

The Public Records (Scotland) Act 2011

Scottish Sports Council (sportscotland)

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

8th 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 the Scottish Sports Council (sportscotland). The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

Scottish Sports Council is a body of the Scottish Government. The Scottish Sports Council (more commonly sportscotland) is the national agency for sport in Scotland. Their stated aim is to help everyone in Scotland enjoy sport's many benefits.

Sportscotland works in partnership with, and provides leadership to, the key players involved, both strategically and operationally in sport in Scotland. To do this, they have a range of functions and services, including:

- advising the Scottish Government and supporting delivery of its policies
- leading, supporting and coordinating the key deliverers of sport
- investing National Lottery and Scottish Government funding
- adding value to Scottish sport on the back of major events and our partners' investments
- delivering high-quality performance programmes and providing expert support services to Scottish athletes
- offering high-quality courses and training opportunities for a wide range of sports participants and people working in sport
- collaborating with UK and international sporting systems to ensure Scotland's ambitions for sport are well represented and integrated
- understanding and promoting the contribution of sport to wider social and economic outcomes

<http://www.sportscotland.org.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) Template: Scottish Sports Council (sportscotland)

Element	Status of elements under agreed Plan, Feb 2017	Status of evidence under agreed Plan, Feb 2017	Progress assessment status, <Date>	Keeper's Report Comments on Authority's Plan, Feb 2017	Self-assessment Update as submitted by the Authority since Feb 2017	Progress Review Comment, <Date>
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.	The Records Management Policy Statement has been updated to reflect the implementation of GDPR and was last reviewed and updated in May 2018.	This is noted with thanks.
4. Business Classification	A	G	A	The Keeper agrees this element of the sportscotland records management plan under 'improvement model' terms. This means that he acknowledges that the authority have put processes in place to close a	The central management system (SharePoint 2010) will now be updated to SharePoint 2016 with Infrastructure build starting in January 2019, Information migration starting in February 2019 with an	The SharePoint build document has been provided to the Assessment Team. This shows that retention schedules will be allocated at the "library" level of SharePoint and that staff

				<p>gap in provision (in this case that not all public records are accounted for in the central management system). His agreement will be conditional on him being updated as the project progresses.</p>	<p>estimated completion date of June 2019 with implementation and re-launch in June 2019. (A Document setting out measures to be taken is attached at Appendix 1).</p> <p>The transfer of information from shared drives is part of our SharePoint migration plan. Commvault will also be used to run retention plans on file shares to remove unrequired content before migration.</p> <p>The project to scan paper records (held within our Sports Development area) into SharePoint was completed in June 2017.</p>	<p>will have a 30 day period to identify and retrieve any records which are automatically deleted but which may be required for business purposes beyond the standard retention period. It is good practice to ensure files are classified according to the appropriate retention schedules prior to migrating to a new system. The Assessment Team look forward to further updates as this project moves forward.</p>
5. Retention Schedule	G	G	G	Update required on any change.	The Retention Schedule was last reviewed and updated in June 2018. (Copy attached at Appendix 2).	The Retention and Destruction Schedule has been provided to the Assessment Team. Sportscotland are currently developing the Sharepoint solution to incorporate the retention decisions. They

						have advised us of the ways in which they are dealing with apparent discrepancies and the Keeper looks forward to receiving updates as this work progresses.
6. Destruction Arrangements	A	G	A	<p>... sportscotland acknowledges that some records lie outside the central SharePoint system. See element 4 for details of the programme to amend this. The Keeper agrees that as the development plan progresses the destruction of electronic records should become controlled and systematic.</p> <p>The Keeper is able to agree that sportscotland have procedures in place for the destruction of records held electronically as an 'improvement model'. This means that the authority recognises a gap in provision (the systematic destruction of records on shared drives is</p>	<p><u>Paper</u> Sportscotland confirm that we do not store records with a third party storage supplier.</p> <p><u>Electronic</u> Commvault will be used to run retention plans on file shares to remove content outwith our agreed retention and destruction plan. This will be run in line with our Sharepoint upgrade.</p> <p><u>Hardware</u> No change.</p> <p><u>Back-Ups</u> No change.</p>	Full compliance for reliable destruction of electronic records is dependent on the implementation of the SharePoint project. Sportscotland has identified a method of dealing with legacy electronic records and is working towards achieving compliance. The Assessment Team look forward to further updates as this project moves forward.

