

The Public Records (Scotland) Act 2011

Tayside Valuation Joint Board

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

15 November 2018

Contents

1. The Public Records (Scotland) Act 2011.....	3
2. Progress Update Review (PUR) Mechanism.....	4
3. Executive Summary.....	5
4. Authority Background.....	5
5. Assessment Process.....	5-6
6. Records Management Plan Elements Checklist and PUR Assessment.....	7-13
7. The Public Records (Scotland) Act Assessment Team's Summary.....	14
8. The Public Records (Scotland) Act Assessment Team's Evaluation.....	15

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 Tayside Valuation Joint Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

Tayside Valuation Joint Board was established in 1996 as part of the reorganisation of local government. It takes over from the Local Authorities in its area certain duties in relation to valuation for rating and council tax. Tayside Valuation Joint Board covers the local authority areas of Dundee City, Perth & Kinross and Angus Councils.

The Board comprises 15 Members who are appointed by the three Councils in its area. Dundee City Council nominates 6 members, Perth & Kinross Council 5 and Angus Council 4. The Board appoints the Assessor, whose statutory duty it is to prepare the Valuation Roll and the Council Tax Valuation List. The Assessor also provides the Electoral Registration service for Perth & Kinross Council and Angus Council.

Through its Clerk and Treasurer the Board provides the administrative framework within which the Assessor's Department operates. The Board Members provide an essential link between the Assessor, the Councils in the area and the electorate.

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.
---	---	--	---	---	--	---	--

Progress Update Review (PUR): Tayside Joint Valuation Board

Element	Status of elements under agreed Plan, April 2016	Status of evidence under agreed Plan, April 2016	Progress assessment status, 2018	Keeper's Report Comments on Authority's Plan, April 2016	Self-assessment Update as submitted by the Authority since April 2016	Progress Review Comment, 2018
1. Senior Officer	G	G	G	Update required on any change	No Change	No immediate action required. Update required on any future change
2. Records Manager	G	G	G	Update required on any change	Records Management Plan amended to record the Chair of the Governance Working group as party with operational records management responsibility.	The amended Records Management Plan (v2.1 May 2018) has been provided and the Keeper thanks the authority for keeping its submission up to date.
3. Policy	G	G	G	Update required on any change	Records Management Policy updated to reflect changes in senior management structure.	The Records Management Policy (v1.3 May 2018) has been provided and the Keeper thanks the authority for keeping its submission up to date.
4. Business	G	G	G	Update required on any change	No Change	No immediate action required. Update required

Classification						on any future change
5. Retention Schedule	A	A	A	<p>The Board has submitted a document ‘Plan for the Management, Retention and Destruction of Electronic Records’ (evidence document 34). This has been developed to tackle the abovementioned issues of records and emails stored on the shared drives and impose the structure of the BCS on a ‘new’ shared drive. A clear timescale for implementation has been laid out at the end of this document.</p> <p>The Future Development section of this Element of the RMP states that this work will be completed by 1 April 2017. The Keeper commends the commitment to improving provision in this difficult area.</p> <p>The Keeper can agree this element on an ‘improvement model’ basis. This means that the Board has identified a gap in provision (application of retention schedules to records</p>	<p>TVJB has created a structure to enable easier retrieval of electronically stored data. It is proposed to enable automatic destruction of certain records when the risk of deletion of inappropriate records has been abated.</p> <p>The retention and disposal arrangements have been reviewed to take account of changing circumstances.</p> <p>Evidence:</p> <ol style="list-style-type: none"> 1. Screenshot of Internal Shared Drive 2. Plan for the Management, Retention and Destruction of Electronic Documents 	<p>The Plan for the Management, Retention and Destruction of Electronic Documents (v0.5 May 2018), Guidance on the Management, Retention and Destruction of Electronic Documents (v1.4 May 2018) and the Retention and Disposal Arrangements (May 2018) have been provided. The Keeper thanks the authority for this update in compliance with the conditions of agreement.</p> <p>The evidence supplied shows that the authority has developed a subject-based structure for the shared drive folders. This structure is a business decision for the authority but it does not appear to conform completely with the Retention and Disposal Arrangements and it is therefore not clear how the retention schedules apply</p>

				held on shared drives) and has provided clear evidence of a commitment to close this gap. As part of this agreement, the Keeper will require to be updated on progress as the project moves forward.		to this electronic structure. It would be helpful to see procedures which clarify operational practice. The development of a structure is, however, a positive step forward and the assessment team would encourage further development in due course.
6. Destruction Arrangements	A	A	A	The Board has submitted a document 'Plan for the Management, Retention and Destruction of Electronic Records (evidence document 34). This has been developed to tackle the issues of records and emails stored on the shared drives and impose the structure of the BCS on a 'new' shared drive. It includes imposing access restrictions in certain areas, deletion of emails and highlights the need to maintain a record of deleted records. This document shows a strong commitment to improving the current situation and clearly states how the	An audit of records held on the shared and other drives was carried out by IT staff. Thereafter staff were instructed to delete personal files which are not thought suitable by management for storing on TVJB equipment. Thereafter staff transferred remaining appropriate files to a temporary area. These files would remain extant whilst other files remaining on the shared drive no longer required would be deleted. The existing shared drive has been so reviewed and the temporary area will	The authority has invested considerable effort into cleansing electronic files which are not records. The evidence provided shows that the target date of April 2018 for the restructure of shared drives was met. The authority is maintaining progress in this area. It would be helpful in future PURs to see the forward plans for major initiatives like this. The authority has made progress in managing its electronic records by structuring its shared

