

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

**Inverclyde Council  
Inverclyde Licensing Board**

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

**3<sup>rd</sup> July 2019**

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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 Inverclyde Council and Inverclyde Licensing Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

### 4. Authority Background

Inverclyde is one of 32 council areas used for local government in Scotland. Together with the East Renfrewshire and Renfrewshire council areas, Inverclyde forms part of the historic county of Renfrewshire, which currently exists as a registration county and lieutenancy area - located in the west central Lowlands. It borders the North Ayrshire and Renfrewshire council areas, and is otherwise surrounded by the Firth of Clyde.

Inverclyde District was one of nineteen districts within Strathclyde Region, from 1975 until 1996. Prior to 1975, Inverclyde was governed as part of the local government county of Renfrewshire, comprising the burghs of Greenock, Port Glasgow and Gourrock, and the former fifth district of the county.

<https://www.inverclyde.gov.uk/>

Licensing is the responsibility of licensing boards under powers contained in the Licensing (Scotland) Act 2005. Local licensing boards have wide discretion to determine appropriate licensing arrangements according to local needs and circumstances and their own legal advice. Each local government area must have a licensing board.

The Inverclyde Licensing Board *Policy Statement* is publically available from:

<https://www.inverclyde.gov.uk/law-and-licensing/licensing/alcohol-and-gambling/licensing-board/licensing-board-policies-regulations-and-public-information/policy-statement>

### 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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## 6. Progress Update Review (PUR): Inverclyde Council and Licensing Board

Element	Status of elements under agreed Plan, Nov 2015	Status of evidence under agreed Plan, Nov 2015	Progress assessment status, <Date>	Keeper's Report Comments on Authority's Plan, November 2015	Self-assessment Update as submitted by the Authority since November 2015	Progress Review Comment, <Date>
1. Senior Officer	G	G	G	Update required on any change.	From May 2017, the Senior Information Risk Owner for the Council is Louise Long, Corporate Director of HSCP Inverclyde. This change has been notified to the Keeper and the published version of the plan has been updated.	The Assessment Team thanks Inverclyde Council for this update which we have noted.
2. Records Manager	G	G	G	Update required on any change. Please advise if the post has been restructured as per the Records Management Plan 12.1	From February 2018, the Records Manager for the Council is the Information Governance Solicitor. The Records Management Plan will be updated to reflect this change.	The Assessment Team thanks Inverclyde Council for this update which we have noted.
3. Policy	G	G	G	Update required on any change.	The Council has revised various policy and guidance documents to reflect the General Data Protection Regulation and the Data Protection Act 2018 which	As with all other Scottish public authorities Inverclyde Council have been required to review and update their data protection procedures in light of the 2018 legislation.

					<p>will be discussed in detail in Element 9.</p> <p>In addition, the Council has implemented: Information Classification Policy; Email Deletion Policy; Business Classification Scheme (BCS) Guidance and Digital Strategy.</p> <p>The Council has prepared draft Version Control and Naming Convention Guidance, which is pending approval from the Policy and Resources Committee following a Consultation period with the Extended Management Team. The Policy and Resources will consider the draft Guidance on 26<sup>th</sup> March 2019.</p> <p>The Councils Records Management Plan will be reviewed within the next 12 months.</p>	<p>The Assessment Team thanks Inverclyde Council for highlighting new policy and guidance documents. If this were a formal re-submission the Keeper would require that copies of these documents were submitted in evidence.</p> <p>The Assessment Team notes that version control and naming convention guidance is being approved at the moment and looks forward to a further update in the Council's next PUR. These will be vital for tracking digital records efficiently (see element 11).</p>
4. Business Classification	A	G	A	<b>The Keeper agrees this element of the Council's plan under 'Improvement Model' terms. This means</b>	BCS Implementation is ongoing. The Council has identified 2 stages of this implementation process.	The Assessment Team acknowledge that the ongoing work committed to in the Council's original

				<p>that he acknowledges that the authority has identified a gap in provision [business classification not rolled out throughout the organisation] and has put processes in place to close that gap. The Keeper's agreement is conditional on his being updated on progress as the EDM project develops.</p>	<p>Stage 1 is having a file structure in place in new drives, and stage 2 is the migration of data. The Council's Annual Governance Statement has identified 31<sup>st</sup> October 2018 for completion of stage 1 and 31<sup>st</sup> March 2019 for completion of stage 2.</p> <p>All Services have completed stage 1 and are on track for completion of stage 2. This will be monitored by the Information Governance Team and the Information Governance Steering Group, with regular updates to the Corporate Management Team.</p>	<p>submission is progressing well.</p> <p>The roll out of the BCS is bound to be incremental and further time must be allowed for it to bed in and become fully operational.</p> <p>This element remains at 'amber' for the moment as the work progresses.</p> <p>The Assessment Team commends the commitment of time and resources and the commitment to monitor the new structures. They look forward to being kept updated on this work in subsequent PURs.</p>
5. Retention Schedule	G	G	G	Update required on any change.	The Council continues to base its Policy for the Retention and Disposal of Documents and Records Paper and Electronic on the model retention and disposal schedules produced by the Scottish Council on Archives.	In their original submission Inverclyde Council committed to updating relevant policy documents on a regular basis. The Assessment Team appreciates the confirmation that this is being done. <p>This is a recognition that a</p>

