

The Public Records (Scotland) Act 2011

National Library of Scotland

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

9th January 2019

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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 National Library of Scotland. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

The National Library of Scotland was formally constituted by Act of Parliament in 1925. The National Library of Scotland Act 2012 confirmed the Library's general function as 'a national resource for reference, study, research and bibliography, having particular regard to Scotland'. The Act also modernised the make-up and responsibilities of the Board. There 12 members plus an appointed Chair on the Library's Board. All Board members are appointed by the Scottish Ministers, and follow the Nolan procedures on public appointment. Any vacancies are advertised by the Scottish Government.

The Library is a copyright and reference library. It is Scotland's largest library and one of the major research libraries in Europe. Its stated mission is: "To make a significant and lasting contribution to global knowledge and the memory of the world" and its stated vision: "To be recognised as one of the leading national libraries in Europe by using our collections and spaces to generate opportunities for learning and research while improving understanding and participation in Scotland's rich cultural life".

<http://www.nls.uk/>

5. Assessment Process

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

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

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

Key:

G	The Assessment Team agrees this element of an authority's plan.	A	The Assessment Team agrees this element of an authority's progress update submission as an 'improvement model'. This means that they are convinced of the authority's commitment to closing a gap in provision. They will request that they are updated as work on this element progresses.	R	There is a serious gap in provision for this element with no clear explanation of how this will be addressed. The Assessment Team may choose to notify the Keeper on this basis.
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Progress Update Review (PUR) September 2018: The National Library of Scotland

Element	Status of elements under agreed Plan, January 2017	Status of evidence under agreed Plan, January 2017	Progress assessment status, November 2018	Keeper's Report Comments on Authority's Plan, January 2017	Self-assessment Update as submitted by the Authority since January 2017	Progress Review Comment, November 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.	No change	No immediate action required. Update required on any future change
3. Policy	G	G	G	Update required on any change.	No change	No immediate action required. Update required on any future change
4. Business Classification	A	G	A	<p>...the National Library of Scotland has recently developed a <i>Business Classification Scheme</i>, ...</p> <p>This Scheme has been provided to the Keeper, but has not yet been completely rolled-out in the authority. It shows an 'information asset</p>	<p>Since the plan was agreed, implementation of the Business Classification and Retention Scheme (BCRS) has progressed. The scheme is available to all staff with accompanying guidance about how to use it to classify records and establish retention periods.</p>	<p>The BCRS has been provided and this appears to be fairly comprehensive with appropriate retention periods and identification of records of enduring value, as would be expected from a national collection. This update</p>

			<p>register' style spreadsheet featuring retention decisions (see element 5) and asset owners. The Keeper agrees that this is a comprehensive classification scheme and suitable for an organisation such as the Library. He notes that a combined business classification scheme/retention schedule is likely to provide a stronger business tool than having these as separate documents...</p> <p>The Keeper agrees that, with an organisation the size of the Library, it is inevitable that progress will be made on an incremental basis. However, the Keeper will expect to see continual progress over the next year.</p> <p>The Keeper agrees this element of the National Library of Scotland's records management plan under 'improvement model' terms. This means that the authority has identified a gap in provision (a full business classification</p>	<p>There is still much work to be done to incorporate classification and retention rules from the scheme into the management of current records.</p> <p>Little progress with this for electronic records has been feasible to date, as the Library has been in the process of moving various aspects of electronic information management to a new platform (Office 365). Our email system was migrated in July 2018 and our other electronic records (eg managed through Sharepoint and shared drives) will be the next focus. Our intention is to build rules into the new platform, based on the BCRS, which ensure all emails and electronic records are required to be classified in accordance with the BCRS. We will establish a platform for the management and storage of digital records in the newer</p>	<p>shows steady progress in response to practical business requirements. The implementation of this scheme will inevitably take some time and staff will require support to adjust to managing the paper records across the business in compliance with the BCRS.</p> <p>The use of the BCRS for electronic records as well as paper records will help staff further in managing and retrieving records in the same way regardless of format. It is important that significant changes to electronic systems are properly planned and it is sensible to build retention rules and classification into the new system so that existing records can be matched into the BCRS as they are transferred.</p> <p>The Assessment Team look forward to hearing</p>
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				<p>scheme has yet to be rolled-out in the organisation) and have put measures in place to close that gap. The Keeper's agreement is conditional on him receiving updates as the BCS project progresses.</p>	<p>and more efficient version of SharePoint which was acquired as part of the Office 365 package. The structure of this records system in SharePoint will mirror the BCRS.</p> <p>An updated BCRS was prepared in summer 2018 and is currently with the senior management team for formal approval, having obtained initial approval from the senior management steering group on 04 September. The updated scheme is provided with this report, together with a summary of the changes.</p>	<p>more about these developments in future PURs.</p>
5. Retention Schedule	A	G	A	<p>the Keeper will expect to see continual progress over the next year.</p> <p>The Keeper agrees this element of the National Library of Scotland's records management plan under 'improvement model' terms. This means that the authority has identified a</p>	<p>Familiarisation with the BCRS has increased since the RMP was agreed. Work has been carried out to review, destroy or archive a large number of (primarily paper) records which had been retained by the Library for unnecessarily long periods of time.</p>	<p>It is positive to hear that the implementation of the BCRS is enabling improvements in the retention of business records and that this will continue as the electronic records are included.</p>

