

**The Public Records (Scotland) Act 2011**

**East Lothian Council and East Lothian Licensing Board**

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

**17 July 2019**

## Contents

1. The Public Records (Scotland) Act 2011.....	2
2. Progress Update Review (PUR) Mechanism.....	2
3. Final Summary.....	3
4. Authority Background.....	3
5. Assessment Process.....	3-4
6. Records Management Plan Elements Checklist and PUR Assessment.....	5-36
7. The Public Records (Scotland) Act Assessment Team's Summary.....	37
8. The Public Records (Scotland) Act Assessment Team's Evaluation.....	37

### 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 East Lothian Council and East Lothian Licensing Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

### 4. Authority Background

East Lothian borders the City of Edinburgh, Midlothian and the Scottish Borders. Its administrative centre is Haddington, although its largest town is Musselburgh.

The council area was created in 1996, replacing the East Lothian district of the Lothian region. The district had been created in 1975 under the Local Government (Scotland) Act 1973, consisting of the old county of East Lothian plus the burghs of Musselburgh and Inveresk, which until then had been in the county of Midlothian.

Licensing is the responsibility of licensing boards under powers contained in the Licensing (Scotland) Act 2005. Local licensing boards have wide discretion to determine appropriate licensing arrangements according to local needs and circumstances and their own legal advice. Each local government area must have a licensing board. East Lothian Licensing Board consists of 6 Board members.

### 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	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.
---	---	---	---	---	--

				updated as work on this element progresses.			
--	--	--	--	---	--	--	--

**Progress Update Review (PUR) Template: East Lothian Council and East Lothian Licensing Board (2019)**

Element	Status of elements under agreed Plan, Jan 2015	Status of evidence under agreed Plan, Jan 2015	Progress assessment status, Oct 2016	Progress assessment status, Nov 2017	Progress assessment status, May 2019	Keeper's Report Comments on Authority's Plan, Jan 2015	Self-assessment Update Oct 2016	Progress Review Comment, Oct 2016	Self-assessment Update Sep 2017	Progress Review Comment, Nov 2017	Self-assessment Update as submitted by the Authority since Nov 2017	Progress Review Comment, May 2019
1. Senior Officer	G	G	G	G	G	Update required on any change	No Change	No immediate action required. Update required on any future change.	No change	No immediate action required. Update required on any future change.	No Change	No immediate action required. Update required on any future change.
2. Records Manager	G	G	G	G	G	Update required on any change	No Change	No immediate action required. Update required on any future change.	No change	No immediate action required. Update required on any future change.	East Lothian Council appointed Zarya Rathe as Team Manager for Information Governance and Data Protection in 2018. Due to maternity leave commencing in October 2018 Maureen Henderson was appointed interim Team Manager for Information Governance and Data Protection.	The Assessment Team thanks East Lothian Council for this update which we have noted.
3. Policy	G	G	G	G	G	Update required on any change	No Change	No immediate action required. Update required on any future change.	No change	No immediate action required. Update required on any future change.	No change has taken place due to the implementation of GDPR and other priorities so the review of the Information and Records Management Policy has not been done at this present moment but works is currently about start as it's been decided that a rewrite is required of East Lothian Council	The Keeper's Assessment Team note the Council intends to review and update their Records Management Plan (see element 13 below).  This is apparent in the PUR text for several elements below and will be an important step going forward.

											Records Management Plan which will coincide with the Launch of the new Records Management Plan.	<p>The Act requires an authority to keep its Records Management Plan under review and this is a good indication that East Lothian Council is committed to complying with this aspect of the legislation.</p> <p>They look forward to being kept updated on this work in subsequent PURs.</p> <p>The PUR notes that, because of this review, there has been some slippage in the review dates of other information governance documents (The Records Management Policy particularly). This is to be expected.</p> <p>The Keeper accepts that the current Records Management Policy is operational until superseded. However, if this were a formal re-submission under section 5 of the PRSA, the RM Policy would have to be 'in-date' to attain the Keeper's agreement.</p>
4. Business Classification	A	G	A	A	A	The Keeper would like to know when this survey is complete and potentially view the 'targeted plan for implementation of classification scheme.'	The survey has been declared 'complete' with a good response rate, but not 100% coverage.	The Assessment Team received a copy of the completed Records Management Survey. The survey and accompanying results and	Evidence of guidance and dissemination: Copy of guidance (A1), screen capture from intranet (A2) and Council newsletter 'eNews'	At the time of the Keeper's statutory assessment the authority had developed a comprehensive Business Classification Scheme (BCS).	No change work continues on the BCS but due to the RM manager leaving and other priorities but East Lothian Council are committed to carrying on this work and implement the BCS standard throughout the council.	<p>The BCS roll-out continues. The roll out of this major piece of work is bound to be incremental and further time must be allowed for it to bed in and become fully operational.</p> <p>This element remains at 'amber' for the moment as the work progresses.</p>

