The Public Records (Scotland) Act 2011

Scottish Prison Service

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

17th May 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 Scottish Prison Service. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

The Scottish Prison Service (SPS) is an Agency of the Scottish Government and was established in 1993. The purpose of the Service is to maintain secure custody and good order within prisons, whilst caring for prisoners with humanity and delivering opportunities which give the best chance to reduce reoffending once a prisoner returns to the community. SPS has 13 publicly managed prisons and 2 privately managed prisons. These prisons are managed by the Chief Executive who chairs an internal board which comprises Non-Executive Directors appointed by Scottish Ministers and Executive Directors. The Executive Board supports the Chief Executive in providing leadership, direction and control.

http://www.sps.gov.uk/home/home.aspx

N.B. The Scottish Prison Service appears on the schedule to the Public Records (Scotland) Act 2011 under the umbrella body 'Scottish Ministers'. However, SPS have chosen to submit their records management plan separately and the Keeper is entitled to consider and agree the plan in isolation from the rest of 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) Report: Scottish Prison Service

Element	Status of elements under agreed Plan 23SEP14	Progress assessment status 26OCT17	Progress assessment status 03MAY19	Progress assessment status 12MAY21	Keeper's Report Comments on Authority's Plan, 23SEP14	Self-assessment Update 14DEC18	Progress Review Comment, 03MAY19	Self-assessment Update since 03MAY19	Progress Review Comment, 12MAY21
1. Senior Officer	G	G	G	G	Update required on any change.	No change. Jim Kerr, Director of Operations is still the individual with senior responsibility for records management within the authority.	No immediate action required. Update required on any future change.	Caroline Johnston, Director of Corporate Services has taken over senior responsibility for all aspects of Records Management in SPS and is the corporate owner of the SPS Records Management Plan. Caroline Johnston is also the Senior Information Risk Owner (SIRO) for the Scottish Prison Service. • UE01 Appointment and Responsibilities of the SIRO	The Keeper's Assessment Team thanks for this update on the appointment of a new Senior Officer responsible for records management in post. Her additional role as acting SIRO is also noted.
2. Records Manager	G	G	G	G	Update required on any change.	Mary Rooney, SPS Records Manager has day-to-day operational responsibility for records management within the SPS and for the implementation of the RMP. The Records Manager owns the actions relating to records management on the SPS Information Governance Action Plan. • UE01 Records Manager Performance Plan 2018/19	The role holder has changed since the last PUR in 2017. The responsibilities of the post are appropriate to the authority's needs, as evidenced by the Records Manager Performance Plan which has been supplied to the Assessment Team. The Keeper thanks the SPS for updating the information about this statutory role.	Mary Rooney has moved to the role of Information Security Manager within the SPS Information Management Unit. She continues to have day-to-day operational responsibilities for records management within the SPS and for implementation of the RMP.	Thank you for the update that the post holder as well as the role title has changed since the last PUR. The Assessment Team acknowledges that SPS's day-to-day operational responsibilities for records management continue to be professionally managed and addressed.
3. Policy	G	G	G	G	Update required on any change.	The policy statement has been reviewed and forms part of a new Records Management Policy. This has been approved by the Executive Management Group. • UE02 Records Management Policy	The new Records Management Policy is noted with thanks. It is positive to see that this is reviewed at least every two years and that the current version has incorporated the requirements of the Data Protection Act 2018.	The Records Management Policy is under review. The review updates guidance on Social Work Records and incorporates guidance on handling disclosure information. • UE02 Records Management Policy version 1.1 (Draft)	The Keeper's Assessment Team acknowledges that the Scottish Prison Service Records Management Policy is currently under scheduled review, and commends that this continues to be done on a regular basis.
4. Business Classification	A	A	A	A	SPS have a draft Business Classification Scheme arranged by functionality. The	The SPS is undertaking a full-scale review of its Business Classification.	Two examples of Information Asset Registers (IARs) have been supplied. These show the use of the	The work to complete information audits on paper records in establishments is still ongoing. This work has been delayed by the	The Assessment Team welcome the update on the information audit process on paper

