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

**Audit Scotland**
**Auditor General for Scotland**
**Accounts Commission for Scotland**

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

**14 August 2017**

**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 Final 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 **Audit Scotland**, **Auditor General for Scotland**, and **Accounts Commission for Scotland**. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

# 4. Authority Background

Audit Scotland assists the Auditor General and the Accounts Commission to ensure organisations that spend public money in Scotland use it properly, efficiently and effectively. They check whether organisations manage their finances to the highest standards and achieve the best possible value for public money. They support public scrutiny that is fair, equal and open, and that leads to more effective financial management and value for money.

The post of Auditor General for Scotland was created under the Scotland Act 1998, prior to devolution in 2000. The appointment is made by the Crown. The Auditor General is responsible for auditing directorates of the Scottish Government, government agencies (e.g. the Scottish Prison Service, Transport Scotland), NHS bodies, further education colleges and all Non Departmental Public Bodies (for example Scottish Enterprise and VisitScotland). Annual financial audit reports are produced.

The Accounts Commission for Scotland is the public spending watchdog for local government. They hold councils in Scotland to account and help them improve. They operate impartially and independently of councils and of the Scottish Government, and meet and report in public. The Accounts Commission for Scotland was established in 1975 by the Local Government (Scotland) Act 1973. It is a body of at least six and no more than 12 members. Members are appointed by Scottish Ministers, following open recruitment under the public appointments procedures. Ministers also appoint one of the members to chair the Commission and one to be deputy chair. The role of the Commission has evolved and been modified in a variety of ways since 1975. Its current role can be summarised as 'to secure the audit of Scottish local government and to consider reports arising from that audit'.

# 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. Records Management Plan Elements: Checklist

### Audit Scotland, Auditor General for Scotland, and Accounts Commission for Scotland

**N. B. For simplicity, as the plan relates to the records management provision for all three public authorities, the use of 'Audit Scotland' should be taken to refer to that organisation as well as the Auditor General for Scotland and the Accounts Commission for Scotland.**

| Element | Status of elements under agreed Plan, November 2013 | Status of evidence under agreed Plan, November 2013 | Progress assess-ment status, 2017 | Keeper's Report Comments on Authority's Plan, November 2013 | Self-assessment Update as submitted by the Authority since November 2013 | Progress Review Comment, 2017 |
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| 1. Senior Officer | G | G | G | Update required on any change | No change, still D McGiffen, Chief Operating Officer | No immediate action required. Update required on any future change. |
| 2. Records Manager | G | G | G | Update required on any change | No change, still A Devlin, Corporate Governance Manager | No immediate action required. Update required on any future change. |
| 3. Policy | G | G | G | Update required on any change | Policy reviewed yearly and reapproved by the Audit Scotland Board. Next re-approval 23 August 2017. | Audit Scotland continue to take their records management responsibilities seriously as evidenced by the |

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| | | | | | Only minor amendments made to 2013 version. | regular review of their Policy and the involvement of the Board in approving and signing-off the Policy. Ensuring organisational high-level engagement in records management policies is commended by the Assessment Team.<br><br>Should the next scheduled review in August prompt significant changes to the Policy, the Assessment Team would like to be informed of these during the next PUR invitation process.<br><br>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element. |
| 4. Business Classification | **G** | **G** | **G** | Update required on any change. The Keeper is interested to hear news of the re-arrangement of the Business Classification Scheme (BCS)/Information Asset Register along | With the implementation of SharePoint our business classification was implemented on functional lines. The main focus of our work is auditing and this forms one of the largest | Audit Scotland has submitted a sample page from SharePoint demonstrating the new functional arrangement of the current Business Classification Scheme. This appears to comprehensively |

| | | | | functional lines | section of SharePoint, auditing is further split by type of audit and audit sector. The other high level sections are:<ul><li>Working groups (cross organisation working e.g. international audits/support),</li><li>Business groups (includes the Audit Scotland Board and Executive, Auditor General and the Accounts Commission),</li><li>Reference (supporting the business in areas such as corporate governance, legislation, FOI, complaints, etc.),</li><li>External engagement.</li></ul>Example below: | cover all the authority's functions and the types of records created during the exercise of those functions. This will help the authority identify and retrieve the records it creates.<br><br>Although such arrangement must remain a business decision for Audit Scotland, the Assessment Team would like to acknowledge that a functional system is currently considered 'best practice'.<br><br>In Audit Scotland's agreed RMP the authority was considering developing a single document encompassing both the Business Classification Scheme and the Retention Schedule. The Assessment Team have been notified that the authority have opted to retain a separate retention schedule to ensure the on-going management of records held outwith the SharePoint |

