

**The Public Records (Scotland) Act 2011**

**Board of Trustees for the National Galleries of Scotland**

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

**22<sup>nd</sup> January 2024**

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## 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 Board of Trustees for the National Galleries of Scotland. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

#### 4. Authority Background

The purpose of the National Galleries of Scotland (NGS) as set out in the governing legislation (the National Heritage (Scotland) Act 1985) is to:

- care for, preserve and add to the objects in their collections;
- ensure that the objects are exhibited to the public;
- ensure that the objects are available to persons seeking to inspect them in connection with study or research; and generally to promote the public's enjoyment and understanding of the fine arts;
- and for those purposes to provide education, instruction and advice and to carry out research.

The National Galleries of Scotland look after one of the world's finest collections of Western art ranging from the Middle Ages to the present day. These holdings include the national collection of Scottish art displayed in an international context.

The National Galleries of Scotland is governed by a Board of Trustees. There are up to 12 trustees on the Board at any one time and they are appointed by Scottish Ministers through an open appointments system.

Trustees are appointed for a four year term of office in the first instance and may be offered a second term.

## 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:

<b>G</b>	The Assessment Team agrees this element of an authority's plan.	<b>A</b>	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.	<b>R</b>	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.
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Element	Status of elements under agreed Plan 24MAY16	Progress status 10NOV21	Progress status 22JAN24	Keeper's Report Comments on Authority's Plan 24MAY16	Progress Review Comment 10NOV21	Self-assessment Update as submitted by the Authority since 10NOV21	Progress Review Comment 22JAN24
1. Senior Officer	G	G	G	Update required on any change.	No immediate action required. Update required on any change.	Our Director-General, John Leighton, is retiring within the next year. When his successor starts, we will confirm this change with the National Records of Scotland.	Thank you for this update.  The pending change in the identification of the individual to the overall responsibility role is noted.  The assessment Team looks forward to learning the name of Sir John's replacement when available.
2. Records Manager	G	G	G	Update required on any change.	The Keeper's Assessment Team are pleased to hear that the post of Records & Information Manager is now a permanent position. Thank you for confirming there are no changes to the job description.	No change.	No immediate action required. Update required on any future change.
3. Policy	G	G	G	Update required on any change.	From this update it is clear the National Galleries of Scotland continue to ensure information governance policies are regularly reviewed to meet changing business requirements and working practices.  The development of new policies to further underpin records management provision is commended. The new policies, currently in draft format, are noted. We would be particularly interested to learn more about the development of the Digital Preservation Policy in subsequent PUR submissions. Digital Preservation will be an area of focus at future PRSA surgery events.	We are reviewing how both the M365 The Art of Filing Project and Collections Systems Project might impact our information and systems policies.  A group of colleagues from across NGS are currently reviewing how we deal with email that has archive potential.	Thank you for this update.  It is likely that the development of M365 as a records management system will require a revision of information governance policies in the Galleries.  The Assessment Team would be pleased to be provided with a copy of any new policy documents at the time of the next progress update review. Although we would not review these in detail it would allow us to keep the Board's submission up-to-date.  The Assessment Team might suggest that you liaise with your NRS client manager <a href="mailto:jean.crawford@nrscotland.gov.uk">jean.crawford@nrscotland.gov.uk</a> for input regarding archiving e-mails.
4. Business Classification	G	G	G	Update required on any change.	Update required on any change.	No change.	No immediate action required. Update required on any future change.
5. Retention Schedule	G	G	G	Update required on any change.	Thank you for this update on progress with the M365 (O365) Project. Confirmation that retention and destruction processes are being appropriately considered is welcomed by the Assessment Team.	The retention schedule is under review again as we consider how we will implement M365 Microsoft Purview records retention labels and policies.	As you will know the adoption of the M365 platform brings with it many improvements over the old shared drive systems previously common in the Scottish public sector.