					Keeper requests updates on the project to roll out the BCS across all SPS sites. The Keeper agrees this element of SPS's RMP on 'improvement model' terms. This means that he is convinced of the authority's commitment to implement the business classification scheme fully over time, but would request that he is updated as this project progresses.	An Information Audit is being carried out by Records Officers and the results recorded in Information Asset Registers. The Asset Registers will be used to record accountability for information and inform the review of retention schedules. • UE03 IAR – people in custody • UE04 IAR – Staff The Business Classification will be updated in line with the result of the information audit.	retention schedules and the Business Classification Scheme along with other elements to create effective and comprehensive IARs. These examples have excellent user-friendly headings for each element of the registers which must have helped the Records Officers to explain what was required to colleagues who create and use the information. The level of detail indicates that this has taken considerable resources and commitment to develop this valuable work. The Assessment Team welcome these developments and look forward to further updates as this work leads to a full BCS. This element remains at Amber but there is definite progress towards Green.	response to the global pandemic but it has not been discarded. The SPS currently uses SharePoint on-premises as its corporate document storage system. The SPS has engaged with Information Technology Consultants to develop Microsoft 365 in the cloud as an integrated information management system and to develop SharePoint online as the corporate electronic document and records management system. To support this development, the Information Management Team is undertaking an audit of the 3.5 million documents that SharePoint currently stores. Information is being gathered on functional structure, content types, data category, sensitivity, access rights and retention. The SPS is committed to producing a full Business Classification Scheme and sees the establishment audits and the work to develop Microsoft 365 in the cloud as integral to this.	records, and acknowledges the global pandemic has made this work challenging to complete. It encourages the SPS to continue this work as soon as it is possible to do so. The implementation of SharePoint and Microsoft 365 is also noted, and it is accepted that implementing a cloud-based integrated information management system and an electronic document and records management system will take time. This change to a new electronic information management framework will have implications on the Business Classification Scheme, but also other Elements. This element remains in Amber while the process of producing a full and functional Business Classification System is ongoing. The Assessment Team welcomes updates on this in consecutive PURs.
5. Retention Schedule	A	A	A	A	The Retention Schedule has not been fully developed across all functions of the business but it is clear that SPS are committed to closing the identified gap in provision. The Keeper agrees this element of SPS's RMP on 'improvement model' terms. This means that he is convinced of the authority's commitment to implement the retention schedule fully	Prisoner paper records are being disposed of in line with the current retention schedules. • UE05 Prisoner Records Destroyed Jan 2016 – Oct 2018 The SPS information audit is informing the review of the retention schedules for business areas. • UE06 Human Resource Retention Schedule (Draft)	The draft retention schedules provided with this PUR demonstrate the good work that has been done on records relating to people. It is particularly interesting to see the clear and helpful explanations given in the preamble to the Prisoner Records Retention draft. This should help staff understand why records are retained for specific periods and therefore encourage compliance.	Retention schedules are continuing to be reviewed and developed for different business areas. The retention schedule for paper prisoner records was reviewed and a Retention and Destruction Policy for paper records was issued. • UE03 Prisoner Records Retention and Destruction Policy A retention schedule for Health, Safety and Fire records was developed and a Retention and Destruction Policy was issued.	The Assessment Team welcome this update and accompanying evidence on retention schedules. Steady progress is continuing to be made, and the scheduled regular review of policy documents in a particularly good sign of commitment to responsible records destruction. The changes within the organisation in terms of

