

The Public Records (Scotland) Act 2011

Scottish Canals

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

2 April 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 Final 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 Canals. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

The British Waterways Board, operating as Scottish Canals, continues in Scotland as a stand-alone public body following the transfer of the functions of the British Waterways Board in England and Wales to the Canal & River Trust on 2nd July 2012. Following the approval of The British Waterways Board (Transfer of Functions) Order 2012 ("the BW Order") Scottish Canals assumed responsibility and accountability for the Scottish Canals, and will meet regularly at canal-side locations across Scotland.

Scottish Canals is the operating name of the British Waterways Board.

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 Canals

Element	Status of elements under agreed Plan, August 2017	Status of evidence under agreed Plan, August 2017	Progress assessment status, February 2019	Keeper's Report Comments on Authority's Plan, August 2017	Self-assessment Update as submitted by the Authority since August 2017	Progress Review Comment, February 2019
1. Senior Officer	G	G	G	Update required on any change.	Steve Dunlop left the business June 2018. Our new CEO is Catherine Topley.	The Keeper thanks Scottish Canals for this update.
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	G	The RMP states that at present Scottish Canals does not yet have an operational Business Classification Scheme (BCS). The RMP goes on to say that the intention is to create a BCS based on a three level functional model which identifies the functions, activities and transactions	The BCS was approved May 2018 and launched June 2018 (Evidence 001). The scheme is available to all staff via <i>NETconsent</i> (Evidence 002). Heads of Service (business function owners) will be asked to review their schemes on an annual basis. A reminder	The Business Classification Scheme has been provided to the Assessment Team along with evidence that this BCS is available to all staff. The BCS was subject to staff consultation with is good practice and should result

				<p>which create records. This must remain a business decision for the authority but the Keeper recognises that the functional model is currently considered best practice as it is more resilient to changes within the business, such as restructuring.</p> <p>The work to create a BCS is built into the Records Management Improvement Plan which forms Appendix 3 of the RMP. This has an estimated completion date of July 2017. The Keeper requests that he is kept informed on the progress of this work. He also commends the intention to consult with staff as mentioned in the Improvement Plan as this is likely to lead to a more robust BCS.</p> <p>The Keeper can agree this Element on an 'Improvement Model' basis. This means that the authority has identified a gap in provision (the lack of an operational BCS) and has</p>	<p>will be communicated at April's Heads of Service meeting each year, and via email.</p>	<p>in widespread conformity, implementation and use.</p> <p>The BCS Level 1 functions appear to correspond to departments, which is a business decision for Scottish Canals. Generally a functional BCS is conserved to be best practice. However, what is important is that it works for the authority's business needs. The use of an organisational BCS results in some repetition of Level 2 activities (eg: Team Development, Compliance and Steering Groups, Committees & Meetings) and repetition and overlap of Level 3 transactions (eg: Continuing Professional Development, Guidance and Policy). There are as yet no example record types included in the BCS which would help to make it clear to staff what types of records they could</p>
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				shown how it intends to close this gap. As part of this agreement, the Keeper requests that he is kept informed on the progress of work to close this gap.		<p>expect to create and manage under each Level 3 transaction. The BCS does not appear to be linked to the retention schedules.</p> <p>If this were a statutory submission then it is likely that it would achieve a Green RAG rating. However, the Assessment Team would encourage further development to link the BCS to the retention schedules.</p>
5. Retention Schedule	A	G	A	The work to update the retention schedule is built in to the Records Management Improvement Plan and is aligned with the development of the BCS. This work will also be used to identify vital records (see Element 10). Tied in to the work updating the retention schedule will be the development of a retention and disposals policy and procedures. The estimated timescale for the completion for these strands of work is March 2018. The Keeper	Delivery of the retention schedule refresh has been delayed due to prioritising a GDPR compliance programme and related work streams, which are ongoing. The new delivery timetable for this work has been set for February 2019 (Evidence 003). The business is working to the existing retention schedule in the meantime.	It is understandable that compliance with the Data Protection Act 2018 and GDPR by the deadline of May 2018 has resulted in the delay of other work. It is clear that work continues on improving this Element. Aligning the retention schedules with the BCS will make it easier for staff to understand and apply the retention schedules. The repetition and overlap noted above will need to