				<p>As you will know, the migration to M365 is widespread across Scottish public authorities. We are aware many authorities are, or will be, using E3 or E5 licenses, so we would be interested to hear about your experience with the A5 for faculty license.</p> <p>The further development and review of the retention schedule to include all records series, identify vital records and record the location of archival records will enhance this important business tool.</p>		<p>One of these improvements is better centralised control over disposition including automating the application of retention/destruction policies.</p> <p>It appears that you are operating with an advanced licence that should allow sufficient functionality to ensure that all public records in your authority have appropriate retention imposed on them.</p> <p>A retention schedule is a 'living document' and the specific reference to review and update is a welcome recognition of this.</p>	
6. Destruction Arrangements	G	G	G	<p>Update required on any change.</p>	<p>See comments under element 5 concerning M365 project and destruction processes.</p> <p>Update required on any change.</p>	<p>As part of the M365 The Art of Filing Project we are considering how we will implement M365 Microsoft Purview records retention labels and policies. We are aiming to automate and reduce the need for users to apply labels themselves to ensure records kept in M365 are deleted in accordance with our records retention schedule.</p>	<p>As noted above, centralised control and a step away from relying on users to implement records management actions themselves is one of the advantages of M365 and you clearly recognise this. The Assessment Team will be interested on how this is progressing and the solution you implement. This might be of use to others. The move to M365 is one currently being pursued by much of the Scottish Public Sector.</p>
7. Archiving and Transfer	A	A	A	<p>The Board have identified the National Records of Scotland as the repository to which it will transfer these records [of enduring value not directly related to the collections]. An MOU will be created between the Board and the National Records of Scotland to formally document this arrangement. <b>When this is in place the Keeper will require a copy to be provided for the PRSA submission.</b></p> <p><b>The Keeper suggests that, once negotiations with NRS are concluded, the <i>Records Retention Schedule</i> (see elements 4 and 5) could be amended to differentiate between records archived locally and those transferred to NRS under the MOU.</b></p> <p><b>The Keeper can agree this element of the Board's <i>Plan</i> under 'improvement model'</b></p>	<p>We are pleased to hear work towards finalising an agreement with NRS is progressing, with a review of the updated MoU currently underway.</p> <p>Ongoing work to determine which records will be transferred to NRS and identifying any potential impact as a result of this is noted.</p> <p>The Assessment Team also acknowledge the work underway reviewing electronic storage requirements. See comments relating to the draft Digital Preservation Policy under element 3.</p> <p>This element will remain at Amber while this work is ongoing.</p>	<p>Further work on the records retention schedule is helping us identify digital born records that could be transferred to the National Records of Scotland.</p> <p>We aim to complete this by the time the new Director-General is in post, allowing them to review and sign an MoU.</p>	<p>We are pleased to hear work towards finalising an agreement with NRS is progressing, with a review of the updated MoU currently underway.</p> <p>Ongoing work to determine which records will be transferred to NRS and identifying any potential impact as a result of this is noted.</p> <p>This element will remain at Amber while work to achieve a formal transfer agreement is ongoing.</p> <p>In 2024/25 the Keeper is liable to insist that each public authority has access to a digital archive (you may be aware of a recent survey, sent to public authority records managers starting her consideration of requirements in this area). It is opportune that the Galleries are already engaging with NRS on this issue.</p>



				terms. This mean that the authority has identified a suitable repository for records selected for permanent preservation and have put processes in place to formalise transfer arrangements. The Keeper's agreement is conditional on the MOU, between NRS and the Board being, created, signed and forwarded to the PRSA Assessment Team.			
8. Information Security	G	G	G	Update required on any change.	<p>The establishment of an Information Security Review Group is commendable and will reinforce the information security practices already in place. The remit of this group and reporting structure is noted.</p> <p>In their 2018 PUR submission NGS reported work towards achieving Cyber Essentials accreditation had commenced. Thank you for this update on progress and the work of the new Review Group.</p> <p>Confirmation that information security will be appropriately considered as part of the M365 (O365) Project is welcomed. The Assessment Team are interested to hear about NGS's experience as the project continues.</p>	<p>The IT Team passed the Cyber Essentials accreditation in May 2022, and have put a business case forward to work towards gaining IASME Assurance accreditation towards the end of 2026.</p> <p>IASME accreditation - as well as M365 The Art of Filing Project - will help deliver NGS' Records Management Plan (screenshot included).</p> <p>As part of the M365 The Art of Filing Project we are currently testing M365 Microsoft Purview information protection labels and policies. We are currently testing five labels and hope to introduce them by the end of the year.</p>	<p>Thank you for this update the Assessment Team is familiar with the cyber Essentials/IASME programme of accreditation. It is commendable that NGS is engaging with this.</p> <p>The Keeper's Assessment Team acknowledges receipt of a series of screen-shots showing, among other things, the Art of Filing Project.</p> <p>The Assessment Team would be interested in learning more about the security classification you apply to your records. As always we will ensure that you are provided with a PUR in 2024 which will provide a method of updating us.</p>
9. Data Protection	G	G	G	Update required on any change.	<p>Thank you for this update on the review process for data protection incidents. For comments on the establishment of the Information Security Review Group see element 8.</p> <p>The Assessment Team notes work is ongoing on the records of processing activity. We look forward to updates in subsequent PURs.</p>	<p>We will continue updating the record of processing activity as part of the M365 The Art of Filing Project business analysis phase. We will be working with each group for up to 3 months to analyse how they work, set up the technology, migrate group files and offer training and support (screenshot included)</p>	<p>The Assessment Team notes work is ongoing on the records of processing activity (ROPA). We look forward to updates in subsequent PURs.</p>
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	<p>The Assessment Team acknowledge the identification of vital records is part of the retention schedule review. See element 5 for comments.</p> <p>Thank you for providing screen shots of the NGS Disaster Recovery and Coronavirus COVID-19 intranet sites showing access to the business continuity files located there. These will be retained to ensure the NGS submission is up-to-date.</p>	<p>The M365 The Art of Filing Project aims to migrate all OneDrive and network drive files used for group working to the cloud, which will ensure we can backup and restore all files (including vital records) more easily.</p> <p>An Operations Team has been setup in Microsoft Teams with a channel for Resilience, Impact and Response. Channel members have</p>	<p>For the purposes of business continuity the Keeper is principally interest in record-recovery. It is important that all systems allow public records to be recovered in an emergency.</p> <p>This is particularly difficult in the case of paper records, where it is unlikely that multiple copies exist, but the Assessment Team recognises that the corporate records of NGS are increasingly managed</p>