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| | | | | |  | system. This is a sensible approach for safeguarding records not encompassed by SharePoint. The Assessment Team thanks Audit Scotland for the update. |
| | | | | | As a result of implementing SharePoint we have decided to retain a separate retention schedule to ensure records retained outwith SharePoint are effectively managed. | The Assessment Team recognises the on-going initiative being undertaken by the authority under this element. |
| 5. Retention Schedule | **G** | **G** | **G** | Update required on any change. The Keeper would welcome updates on the alignment of the retention schedule with the BCS along functional lines and the imposition of retention periods at point of record creation using the SharePoint system | Record retention schedule reviewed and updated on implementation of SharePoint and again in 2015. SharePoint libraries can be set with a retention period applicable to that library. In practice most of our retention periods are seven years this reflects the requirement for conducting audits.

Documents are given 18 months from last change to deletion. If the document is to | Audit Scotland have developed and imposed appropriate arrangements for this element. The implementation of SharePoint, and use of the Library tool in particular, ensures records are assigned pre-determined retention/disposal dates. The retention of most records of seven years is entirely appropriate for this authority to conduct its functions. |

| | | | | | be kept as a record it is declared and kept for up to seven years when a manual intervention is required to review the record and a decision taken to delete it or to retain it for a further period (this includes Board records which will be kept for the life of the business but reviewed every seven years).

Regular reports from SharePoint are sent to the business groups IAO's for review to decide on the future of that record or document. | The authority has also made provision for the archiving of records by requiring that records to be kept for their enduring value are subject to manual intervention to either destroy or retain them for a further period. This is considered good practice as it will reduce the risk of records of permanent value being disposed of accidentally.

The Assessment Team welcome the permanent retention of high-level organisational records such as Board records.

Audit Scotland's approach of involving business group Information Asset Owners to review and decide on the future of documents is commendable. Staff engagement should ensure retention periods remain relevant to the organisation.

Undertaking regular reviews |
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| | | | | | | and updating the retention schedule is similarly considered good practice. Should future reviews bring about significant changes, the Assessment Team would like to be informed of these.<br><br>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element. |
| 6. Destruction Arrangements | G | G | G | Update required on any change | No change.<br><br>However, procurement under way for a new archiving company. They will be responsible for destruction of paper records. Any change will take place circa August/September 2017.<br><br>Potential new archiving companies have confirmed they hold ISO 9001 and ISO 27001 thereby ensuring no detriment to our handling, storage and secure | Currently paper records are held and destroyed by an off-site storage specialist who is ISO compliant. However, Audit Scotland is undertaking a procurement process for a new contractor.<br><br>Audit Scotland continue to take this element seriously by ensuring that any potential new archiving company is compliant with ISO 9001 and ISO 27001. This should ensure that the storage and secure disposal of the |

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| | | | | | destruction of our records.<br><br>Electronic records are deleted after review by Information Asset Owners. | authority's records continues to be managed appropriately.<br><br>Due to the significance of this change, the Assessment Team would like sight of updates and evidence following the adoption of a new record destruction contractor in future PUR submissions.<br><br>The destruction of electronic records after review by Information Asset Owners is commended as a sensible approach to ensuring that those records which are no longer needed are destroyed in a timely manner. |
| 7. Archiving and Transfer | G | G | G | Update required on any change | No change.<br><br>However see 6 above regarding a re-tender for our archiving/destruction contract. Supplier may change circa August/September 2017. | As per Element 6, in the event that Audit Scotland enter into a contract with a new supplier, the Assessment Team will request sight in future PUR submissions of documentation demonstrating that archiving arrangements remain robust and compliant |

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| | | | | | The external archiving provision will hold records either until their destruction date or transfer date to the National Records of Scotland for permanent preservation. | with regulatory and legal obligations.