				<p>Board intends to do this and the timescales involved.</p> <p>The Keeper can agree this Element on an 'improvement model' basis. This means that the Board have identified a gap in provision (lack of ability to consistently and systematically delete records in shared drives) and have provided evidence of how they intend to close the gap. As a condition of this agreement the Keeper requests that he is kept informed of progress.</p>	<p>be transferred to the original shared drive by the end of April 2018.</p> <p>An area for management has been created where access is restricted to management team members only. Home drives have been reviewed. Management have access to all home drives other than other management team members.</p> <p>The automatic deletion of all emails has been established with a lower limit of one year and six and ten years dependent on the long term worth of any email.</p> <p>An audit of shared drive files has been undertaken and a structure established. Automatic deletion of electronic files stored on the shared drive will be enabled once the risk of erroneous deletion of files has been</p>	<p>drives. The Assessment Team recommend that the next steps should be the alignment of this structure fully with the retention schedules to enable the authority to ensure that electronic records are systematically deleted in accordance with the retention schedule.</p> <p>The guidance to staff to save emails into the appropriate electronic folders is good practice.</p> <p>The Plan for the Management and Retention of Electronic Records describes a process to set automatic deletion dates on individual files. The Plan identifies work which is still to be</p>
--	--	--	--	---	---	---

					mitigated. Evidence: 1. Plan for the Management, Retention and Destruction of Electronic Documents	done but does not have target dates for completion of the additional work. In the absence of automatic deletion, it appears that the authority has retained a system of manual deletion. It would be helpful to see any guidance provided to staff on responsibilities for deletion.
7. Archiving and Transfer	G	G	G	Update change required on any	No Change	No immediate action required. Update required on any future change.
8. Information Security	G	G	G	Update change required on any	No Change	No immediate action required. Update required on any future change.
9. Data Protection	G	G	G	Update change required on any	The Records Manager and another senior officer have received GDPR training achieving GDPR Practitioner certificates. Staff have been given guidance on GDPR by way of briefing sessions. Additionally, we are working collaboratively with Tayside Councils and other	The impact of the Data Protection Act 2018 has been fully considered and appropriate measures taken to ensure that staff have access to relevant and appropriate training and that the authority's compliance with data protection principles is maintained and updated as

					Assessors within the Scottish Assessors Association to meet all requirements under the DPA and obligations under GDPR, examples include the preparation and implementation of Data Sharing Agreements, Information Data Audits, GDPR Training and Privacy Notices on public facing media	required.
10. Business Continuity and Vital Records	G	G	G	Update required on any change	No Change	No immediate action required. Update required on any future change.
11. Audit Trail	G	G	G	Update required on any change	Guidance on the Management and Retention of Electronic Documents has been reviewed to give formal instruction to staff on destruction of emails and file naming conventions	The Guidance document has been provided (see Elements 5 and 6 above). The file naming convention in use is a business decision for the authority: developing this further will assist with more robust methods of tracking and accounting for files.
12.	G	G	G	Update required on any change	No Change	No immediate action required. Update required

Competency Framework						on any future change.
13. Assessment and Review	G	G	G	Update required on any change	No Change	No immediate action required. Update required on any future change.
14. Shared Information	G	G	G	Update required on any change	Creation, review and renewal of data sharing agreements is in progress in order to ensure compliance with the principles of the General Data Protection Regulation	This update is noted with thanks. The review of arrangements for shared information is essential for compliance with the Data Protection Act 2018 and it is positive to see this has been appropriately considered.

Version

The progress update submission which has been assessed is the one received by the Assessment Team on 7 August 2018. The author of the progress update submission is Donald Allan, Assistant Assessor and Electoral Registration Officer.

The progress update submission makes it clear that it is a submission for **Tayside Valuation Joint Board**.

7. PRSA Assessment Team's Summary

The Assessment Team has reviewed Tayside Valuation Joint 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

Tayside Valuation Joint Board continues to take its records management obligations seriously and is working to bring all elements into full compliance.

The Assessment Team would be glad to see further development in the management and disposal of electronic records in due course. The authority has put considerable effort into developing a structure for previously unstructured shared drives and is to be commended for the hard work involved in this. The system will become more robust once the structure is fully aligned with the retention and disposal schedules and the additional records held in the shared drives are identified and added to the retention and disposal schedules. In the meantime the decision to delete files manually is sensible, albeit undoubtedly time-consuming.

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 resubmitted it plan under section (5)(6) of the Act. At present, Elements 5 and 6 remain under improvement but the Assessment Team would note that considerable work has been undertaken towards bringing these elements into full compliance.

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 **Tayside Valuation Joint 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



.....
Elsbeth Reid
Public Records Officer