					<p>The Council requires to revise and update this policy to reflect the General Data Protection Regulation and the Data Protection Act 2018. This outstanding action is highlighted in the Council's GDPR Post Implementation Plan.</p> <p>The Council has received a number of s21 Notices in relation to the Scottish Child Abuse Inquiry (SCAI) and therefore some Social Work Records have not been destroyed as per the Council's Retention Policy.</p>	<p>Retention Schedule is a 'living document'.</p> <p>The Assessment Team acknowledges the statement regarding the Scottish Child Abuse Enquiry and agrees this, temporarily, takes precedence over implementing retention decisions.</p>
6. Destruction Arrangements	A	G	A	<p>... the Council makes clear "There is no process in place yet for deletion of electronic documents from network drives." The roll-out of the EDM and the full adoption of a <i>Business Classification Scheme</i> linked to the already extant <i>Retention Schedule</i> (see elements 4 and 5) should facilitate this.</p>	<p>As advised in element 4, the Council is currently implementing BCS. As part of this process, Services will require to transfer data to the new file drives, during which they will apply the Council's Retention Policy to the old file drives. The old drives will then be deleted by 31<sup>st</sup> March 2019.</p>	<p>The Assessment Team acknowledge that the ongoing work committed to in the Council's original submission is progressing well.</p> <p>In common with many Scottish public authorities, Inverclyde Council is not satisfied that the controlled deletion of those records held</p>

				<p><b>The Keeper agrees this element of Inverclyde Council’s records management plan on ‘Improvement Model’ terms. This means that he acknowledges that the Council has identified a gap in records management provision [the deletion of electronic records is not properly controlled] and has put processes in place to close that gap. The Keeper’s agreement is conditional on his being updated on progress as the EDM project develops.</b></p>	<p>Services will then apply the Retention Policy to the new BCS Structure on an ongoing basis which will be monitored. In addition, Services will then develop a retention schedule for each element of their BCS where a record is held.</p> <p>The Council has received a number of s21 Notices in relation to the Scottish Child Abuse Inquiry (SCAI) and therefore some Social Work Records have not been destroyed as per the Council’s Retention Policy.</p>	<p>electronically on shared drives is being universally carried out efficiently. With this in mind, they state in their original submission <i>Plan</i> “There is no process in place yet for deletion of electronic documents from network drives.” The roll-out of the EDM and the full adoption of a <i>Business Classification Scheme</i> linked to the already extant <i>Retention Schedule</i> (see elements 4 and 5) should facilitate this.</p> <p>It is clear from this PUR that the processes to close the gap in provision are progressing.</p> <p>The Assessment Team commends the commitment of time and resources to pursue the BCS structure (element 4). They look forward to being kept updated on this work in subsequent PURs.</p>
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7. Archiving and Transfer	A	G	A	<p>...the Council's <i>Plan</i> makes it clear that the archive provision at the Watt Library is in need of improvement... the Keeper accepts that the Council is aware of shortcomings in the archive repository and are considering an improvement programme. <b>The Keeper expects to be informed of the Committee's decision when appropriate...</b></p> <p><b>The agreement of this important element is conditional on the Keeper being provided an update as the current situation improves and on the Council agreeing to provide a statement on their archiving provision once they have been able to measure their facilities against the <i>Proper Arrangements</i> guidance document.</b></p>	<p>The Committee's decision of 3<sup>rd</sup> November 2015 as requested by the Keeper is available at: <a href="https://www.inverclyde.gov.uk/meetings/meeting/1817">https://www.inverclyde.gov.uk/meetings/meeting/1817</a></p> <p>However, the Committee made an amendment on 8<sup>th</sup> March 2016 and their decision is available at: <a href="https://www.inverclyde.gov.uk/meetings/meeting/1846">https://www.inverclyde.gov.uk/meetings/meeting/1846</a></p> <p>The Watt Library is currently being refurbished as part of a £2 million investment by the Council. The Archives Collection is stored temporarily in an external storage facility. The Watt Library is anticipated to be reopened in July 2019.</p> <p>Once the Watt Library has been reopened and the Archives Collection have been reinstated, the Council will then measure their facilities against the Proper Arrangements guidance and issue a statement to the</p>	<p>The Assessment Team is pleased to receive such a positive update regarding the archive provision in Inverclyde.</p> <p>The Keeper will be particularly pleased that the position of archivist in the council has been made a permanent one.</p> <p>The Assessment Team thanks Inverclyde Council for highlighting new archive policy and guidance documents. If this were a formal re-submission the Keeper would require that copies of these documents were submitted in evidence.</p> <p>This element remains Amber awaiting completion of the work on the archive store and mapping the service against the Keeper's 'Proper Arrangements' document.</p>
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					<p>Keeper on their archiving provision.</p> <p>In addition, a feasibility study will be carried out in relation to the external storage to determine whether improvements can be made or alternative accommodation sought.</p> <p>Additional investment has been made by the Council, such as the installation of new metal shelving and acid free archival storage boxes to house the Archive collection. Further improvements, such as repacking materials and cataloguing continues.</p> <p>The Archivist position has now been made permanent.</p> <p>Relevant policies and procedures have been produced by the Archivist: Archives and Local Studies Service Collecting Policy, Appraisal Policy, Disposal Policy,</p>	
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					Transfer Procedure, Closed Records Policy, Packing Policy, Preservation Policy and Security Policy. These will be added to and updated as required.	
8. Information Security	G	G	G	Update required on any change.	<p>As part of the Council's GDPR Implementation Plan a Data Protection Breach Management Protocol has been introduced. In addition, all data breaches are now recorded in the Council's Data Breach Register.</p> <p>In addition, the Council has committed to implement in full the requirements of the Scottish Public Sector Cyber Security Action Plan in line with the Key Action Timeline.</p> <p>The Council also continues to have Public Services Network Accreditation.</p> <p>The Council has been accredited as a Cyber Essential Plus Organisation.</p>	<p>As with all other Scottish public authorities Inverclyde Council have been required to review and update their data protection procedures in light of the 2018 legislation.</p> <p>The Assessment Team thanks Inverclyde Council for updating them regarding the Council's security accreditation. This has been noted in order that the original submission can be kept up-to-date.</p>
	G	G	G	Update required on any	As part of the Council's	As with all other Scottish

