

The Public Records (Scotland) Act 2011

Architecture and Design Scotland

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

6th February 2020

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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 Architecture and Design Scotland. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

Architecture and Design Scotland help to implement the policies of the Scottish Government, and while they have involvement across a number of policy areas, their principal policy focus is on implementing 'Creating Places: Scotland's Policy for Architecture and Place': <http://www.gov.scot/resource/0042/00425496.pdf>

Architecture and Design Scotland were set up in 2005 by the Scottish Government and are an executive Non-Departmental Public Body (NDPB). Their stated purpose is “...to promote the value good architecture and sustainable design adds to everyone's lives”.

They quote their role as being “to help people – whether by enabling them to get more involved in shaping the places they live in or improving the design of the buildings they use.”

<http://www.ads.org.uk/about-ads/>

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.
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Progress Update Review (PUR) 2019: Architecture and Design Scotland

Element	Status of elements under agreed Plan, 06JUN18	Status of evidence under agreed Plan, 06JUN18	Progress assessment status, <Date>	Keeper's Report Comments on Authority's Plan, 06JUN18	Self-assessment Update as submitted by A&DS since 06JUN18	NRS Progress Review Comment, <Date>
1. Senior Officer	G	G	G	Update required on any change.	No changes	No immediate action required. Update required on any future change.
2. Records Manager	G	G	G	Update required on any change.	No changes	No immediate action required. Update required on any future change.
3. Policy	G	G	G	Update required on any change. The <i>Records Management Policy Statement</i> is due for review by October 2019.	This policy was reviewed in October 2019. This policy has been updated to take account of General Data Protection Regulation (GDPR). This policy was approved by the Management Team on 28 October 2019.	In their original submission ADS committed to keep its information governance policy documents under review and the Assessment Team acknowledge that this is being done. The A&DS <i>Records Management Policy Statement</i> is on their website: https://www.ads.org.uk/about-

						ads/corporate-documents/
4. Business Classification	A	G	G	<p>The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified gaps in provision (transfer of records from shared drives to a new records management system not completed). However, the Keeper recognises that Architecture & Design Scotland have identified how they intend to close this gap and are clearly committed to doing so. The Keeper's agreement is dependent upon him being kept informed of progress with this work when required.</p>	<p>The move to SharePoint has been completed and an assessment of the R drive has taken place.</p> <p>All duplicate files have been destroyed and the R drive was closed off for use on 25 October 2019.</p> <p>Current files have been migrated over to SharePoint.</p> <p>Staff have been trained in using Power BI. We are developing our own in-house system within Office 365 to keep costs down. Using Power BI – we are in the process of setting up a dashboard to alert the Records Manager when files are due for destruction.</p> <p>Files due for destruction are cleared out on a six monthly basis.</p>	<p>This PUR suggests that the major piece of work moving from a shared-drive position to a more controlled and structured SharePoint solution has been completed.</p> <p>This was a target in the ADS original submission (which the Keeper agreed on an improvement model basis). The Assessment Team congratulate the authority for meeting this target and thank them for reporting on it in this update.</p> <p>If this was a formal re-submission, which ADS can do at any time under section 5 of the Act, it is likely that this element of the Plan would turn from Amber to Green.</p> <p>PRSA says at section 5.6 "An authority may at any time revise its records management plan and submit</p>

						<p>the revised plan to the Keeper for agreement.” ADS should consider doing this because of the scale of the improvement actions recently completed (see also E6 and E11). The Keeper cannot request a re-submission until 2022.</p> <p>If ADS is considering a formal re-submission please contact the assessment team to discuss what evidence would need to be supplied public_records@nrscotland.gov.uk We will fully engage and support a section 5 re-submission. Happy to talk through the process at any time.</p>
5. Retention Schedule	G	G	G	The <i>Records Management Retention Policy and Schedule</i> were due for review by October 2018.	<p>The policy was reviewed again in October 2019 and small updates made.</p> <p>The policy was approved by the Management Team on 28 October 2019.</p>	<p>In their original submission A&DS committed to keep its information governance policy documents under review and the Assessment Team acknowledge that this is being done.</p> <p>There is a recognition that a</p>