				<p>gap in provision (retention schedules will not be imposed until the full business classification scheme is operational) and have put measures in place to close that gap. The Keeper's agreement is conditional on him receiving updates as the business classification /retention project progresses.</p>	<p>A substantial number of records in the Library's Archive have been disposed of in accordance with the BCRS since the RMP was agreed. Departments across the Library have been given guidance about using the BCRS to manage records stored locally. This process of implementation is ongoing and specific training in the BCRS will be given in the coming months as a new Information Officer post is filled and staff are given guidance on managing their electronic records, notably using the services on the Office 365 platform.</p>	
6. Destruction Arrangements	A	G	A	<p>.. the Library notes in the <i>Plan</i>: “The Library plans to review our processes for storing electronic data and to make suitable adjustments as required to enable the proper destruction of records. We expect to begin this review by the end of 2018.” The Keeper accepts this recognition and</p>	<p>A review of our storage and destruction arrangements for electronic records is ongoing. Current work in this area has focussed on the destruction of content from our email archive. At present our emails are backed up in their entirety from 2004. A plan has been</p>	<p>The review of storage and destruction arrangements is on target. It is recognised that this work is resource-intensive but there will be a significant benefit to the efficiency of the NLS in providing its core functions once emails</p>

			<p>agrees the suggested action. As noted above, The <i>Records Disposal Procedures</i> document (page 11) agrees a target for end 2018 for this work to commence and the Keeper will require a update on this issue after that. He is satisfied that back-up copies of electronic records are presently being held for business continuity purposes (see element 10).</p> <p><u>Electronic:</u> Until the <i>Business Classification Scheme</i> is operational in the Library, the destruction of electronic records will be awkward to sufficiently monitor ... The Keeper acknowledges that the National Library of Scotland have correctly identified this gap in provision.</p> <p>The Keeper agrees this element of the National Library of Scotland's records management plan under 'improvement model' terms. This means that the</p>	<p>prepared for ending this practice and disposing of old emails over a period of time. This plan has been approved in principle by the senior management team and will be timetabled and resourced over coming months.</p> <p>As we are still implementing the BCRS for electronic records, the destruction of electronic records is still to be addressed.</p> <p>No change to the third party contract for the destruction of physical records. Facilities for destruction of confidential physical records are being updated, with less secure cardboard bins and ribbon shredders being replaced by locked waste cabinets and crosscut shredders.</p> <p>A register has been maintained of all records destroyed from the main Library Archive.</p>	<p>and other electronic records are managed in line with the BCRS. It is positive to see that this steady and sensible planned approach is being implemented.</p> <p>It is also good practice to ensure that the secure destruction of confidential papers records is reviewed and updated to meet business needs.</p>
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				<p>authority has identified a gap in provision (systematic destruction of electronic records will not be imposed until the full business classification scheme is operational and back-up copies will be better managed using appropriately modified or updated systems) and have put measures in place to close that gap. The Keeper's agreement is conditional on him receiving updates as the business classification/retention project, and the electronic records systems review, progresses.</p>		
7. Archiving and Transfer	A	G	A	<p>The Keeper can agree that the National Library of Scotland have identified a suitable repository for archive transfer as required by the Act but, in light of statements in the <i>Plan</i> regarding the actual transfer arrangements, agrees this aspect of the Library's records management</p>	<p>Since the plan was agreed, transfer arrangements for physical records moving to the Library Archive have been successfully implemented. All transfers to the archive are recorded and arranged through the records management staff.</p> <p>Work has been ongoing to</p>	<p>The progress described is very positive and NLS are well on their way to meeting the Keeper's requirements. NLS are recognising that those of their business records which have enduring value should become part of the collections and be preserved and made</p>

