sector |
|--|-----------------------------|------------------------------|
| General Teaching Council for Scotland | 01-Apr-21 | Governance |
| Fife Integration Joint Board | 06-Apr-21 | Health and Social Care |
| Healthcare Improvement Scotland | 14-Apr-2021 | Health and Social Care |
| Scottish Health Council | 14-Apr-21 | Health and Social Care |
| Keeper of the Registers of Scotland | 15-Apr-21 | Culture, Leisure and Science |
| Angus Integration Joint Board | 19-Apr-21 | Health and Social Care |
| NHS Grampian | 11-May-21 | Health and Social Care |
| Scottish Prison Service (Scottish Ministers) | 17-May-21 | Justice |
| National Library of Scotland | 20-May-21 | Culture, Leisure and Science |
| South Ayrshire Council | 21-May-21 | Local Authority |
| South Ayrshire Licensing Board | 21-May-21 | Local Authority |
| Board of Trustees of the Royal Botanic Garden, Edinburgh | 25-May-21 | Culture, Leisure and Science |
| NHS Forth Valley | 25-May-21 | Health and Social Care |
| Aberdeenshire Council | 27-May-21 | Local Authority |
| Aberdeenshire Licensing Board | 27-May-21 | Local Authority |
| Inverclyde Council | 28-May-21 | Local Authority |
| Inverclyde Licensing Board | 28-May-21 | Local Authority |
| East Renfrewshire Council | 03-Jun-21 | Local Authority |
| East Renfrewshire Licensing Board | 03-Jun-21 | Local Authority |
| Food Standards Scotland | 04-Jun-21 | Governance |
| NHS Tayside | 08-Jun-21 | Health and Social Care |
| Loch Lomond and the Trossachs National Park Authority | 11-Jun-21 | Culture, Leisure and Science |
| Scottish Ambulance Service | 18-Jun-21 | Health and Social Care |
| Scottish Futures Trust | 01-Jul-21 | Economic Development |
| NHS Highland | 01-Jul-21 | Health and Social Care |
| Scottish Borders Council | 01-Jul-21 | Local Authority |
| Scottish Borders Licensing Board | 01-Jul-21 | Local Authority |
| NHS Ayrshire and Arran | 02-Aug-21 | Health and Social Care |

| Authority | Final Report sent to CEO/SO | Sector |
|---|-----------------------------|------------------------------|
| Revenue Scotland | 05-Aug-21 | Governance |
| NHS Borders | 06-Aug-21 | Health and Social Care |
| Commissioner For Ethical Standards in Public Life in Scotland | 09-Aug-21 | Governance |
| Scottish Public Services Ombudsman | 27-Aug-21 | Governance |
| Bòrd na Gàidhlig | 06-Sep-21 | Culture, Leisure and Science |
| NHS Golden Jubilee | 08-Oct-21 | Health and Social Care |
| Queen's Printer for Scotland | 21-Oct-21 | Governance |
| Angus Council | 08-Nov-21 | Local Authority |
| Angus Licensing Board | 08-Nov-21 | Local Authority |
| Highlands and Islands Enterprise | 11-Nov-21 | Economic Development |
| Dundee City Council | 22-Nov-21 | Local Authority |
| Dundee City Licensing Board | 22-Nov-21 | Local Authority |
| Board of Trustees for the National Galleries of Scotland | 10-Nov-21 | Culture, Leisure and Science |
| Caledonian Maritime Assets Ltd | 22-Nov-21 | Transport |
| Ayrshire Valuation Joint Board | 29-Nov-21 | Local Authority |
| Principal Reporter | 07-Dec-21 | Health and Social Care |
| Scottish Children's Reporter Administration | 07-Dec-21 | Health and Social Care |
| Queen's and Lord Treasurer's Remembrancer (Q<R) | 08-Dec-21 | Economic Development |
| West Lothian Integration Joint Board | 16-Dec-21 | Health and Social Care |
| Historic Environment Scotland | 20-Dec-21 | Culture, Leisure and Science |
| State Hospitals Board for Scotland | 05/01/2022 | Health and Social Care |
| Lanarkshire Valuation Joint Board | 07-Jan-22 | Local Authority |
| Standards Commission for Scotland | 07-Jan-22 | Governance |
| Scottish Qualifications Authority | 24-Jan-22 | Economic Development |
| Perth and Kinross Council | 25-Jan-22 | Local Authority |
| Perth and Kinross Licensing Board | 25-Jan-22 | Local Authority |
| NHS Lanarkshire | 31-Jan-22 | Health and Social Care |
| Central Scotland Valuation Joint Board | 07-Feb-22 | Local Authority |