Audit Scotland has made it clear that any potential change in archival provision relates to the storage of semi-current records at an external facility. There will be no change to the transfer of records of enduring value to the National Records of Scotland (NRS). |
| 8. Information Security | G | G | G | Update required on any change | Audit Scotland now has ISO 27001 – Information Security Management certification. It was achieved in November 2016, certificate image below. | Audit Scotland has supplied certification showing their compliance with ISO 27001 – Information Security Management. This demonstrates the authority's continuing commitment to the protection of its records and the work being done to ensure their systems remain relevant and fit for purpose. The Assessment Team commends this endeavour.

The Assessment Team recognises the on-going |

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| | | | | |  | initiative being undertaken by the authority under this element. |
| 9. Data Protection | **G** | **G** | **G** | Update required on any change | Policy reviewed yearly and reapproved by the Audit Scotland Board.<br><br>Next re-approval 23 August 2017. Only minor amendments made to 2013 version. | The Assessment Team endorse Audit Scotland's regular review of key records management policies such as those surrounding data protection. The re-approval of these policies by the Audit Scotland Board indicates that records management provisions remain a priority at the highest levels of the authority.<br><br>Should the next scheduled |

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| | | | | | | review in August prompt significant changes to the Policy the Assessment Team would like to be informed of these during the next PUR invitation process.<br><br>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element. |
| 10. Business Continuity and Vital Records | G | G | G | Update required on any change. The Keeper would welcome any updates concerning further implementation of the recommendations outlined in the internal audit report on 'Business Continuity and IT Disaster Recovery' | Business Continuity Arrangements reviewed yearly and approved by Audit Scotland's Audit Committee.<br><br>Last approved November 2016, next approval November 2017.<br>BDO our Internal Auditors conducted an internal audit of our arrangements in May 2017 and we achieved substantial assurance on our arrangements. Copy of report attached below. | The guidance to the Keeper's Model Plan stresses that business continuity arrangements must be regularly reviewed, tested, and revised to ensure they remain fit for purpose. Audit Scotland's annual review of its business continuity arrangements and the conducting of a test scenario at least once every twelve months are therefore commended by the Assessment Team as indicative of good practice. |

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| | | | |  | The evidence provided, namely the report of the internal audit conducted in May 2017 by BDO on Audit Scotland's business continuity arrangements highlights the continuing high levels of compliance with this element. The authors of the report are 'able to provide substantial assurance over the design and operational effectiveness of the controls in place relating to business continuity planning'. There is a clear Business Continuity Plan (BCP) in place and its guidelines have been communicated to all staff.<br><br>The Assessment Team commend the authority's use of a testing template to record lessons learnt from previous tests. The sharing of the testing template with the Corporate Performance Manager, who updates the BCP, and the distribution of the internal audit report with |

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| | | | | | | the Chief Operating Officer, is evidence of senior management involvement and commitment in ensuring compliance under this element. This is welcomed by the Assessment Team.

The submitted Report offers two recommendations with implementation dates of June and November 2017. The Assessment Team would be pleased to learn of the implementation of these recommendations in future PUR submissions.

The Assessment Team recognises the on-going initiative being undertaken by the authority under this element. |
| 11. Audit Trail | G | G | G | The Keeper would be keen to learn how the SharePoint technology is operating in so far as the audit trail of electronic records. | No change to audit trail for paper records. SharePoint records now fully operational.

Each business groups Information Asset Owner is | The Keeper's original Report on Audit Scotland's RMP noted a commitment by the authority to focus their audit trail development on electronic media. As |

