The Public Records (Scotland) Act 2011

Highlands and Islands Enterprise

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

11th November 2021

Contents

1. Public Records (Scotland) Act 2011

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

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

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

2. Progress Update Review (PUR) Mechanism

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

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

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

3. Executive Summary

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

4. Authority Background

Highlands and Islands Enterprise is the Scottish Government's economic and community development agency for the north and west of Scotland. HIE's purpose is to generate sustainable economic growth across the Highlands and Islands. As a Scottish Government agency, HIE's role is to lead regional growth and development, to seek investment opportunities, and to ensure that the Highlands and Islands derives maximum benefit from existing and emerging opportunities. HIE operates across offices throughout the Highlands and Islands, including area offices, serving local businesses and communities from the Outer Hebrides to Moray and from Shetland to Argyll.

http://www.hie.co.uk/

5. Assessment Process

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

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

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

Key:

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

6. Progress Update Review (PUR) Template: Highlands and Islands Enterprise

Element	Status of elements under agreed Plan 17MAR15	Status of evidence under agreed Plan 17MAR15	Progress assessment status 11NOV21	Keeper's Report Comments on Authority's Plan 17MAR15	Self-assessment Update as submitted by the Authority since 17MAR15	Progress Review Comment 11NOV21
1. Senior Officer	G	G	G	Update required on any change.	HIE Chief Executive, Charlotte Wright, will be vacating the post in summer 2021. The role will be covered by an Interim Chief Executive. This will be updated in our next submission. Nick Kenton – Director of Finance and Corporate Services, Senior Information Risk Owner and Chair of the Information Security Fraud and Governance Group (ISFGG).	The Keeper's Assessment Team thanks you for this update which has been noted.
2. Records Manager	G	G	G	Update required on any change	Fiona Smyth - a new Head of IG has been in post from February 2021. Head of IG has overall management responsibility for records management activities. The Records Manager remains Jennifer Boyle in the role of Information and Records Manager (IRM), however, her working hours were reduced to 18 hours per week from 2016. The focus of her role is strategy, policy and guidance development. Jennifer is no longer the System Administrator for EDRMS although she retains that level of access	Thank you for this informative update. We look forward to hearing about developments in consecutive PURs.

					for operational reasons. EDRMS System Administration resides with the Corporate Information Team. The IG Team now resides within the Finance and Corporate Services Directorate and reports to Nick Kenton, Director, SIRO and Chair of the Information Security Fraud and Governance Group. A previous post of Records Management Assistant has been vacant since 2016. HIE is currently reviewing options for resourcing the activities previously performed by this post as part of overarching staffing capacity considerations.	
3. Policy	**G**	**G**	**G**	Update required on any change	Record Management Policy updated and approved by ISFGG January 2020. Information security classification and data handling policy was approved in 2018 and updated in 2019. An Information and Records management handbook has been produced by IRM and endorsed by the ISFGG which joins up policy, procedures and guidance for all staff. An IG Framework and action plan was produced in February and adopted by the Senior Leadership Team in February 2020. Given new Head of IG and a review of Data Protection the Framework and action plan are currently being	Thank you for letting the Assessment Team know of policy updates, particularly that of the Records Management Policy. Regular review is essential in making sure that approved policies properly reflect HIE business functions. The IG Framework and Action plan revision is also to be commended. We are also grateful for the training update, and an Information and Records Management Handbook is

					updated and the revised action plan will be presented to the Leadership Team in the late summer. Homeworking as a result of COVID was supported by the introduction of a new guidance on managing paper files. As we transition to new ways of working this guidance will be reviewed to ensure these ways of working are placed within robust policy frameworks.	a positive development which will assist with the maintenance of staff records management competency framework (see also Element 12). The COVID-19-exacerbated trend of moving from paper to digital file systems is also noted with thanks, and the Team looks forward to receiving an update on this in consecutive PURs.
4. Business Classification	G	G	G	The Keeper would welcome news of the work being undertaken to transfer records currently held on Shared Drives to the EDRM system. Implementation of this programme is planned for April 2016. The authority has also committed to undertaking a review of the Business Classification Scheme (BCS) in 2015 and has included in the RMP a plan to engage with local records management 'champions' and to create Content Administrators within teams across the authority. The Keeper commends this endeavour to involve local	The majority of shared drive information has been removed and access to the drives limited to media files and a minority of business users. Reports highlight move of records to EDRMS and reduction in shared drives, the exceptions being for function reasons e.g. linked spreadsheets not stable in EDRMS. Within the IG framework and action plan our focus will include testing on compliance and adherence to policy requirements. The BCS will evolve as the Information Governance Champions' work with their Directorate's teams with support from the IG Team. The local records management champions (Content Administrators) will work alongside the IGC across the authority.	The Keeper's Assessment Team appreciates this update on continuing transfer of the vast majority of digital records from shared drives to the EDRMS. Using the correct business classification structure for records and having robust naming convention practices in place will allow for continuing good practice in other aspects of records management. The setting up of local IG champions and the local records management champions is also noted with thanks.