				<p>provision under ‘improvement model’ terms. His agreement will therefore be conditional on the Library showing evidence of formalising the transfer of records selected for permanent preservation.</p>	<p>rationalise and organise the main Library Archive storage space. A complete listing of the contents of the archive (at box level) was performed and the location of any new records is recorded at ingest. Good progress has been made so far with work to rationalise the main archive, though the content remains largely unorganised in terms of the BCRS and the specific contents of boxes and other containers are not normally listed.</p> <p>The process of archiving electronic records selected for permanent preservation is still being developed. A new Digital Preservation Plan is being developed within the Library and will be submitted for approval in late 2018. This policy sets out plans for preserving access to digital content, including corporate records.</p>	<p>accessible in the same way as the rest of the collections. The Assessment Team look forward to seeing the Digital Preservation Plan in due course as part of the evidence of formalising the transfer of records selected for permanent preservation required by the Keeper.</p>
	G	G	G	Update required on any	A new and more robust	This update is noted with

8. Information Security				change.	<p>Information Security Policy was approved by senior management in January 2018 and is currently being implemented in the Library. The new Information Security Policy is available on our website at:</p> <p><u>https://www.nls.uk/media/1623043/2018-information-security-policy.pdf</u></p>	thanks. The Assessment Team note that the policy is deals primarily with the security of information held digitally.
9. Data Protection	G	G	G	Update required on any change.	<p>A variety of changes have been made to our policies and procedures to ensure compliance with the GDPR and Data Protection Act 2018. A new Data Protection Policy was approved by senior management in April 2018. Training was provided for all staff over April and May 2018. A Personal Data Register has been created in accordance with new legislation, which records the location of personal data in records and systems across the Library.</p> <p>The new Data Protection Policy is available on our website at:</p>	This update is noted with thanks. The new Data Protection Policy is thorough and comprehensive and should serve as an exemplar to other public authorities.

					https://www.nls.uk/media/1632540/2018-data-protection-policy.pdf .	
10. Business Continuity and Vital Records	A	G	A	<p>... the <i>Plan</i> states: “The Library does not maintain BCPs that are specific to business information and records. The Library’s current BCPs focus on restoring public services and protecting the national collections.” However, the Library goes on to commit itself to “consider the design and implementation of BCPs specific to records management, such as a plan for handling loss of IT systems”. The Keeper agrees this ‘action’.</p> <p>The Keeper agrees this element of the National Library’s plan under ‘improvement model’ terms. This means that he acknowledges that, having identified a gap in provision (the recovery of records may not be sufficiently emphasised in business continuity procedures), the</p>	<p>Work is ongoing to update the Library’s BCPs, which are still localised and under review across the organisation.</p> <p>Senior management are scheduled to review the BCP framework over 2018/2019. Digital BCPs have recently been developed. These identify digital systems and records which are vital to the organisation.</p> <p>Physical vital records, however, are still to be identified.</p>	<p>There is some progress in this area which is welcome. Business records are one of the key resources which underpin the core business of protecting and enhancing the national collections. The loss of vital business records in any format would impact the operations of NLS. It is therefore positive to hear that digital BCPs have been developed. The Assessment Team would welcome further progress in identifying and protecting any vital records in paper format.</p>

