The Public Records (Scotland) Act 2011

Queen's Printer for Scotland

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

21st October 2021

Contents

1. Public Records (Scotland) Act 2011

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

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

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

2. Progress Update Review (PUR) Mechanism

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

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

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

3. Executive Summary

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

4. Authority Background

The Office of Queen's Printer for Scotland (QPS) was established under section 92 of the Scotland Act 1998. The QPS was specified a non-ministerial office-holder and member of the staff of the Scottish Administration with effect from 1 July 1999.
The Act sets out the responsibilities of the QPS as:

1. to exercise the Queen's Printer responsibilities in relation to the printing of Acts of the Scottish Parliament and subordinate legislation; and
2. on behalf of Her Majesty to exercise Her rights and privileges in connection with:
   o Crown copyright in Acts of the Scottish Parliament,
   o Crown copyright in subordinate legislation,
   o Crown copyright in any existing or future works (other than subordinate legislation) made in the exercise of a function which is exercisable by any office-holder in, or member of the staff of, the Scottish Administration (or would be so exercisable if the function had not ceased to exist) and
   o Other copyrights assigned to Her Majesty in works made in connection with the exercise of functions by any such office-holder or member.

Section 92(5) of the Scotland Act specifies that the Queen's Printer of Acts of Parliament shall hold the Office of Queen's Printer for Scotland. The Queen's Printer is based in The National Archives and the functions of the Queen's Printer for Scotland are carried out from within The National Archives.

The QPS delivers a range of services to the public, information industry and government relating to the publication and re-use of information produced by the Scottish Government. This work complements the policies managed by The National Archives, ensuring that there is a consistent UK wide approach to the management of Crown copyright material.

The QPS produces an Annual Report for Scottish Ministers which sets out details of its costs and performance. The report is laid before the Scottish Parliament and published.

QPS responsibilities are broadly restated, with some modifications, by the Interpretation and Legislative Reform (Scotland) Act 2010, which came into force on 4 June 2010.

The Queen's Printer for Scotland reports to Scottish Ministers.

5. Assessment Process

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

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

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

Key:

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

6. Progress Update Review (PUR) Template: Queen's Printer for Scotland

Element	Status of elements under agreed Plan 08APR14	Status of evidence under agreed Plan 08APR14	Progress assessment status 21OCT21	Keeper's Report Comments on Authority's Plan, 08APR14	Self-assessment Update as submitted by the Authority since 08APR14	Progress Review Comment 21OCT21
1. Senior Officer	G	G	G	Update required on any change.	Senior Management responsibility for the Records Management Plan lies with **Jeff James,** who is appointed the Queen's Printer for Acts of Parliament, and is Keeper of Public Records (UK) and Chief Executive of The National Archives.	The Assessment Team thanks you for letting us know there have been no changes to this element.
2. Records Manager	G	G	G	Update required on any change.	The Knowledge and Information Management Team within The National Archives have day to day responsibility for the operation of records management within OQPS For enquiries relating to the operational aspects of Records Management please contact: The Queen's Printer for Scotland The Library GD Bridge Victoria Quay Edinburgh EH6 6QQ Email: oqps@nationalarchives.gov.uk	Thank you for letting us know there have been no changes to this element.

| 3. Policy | G | G | G | Update required on any change. | The corporate information management policy is regularly reviewed. The essential principles for effective records management remain unchanged. The policy is format neutral, so these principles apply over time. Updates are comparatively minor, reflecting updated legislation such as DPA 2018, or officer's names.

The EDRMS has been replaced with a new system. The policy applies to this system as it applied to the previous one, and principles for appropriate use continue to apply. Supplementing policy, new guidance and training (which is mandatory) has been produced.

An additional policy has been introduced for use of cloud services not provided via corporate IT. This policy describes the approval mechanism for use of these services; the circumstances under which the Information Asset Owners may approve, and which require corporate approval. It also includes policy on what practices must be followed in order to maintain effective records management compliance. There is supplementary guidance for Information Asset Owners to help them in their approval judgements. | Thank you for this detailed update confirming that the corporate information management policy, alongside other key policies, is being reviewed regularly, and accompanying guidance and training are being rolled out when required.

Thank you also for letting us know that OQPS has a new electronic records management system in place. This can pose its own challenges, but it appears that these have been considered and addressed. It is also positive to hear that a policy has been developed to address the use of externally-provided cloud services which supports good practice. |

				Update	Comment	Response
4. Business Classification	G	G	G	Update required on any change.	There are no changes to the business classification scheme. A new system for document management has been introduced, but the hybrid department-function classification scheme remains in place; it was a requirement of the new system to replicate this as closely as possible. QPS records are held in a distinct classification, as before.	The Assessment Teak thanks you for confirming there have been no major changes to OQPS's business classification scheme, regardless of the new software used to manage digital records.
5. Retention Schedule	G	G	G	Update required on any change.	There are no changes to the retention schedules that affect OQPS records. However, appraisal of legacy paper records is completed and schedules have been applied. See comment for Element 7. Retention schedules in the new document management system continue to be applied and executed on a file/"aggregation" basis, as described in the Records Management Plan. This is managed through a records management plugin to our document management system, supplemented by some scripts produced by the vendor which make bulk operations more efficient.	Thank you for letting us know that there have been no changes to retention schedules, and that legacy paper record appraisal has been completed. Based on this update, the Assessment Team remains confident that OQPS continues to apply retention schedules in the new document management system.
6. Destruction Arrangements	G	G	G	Update required on any change.	No changes.	Update required on any change.