| Authority | Final Report sent to CEO/SO | Sector |
|-------------------------------------|-----------------------------|------------------------|
| Scottish Public Pensions Agency | 25-Feb-22 | Governance |
| Scottish Prison Service | 25-Feb-22 | Justice |
| Fife Integration Joint Board | 28-Feb-22 | Health and Social Care |
| West Dunbartonshire Council | 08-Mar-22 | Local Authority |
| West Dunbartonshire Licensing Board | 08-Mar-22 | Local Authority |
| NHS Highland | 10-Mar-22 | Health and Social Care |
| Lothian Valuation Joint Board | 17-Mar-22 | Local Authority |
| Healthcare Improvement Scotland | 17-Mar-22 | Health and Social Care |
| Scottish Health Council | 17-Mar-22 | Health and Social Care |
| Scottish Social Services Council | 22-Mar-22 | Health and Social Care |

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Section 7

Annex 2: Microsoft 365 engagement under the Public Records (Scotland) Act 2011

With many of Scotland's public authorities considering the adoption of Microsoft in the Cloud (M365) as their principal records and information management solution, the PRSA assessment team has taken a keen interest in the development and implementation of the M365 platform. As reported above, this year we facilitated a special M365 surgery, developed PRSA guidance to help authorities understand some of the issues associated with implementing M365, and liaised with colleagues, including engagement with Microsoft through its Customer Advisory Board.

Special M365 event

In October 2021 the PRSA team held a special half-day M365 event for public sector records managers. With 222 colleagues registered to attend there can be no doubt about the importance of this topic to our stakeholders. The feedback from the event was a clear ask for the Keeper to produce guidance for the Scottish public sector around the potential risks to be addressed when adopting the M365 platform as a records management solution.

In response to this my PRSA team produced 'M365 Guidance from the Keeper of the Records of Scotland's Assessment Team'.⁵ The Guidance is not intended to dictate business decisions that properly lie with individual public authorities. Rather, it suggests questions that an authority implementing M365 might ask, and maps these to the relevant elements in the Keeper's Model Records Management Plan.

The Model Plan was written in collaboration with stakeholders and represents what the Keeper considers are the core records management outcomes that must be pursued by public sector records managers. These core outcomes must be achievable no matter what record-keeping system is used and the new Guidance should assist in highlighting how the M365 platform can be structured for optimum records management provision.

5 M365 Guidance (nrscotland.gov.uk)

In January 2022 we sent the draft M365 Guidance Document for peer review to colleagues and at the end of March a final version was prepared for distribution to stakeholders and publication on the NRS website. Early indications are that this guidance will be a significant aid to stakeholders. Its full impact will feature under next year's annual report.

Microsoft Customer Advisory Board (CAB)

Last year I reported that the PRSA team had been invited to represent me on a Customer Advisory Board where records management is discussed directly with Microsoft's M365 development team by representatives from the international information governance and records management sector. The CAB is facilitated by Microsoft and by the Information and Records Management Society (of which NRS is a member). In 2021/22 the CAB expanded its membership and formalised its meeting schedule and engagement process demonstrating its value to all involved, including Microsoft. The Board now brings together a number of the world's national archives and regulatory bodies with some of the leading experts in records management in Microsoft 365. As well as the NRS, the CAB includes representatives from:

- The National Archives (UK)
- The National Archives and Records Administration (US)
- Library and Archives Canada
- Norwegian National Archives
- Public Record Office, Victoria
- State Records of South Australia
- National Archives of New Zealand
- National Archives of Finland
- National Archives of Denmark
- National Archives of Spain
- National Archives of Switzerland
- National Archives of Sweden
- The EU Commission

We have been fully invested in the CAB and are pleased to note that it appears to have helped influence the direction of the records management capabilities provided within the Microsoft 365 platform. Furthermore the success of the CAB has led to the creation of a second 'Privacy CAB' which should 'go live' in 2022. NRS will also be represented on that board.

As well as developing the new board, it is intended that the original CAB relationship with Microsoft will continue, allowing the PRSA team to keep making suggestions and raise issues that will hopefully result in further improvements to the records management capabilities provided by Microsoft 365. We are committed to sharing the results of the CAB with records management colleagues across the public sector through regular 'surgery' events and through the dedicated PRSA Knowledge Hub site.

Finally, it is worth noting that personal relationships developed on the CAB have led to the recent formation of a sub-group looking specifically at digital archiving. We are contributing to this sub-group, in collaboration with the NRS Digital Records Unit, on technical matters. Other contributors include The National Archives (TNA), National Archives and Records Administration (NARA) and the Public Record Office Victoria Australia (PROV). The digital archiving sub-group will commence work in the summer of 2022 and I will report on their work in the next annual report.

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