				<p>requests that he is kept informed of progress in this area.</p> <p>The Keeper can agree this Element on an 'Improvement Model' basis. This means that the authority has identified a gap in provision (the lack of an up-to-date retention schedule) and has outlined how it intends to close this gap. This agreement is dependent upon the Keeper being kept informed of progress on the work to close the gap</p>		<p>be carefully handled to ensure that there is consistency across the organisation. For example, it would be expected that records relating to Team Development in Engineering should have the same retention period as Team Development records in Corporate.</p>
6. Destruction Arrangements	A	G	A	<p>One of the recommendations of the RMP states that Scottish Canals intends to extend the provision of secure shredding across all of its sites. The Keeper requests that he is kept updated on this aspect of the RMP.</p> <p>Electronic – The RMP states that, at present, electronic records are not managed or disposed of in a systematic manner and that an Electronic Document and Records Management System</p>	<p>The secure waste service was extended to all of our main office hubs June 2018 (Evidence 004). Our suite of office shredders have also been refreshed to models with DIN security level 3, and shredders have been installed at all sites with printing facilities.</p> <p>The new backup deletion regime as proposed has been implemented (Evidence 005), however a period of 12 months</p>	<p>Confirmation of the arrangements for secure destruction of paper records has been provided to the Assessment Team. This demonstrates that paper records are being routinely and securely destroyed at the end of their retention period.</p> <p>An email confirming the regular deletion of backups of electronic records has also been</p>

				<p>(EDRMS) is being considered to impose control on digital records. The Records Management Improvement Plan details the proposed steps involved in the investigation, procurement and rolling-out of an EDRMS with an eventual completion date of 2021. Stage 2 of the phased improvement plan will investigate options for EDRMS solutions as well as alternatives. Once the options appraisal has been completed (July 2019) a decision will be made as to whether to procure and implement an EDRMS or to choose an alternative solution. Scottish Canals has committed to ensuring that the Keeper is kept informed.</p> <p>The Keeper can accept this provided he is regularly informed of progress. Should Scottish Canals decide not to pursue the option of using an EDRMS it will need to outline the way in which it will manage its electronic records, for</p>	<p>retention rather than 3 was decided upon after discussions with senior management. This will be reviewed on an annual basis.</p> <p>No updates at present with the EDRMS project.</p> <p>A Retention & Disposal Policy has been developed and is currently with senior management for review and approval (Evidence 006). This will inform and guide all records disposals, including complete deletion of electronic records.</p>	<p>provided. This will ensure that electronic records are fully deleted once they have reached the end of their retention period. This deals effectively with the common risk that records are retained by ICT backups beyond the normal agreed retention periods.</p> <p>The lack of movement on the EDRMS project is noted. The Assessment Team would encourage Scottish Canals to address this as soon as possible, since the majority of the records are created digitally and it is important therefore to put in place systems to manage these digital records and ensure their deletion or transfer to Archives at the appropriate point.</p> <p>The Retention & Disposal Policy has been provided to the Assessment Team.</p>
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				<p>example, using structured shared drives.</p> <p>... Back-ups – Scottish Canals', quite correctly, routinely backs up its electronic records and systems on a regular basis for business continuity purposes. Scottish Canals states that there is currently no routine destruction of backed up records and information. This has been identified as an action in the Records Management Improvement Plan. The current back-up regime has been outlined in an email from the Head of ICT to the Heads of Service (evidence 013). Nightly incremental back-ups of shared drives, email and databases are taken with a full monthly back-up saved to tape. These tapes are retained indefinitely. The email goes on to outline that from August 2017 ICT will only retain tape back-ups for three months. This will be accompanied by the Records Manager working with business areas to</p>		<p>This is a sensible and clear policy. It incorporates the existing retention and disposal schedules (see Element 5 above). The Assessment Team commend this development and look forward to receiving updates in future PURs once the retention schedules have been refreshed and aligned with the BCS.</p>
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				<p>implement the requirements of the retention schedule.</p> <p>The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified a gap in provision (the ability to systematically delete electronic records and back-ups) and has identified how it intends to close this gap. The Keeper's agreement will be dependent upon being kept informed as work progresses in closing the gap in provision.</p>		
7. Archiving and Transfer	G	G	G	<p>The RMP states that Scottish Canals maintains its own semi-current storage facility at West Mains, Grangemouth. In addition, some records are also held at Scottish Canals Headquarters in Glasgow and at the Caledonian Canal Office in Inverness. One of the actions included in the Records Management Improvement Plan is to amalgamate these records and store them in a single purpose built storage facility. The</p>	<p>A project to relocate our records storage facility to a refurbished site on the Scottish Canals' estate is currently underway. There are no delivery dates set yet, but it is likely to go ahead in stages from 2019 onwards.</p> <p>Transfer of archival records to NRS continues. Two batches have been transferred to date.</p>	<p>The Assessment Team look forward to hearing more about the new records storage facility and would welcome updates in future PURs.</p> <p>The regular transfer of records to NRS is good practice and ensures that records of enduring value are retained in an appropriate archive.</p>