				business areas within the review and would like to be informed of the developments taking place within this area.		
5. Retention Schedule	**G**	**G**	**G**	The authority has expressed a commitment to periodically review their retention schedule. The Keeper commends this approach and would be pleased to receive any updates relating to the current review of retention decisions, particularly for those classes of records which are being transferred from the structured drives to the EDRM system.	The Retention Schedule was reviewed and approved in 2019. HIE recognise the need to further review the retention schedule with the aim to fill gaps and simplify.

Some HIE systems do not enable us to delete records. HIE are planning to upgrade and/or remove these systems within the next 2 years.

It has been recognised there has been a lack of systematic record review and disposal. A decision has been taken to identify and train IGCs across the authority. The role of the IGC to support policy and procedure implementation uniformly across teams in HIE is vital for record management improvements. A key to the success in this area is the full, visible understanding and support by the Senior Leadership Team, informed through the risk register and the SIRO.

The Shared Drive data is recognisable by function e.g. Procurement and therefore the retention period is well understood by that team and will be applied when EDRMS is fully populated. | The Assessment Team is grateful for this detailed update, including regular review of the Retention Schedule, the phasing-out of inflexible systems, and the careful management of Shared Drive data retention practices.

The appointment of a new Head of Information Governance and the planned implementation of IG Champions across HIE. This seems like a very worthwhile endeavour. |

					Following the appointment of the HOIG the RM has commenced to scope the volume of retained information and thereafter formulate a plan to work towards compliance.	
6. Destruction Arrangements	**G**	**G**	**G**	Update required on any change	HIE aim to further improve the practice of file review. HIE employed a temporary Data Officer to assist with the review of historic files. The physical records are destroyed under the confidential paper waste destruction agreement provided through a contract with Northern Recycling. Due to the increased home working HIE are introducing a policy whereby we aim to reduce significantly the reliance on paper. Where there is a requirement to dispose of physical documents the policy indicates the documentation must be returned to the office and follow secure disposal arrangements. EIS are responsible for the secure hardware destruction (and all data) on the account and laptops. Secure hardware destruction excluding mobile phones (and the data) is managed under contract to Capito. Handheld devices are managed by EIS via Vodafone; phones no longer required are reused within partners (after factory reset) or returned to Vodafone however, the data is first removed by EIS. All data on mobile devices is managed through Office 365 and the Intune portal, with two factor	Thank you for this detailed update on both paper and electronic record destruction arrangements as well as the file review of historic files. The Assessment Team are confident that HIE continues to address its destruction arrangements with the expected care.

	G	G	G		authentication (MFA) security, meaning if a phone is lost the data cannot be compromised and can be remotely wiped by EIS.	
7. Archiving and Transfer	G	G	G	Highlands and Islands Enterprise transfer records of enduring value to the National Records of Scotland (NRS). This arrangement is already operational and a Memorandum of Understanding (MoU) is currently being finalised. The Keeper requests that he is informed once the MoU is formally in place.	HIE reviewed the NRS MOU in line with our partner organisations and HIE/NRS had a meeting at which NRS agreed to action points. The work to agree a MOU between NRS and HIE now needs to be progressed to conclusion.	This update on archiving and transfer arrangements is very positive, and the Assessment Team look forward to being updated on the finalisation of the MoU in consecutive PURs.
8. Information Security	G	G	G	Update required on any change	HIE commissioned Scott Moncrieff, together with partners, to undertake a Cyber Maturity Report and action plan which HIE are committed through under the management of the Director of Finance and Corporate Services. EIS (our IT Service providers) have achieved Cyber Essentials and Cyber Essentials Plus certificate of assurance. EIS have developed a cybersecurity programme which they will have responsibility to deliver for HIE and other partners. HIE Information Security Policy was approved in March 2021 and a series of	Thank you for this update. The Cyber Maturity Assessment speaks of commitment to continuous improvement with regard to information security. It is also positive that the IT service provider for HIE is certifiably competent in this area. The Assessment Team is also grateful for this update on recent HIE Information Security Policy approval and practical implementation.