						<p>The Keeper requests that he is kept informed on the development of the proposal and that he may view the outcome of the "EDRMS Review" planned for 2015. He would be especially interested in information regarding any alternative solution should the CIVICA proposal be rejected.</p> <p>The RMP indicates that a restructuring of paper file store 'may' be undertaken. The Keeper will be interested to know what decision is taken regarding this.</p>	<p>Later additions will be incorporated to expand this assessment as and when they become available. Sufficient information has been gathered to support the initial stages of the process. A separate summary report will be made available soon.</p> <p>File Naming convention guidance has been made available to all staff.</p> <p>The EDRMS Review was commenced in October 2015 with an initial survey of all 'software systems' being used within East Lothian Council and known to</p>	<p>analysis provide a useful insight into records management practice within East Lothian Council. Whilst the survey did not receive a 100 per cent response rate it provides a valuable benchmark from which to assess future developments. It clearly identifies areas where improvements can be made to enable the Council to continue to take steps towards achieving full compliance under this element.</p> <p>Making file naming convention guidance available to staff should eliminate some of the risks of non-standard naming conventions.</p>	<p>from April 2016 (A3). There is currently no assessment of uptake, but is being promoted as best practice.</p> <p>As regards the EDRMS review, preliminary outline of different systems completed. Summary of all systems obtained and analysis commenced on types of data held, to determine requirement s. More in-depth assessment being undertaken by EDRMS project manager.</p> <p>The re-structuring of physical filing is still a matter under consideration. With the movement towards reducing paper this may</p>	<p>However, this had not yet been fully rolled-out across all service areas, and work was on-going to ensure that the BCS informed the structure of the hybrid records management systems operated by the authority. This latter task was complicated by the fact that several different systems were in operation across the service areas.</p> <p>It is clear from the PUR templates received by the Assessment Team that the Council continues to work hard towards restructuring its hybrid document management systems around its published BCS. This is reflected in the BCS extract (A4), which shows how a new electronic filing structure based upon the BCS is being implemented</p>	<p>No change in regards to EDRMS still being looked into by East Lothian Council</p> <p>No change to the paper filing system but as paper files are still generated and East Lothian Council still have legacy paper files this will form part of the EDRMS project which will look at options for the paper records going forward.</p> <p>No changes have been made to the naming guidance.</p>	<p>The Assessment Team notes the update of the EDRMS project and look forward to being kept updated on this work in subsequent PURs.</p>
--	--	--	--	--	--	---	--	---	--	--	--	--

						<p>the IT department.</p> <p>A further detailed investigation into the informational content of these systems and if they are 'Records' systems is on-going.</p> <p>The restructuring of physical filing is still an option, but has not at this time been implemented beyond the trial done with the Records Management Team.</p>	<p>The Assessment Team would like to be kept informed of the progress of the EDRMS Review, and asks that the Keeper is able to view the outcome of the EDRMS Review when appropriate.</p> <p>As restructuring of physical filing is still being considered, the Assessment Team requests that the Keeper is kept informed of any further developments in this area.</p> <p>The Assessment Team has assessed the progress report and considers that the Council continues to make a strong commitment to restructuring</p>	<p>become unnecessary.</p> <p>Pilot implementation of new filing structure within Licensing progressed, and nearing final completion - structure developed (A4) - awaiting file relocation stage. After completed additional stages will be considered for the roll out of this pattern to other teams.</p>	<p>within the Licensing service area. The Assessment Team commend this work and ask that they continue to be kept informed as this pattern is rolled-out to other service areas.</p> <p>Progress has also been reported as regards the EDRMS review. The Council are committed to investigating the possibility of imposing a Corporate EDRMS across the service areas. Whilst this must remain a business decision for the authority, the Team consider use of a centralised, comprehensive EDRMS as a valuable tool for records management.</p> <p>The update concerning the completion of preliminary investigations of the various software</p>		
--	--	--	--	--	--	--	---	---	---	--	--



							<p>its hybrid document management systems around its published business classification scheme.</p> <p>The Assessment Team considers that progress is being made and that this element should remain under improvement.</p>		<p>systems used by the Council, and news of the commencement of analysis of the data held within these systems, is therefore welcomed. As this is a long-term project requiring further in-depth assessment by the EDRMS project manager, the Assessment Team would be grateful to be kept up-to-date on progress in future PUR submissions.</p> <p>The re-structuring of paper filing systems is still under consideration but may become redundant due to the increasing paucity of paper records being generated. The Team would like to be kept informed should a definitive decision in this area be taken.</p>		
--	--	--	--	--	--	--	--	--	--	--	--