					<p>We also acknowledge receipt of the Business Continuity Planning: Legal and Compliance analysis document.</p> <p>From this update it is clear NGS are keeping business continuity plans under review and updating the them and associated staff guidance accordingly.</p> <p>See comments relating to Cyber Essentials accreditation under element 8.</p>	<p>been working on new Emergency Response Policy and Plans for approval this year (screenshot included).</p> <p>See Element 8 Information Security regarding gaining Cyber Essentials and IASME accreditation, both of which support NGS's business continuity efforts.</p>	<p>into digital format.</p> <p>Public records moved to M365 should be easily recovered even in the case of damage to in-house servers. Those on shared drives remain at some risk (unless these are backed-up to a separate remote server). Again the Assessment Team have been made aware that the use of shared drives is being phased out in the authority.</p> <p>Public records are, of course, a business asset of the Board. The statement opposite shows that NGS understands this.</p>
11. Audit Trail	G	G	G	Update required on any change.	No immediate action required. Update required on any future change.	As part of the M365 The Art of Filing Project we are looking at introducing Document IDs to help track where files regardless of their location.	<p>Thank you for this update.</p> <p><u>Paper:</u> In 2016 the Keeper agreed that the movement of paper records from the record store is tracked by a records management database. A sample from this database was provided as evidence. There seem to be no indication that paper records cannot currently be located.</p> <p><u>Shared Drives:</u> In order to correctly locate and identify records on shared drives it is important that records are consistently named and that version control is applied. In the original 2016 submission NGS submitted a document naming/version control guidance document. There is no suggestion that this guidance is not followed. However, it is clear that shared drives are being phased out and digital records management in the authority will be pursued through the M365 platform.</p> <p><u>M365 Platform (SharePoint):</u> SharePoint automates version control, but in order for a user to properly use the powerful e-discovery tool, consistent naming is still important. As with shared drives the naming convention guidance is important and there is no suggestion that this guidance is not followed.</p> <p><u>Line-of-business systems:</u> The Assessment Team accepts that some line-of-business systems operated by the Board (such as that relating to their human resources) have built-in record tracking.</p>

12. Competency Framework	G	G	G	Update required on any change.	The availability of refresher training for staff following lockdown is commendable. This demonstrates a continuing commitment to ensuring staff are appropriately trained and supported.	At a Galleries News Live session on 31 August 2023 we told all staff about our M365 Learning Programme (screenshot included). In the M365 Learning Hub we have curated playlists containing Microsoft products' content and all our own bespoke M365 and Records Management training we have on our SharePoint Intranet.	<p>Thank you for this update.</p> <p>It is welcome news that records management training continues in NGS.</p> <p>There will, of course, be training required on M365 systems as they are implemented. This should include a records management element.</p> <p>The Keeper's Assessment Team acknowledges receipt of a series of screen-shots showing, among other things, training modules.</p> <p>The Assessment Team expects that records management training will be provided to new staff.</p>
13. Assessment and Review	G	G	G	Update required on any change.	<p>Information provided under element 3 makes it clear the policies that underpin the NGS records management plan continue to be regularly reviewed.</p> <p>NGS's continued engagement with the PUR process further highlights the review and assessment practices in place.</p>	This Progress Update Review process helps us assess and review our records management practice.	<p>Section 1(5)(i)(a) of the Act says that an authority must keep its RMP under review.</p> <p>In their 2016 submission NGS provided the Keeper with a Review Schedule which included timescales for review of the authority's Records Management Plan, responsibility for review, reporting structure and methodology. There is no suggestion that this schedule has changed and therefore NGS remains compliant in this element.</p> <p>The Keeper welcomes the use of her PUR as a reporting methodology.</p>
14. Shared Information	G	G	G	Update required on any change.	Thank you for providing the new Data Processing Agreement Template, which will be retained to ensure the NGS submission is up-to-date. The Assessment acknowledge that this document is made available to staff on the intranet site.	No change.	No immediate action required. Update required on any future change.

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

Version

The progress update submission which has been assessed is the one received by the Assessment Team on 06 September 2023. The progress update was submitted by Louise Rasmussen, Records & Information Manager.

The progress update submission makes it clear that it is a submission for the Board of Trustees for the National Galleries of Scotland.

The Assessment Team has reviewed National Galleries' 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.

General Comments

The Board of Trustees for the National Galleries of Scotland 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.

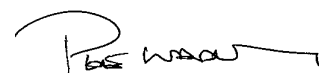
The Keeper cannot change the status of elements formally agreed under a voluntary submission, but he can use such submissions to indicate how he might now regard this status should the authority choose to resubmit its plan under section (5)(6) of the Act.

**8. The Public Records (Scotland) Act Assessment Team's Evaluation**

Based on the progress update assessment the Assessment Team considers that Board of Trustees for the National Galleries of Scotland 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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Pete Wadley  
Public Records Officer