The Public Records (Scotland) Act 2011

Board of Trustees for the National Galleries of Scotland

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

21 November 2018

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 Interim 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 Board of Trustees for the National Galleries of Scotland. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

The purpose of the National Galleries of Scotland (NGS) as set out in the governing legislation (the National Heritage (Scotland) Act 1985) is to:

- care for, preserve and add to the objects in their collections;
- ensure that the objects are exhibited to the public;
- ensure that the objects are available to persons seeking to inspect them in connection with study or research; and generally to promote the public's enjoyment and understanding of the fine arts;
- and for those purposes to provide education, instruction and advice and to carry out research.

The National Galleries of Scotland look after one of the world's finest collections of Western art ranging from the Middle Ages to the present day. These holdings include the national collection of Scottish art displayed in an international context.

The National Galleries of Scotland is governed by a Board of Trustees. There are up to 12 trustees on the Board at any one time and they are appointed by Scottish Ministers through an open appointments system. Trustees are appointed for a four year term of office in the first instance and may be offered a second term

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) Template: Board of Trustees for the National Galleries of Scotland

Element	Status of elements under agreed Plan, May 2016	Status of evidence under agreed Plan, May 2016	Progress assessment status, Nov 2018	Keeper's Report Comments on Authority's Plan, May 2016	Self-assessment Update as submitted by the Authority since May 2016	Progress Review Comment, Nov 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.	Louise Rasmussen, Records & Information Manager replaced Andy Connor, Records Management Advisor in April 2017.	The job description has been supplied and this post continues to include all the responsibilities identified in the original job description. There are a few changes which reflect the greater maturity of the records management programme and the embedding of records management practices in the organisation. The Keeper thanks the authority for this update to the statutory role under the Public Records (Scotland) Act 2011 1 (2) (a) (ii).

						The Keeper notes that the current post is being filled on a two year fixed term basis and requests that he is kept informed of any changes to this arrangement particularly when it comes to the end of the contract.
3. Policy	G	G	G	Update required on any change.	All policy documents submitted as evidence in 2016 have been reviewed. Policy and guidance documents related to Information Management, Records Management, and Data Protection/GDPR now fall under an Information Management Framework. NGS now has an: Information Management Policy, IT Use Policy, IT Asset Policy, Information Handling Guidance, and Information Management Handbook. These documents have been reviewed by the Cross-Departmental Security Review Group. Our Data Protection Officer is currently reviewing the	The regular review of these policies is best practice. The requirement is for a Records Management Policy but it is also helpful to see the list of policies which relate to other Elements. The development of a comprehensive Information Management Framework is good practice and facilitates the management and regular review of all relevant policies.

					Information Management Handbook & Information Handling Guidance to ensure it meets personal data protection requirements.	
4. Business Classification	G	G	G	Update required on any change.	The Keeper's assessment in 2016 was that NGS' Records Retention Schedule is quite sufficient under this element for the purposes of the Act. NGS no longer intends to develop a separate in-depth Business Classification scheme, as the current high-level one is suitable for our business purposes.	This update is noted with thanks. The original business decision to create a separate *Business Classification Scheme* (BCS) was deemed not necessary for PRSA compliance purposes because the Retention Schedule incorporated the BCS. It is sensible to combine elements in this way.
5. Retention Schedule	G	G	G	Update required on any change.	The Records Retention Schedule has been reviewed and records descriptions consolidated to make it more user-friendly.	Regular review is best practice and this update is welcome.
6. Destruction Arrangements	G	G	G	Update required on any change.	No changes to report.	No immediate action required. Update required on any future change
	A	G	A	The Board have identified	An updated MoU has been	The updated MoU will

| 7. Archiving and Transfer | | | | the National Records of Scotland as the repository to which it will transfer these records [of enduring value not directly related to the collections].
An MOU will be created between the Board and the National Records of Scotland to formally document this arrangement. **When this is in place the Keeper will require a copy to be provided for the PRSA submission.**

The Keeper suggests that, once negotiations with NRS are concluded, the *Records Retention Schedule* (see elements 4 and 5) could be amended to differentiate between records archived locally and those transferred to NRS under the MOU.

The Keeper can agree this element of the | created between NGS and The National Records of Scotland that includes references to GDPR. This is to be signed by both parties by December 2018.

Various staff recently met on 24 September 2018 to look at archival requirements as part of the project to design and build the National Collection Facility in Granton. To inform this project staff are planning to review archival records held at NRS and Iron Mountain. Once this review is complete the Records Retention Schedule will be amended to include in-house and external archival arrangements, and relevant policies and guidance will be developed to support archiving and transfer of records to appropriate facilities. | facilitate the preservation of records of enduring value.