| | | | | The Keeper agrees that Audit Scotland's current 'audit trail' systems meet the requirements for this element and looks forward to reviewing the new policies when appropriate | sent an expiring file report on a regular basis (Excel spreadsheet). The reports are reviewed to establish if the document or record should be kept for a further period of time or deleted in line with our records retention schedule.<br><br>In addition each member of staff can run an adhoc report on their expiring files.<br><br>Expiring files report extract below:<br><br> | SharePoint is now fully operational this should now ensure that audit trail functionality such as tracking and locating electronic records, and preventing their unauthorised alteration or destruction, is now operational.<br><br>The Assessment Team commends the rolling out of SharePoint as it will provide a means of comprehensively tracking the lifecycle of electronic records.<br><br>The inclusion of an Expiring File Report also demonstrates Audit Scotland's efforts to ensure records are destroyed in a structured, timely manner in line with business needs. The involvement of Information Asset Owners in reviewing documents scheduled for deletion is considered a suitable approach. |
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| | | | | | | The Assessment Team recognises the on-going initiative being undertaken by the authority under this element. |
| 12. Competency Framework | G | G | G | Update required on any change | Generally no change however the staff guide to records management is reviewed yearly and re-issued.<br><br>Latest version attached.<br><br>**Records Management**<br>**A guide for staff on managing records**<br><br>AUDIT SCOTLAND<br>Prepared for Audit Scotland, Accounts Commission and Auditor General Reviewed and updated July 2017 | The Assessment Team welcomes the regular review and re-issuing of the Guide for Staff on Managing Records. This should ensure that staff are up-to-date on procedures and their obligations in handling records in an authorised manner.<br><br>The Team are particularly impressed by the comprehensive nature of the Guide submitted as evidence (dated July 2017). Not only are useful examples included to help explain the nature of records, their "lifecycle", and how they should be managed within SharePoint, but it also relates to many of the compulsory elements of the |

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| | | | | | | RMP, including information security, vital records, and the archiving and transfer of records of enduring value.

Should future annual reviews prompt significant changes in staff instructions, the Assessment Team would be pleased to have sight of the relevant documentation.

The Assessment Team recognises the on-going initiative being undertaken by the authority under this element. |
| 13. Assessment and Review | G | G | G | Update required on any change | No Change.

Every year each business group has to undertake a review of their records management practices using our RM Checklist. The result of this is incorporated, along with other assurances, into our Accountable Officer's statement of internal control. The checklist is shown below. | The annual, scheduled review of records management practices is welcomed as an example of good practice in ensuring arrangements within each business group remain fit for purpose.

The use of the Records Management Checklist supplied as evidence is an appropriate tool for |

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| | | | | | **Records Management** Compliance Self-Assessment Checklist 2017 ✓AUDIT SCOTLAND | conducting such reviews. The checklist comprehensively addresses key issues necessary for on-going compliance, such as information security, staff awareness of policies and procedures, and the retention, destruction or transfer of records.<br><br>The Assessment Team similarly commend the involvement of senior management in reporting on the finding of these reviews.<br><br>The Assessment Team will need to be informed if any considerable amendments occur or new policies are introduced following these regular self-assessments.<br><br>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element. |

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| 14. Shared Information | **G** | **G** | **G** | Update required on any change | No Change. | No immediate action required. Update required on any future change. |

Version

The progress update submission which has been assessed is the one received by the Assessment Team on 18 July 2017. The author of the progress update submission is Alex Devlin, Corporate Governance Manager.

The progress update submission makes it clear that it is a submission for Audit Scotland, Auditor General for Scotland, and Accounts Commission for Scotland.

## 7. PRSA Assessment Team's Summary

The Assessment Team has reviewed **Audit Scotland**, **Auditor General for Scotland**, and **Accounts Commission for Scotland** 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

This authority continues to demonstrate compliance with the Act through their commitment to maintain and develop their records management arrangements. Particularly admirable is the regular, scheduled review of key policies and procedures and the willingness to commission, and respond to, internal audits and self-assessments.

The implementation of SharePoint should improve the authority's effectiveness in a range of key recordkeeping areas including record retention and disposal, identifying vital records, and audit trail functionality.

The authority has highlighted that they are currently engaged in the procurement of a new off-site storage specialist. Whilst the authority has guaranteed that any new contractor will be sufficiently compliant, this signifies a significant change in provision since the RMP was agreed by the Keeper. The Assessment Team would therefore welcome updates and accompanying evidence in future Progress Update Review submissions.

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. PRSA Assessment Team's Evaluation

Based on the progress update assessment the Assessment Team considers that **Audit Scotland**, **Auditor General for Scotland**, and **Accounts Commission for Scotland** continue to take their statutory obligations seriously and are working hard to maintain all elements of their records management arrangements in 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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**Neil Adams**
Public Records Officer