				<p>options appraisal for this project is listed as having an estimated completion date of December 2019. The Keeper requests that he is kept informed of the progress of work in this area.</p> <p>Tied in to the project to identify options for a new storage building is the recognition that the cataloguing of semi-current records has been inconsistent and not done to relevant standards. This is confirmed by an assessment that has been carried out into the current state of Scottish Canals' catalogues (evidence 016). Built in to the Records Management Improvement Plan is a commitment to investigate options to improve the current level of provision, including the appointment of an archivist and procurement of an Archival Management System. This work also has a proposed completion date of December 2019. Again, the Keeper requests that he is</p>		
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				<p>updated as this work moves forward.</p> <p>The Keeper commends the consideration of the construction of a new purpose built facility for the storage of its semi-current records and for the recognition of the need to appropriately catalogue records stored there and the actions identified to achieve this.</p>		
8. Information Security	G	G	G	Update required on any change.	No change	No immediate action required. Update required on any future change.
9. Data Protection	G	G	G	Update required on any change.	A new suite of GDPR/DPA 2018 compliant policies and procedures are in place, as well as a data protection risk register, departmental action plans and mandatory data protection training.	The Assessment Team thank Scottish Canals for this update. The policies and procedures appear comprehensive and should ensure compliance across Scottish Canals.
10. Business Continuity and Vital Records	A	G	A	The work to identify vital records will form part of the work to develop a BCS/retention schedules. The Records Manager will work with Heads of Service and record owners to identify vital	No updates at present.	Update required on any future change.

				<p>records and these will be included in the Emergency Arrangements and Business Continuity Management Plan. This work is included in the Records Management Improvement Plan and has an estimated completion date of July 2018. The Keeper requests that he is kept informed as this work progresses.</p> <p>The Keeper can agree this Element on an 'Improvement Model' basis. This means that the authority has identified a gap in provision (vital records have not been identified) and has evidenced a commitment to closing this gap. As part of this agreement the Keeper expects to be kept up-to-date with the progress of work.</p>		
11. Audit Trail	A	G	A	<p>Governance documents such as policies, strategies and standards are all subject to version control, but this doesn't extend further into other records created by Scottish Canals. A sample of the version control employed in</p>	<p>See comment on EDRMS above.</p> <p>The decision to move to a new records storage facility on our own estate means that we will not be contracting this service out</p>	<p>This Element is clearly a work in progress, which is dependent on planned developments in Elements 4, 5 and 6. It is positive to see the progress made with the Records Retention and</p>