					communications to raise awareness with staff is ongoing.	
9. Data Protection	G	G	G	Update required on any change	HIE have a new DPO secured through a procurement exercise for the provision of DPO services. Our DPO is Liz Taylor of TKM. Through this contract HIE commissioned a DP review and action plan which the Head of Information Governance will lead on responding to during the remainder on 2021. DPO reporting to the Leadership Team via the ISFGG is now in place. Work completed to date includes the revision of HIE privacy notices, the preparation of an Information Asset Register and Register of Processing Activities, the continued refinement of DPIA processes and the introduction of Information Governance and International Data Transfer assessment processes.	Thank you for this update on an new Data Protection Officer, as well as the work completed to date. These are all welcome developments, and reassuring from data protection perspective. The Assessment Team remains confident that HIE continues to address this element adequately.
10. Business Continuity and Vital Records	A	G	G	Highlands and Islands Enterprise does not currently have an operational Business Continuity Plan in place but the authority has shown a strong commitment to producing a plan and accompanying policy. The Keeper welcomes the authority's statement of intent to provide him with updates on developments.	HIE have a Business Continuity Plan produced by the new role of Head of Facilities Management. The planning in this area continues particularly to ensure that lessons learned from experiences of other public sector organisations are influencing HIE's security arrangements. Physical records vital to the business continuity are being identified on an office by office basis in consultation with relevant teams. The majority of vital records are routinely stored on HIE's	The Assessment Team is pleased to find that significant progress has been made in element 10, and that a Business Continuity Plan is now in place. The update on the impact of the pandemic on business continuity is particularly appreciated, and it sounds like HIE had robust systems in place to manage the drastic

	 	 	 	The Keeper can agree this element under 'improvement model' terms. This means that he is convinced that an authority has identified a gap in provision and has explained the processes they will put in place to close that gap. He agrees this element of the submitted RMP.	corporate systems. The only exceptions those records which are waiting to be scanned onto EDRMS The challenge of Covid-19 has not affected HIE's ability to operate in a different way, at very short notice. A recent laptop upgrade has enabled all staff to work remotely using the technology currently available to them. A number of operational challenges required adaptions to be made to existing working practice to ensure business continuity throughout this time.	changes in ways of working. The ongoing identification of vital records is also good practice and will increase HIE's disaster-preparedness. The Assessment Team are contented to change this element from Amber to Green in recognition that a Business Continuity Plan is now in place and operational. The continuing focus on vital records, and keeping the BCP under regular review, is expected. We look forward to updates on this matter in consecutive PURs.
11. Audit Trail	**A**	**G**	**A**	The authority has identified an issue surrounding the storage by some staff of information on their encrypted staff laptops rather than within the EDRMS. The Transforming Information Management approach is designed to help rectify this situation, whilst the Information Management Strategy will include measures **designed at**	HIE have implemented One Drive for staff to store working documentation ahead of moving any Records into EDRMS. A retention period of 6 months from creation of documents is in place to actively support the policy of moving records into EDRMS. One Drive has reduced the need to retain a local copy on laptops "just in case". HIE recently replaced laptops and no data was transferred from old laptops. Messaging was provided to all staff	Thank you for this update on working documentation management. The Assessment Team recognise that there are developments underway with regard to better audit trail management. There are, however, some concerns about the multiple file management systems in place.

			changing organisational behaviour through training and monitoring. The Keeper commends this initiative and would like to receive updates as work in this area progresses. The Keeper can agree this element under 'improvement model' terms. This means that he is convinced that an authority has identified a gap in provision and has explained the processes they will put in place to close that gap. He agrees this element of the submitted RMP on the understanding that he will be kept up-to-date with developments as the improvement project progresses.	reiterating the need to retain records on EDRMS in the appropriate files. There has been a significant increase in the documents being stored on EDRMS as a result. After careful consideration, largely in response to known Wi-Fi connection challenges, it was decided to leave the C drive as open for storage by staff. As part of an overarching review of records management processes within HIE, which will consider how best to implement and monitor controls in this area to maximise compliance.	The Model Records Management Plan reiterates that the Keeper expects that 'the authority maintains a complete and accurate representation of all changes that occur in relation to a particular record'. This implies that version control, record movement logs and amendment logs are in place, maintained and available. EDRMS can effectively be used to manage this information as well as other aspects of records management. It also ensures that records subject to Freedom of Information requests are available in one place. This element will remain at Amber as multiple systems appear to be in place. This poses a risk to effective audit trail management (tracking and version control). The Team look forward to further updates in consecutive PURs.
	G	G	G	Highlands and Islands Enterprise demonstrate a	The immediate priority for training will be for the identified IG Champions. The	Thank you for this update on the Information