Element									
					over time, but would request that he is updated as this project progresses.	**UE07 Prisoner Records Retention Schedule (Draft)** The SPS is carrying out an upgrade to its Outlook Exchange. It is applying data protection principles at the design phase of the upgrade by setting a standard retention period to ensure that emails containing personal data are not kept for longer than is needed. An Email and Outlook Exchange Management Policy will be submitted to the Executive Management Group for approval.	Understandably, SPS have prioritised records covered by data protection principles and are developing systems to make compliance easier for all staff. This is a practical and sensible way forward. There are risks in setting a standard retention period for emails if this is not also accompanied by a means of identifying and storing emails which have longer retention periods and the Assessment Team would be interested to see the approved policy in the next PUR. The evidence of the destruction of legacy prisoner paper records is noted with thanks. This Element remains at Amber but there is evidence of steady progress towards developing retention schedules for all records.	• UE04 Health, Safety and Fire Retention and Destruction Policy SPS worked with prison based Social Work Managers to develop a retention and destruction policy for Prison Based Social Work Records. The Policy has to be signed by the Chief Social Work Officer of every local authority with a prison in its area. So far, twelve of the fourteen local authorities have signed it. Once all fourteen have signed the Policy will be implemented. • UE05 Prison Based Social Work Retention and Destruction Policy (Draft) An Outlook and Email Policy was approved and issued to all staff. A decision has been made to upgrade Outlook Exchange and move online. The retention period will be applied to emails after this move. • UE06 Outlook and Email Policy Prisoner paper records are being disposed of in line with the current retention schedules. • UE07 Prisoner Records Destroyed November 2018 – October 2020	electronic records management will require an update of electronic records retention and destruction policies. The Assessment Team is confident that this will be addressed based on the SPS's previous track record, but seeing evidence of this in consecutive PURs would be reassuring. The element will remain Amber until the new systems are fully implemented and electronic records management processes are being integrated into business processes and procedures.
6. Destruction Arrangements	**G**	**G**	**G**	**G**	Update required on any change.	No change. Mitie Waste & Environmental Services provide confidential on-site destruction of paper records.	This update is noted with thanks.	No change. Mitie Waste & Environmental Services provide confidential on-site destruction of paper records.	This update is noted with thanks.
7. Archiving and Transfer	**A**	**G**	**G**	**A**	There are currently informal arrangements in place to permanently deposit records with the National Records of Scotland (NRS), although this appears to exist on a prison by prison basis. The Keeper would welcome the creation of more comprehensive policy documents such as a formal Memorandum of Understanding (MoU)	SPS Records Manager is working with NRS to transfer the last of the historical paper registers from HMP Barlinnie and HMP Dumfries to NRS. • UE08 Records identified to be transferred to NRS SPS and NRS have commenced discussions about the transfer of electronic information from the Prisoner Records Database.	This update is noted with thanks. The NRS Client Management Team have confirmed that this process is working well for records held centrally and for those records which have been identified in individual establishments. The Assessment Team would welcome sight of the Archive Policy once approved and would encourage continuing progress in ensuring all	SPS has transferred the last of the historical paper registers from HMP Barlinnie to NRS. It has also transferred a number of Policy files. • UE08 Records transferred to NRS SPS is in discussion with NRS to develop a Policy for archival arrangements. Once the detail has been agreed it will be submitted to the Executive Management Group for approval.	The Assessment Team is contented that SPS is taking steps to ensure records due to be preserved long-term are being appropriately identified and transferred to the NRS, and commends the SPS for paying ongoing attention to this important element.