				<p>these documents has been provided (evidence 038). It is anticipated that the introduction of an EDRMS will improve the level of provision in this area.</p> <p>... Scottish Canals are also investigating the possibility of using a commercial storage provider for its semi-current records. A pilot project will be undertaken using a sample of 200 boxes to measure the feasibility of this option. The Keeper requests that he is kept informed of the results of this pilot and whether it leads to a decision to use the services provided by the commercial provider as this will impact on the RMP.</p> <p>The Keeper can agree this element on an 'improvement model' basis. This means that the authority has identified improvements that can be made in the management of its paper records, in particular the lack of audit trail information for some paper records, and has identified how it intends to</p>	<p>to a third party. We currently have some records stored with Restore as part of the pilot described, but will take these boxes out once the new facility is ready.</p> <p>See comment on Retention & Disposal Policy & Procedures above. Once operational, this will provide improved audit trails for records disposals.</p>	<p>Disposal Policy & Procedures as this is a key pre-requisite.</p> <p>The introduction of an EDRMS would certainly resolve the issue of maintaining an Audit trail of electronic records, but there are other methods of achieving compliance and the preferred method is a business matter for Scottish Canals. The Assessment Team would simply encourage Scottish Canals to address this as planned and explained in their Records Management Improvement Plan.</p>
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				close this gap. The Keeper's agreement is dependent upon being kept informed of progress.		
12. Competency Framework	A	G	A	<p>The RMP states that a training programme in records management will be developed in partnership with the HR department to promote good records management practice across the organisation. The use of Scottish Canals' current online training system O-LAS to deliver online records management training will be investigated and a screenshot from the system has been provided (evidence 049). A suite of guidance documentation and materials will also be produced. Training will be available to new starts on induction and refresher sessions delivered on an on-going basis. The Records Management Improvement Plan gives an estimated completion date of June 2018. The Keeper requests that he is kept informed of the progress of the development of this training...</p>	<p>A records management training module is being developed in our online training system O-LAS EssentialSkillz (Evidence 007). This will be launched alongside the Retention & Disposals Policy and will be mandatory for all staff.</p> <p>Scottish Canals' Records Manager and DPO has attended a number of courses, webinars and other training events to maintain professional development, including a professional certification for Data Protection Officers.</p>	<p>Scottish Canals is to be commended for ensuring that all staff are required to complete mandatory training on records management. This should ensure that all staff are aware of the importance of managing records and have an awareness of their own responsibilities and contribution to ensuring compliance with the Public Records (Scotland) Act and other information legislation. Once this has been rolled out to all staff, this should be sufficient to enable the RAG status for this Element to move from Amber to Green. The Assessment Team look forward to hearing updates in future PURs.</p> <p>The Records Manager is being supported to</p>

				The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified a gap in provision (the lack of records management training for staff) and has identified a commitment to closing this gap. As part of his agreement, the Keeper request that he is kept informed of the progress of work in closing this gap.		undertake in-depth training on data protection compliance and to maintain professional development. It is commendable to see that this important part of Element 12 is taken seriously by the authority.
13. Assessment and Review	G	G	G	Update required on any change.	The Records Management Plan was reviewed as part of the internal audit of Information Management by Audit Glasgow (Evidence 008).	The submission of this PUR along with the internal audit review demonstrates that Scottish Canals are compliant with the statutory requirement to keep their Records Management Plan under review.
14. Shared Information	G	G	G	Update required on any change.	No change	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 29 November 2018
The author of the progress update submission is Angharad Stockwell, Records Manager and Data Protection Officer.

The progress update submission makes it clear that it is a submission for **Scottish Canals**.

7. PRSA Assessment Team's Summary

The Assessment Team has reviewed the Progress Update submission for **Scottish Canals** 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

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

Scottish Canals has clearly experienced delays in the original ambitious improvement plan, due mainly to the requirement to ensure compliance with the Data Protection Act 2018. The revised Improvement Plan continues to show a steady commitment to making progress in a number of areas and the development of a Business Classification Scheme (BCS) in consultation with staff is very positive. Once the retention and disposal schedules are fully aligned with the new BCS some of the repetition and overlap at the activity and transaction levels will doubtless be resolved. What is important is that the BCS should be appropriate for the business needs of Scottish Canals. Bringing this into full operational use will assist with the planned future developments in Elements 5, 6, 10, 11 and 12.

The Public Records (Scotland) Act 2011 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. If this were a statutory submission it is likely that Element 4 would move to Green and the other elements would not change their RAG status.

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 **Scottish Canals** continue to take their statutory obligations seriously and are working hard to bring all the elements of their records management arrangements into full compliance with the Act and fulfil the Keeper's expectations.

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

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



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Elspeth Reid
Public Records Officer