12. Competency Framework				very high level of compliance under this element, especially in the area of staff training. There is also a commitment in the RMP to plan further training. The Keeper applauds this initiative and would be pleased to receive updates on any new training programmes.	Information Governance Champion (IGC) is a new role adopted in HIE after approval from the Senior Leadership Team in February 2020. HIE now has a cohort of IGCs and developed a framework detailing the tasks for which they are responsible. Each business area has been tasked with identifying an IGC and a specialist training programme is currently being developed in all elements of IG. HIE has established an IGC forum which meets regularly to share good practice, provide support and development opportunities. Further development of the IGC forum is planned to maximise engagement across HIE and deliver improvements in IG compliance culture. Additionally, Directors/Information Asset Owners are involved in this work to ensure their engagement and support with this improvement agenda. Part time resource has been allocated (1 day per week) to assist with the review and development of training resources for the IG Champions. The IRM completed the BCS Data Protection Practitioner course in March 2020 and has also been awarded accredited membership of the	Governance Champions initiative. Combined with the relevant frameworks for information sharing, and resource allocation for training and development, it promises to be a very positive endeavour. Thank you also for the update on the Information and Records Manager's CPD activities and accreditation status. The Assessment Team commends HIE for its efforts to embed records management competencies throughout the organisation.

	G	G	G		Information and Records Management Society in May 2020.
13. Assessment and Review	G	G	G	The authority is committed to undertaking periodic reviews of their Records Management Plan and key policies and documents such as the Business Classification Scheme and Retention Schedule. The Keeper commends these planned reviews and would like sight of any changes in records management provision following these reviews.	HIE produced an assessment report and review to highlight the current status of IG. The report includes an action plan that was agreed by the Leadership Team in February 2020. The SIRO, supported by the IRM will provide 6 monthly updates to the HIE Leadership Team. HIE commissioned a Data Protection Review undertaken by TKM Consultants. The recommendations will be reviewed and planned (as noted above).	Thank you for these updates which have been noted. The Assessment Team commend HIE for keeping up with regular assessment and review of current policies and procedures.
14. Shared Information	A	G	G	Highlands and Islands Enterprise do not currently have an approved and operational data sharing protocol but there is a high-level commitment to creation of these protocols and the production of policy, procedures, and guidance for staff. The development of data sharing arrangements has been identified in the Information Management Strategy Action Plan and there is a clear ambition within the authority to develop their data sharing protocols. The Keeper endorses this commitment	Protocol and policy were developed. The data sharing platform Objective Connect which links to our EDRMS was implemented. This provides secure transmission of information to those who are not on our secure network. HIE intend to review their data sharing policy, guidance and templates since the recent publication of the ICO's data sharing code of practice. HIE signed a data sharing agreement with Scottish Enterprise in November 2019 which facilitates data sharing between all partners who share the SE CRM including SDS, SoSE and local authorities. As findbusinesssupport continues to onboard more partners, the	The Assessment Team is grateful for this update which indicates major changes to protocols as policies and practical guidance on data sharing was developed. That a further review is imminent in light of the Information Commissioner's Data Sharing Code of Practice is also a very positive development. The many additional steps taken my HIE on this element are also noted with thanks.

			and looks forward to updates on developments in this area.	ability to share information more widely is being supported through this and through a Enterprise Agency Data Sharing Charter which is currently in development.	Based on the significant developments made in this element, the Assessment Team are content to turn this element from Amber to Green in this PUR to recognise progress.
			The Keeper can agree this element under 'improvement model' terms. This means that he is convinced that an authority has identified a gap in provision and has explained the processes they will put in place to close that gap. He agrees this element of the submitted RMP on the understanding that he will be kept up-to-date with developments as the improvement project progresses. In a separate email dated 6th March 2015 HIE has agreed to do this.	Following on from the work carried out to develop a target operating model vision between Enterprise and Skills partners, HIE has led on a partnership project to produce a roadmap for a common data environment which supports partners to make evidence-based decisions –both individually and collectively –in order to improve service delivery and economic outcomes. This workstream has concluded discovery and has business cases in development for the creation of a Data Strategy and Common Data Environment. In addition closer working with our partners around data domain glossary's and dictionaries through the Business Transformation programme is helping set the foundations for more consistent terminology which will in turn support better data sharing.	

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 29 June 2021. The progress update was submitted by Jennifer Boyle, Information and Records Manager.

The progress update submission makes it clear that it is a submission for **Highlands and Islands Enterprise**.

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

General Comments

Highlands and Islands Enterprise 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 process update assessment the Assessment Team considers that Highlands and Islands Enterprise 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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