						retention schedule is a 'living document' and will be subject to continual minor change year on year.
6. Destruction Arrangements	A	G	G	In common with many Scottish public authorities, A&DS is not satisfied that the controlled deletion of those records held electronically on shared drives is being universally carried out efficiently. With this in mind, they state in the <i>Plan</i> (page 28) "In relation to electronic records, A&DS recognises there is work to be done which will be considered as part of the project to transfer data to the Cloud and to implement Office 365 and SharePoint. This has been included on the Records Management Improvement Plan." (see element 4 for the project – the Keeper has been provided with a copy of the <i>Improvement Plan</i>). The Corporate Services Manager (see element 2) is lead officer on these improvements. The Keeper agrees that the work described as part of the Data Management Project should greatly enhance the authority's ability to control the systematic deletion of electronic records. The 'Future Developments' box against this	This is tied in closely to Element No 4 above.	Since the original submission ADS have closed down their shared-drives and are now entirely using a SharePoint solution (see 4 above). The Assessment Team acknowledges that this should allow a much greater degree of control regarding the destruction of digital records (the area of the original submission where destruction was weakest). Imposing destruction of digital records at the end of their retention period was an action in the ADS original improvement plan (Records Management Improvement Plan v1.0) "Information assets disposed if in line with policy and procedures". The Assessment Team congratulate the authority for meeting this target and thank

				<p>element commits that: “Regular audits will be undertaken to ensure confidential waste is being disposed of correctly.” The Keeper welcomes this commitment and requires that A&DS report progress when appropriate.</p> <p>The Keeper agrees this element of A&DS’s <i>Records Management Plan</i> under ‘improvement model’ terms. This means that an authority has identified a gap in its records management provision (in this case that the deletion of electronic records is not fully developed) but has put processes in place to close that gap. The Keeper’s agreement is conditional on his being updated as the project progresses.</p>		<p>them for reporting on it in this update.</p> <p>If this was a formal re-submission, which ADS can do at any time under section 5 of the Act, it is likely that this element of the Plan would turn from Amber to Green.</p>
7. Archiving and Transfer	A	G	A	<p>The Keeper agrees this element of A&DS’ <i>Records Management Plan</i> under ‘improvement model’ terms. This means that he acknowledges that the authority has identified a gap in provision (there is no formal transfer agreement with an archive) and have put processes in place to close that gap. The Keeper’s agreement is conditional on his PRSA</p>	<p>A&DS will contact the PRSA Assessment Team at NRS for an update regarding the formal transfer agreement to be put in place.</p>	<p>The Assessment Team acknowledges that there was a temporary suspension of MoUs with the Keeper’s Client Management Team in 2018/early 2019. With this suspension lifted A&DS has contacted Neil Miller at NRS to progress putting the formal transfer agreement in place</p>

				Assessment Team being provided with a copy of the signed MOU when available.		at which time this element will be upgraded to 'green'.
8. Information Security	G	G	G	Update required on any change. The <i>Information Security Policy</i> is due for review by September 2019.	The policy was reviewed in October 2019. GDPR implications have been added to the policy. The policy was approved by Management Team on 28 October 2019.	The Assessment Team acknowledges that ADS have reviewed their Information Security Policy as required in the control sheet of that policy (every 2 years). They also acknowledge that the policy has correctly been updated to take account of the changes imposed by GDPR/DP2018 (see below).
9. Data Protection	G	G	G	Although the authority was fully compliant at the time of submission, as with all other Scottish public authorities, Architecture and Design Scotland have been required to review and update their data protection procedures considering the 2018 legislation. The Assessment Team would welcome a statement referring to the authority's response to GDPR/DP2018	We had a plan of implementation for the introduction of GDPR. We removed all mailing lists from our R Drive We had a campaign running over nine months to ensure we had agreement from our subscribers to sign up to receive our newsletters. Our HR practice and policies were updated as appropriate. A plan was drawn up to deal with data breaches should they occur. A copy of our Statement of	As with all other Scottish public authorities Architecture and Design Scotland have been required to review and update their data protection procedures in light of the 2018 legislation. The Assessment Team acknowledge the receipt of Architecture & Design Scotland's <i>GDPR Compliance Statement v1.0</i> dated 28 October 2019. This document will be kept on file

					Compliance is attached to this submission.	<p>in order that the authority's submission may be kept up-to-date.</p> <p>The Assessment Team also acknowledge that the authority's website has published suitable 'privacy' information https://www.ads.org.uk/privacy-and-cookies/</p>
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	<p>The Business Continuity Plan (BCP) will be updated to include removal of R drive references after 1 November 2019.</p> <p>SharePoint and Microsoft 365 references will be added to the BCP. This will be actioned in November 2019 and will be presented to the Management Team for approval at their December 2019 meeting.</p>	<p>The Assessment Team acknowledges that the authority have recently updated this document to take account of the changed records management solution (see element 4 above).</p> <p>The Business Continuity Plan was due for review in May 2019 and this update can be taken as fulfilling that requirement.</p> <p>The Assessment Team accepts that references to the new SharePoint (cloud) solution will be appropriate included in the record</p>