					Update	SPS Update	Keeper's Comment	Evidence	Conclusion
	🟧	🟩	🟩	🟧	with the NRS which applies to all sites. Even though the current arrangement is quite informal, the Keeper is willing to agree this element of the SPS plan on the understanding that steps will be taken to formalise these procedures with his client managers.	An Archive Policy that sets out in detail how the SPS will achieve the arrangements agreed in the NRS Memorandum of Understanding will be submitted to the Executive Management Group for approval.	establishments are aware of the new Archive Policy. It is very encouraging to hear that discussions are underway to consider how digital records of enduring value will be transferred to NRS. This is a complex area and the processes to ensure the integrity and reliability of the transferred records will need careful planning but it is the way forward for future archives.	• UE09 Archival Arrangements with the NRS (Draft)	**However, as an Archival Deposit Agreement is still being finalised (first mentioned in the 2018 PUR submission), we feel it is justifiable to change this element to Amber until a policy is formalised.** We welcome updates on progress made in subsequent PURs. *The authority has confirmed that the policy is under development and that Executive Management Group approval will be gained for its implementation.*
8. Information Security	G 🟩	G 🟩	G 🟩	G 🟩	Update required on any change.	SPS has issued a revised Information Security Policy to all staff and this is available on the SPS SharePoint site. An Information Security Breaches Policy defines the level of risk associated with different types of breaches. • UE09 Information Security Policy • UE10 Assessing Personal Data Breaches Policy SPS protects itself from online threats by following the processes and measures recommended by the Scottish Government Cyber Resilience Team in the shape of Cyber Essential Plus. SPS has an ongoing commitment to training staff and raising awareness of information security throughout the organisation. • UE11 Information Management Awareness Training	This update along with provision of the latest set of policies and training are noted with thanks. It is positive to see that third party contractors who undertake functions on behalf of SPS are explicitly covered by the Information Security Policy. This avoids any doubt about their obligations and responsibilities in this area. SPS has rolled out training to a large number of staff which shows that this element is taken seriously and that there is an on-going commitment to maintaining and improving staff awareness. Cyber Essential Plus is an appropriate method of ensuring a reasonable level of protection from cyber threats.	SPS has recruited a second Information Security Manager, which increases the resource available to SPS to: • Train staff and information officers and raise awareness of information security throughout SPS. • Ensure that information security policies are embedded into the processes and procedures of Establishments and Head Office teams. • Ensure that information security policies are rolled out and embedded into the activities of SPS delivery partners and contractors. • Ensure that systems of monitoring and assurance are put in place for Establishments, Head Office and delivery partners. The pandemic has impacted on some of the Information Officer training but the SPS has continued to deliver Protecting Information training to new operational recruits to the organisation. • UE10 Information Management Awareness Training	The Keeper's Assessment Team welcomes the appointment of a second Information Security Manager, and agrees that the SPS is taking its responsibilities with regard to information security seriously. No action is required at this point, but updates are required on any change in subsequent PURs.

								All staff continue to complete an eLearning Responsible for Information package every two years.	
9. Data Protection	**G**	**G**	**G**	**G**	Update required on any change.	SPS has issued new Data Protection policies and procedures in line with the requirements of the General Data Protection Regulation and Data Protection Act 2018. • UE12 Information Governance Policy • UE13 Protecting the Personal Data of Individuals held in custody • UE14 Protecting the Personal Data of Staff Members and Others • UE15 Data Protection Impact Assessment Guidance • UE16 Privacy Notices SPS has introduced an information governance structure across the organisation. A network of 29 Information Asset Owners and over 300 local information officers has been established in order to improve information management and provide assurance to the SPS Senior Information Risk Owner and the Chief Executive that information is being managed properly. • UE17 Governance Structure • UE18 Information Role Descriptors	The set of policies and procedures supplied are noted with thanks. The Information Governance Policy is a particularly helpful document which identifies clearly the legislation and policy underpinning these activities, what the requirements are for each role and who takes responsibility for these roles within SPS. It is encouraging to see the range of guidance that has been developed to support staff as they implement compliance with the new Data Protection requirements. The network of local information officers is extensive and the Assessment Team would be interested to hear how this develops as these roles become embedded in day-to-day practices within each establishment.	SPS has updated its Privacy Notices to include information sharing that has been carried out as a result of the global pandemic • UE11 Revised Privacy Notices SPS is continuing to embed its process for carrying out data protection impact assessments. This has been of importance during the global pandemic where SPS responded to the need to keep prisoners in touch with their families, when physical visiting could not take place, by introducing virtual visits and mobile phones for people in custody. • UE12 DPIA Virtual Visits • UE13 DPIA Mobile Telephony	Thank you for the update concerning reviewed Privacy Notices. The Assessment Team acknowledges that carrying out Data Protection Impact Assessments are also a welcome development. The Assessment Team are confident this element is receiving due attention and is contented the SPS is aware of its obligations as well as best practice in this regard.
10. Business Continuity and Vital Records	**A**	**A**	**A**	**A**	Although SPS have comprehensive plans for the recovery of electronic information following a 'disaster', the continuity plans for paper records have not yet been fully developed. The Keeper recognises that SPS	The Information Audit being carried out by Records Officers across the organisation will be used to identify the organisation's vital paper based records and Business Continuity Plans will be developed for those records.	It is always encouraging to see developments that contribute to compliance with more than one Element in the RMP. The Information Asset Registers (see Element 4) include a heading "Can we function without it?" which is a good way of starting to identify	The information audit, to date, has identified a small number of paper records as vital records that are core to the business for example warrants and invoices. For these vital records the SPS has an electronic back-up of the information contained in the paper records and would be able to	The steps the SPS is taking to address business continuity matters and to preserve vital records show that progress is clearly being made.