The Granton development will be a significant development for the long term preservation of the archival records and should enable compliance with the Keeper's Supplementary Guidance on Proper Arrangements for Archiving Public Records. This development is a significant investment with benefits for the collections and internal records and should make it possible for externally held records of enduring value to be brought back into the NLS repositories. |

				Board's *Plan* under 'improvement model' terms. This mean that the authority has identified a suitable repository for records selected for permanent preservation and have put processes in place to formalise transfer arrangements. The Keeper's agreement is conditional on the MOU, between NRS and the Board being, created, signed and forwarded to the PRSA Assessment Team.		
8. Information Security	G	G	G	Update required on any change.	Information security is addressed in the policies and guidance documents under element 2. Wombat Security Training has been rolled out to staff that use NGS IT Systems in July 2018. These online modules cover cybersecurity, information security and physical security.	It is helpful to note that information security is part of the Information Management Framework. Ensuring that all staff are trained appropriately is good practice. The work towards Cyber Essentials Plus is a positive development in upgrading

					The Scottish Government has mandated that all public bodies gain the Cyber-Essentials Plus accreditation to ensure a basic level of information security. NGS is currently working on a programme of IT infrastructure improvements that will help us gain accreditation. Records Management, as well as Information Security and Classification has been included as a deliverable in an initial project brief for the Digital Workplace (Office365) Project. A project manager has been recently appointed to take this project forward in 2019.	information security for digital records. NGS are to be commended for including information security and wider records management concerns in its planning and specification of new systems at an early stage. This kind of forward planning is essential to ensure that records generated within new systems are appropriately managed from the start. Without such planning, there is a high risk of creating legacy problems for future users of the new systems.
9. Data Protection	G	G	G	Update required on any change.	The Data Protection Officer has been leading on personal data and GDPR compliance. The revised Records Retention Schedule has been used as a template to ascertain which records contain personal data, and other information required to comply with GDPR. Work is ongoing to populate a personal data asset register with staff	The use of the Retention Schedule to develop an Information Asset Register is sensible. This will enable full assurance that all personal data is held in compliance with the Data Protection Act 2018. NGS Collections will present specific issues for processing personal data and it may be

					responses. Where appropriate, protecting personal data is being included in the policies and guidance documents mentioned under element 2. Work on this is ongoing. The Data Protection Policy is currently being reviewed.	helpful to consider the advice published by The National Archives http://www.nationalarchives.gov.uk/documents/information-management/guide-to-archiving-personal-data.pdf
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	No changes to report.	No immediate action required. Update required on any future change
11. Audit Trail	G	G	G	Update required on any change.	No changes to report.	No immediate action required. Update required on any future change
12. Competency Framework	G	G	G	Update required on any change.	Louise Rasmussen has a PhD in Knowledge Management and an MSc in e-Business. She has prior experience of implementing Records Management in a public sector organisation. As mentioned under element 8, Wombat Security Training was rolled out to staff that use	Ms Rasmussen, the individual identified at Element 2, has appropriate qualifications, skills and experience to undertake this role, as per the Keeper's agreement of the Records Management Plan. Updates on support for professional development opportunities for Ms Rasmussen would be

					NGS IT Systems in July 2018. These online modules cover cybersecurity, information security and physical security. The Records & Information Manager and Data Protection Officer are planning to deliver face-to-face team briefing sessions on Records Management and GDPR from November 2018.	welcome in future PURs. The need for continual training of all staff who undertake record-keeping responsibilities at all levels is clearly being taken seriously. It is good practice to deliver training in a variety of methods.
13. Assessment and Review	**G**	**G**	**G**	Update required on any change.	Policies and guidance falling under the Information Management Framework (element 2 above) will be reviewed every two years, or in response to organisational or legislative changes. The NRS Progress Update Review (PUR) process will be used to review progress against the Act.	The participation in the PUR process is a welcome addition to the NGS Review Schedule as agreed by the Keeper in 2016 appropriately.
14. Shared Information	**G**	**G**	**G**	Update required on any change.	No changes to report.	No immediate action required. Update required on any future change

<u>Version</u>

The progress update submission which has been assessed is the one received by the Assessment Team on 27 September 2018. The author of the progress update submission is Louise Rasmussen, Records & Information Manager.

The progress update submission makes it clear that it is a submission for the **Board of Trustees for the National Galleries of Scotland**.

7. PRSA Assessment Team's Summary

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

<u>General Comments</u>

The **Board of Trustees for the National Galleries of Scotland** continue to take their records management obligations seriously. The appointment of a Records & Information Manager is a positive development and the job description clearly covers all aspects of the role previously undertaken by the Records Management Advisor. The review of policies, the training being developed for all staff and the work towards Cyber Essentials Plus all demonstrate that records management is part of the regular business considerations of the authority, as it should be. The authority has also indicated that it takes record-keeping requirements into account when planning new initiatives, both in term of physical storage in the development at Granton, and electronic management in the development of specifications for Office 365 use.

The Assessment Team commends the progress evident in this work and would welcome updates in future PUR 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 **Board of Trustees for the National Galleries of Scotland** continue to take their statutory obligations seriously and are working hard to bring all the elements of their records management arrangements into full compliance with the Act and fulfil the Keeper's expectations.

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

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

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Robert Fotheringham
Public Records Officer