7. Archiving and Transfer	G	G	G	The designated archive for OQPS is The National Archives (TNA) at Kew, although the authority is yet to deposit any 'modern records' with them. The first anticipated deposit is scheduled for 2015. The Keeper would be interested to learn about the transfer process once up and running. The Keeper acknowledges the use of TNA as a suitable current site of deposit. However, due to the possibility of constitutional changes occurring, the Keeper requests that OQPS be prepared to revisit this arrangement as part of any wider constitutional rearrangement or at the time the RMP is up for review.	A review of OQPS files was conducted in 2018, following the National Records of Scotland selection criteria. One paper file has been identified for permanent preservation, dated 2008. TNA/OQPS acknowledge the need to confirm transfer arrangements with the Keeper of NRS for transfer by 2023. A review of OQPS digital records has led to the only selected document being the annual report, which is captured through the National Records of Scotland web archiving programme at https://webarchive.nrscotland.gov.uk/* /https://www.gov.scot/publications/que ens-printer-for-scotland/pages/annual- reports/.	The update on archiving and transfer arrangements is reassuring and appreciated. The arrangements of OQPS involving both TNA and NRS are unique, but seem to be working as intended. Thank you also for the update on digital record capture through NRS web archiving programme. Update required on any change to this Element.
8. Information Security	G	G	G	Update required on any change.	OQPS continues to use TNA's information security policies and procedures and therefore continues to follow the UK government Security Policy Framework and report annually on this to the Cabinet Office. Data up to OFFICIAL-SENSITIVE may be held. The cloud services hosting the corporate document management system are internally accredited and independently certified to ISO27001 or SOC2 Part 2. Data is held in UK data centres.	Thank you for letting us know that there have been no major changes to OQPS's robust information security arrangements.

					Additionally, the TNA IT Operations department which administers corporate information systems is ISO 27001 certified.	
9. Data Protection	G	G	G	Update required on any change.	A review in 2020 led to the determination that QPS is not a data controller. This is on the basis that it does not employ staff, enter into contracts, nor process data beyond the content of legislation. Accordingly, QPS has not been registered with the ICO since August 2020. TNA policies and practices were reviewed in light of GDPR/DPA2018, with no significant changes affecting OQPS as a result. TNA maintains its registration with the ICO and continues to have a full time Data Protection Officer.	Thank you for the notification that a 2020 review has established that QPS is not a data controller. The overview of TNA Data Protection adherence on behalf of OQPS is acknowledged and appreciated.
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	No changes.	Update required on any change.
11. Audit Trail	G	G	G	Update required on any change.	Events including creation, modification, deletion and access of objects is maintained across the main document management system and the records plugin. Audit is maintained for 90 days in the main system, and for the lifetime of the object/metadata stub in the plugin.	Thank you for letting us know that robust audit trail functions remain in place across the main document management system.

12. Competency Framework	G	G	G	The Keeper commends the authority's commitment to supplying appropriate records management training to all staff and would welcome updates on the on-going role of the training modules available on the TNA intranet (Narnia).	TNA/OQPS continue to mandate Information Management training to all new staff, which covers FOI, DPA, cyber security and information management best practices. The content of this training is updated regularly. Additionally, all staff and non-staff with access to information systems continue to complete the mandated 'Responsible for Information' e-learning course on an annual basis, which is supplemented by a module focussing on TNA-specific policies and procedures.	The details of mandatory staff training are noted with thanks.
13. Assessment and Review	G	G	G	There is a strong commitment to review the RMP annually and to assess elements such as the Policy (Element 3) on a biannual basis. OQPS has indicated that they will attempt to introduce the RMP into their internal audit programme for 2015/16. The Keeper commends this attempt to build records management systems into their audit programme and would welcome updates on this work.	Information Asset Owners report twice a year on their information assets, practices and risks. These reports in turn are presented by the KIM Team to the Chief Information Security Officer via the Departmental Security Committee.	Thank you for this update on information asset reporting. The Assessment Team looks forward to further updates in consecutive PURs.
14. Shared Information	G	G	G	Update required on any change.	No changes.	Update required on any change.

7. The Public Records (Scotland) Act Assessment Team's Summary

Version

The progress update submission which has been assessed is the one received by the Assessment Team on 29 July 2021. The progress update was submitted by Michael Appleby, Information Manager & Deputy Data Protection Officer at The National Archives.

The progress update submission makes it clear that it is a submission for **Queen's Printer for Scotland**.

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

General Comments

Queen's Printer for Scotland continues to take its records management obligations seriously and is working to maintain all elements in full compliance.

Section 5(2) of the Public Records (Scotland) Act 2011 provides the Keeper of the Records of Scotland (the Keeper) with authority to revisit an agreed plan only after five years has elapsed since the date of agreement. Section 5(6) allows authorities to revise their agreed plan at any time and resubmit this for the Keeper's agreement. The Act does not require authorities to provide regular updates against progress. The Keeper, however, encourages such updates.

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

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

Based on the progress update assessment the Assessment Team considers that Queen's Printer for Scotland continue to take their statutory obligations seriously and are working hard to maintain all the 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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