					have identified this gap in their arrangements and that SPS are committed in their *Action Plan* to addressing this issue. The Keeper agrees this element of the SPS plan on 'improvement model' terms. This means that he is convinced of the service's commitment to implement the continuity plan fully over time, but would request that he is updated as this project progresses.	The majority of SPS vital records are held electronically. SPS has IT Disaster Recovery Plans in place for each of the key IT records systems and for pay and pensions. All records and data held on the SPS IT network are subject to regular back up and associated recovery procedures. SPS is committed to the Scottish Government Cyber Resilience Strategy and has carried out cyber resilience tabletop exercises to test SPS ability to respond effectively, and recover from, a range of cyber security incidents.	which records are Vital and therefore need to be covered by a recovery plan. As a next step, the Assessment Team would encourage the SPS to develop site specific disaster recovery plans for their critical paper records, including paper restoration services where applicable. The immediate recovery of digital records appears to be appropriately catered for along with the provision detailed in Element 8 for information security. This Element remains at Amber until continuity and recovery plans are in place for paper records but there is steady progress taking place.	request a duplicate from the issuing organisation. While the information audit is still ongoing the SPS has not yet developed a specific recovery plan for critical paper records. In the meantime, SPS has mitigated the risk to these records by keeping them in no-smoking areas where any electronic equipment is regularly tested and in some cases they are stored in fire-proof cabinets.	This element will remain Amber while the information audit process remains ongoing, but understands policies will be put in place following its completion. The Assessment Team would welcome updates on this in consecutive PURs.
11. Audit Trail	G	G	G	G	Update required on any change.	The SPS Records Manager is training a network of Records Officers who are responsible for records management in their business area. The training covers the requirement for audit trails. • UE19 Information Management Training Workshops The inventory of records maintained by SPS Registry (Policy Files, Casework Records) has been restructured to allow more efficient maintenance and audit.	This update is noted with thanks. It is commendable that the SPS has supported the training of so many staff in this new role of local Records Officer, including an understanding of the need for records to be tracked and an audit trail maintained.	The SPS Information Management Unit carried out Establishment audits in March 2019 and October 2019. Part of these audits assessed the use of audit trails and made recommendations where audit trails were not in place. • UE14 Establishment Information Management Audit October 2019 The Information Management Team intends to continue carrying out audits every six months when they can return to visiting establishments. SPS is still committed to training the network of Records Officers to understand the need for audit trails but due to the global pandemic the Records Manager has not been able to carry out any on-site training since February. Where there has been change in Records Officers the local Information Officers have been delivering awareness sessions.	The Assessment Team is grateful for this update on continued audit practice. The Team recognises the impact of the global pandemic on the practical implementation of regular audits, and remains confident that the SPS will continue to address this matter when it is possible again.
12. Competency Framework	G	G	G	G	SPS are developing records management competencies which the	SPS has recruited a dedicated Records Manager and has	The Assessment Team welcome the appointment of a dedicated Records	Mary Rooney has gained a Practitioner Certificate in Data Protection and will shortly complete	The Assessment Team welcome this update in continuing professional