9. Data Protection				change.	<p>GDPR Implementation Plan, a Data Protection Officer was appointed in February 2018.</p> <p>The Council also created an Information Governance Team in March 2018.</p> <p>The Council has implemented Data Breach Management Protocol; a Data Breach Register; and Data Sharing Agreement Templates.</p> <p>The Council has also introduced guidance documents such as Privacy Notice Template and Guidance; an Employee GDPR Guide; an e-learning GDPR module which is mandatory for all employees; and Elected Members GDPR Guide.</p> <p>The Council's Corporate Privacy Notice has been updated, together with Service specific Privacy Notices, and these are</p>	<p>public authorities Inverclyde Council have been required to review and update their data protection procedures in light of the 2018 legislation.</p> <p>The Assessment Team acknowledges that the public facing Inverclyde Council website has been updated appropriately:</p> <p><a href="https://www.inverclyde.gov.uk/law-and-licensing/freedom-of-information/data-protection-policy">https://www.inverclyde.gov.uk/law-and-licensing/freedom-of-information/data-protection-policy</a></p>
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					<p>available on the Council's website.</p> <p>A draft Data Protection Impact Assessment Guidance and Template is pending approval from Policy and Resource Committee following a Consultation period with the Extended Management Team. The Policy and Resources will consider the draft Guidance on 26th March 2019.</p> <p>Outstanding policies are noted in the Council's GDPR Post Implementation Plan and will be actioned accordingly.</p>	
10. Business Continuity and Vital Records	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	<p>The Information Asset Register includes a field in each entry where business continuity details are recorded for that information asset.</p> <p>The Council has an up-to-date Directorate Business Continuity Plan in place.</p>	<p>Information noted with thanks.</p> <p>Populating the IAR with recovery information is to be commended as helping create a stronger business tool.</p>