									<p>Due to the hybrid nature of the document management systems employed by the Council it was recognised that instituting file naming conventions would be an effective means of improving control.</p> <p>This submission makes clear that file naming rules have been created; the File Naming Rules (A1) outline the importance/purpose of observing file naming conventions and provides guidance and examples of how to name documents in a consistent manner. This is commended by the Assessment Team.</p> <p>The intranet screenshot (A2) and extract from the Council eNews (A3) shows that staff have been made aware of these rules and have access to the guidance.</p>		
--	--	--	--	--	--	--	--	--	---	--	--

										<p>The eNews extract also makes clear that file naming rules will be rolled-out to all departments alongside implementation of the BCS. This is considered good practice by the Team.</p> <p>The Assessment Team consider that progress is being made and that this element should remain under improvement.</p>		
5. Retention Schedule	A	G	A	A	A	<p>The Keeper requires East Lothian Council to keep him up to date on progress</p>	<p>Various 'Spring Cleaning' activities have been undertaken by the following departments: Licensing Committees Services Archives &amp; Records Management - Records Store Transportation/Roads Services Until such time as the destruction recording implementation has occurred, this progress is mostly anecdotal.</p>	<p>The Records Management Survey reports that a large number of respondents felt confident when applying retention rules and compliance in this area is generally good. The Assessment Team commends the 'spring cleaning' currently being undertaken by various departments</p>	<p>The retention schedule is readily accessible to all members of staff and has been accessed 33 times during the last quarter of 2016. The stats for the previous period are unavailable due to a change with our intranet.</p>	<p>The Council has developed its BCS to incorporate retention/disposal decisions and to assign these to each record series. Having a combined BCS/Retention Schedule is considered good practice as it provides staff with a single, comprehensive document to consult when carrying out records management activities.</p>	<p>No change to the current status of destruction and the 2018 deadline has been missed, but as part of the rewrite of the Records Management Plan the retention schedule document will be reviewed</p>	<p>The BCS/Retention Schedule roll-out continues. The roll out of this major piece of work is bound to be incremental and further time must be allowed for it to bed in and become fully operational.</p> <p>This element remains at 'amber' for the moment as the work progresses.</p> <p>The PUR also notes that, because of the Records Management Plan review, and other issues affecting the Council in the last 12 months, there has been some slippage in the review dates of other information governance documents (The Retention Schedule). This is to be expected.</p>

							<p>within the Council.</p> <p>The Assessment Team looks forward to learning about the authority's 'destruction recording implementation' process and asks that the Keeper is informed of developments made in this area.</p> <p>The Assessment Team considers that progress is being made and that this element should remain under improvement.</p>	<p>The spring cleaning can be evidenced a little by the destruction activity and is still undertaken consistently within the Council's Records Store. A5</p>	<p>This is reflected by the accessibility of this document; staff accessed the retention schedule document 33 times in the last quarter of 2016. The Assessment Team thanks the authority for this update.</p> <p>The Council is currently engaged in a project to impose the retention/disposal decisions outlined in the BCS upon the hybrid records management systems in operation across the authority. This endeavour is commended as it will ensure that pre-determined retention/disposal decisions are assigned for all records being generated and that such decisions will be applied consistently and correctly.</p>		
--	--	--	--	--	--	--	--	--	--	--	--

										<p>The Council have identified 2018 as the target date for completion of this project. As such, the Assessment Team request future updates on the progress of work in this area.</p> <p>It is evident from this submission that the authority continues to engage in 'spring cleaning' activities across several departments to destroy records held in the Council's Records Store. This is shown in the Destruction Summary (A5) which demonstrates the number of boxes destroyed by different departments. The destruction of records in line with the retention schedule is crucial for ensuring business efficiency and regulatory/statutory compliance.</p>		
--	--	--	--	--	--	--	--	--	--	---	--	--



						and has appropriate mechanisms in place to close that gap.		remain under improvement.	<p>We have included the functionality in the Destruction Register to record the deletion of electronic records. (A6).</p> <p>This was a specific user request so we can report that the individuals taking responsibility for this area are actively engaging with the process and helping to improve it.</p>	<p>of GDPR in 2018.</p> <p>The <i>Shredding FAQs</i> (A8) states that the Council no longer use an external firm for destruction of paper records (Shred-It).</p> <p>The Team thanks the authority for this update. The document therefore outlines the processes now in place which staff must comply with to ensure the secure and timely disposal of paper records.</p> <p>It explains how and when boxes are to be emptied and the procedure for sealing bags and using tamper-proof numbered zip-ties to ensure that disposal is secure and can be audited.</p>		
--	--	--	--	--	--	--	--	---------------------------	---	--	--	--