					Keeper considers to be appropriate to the role of implementing the RMP. He requires an updated version when these competencies are approved.	created a structure of local records officers. • UE17 Governance Structure SPS has developed a competency framework for the Records Manager and the local records officers. • UE20 Competency Framework Each Record Officer is required to meet a standard defined in their performance appraisal. • UE21 Performance Management Outputs for Record Officers	Manager since the last PUR. The SPS is to be commended for this. The creation of a structure of designated local records officers is a good, practical solution to the geographic spread of the SPS. There are a number of challenges for the Records Manager as evidenced by the progress and plans noted in other Elements in this PUR and the Assessment Team would encourage the SPS to continue to support the professional development of the Records Manager. The development of the competency framework is welcome and it is positive to see that this is supported by the role descriptors in the Information Governance Policy which identify the responsibilities of each role in the structure.	a Practitioner's Certificate in Records Management.	development. **The Team would welcome clarification on the role of an Information Security Manager, and how this role differs from the previous role of Records Manager. See element 2.** *The authority confirms that the Information Security Manager, formerly the Records Manager, will continue to be responsible for records management until a new Records Manager is recruited following a restructuring process.*
13. Assessment and Review	G	G	G	G	The SPS Records Management Plan and Records Management Policy will be reviewed in January 2015 and January 2016 and every two years thereafter. The Keeper commends this commitment to review the key policies and would welcome updates on these internal assessments, especially if they have led to significant changes in arrangements.	The Information Governance Forum meets 6 weekly and is chaired by the SIRO. The Records Manager sits on the forum to give a focus on the Records Management Plan. The Records Manager will be responsible for leading the review of current policies and procedures (for example the Prisoner Records Retention Schedule) and identifying where new policies and procedures are required (for example the Health & Safety Retention Schedule). The SPS has welcomed the opportunity to submit Progress Update Reviews of its Records Management Plan to the NRS in consecutive years.	The submission of this PUR is very welcome and evidences that the SPS take seriously this statutory requirement. It is encouraging to hear that the PUR is helpful in enabling and supporting this process. SPS have an appropriate structure which ensures that their RMP is kept under review and that areas for improvement are identified readily and regularly reviewed and updated.	Records management policies continue to be reviewed and implemented, for example UE02 Records Management Policy v1.1 and retention and destruction policies. Carrying out Establishment Information Management audits has allowed the SPS to assess the implementation of its policies and recommend actions to the establishment Information teams on how to improve the management of their records. • UE14 Establishment Information Management Audit October 2019	The Assessment Team is satisfied that the SPS continue have the appropriate structures in place to ensure that the RMP is kept under review. Undergoing an information management audit is also a welcome step which further demonstrates the SPS commitment to appropriate review and audit processes.
14. Shared Information	G	G	G	G	Update required on any change.	In line with the requirements of the General Data Protection Regulation and the Data Protection Act 2018 the SPS has produced records of	Two records of personal data processing activities have been supplied to the Assessment Team. These show the legal basis for	The SPS considers each request to supply information to an external organisation on a case by case basis and where required a full data	The Assessment Team acknowledges that the SPS continue to fulfil its responsibilities and comply with the legal

<table>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>

processing activities where information is shared.

- UE22 Record of Processing Activities – individuals held in custody

- UE23 Record of Processing Activities – Staff Members

A standard Information Sharing Agreement template has been developed for Third Sector partners working with people in our care.

- UE24 Third Sector Partner Information Sharing Agreement

Information Sharing Agreements continue to be put in place where personal data is shared and used by external agencies.

The Information Security Policy contains a section on the sending and sharing of information.

- UE09 Information Security Policy

</td>
<td>

processing under GDPR and the Data Protection Act 2018 and, when the data is shared, the legal basis for sharing the information and who it is shared with.

The Information Sharing Agreement template supplied to the Assessment Team shows that records and information governance is embedded in the sharing agreements and the SPS is making appropriate arrangements for the management and disposal of records created as a result of these agreements. On a case by case basis, SPS may also want to consider this for records containing confidential information other than personal data and varying the retention periods specified, when appropriate.

</td>
<td>

protection impact assessment is carried out.

- UE15 Information Sharing Agreements

Information Sharing Agreements with the Scottish Courts and Tribunal Service and the Crown Office and Procurator Fiscal Service are under review.

SPS is in the process of signing off agreements with the Public Social Partnerships Shine, Moving On and New Routes who all provide support to different categories of people when they leave our care.

</td>
<td>

framework regarding shared information.

</td>
</tr>
</table>

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 21st December 2020. The progress update was submitted by Mary Rooney, Information Security Manager.

The progress update submission makes it clear that it is a submission for **Scottish Prison Service (Scottish Ministers)**.

The Assessment Team has reviewed Scottish Prison Service'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

Scottish Prison Service continues to take its records management obligations seriously and is working to bring all elements into full compliance.

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

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 Scottish Prison Service 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,

Iida Saarinen
Public Records Support Officer