11. Audit Trail	<b>A</b>	<b>G</b>	<b>A</b>	<p><b>The Keeper agrees this element of the Council’s plan under ‘Improvement Model’ terms. This means that he acknowledges that the authority has identified a gap in provision [audit/tracking facility not available for all record types] and has put processes in place to close that gap. The Keeper’s agreement is conditional on his being updated on progress as the EDM project develops.</b></p>	<p>The Council is currently implementing BCS across all Services.</p> <p>Draft Document Version Control and Naming Convention is pending approval from the Policy and Resource Committee following a Consultation period with the Extended Management Team. The Policy and Resources will consider the draft Guidance on 26th March 2019.</p>	<p>The Assessment Team acknowledge that the ongoing work committed to in the Council’s original submission is progressing well (See element 4).</p> <p>The roll out of the BCS is bound to be incremental and further time must be allowed for it to bed in to become fully operational.</p> <p>Once the BCS structure is operational and the version control and naming convention guidance is bedded in the tracking of documents in the Council system will be greatly enhanced.</p> <p>This element remains at ‘amber’ for the moment as the work progresses.</p> <p>The Assessment Team looks forward to being kept updated on this work in subsequent PURs.</p>
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12. Competency Framework	G	G	G	Update required on any change.	<p>A full training programme has taken place over the course of 2018/2019 including: Information Security; an Introduction to GDPR aimed at managers; How GDPR will impact on Elected Members; Data Breaches; and Data Protection Impact Assessments.</p> <p>The training programme focuses on face to face and e-learning.</p> <p>An e-learning module on GDPR has been developed which is mandatory for all employees processing personal data.</p> <p>A robust Corporate Induction procedure has been introduced to ensure effective integration of new employees into and across the Council. This requires to be completed before the</p>	The Assessment Team note that appropriate GDPR training is provided by the Council and, furthermore, that information governance training is undertaken at induction. The Assessment Team commends this commitment to providing staff with appropriate training.

					new employee can access the system.	
13. Assessment and Review	G	G	G	Update required on any change.	<p>To support the Council's GDPR Implementation an Implementation Group was created that included subject matter experts from across the Services.</p> <p>Quarterly updates on GDPR Implementation are provided to the CMT. In addition, annual updates will be provided to the Policy and Resource Committee.</p> <p>An audit of GDPR Implementation was carried out by Internal Audit, which highlighted actions to develop the control environment.</p> <p>Regular updates are provided to the CMT on BCS Implementation.</p> <p>The sub groups highlighted in 13.2 of the RMP have been consolidated into one group to ensure efficiency.</p>	<p>The Assessment Team thanks the Council for the update. It seems that the Information Governance Steering Group are monitoring the implementation of the Council's plan.</p> <p>The completion of this Progress Update Review can also be considered as evidence of a commitment to review stated in the original submission.</p>

					The Record Management Plan continues to be discussed regularly by the Information Governance Steering Group.	
14. Shared Information	A	G	G	<p>The Keeper wishes to be supplied with a copy of the <i>Information Sharing Protocol</i> when approved. The Keeper notes that the Council committed to do this during the assessment process....</p> <p><b>The Keeper agrees this element of Inverclyde Council's records management plan on 'improvement model' terms. This means that the authority has recognised a gap in provision [Data sharing processes need formalising] and the Keeper has acknowledged that procedures have been put in place to close that gap. He agrees this element on the condition that Inverclyde Council provides a fully signed-off version of the <i>Information Sharing Protocol</i> as soon as it is available.</b></p>	<p>A copy of the Information Sharing Protocol has been provided.</p> <p>As part of GDPR Implementation, a Data Sharing Agreement Template has been developed and the Information Sharing Protocol will be amended to reflect this.</p> <p>As part of the GDPR Post Implementation Plan a Data Sharing Agreement repository will be published on the Council's Intranet.</p>	<p>The Assessment Team thanks Inverclyde Council for providing the <i>Information Sharing Protocol</i> which was being reviewed at the time of the original submission.</p> <p>If this were a formal re-submission it is likely that this element of the Inverclyde Council and licensing Board plan could be re-graded from Amber to Green.</p>



## 7. 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 8<sup>th</sup> February 2019. The author of the progress update submission is Andrew Greer, Solicitor (Information Governance) and Data Protection Officer.

The progress update submission makes it clear that it is a submission for Inverclyde Council and Inverclyde Licensing Board.

The Assessment Team has reviewed Inverclyde Council and Inverclyde Licensing Board'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

Inverclyde Council and Inverclyde Licensing Board continue to take their records management obligations seriously and are 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.

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

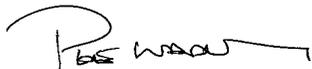
Where 'no change' has been recorded under the update on provision by the authority, the Assessment Team is happy to agree that these elements require no further action for the time being.

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

Based on the progress update assessment the Assessment Team considers that **Inverclyde Council and Inverclyde Licensing Board** continue to take their statutory obligations seriously and are working hard to bring all the elements of their records management arrangements into full compliance with the Act and fulfil the Keeper's expectations.

- The Assessment Team recommends authorities consider publishing PUR assessment reports on their websites as an example of continued good practice both within individual authorities and across the sector.

This report follows the Public Records (Scotland) Act Assessment Team's review carried out by,



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**Pete Wadley**  
Public Records Officer