				<p>Library has developed new procedures to close that gap. His agreement is conditional on being provided with updates on the development of “BCPs specific to records management” and submission of the finalised BCPs as soon as they are available.</p>		
11. Audit Trail	A	G	A	<p>The Keeper is able to agree this element of the National Library of Scotland’s plan under ‘improvement model’ terms. This means that the authority has identified a gap in provision, but is in the process of implementing programmes that will close that gap. The Keeper’s agreement is conditional on his being updated as the business classification/retention project progresses, and being provided with a copy of the File Naming Convention document once it is approved and distributed.</p>	<p>Procedures are now in place to log any files withdrawn from the physical Library Archive. Access to records within the Library Archive is controlled; however, investigative work still needs to be performed into audit trail practices for physical records managed elsewhere in the organisation.</p> <p>There is still room for improvement in maintaining an audit trail for electronic records. As the transition of electronic records from shared drives to SharePoint in Office 365 commences, audit trail processes will</p>	<p>It is to be expected that the process of establishing file tracking systems will be gradual, requiring co-operation of staff across the organisation. As staff are already familiar with the need to track collections items rigorously, it should not be difficult to extend those principles to physical business records, even if it is time-consuming.</p> <p>Implementing file tracking and audit for electronic records requires intervention at a design stage in the transition to</p>

					improve. The File Naming Convention was finalised in March 2017 and made available throughout the Library. Widespread adoption of the conventions is still to be achieved but further education will be given during future records management training, in particular once the new Information Officer role is filled (expected to be January 2019).	new systems and the Assessment Team will welcome updates on this as it is implemented. The Keeper expects to see the File Naming Convention now that it is available.
12. Competency Framework	G	G	G	Update required on any change.	No change	No immediate action required. Update required on any future change
13. Assessment and Review	G	G	G	Update required on any change.	Since January 2017, an internal assessment of the progress of the implementation of the RMP has been carried out and submitted to senior management every quarter. The Records Management Coordinator attends a quarterly meeting of the senior management team to	This system of quarterly reports to senior management shows a continuing commitment to improvement and the NLS is to be commended for maintaining this as well as submitting this Progress Update Review.

					discuss the RMP work of the quarter and appraise the internal assessment.	
14. Shared Information	n/a	n/a	n/a	Update required on any change.	No change. The Library complies with the Data Protection Act 2018.	No immediate action required. Update required on any future change

Version

The progress update submission which has been assessed is the one received by the Assessment Team on 28 September 2018. The author of the progress update submission is Fredric Saunderson, Rights and Information Manager.

The progress update submission makes it clear that it is a submission for **National Library of Scotland**.

7. PRSA Assessment Team's Summary

The Assessment Team has reviewed **National Library 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.

General Comments

The National Library of Scotland (NLS) is making steady and sensible progress in a number of Elements in their Records Management Plan. The Business Classification and Retention Scheme is well structured and appears relatively easy to follow, and the Assessment Team would encourage the development of a training programme for staff in its use. NLS, like many other large public authorities, devolves creation and management of many of its business records to departments and individual staff, so it is important to ensure that all staff are aware of and implement the corporate decisions on how to manage the records. The work on managing and deleting the legacy of previously unmanaged electronic records is also progressing at a reasonable pace. This will undoubtedly be time-consuming work but will benefit NLS in ensuring that the records it retains from this legacy are relevant and useful, that no records are retained in inadvertent breach of the Data Protection Act 2018 and that some additional electronic

storage will become available. Bringing the legacy electronic records into line with the BCRS will enable any vital records to be identified including any significant records relating to the acquisition and management of the national collections. The Assessment Team commends the progress evident in this work and would welcome updates on these projects in future PUR submissions.

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 it plan under section (5)(6) of the Act.

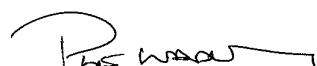
Where 'no change' has been recorded under the update on provision by the authority, the Assessment Team is happy to agree that these elements require no further action for the time being.

8. PRSA Assessment Team's Evaluation

Based on the progress update assessment the Assessment Team considers that **National Library 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,



Pete Wadley
Public Records Officer