						recovery processes of the Business Continuity Plan and are therefore content that this element remains at Green for the moment.
11. Audit Trail	A	G	G	<p>The Keeper is able to agree this element of Architecture & Design Scotland’s records management plan on improvement model terms. This means that the authority has identified a gap in their records management provision (in this case, naming and tracking of records on shared drives is not satisfactorily controlled and the SharePoint solution is not yet fully imbedded). The Keeper agrees that A&DS has committed to a programme designed to alleviate the situation and close the gap. The Keeper’s agreement is conditional on his receiving updates when requested.</p> <p><i>The Version Control Policy and the Standard Naming Conventions Policy are due for review by September 2019.</i></p>	<p>Policy reviewed again in October 2019.</p> <p>In developing the Power BI work on recording – this will close the audit trail gap – we will ensure destruction dates and methods of destruction are recorded and reviewed on a six-monthly basis.</p> <p>The policy was approved by the Management Team on 28 October 2019.</p>	<p>In 2017 the Keeper agreed this element of the ADS RMP on ‘Improvement Model’ Terms’ stating that the “naming and tracking of records on shared drives is not satisfactorily controlled and the SharePoint solution is not yet fully imbedded”. The Assessment Team acknowledge that the SharePoint solution is now the principal records management solution in the authority and the Shared-Drives have been shut down.</p> <p>This means that, if this was a formal re-submission, which ADS can do at any time under section 5 of the Act, it is likely that this element of the Plan would turn from Amber to Green.</p>

12. Competency Framework	G	G	A	<p>The A&DS <i>Records Management Improvement Plan</i> (see element 4) identified an ongoing objective that A&DS should “ensure all staff are aware of their responsibilities around data management.” To this end A&DS has committed to creating a “comprehensive training pack for all staff” (<i>Records Management Improvement Plan</i> page 3). This is an objective for the Corporate Services Manager. The Keeper would welcome sight of this training pack when available.</p>	<p>We have used the last twelve months to ensure that Office 365 and SharePoint has been fully integrated into the work of A&DS.</p> <p>We will implement a comprehensive training plan which will take account of post one year implementation and will compliment internal policies and procedures.</p> <p>We aim to have this fully developed, tested and rolled out by 31 March 2020.</p>	<p>As part of the SharePoint implementation process it is clear that a staff training exercise will be required and the PUR makes it clear that this will be a major piece of work for the authority in 2020.</p> <p>This element temporarily turns Amber as ADS cannot currently state that all relevant staff are fully trained on the new system. The Assessment Team is perfectly content that this situation will resolve itself over the next year or so and look forward to an update (and the element reverting back to Green) in subsequent PURs.</p>
13. Assessment and Review	G	G	G	<p>It is also proposed that A&DS internal auditors are involved in reviewing the information governance provision in the authority. At time of submission this could not be confirmed. The Keeper would be very interested in an update on this proposal as he has encouraged the involvement of internal audit in other authorities.</p>	<p>A&DS's Internal Auditors, TIAA, carried out a review of A&DS's approach to implementing its Records Management Plan prior to A&DS's submission to NRS.</p> <p>A&DS will shortly be re-tendering our internal audit work to appoint new internal auditors.</p> <p>In 2020/21 A&DS will discuss with our new Internal Auditors follow up</p>	<p>Thank you for this update.</p> <p>The use of Internal Auditors to review the implementation of the <i>Plan</i> (or sections of the <i>Plan</i>) is strongly encouraged by the PRSA Team at NRS.</p> <p>The change from one supplier to another offering a similar</p>

					internal audit work to review the information governance provision at A&DS.	service does not invalidate the original agreement and this element remains Green.
14. Shared Information	n/a	n/a		The Keeper agrees that element 14 does not apply to this authority.	N/A	N/A
15. Freedom of Information	G	G	G	Update required on any change.	No changes.	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 29th October 2019. The progress update was submitted by Lynne Lineen, Director of Operations.

The progress update submission makes it clear that it is a submission for **Architecture and Design Scotland**.

PRSA Assessment Team's Summary

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

General Comments

Architecture and Design 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.

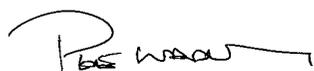
Where 'no change' has been recorded under the update on provision by the authority, the Assessment Team is happy to agree that these elements require no further action for the time being.

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

Based on the progress update assessment the Assessment Team considers that **Architecture and Design 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