				problematic) and are implementing a process to close that gap (identifying these records in a mapping exercise and then transferring them to the central system).		
7. Archiving and Transfer	A	G	A	<p>The text of the <i>Plan</i> under element 5 and element 7 suggests that the retention schedule will be updated and a transfer guidance document will be produced when arrangements with NRS are finalised. The Keeper requests that the new retention schedule and a copy of this guidance are forwarded in order that he can keep the sportscotland submission up-to-date.</p> <p>The Keeper can agree this element of sportscotland’s <i>Plan</i> under ‘improvement model’ terms. This means that the authority has identified a suitable repository for records selected for permanent preservation and have</p>	<p>Sportscotland have in place a web archiving agreement with NRS with a crawl and archive taking place every 6 months.</p> <p>Discussions between sportscotland and NRS with regard to the setting up of an MOU for the permanent retention of selected records are ongoing.</p>	<p>The NRS Digital Team have confirmed that web archiving is taking place.</p> <p>The NRS Client Management Team have confirmed that the MoU is in negotiation. Presently, there is a delay in making MoUs with NRS available to public authorities and the Assessment Team therefore acknowledge that sportscotland are as compliant as possible at this time.</p>

				<p>accordingly put processes in place to formalise transfer arrangements. The Keeper's agreement is conditional on the MOU, between NRS and the authority being created, signed and a copy being forwarded to the PRSA Assessment Team. sportscotland have committed to doing this.</p>		
8. Information Security	G	G	G	<p>sportscotland note that they intend to consider adopting the <i>Scottish Government BYOD Policy</i> when published. This is an objective of the sportscotland <i>Development Plan (8.1)</i>. For completeness, the Keeper requests he is informed if and when the authority adopts this policy. sportscotland have committed to do this.</p>	<p>Sportscotland are now fully certified in Cyber Essentials Plus as instructed by Scottish Government and this will be reviewed annually.</p> <p>Due to the rapidly changing requirements of cyber security sportscotland have undertaken not to implement the BYOD policy at present.</p>	<p>Information security continues to be considered carefully and certification to Cyber Essential Plus is best practice for all public authorities. The certificate has been supplied as evidence of this achievement.</p> <p>The decision not to implement the "Bring Your Own Device" policy at present is a business matter for sportscotland. It is sensible not to permit personal devices without a working policy.</p>
	G	G	G	Update required on any	Sportscotland have	A draft of the new data

9. Data Protection				change.	implemented the European General Data Protection Regulations and all staff have been trained using compulsory five part online training modules. (A copy of our GDPR Policy is attached at appendix 4).	protection policy has been supplied to the Assessment Team and this incorporates the main provisions of the Data Protection Act 2018 as applied to sportscotland.
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	The Business Continuity Plan was last reviewed in 2017. Due to hardware redesign our specific Data Disaster Recovery Plan is being rewritten with even more robust measures put in place. This will be completed by March 2019.	This update is noted with thanks. It is best practice to review data recovery systems regularly and in particular when new systems are implemented to ensure that the data can be recovered in the event of systems failures or external circumstances affecting the hardware and other components.
11. Audit Trail	A	G	A	The Keeper agrees this element of sportscotland's records management plan under 'improvement model' terms. This means that an authority has identified a gap in their records management provision (not all records can be tracked using SharePoint), but have implemented processes to	Sportscotland will close this gap using Commvault to run retention plans on file shares and then use our SharePoint migration plan to move content into our central system. This is due to take place from February 2019.	A system for auditing electronic records has been identified and the Assessment Team look forward to further updates once this has been implemented.

				close that gap. The Keeper's agreement is conditional on his being updated as the project progresses. sportscotland have committed to do this.		
12. Competency Framework	G	G	G	A e-learning module for records management is in the development stage. The Keeper requests that he is informed when this is in place (and if possible provided with a copy).	A five part e-learning module for GDPR which incorporated records management practice was carried out by all staff in April 2018.	Using GDPR training to reinforce records management practice is sensible. It should improve general awareness of the value of records management in supporting sportscotland to carry out its core functions efficiently and effectively.
13. Assessment and Review	G	G	G	Update required on any change.	Sportscotland records management plan was reviewed in March 2018 and will use the PUAM to review progress on our RMP each year.	Annual review of the RMP using this Progress Update Review mechanism is welcomed by the Assessment Team.
14. Shared Information	N/A	N/A	N/A	Update required on any change.	N/A	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 31 October 2018. The author of the progress update submission is Scott Baxter, Information Asset Manager.

The progress update submission makes it clear that it is a submission for the **Scottish Sports Council (sportscotland)**.

7. PRSA Assessment Team's Summary

The Assessment Team has reviewed the **Scottish Sports Council (sportscotland)**'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 Scottish Sports Council (sportscotland) continues to take its records management obligations seriously and is working to bring all elements into full compliance. A number of elements depend on the development and implementation of SharePoint which is intended to provide a mechanism for an audit trail and apply the business classification scheme along with the retention and destruction schedules to electronic records. The Assessment Team would welcome updates on these projects in future PUR submissions and will be interested to hear how the SharePoint solution works for sportscotland.

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.

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 the **Scottish Sports Council (sportscotland)** 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

A handwritten signature in black ink, appearing to read 'Pete Wadley', with a stylized flourish at the end.

Public Records Officer