									<p>Staff are required to use the Destruction Register to list what they have put in the boxes in order to help the records management team identify what has been destroyed.</p> <p>The processes outlined in the evidence received from the Council indicate that robust procedures have been established for the secure and irretrievable destruction of paper records and that such destruction is now recorded and can be audited. The Team applauds this work and would be happy to receive updates on how this new system is working in future PUR submissions.</p> <p>An area identified by the Council as requiring further work was the destruction of electronic records.</p>		
--	--	--	--	--	--	--	--	--	---	--	--



									<p>This is a significant challenge due to the Council's use of several document management systems and shared drives. This submission makes clear that the destruction of electronic records is both considered and taking place; the Destruction Register screenshot (A6) shows that electronic destruction is an option when entering details into the Register. This is commended by the Assessment Team, who would welcome updates concerning this feature as improvements continue to be made.</p> <p>However it is likely that no until the imposition of the combined BCS/Retention Schedule upon the hybrid document management systems, and the future implementation</p>		
--	--	--	--	--	--	--	--	--	--	--	--

									of an EDRMS, that a comprehensive solution for ensuring that electronic records are destroyed in a timely, secure, and appropriate manner will be created. There is a clear commitment under elements 4 and 5 to achieve this and the Team recognise that this is likely to take some time due to the complexity of the challenge. As such the Team ask that they are kept informed as progress in this area continues.			
7. Archiving and Transfer	G	G	G	G	G	The Keeper requests the two new documents (Acquisitions Policy & Transfer Procedure	Archive Acquisition Policy approved at April Cabinet meeting.	The Assessment Team commends the development of the Council's Archive Acquisition	Details of the Cabinet minute at which the Archive Acquisition Policy was approved can be	The Council continue to demonstrate compliance under this element through their commitment to revising and/or creating formal	No change but the policy will be reviewed during the re-write of the Records Management Plan	No immediate action required. Update required on any future change.  The Assessment Team acknowledges the planned development of a new Records Management Plan.

					<p>s) planned relating to the management of archival material are forwarded to him when appropriate.</p>	<p>Policy and asks that the policy is forwarded to the Keeper when appropriate.</p> <p>The Assessment Team would like to be informed of the progress of the planned document on Transfer Procedures and again requests that a copy is forwarded to the Keeper when appropriate.</p> <p>The assessment team recognises the on-going initiative being undertaken by the authority under this element.</p>	<p>accessed here:  <a href="http://www.eastlothian.gov.uk/meetings/meeting/5703/cabinet">http://www.eastlothian.gov.uk/meetings/meeting/5703/cabinet</a> (A9)</p> <p>The Transfer Procedures are still in development at this time.</p>	<p>policy documents concerning the transfer of records of enduring value to their own Archive Centre.</p> <p>The Assessment Team are particularly pleased to have receipt of the new Archive Acquisition Policy which was approved by the Cabinet in April 2016 (A9). This policy outlines the criteria by which records are identified as being worthy of permanent preservation and the regulatory environment in which a local authority archive operates. This document is commended by the Assessment Team as providing a useful tool for identifying Council material of enduring archival value.</p> <p>The Team are equally pleased to see that this Policy is</p>	<p>They look forward to being kept updated on this work in subsequent PURs.</p>
--	--	--	--	--	--	---	---	--	---

									<p>publically accessible on the Council's website. This is considered good practice as it demonstrates transparency surrounding the decisions made as to which Council records are transferred to the Archive Centre.</p> <p>The Team recognise that the Transfer Procedures document is still being developed. The Team applaud the creation of such a document and ask that they have sight of it once available. In the event of a future statutory assessment, the Keeper will request that this document is forwarded for his consideration.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>		
--	--	--	--	--	--	--	--	--	---	--	--

8. Information Security	G	G	G	G	G	The Keeper requests that if any changes occur as part of the review of the Information Security Policy in December 2015 that he is provided with an updated version.	No updates	The Records Management Survey notes that a proportion of those surveyed felt there was a need for improvements in their security arrangements and this would be explored with the relevant teams in conjunction with Information Security Specialists. The Assessment Team would like to be kept informed of any changes or developments in this area.  The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.	There is no update at this point	No immediate action required. Update required on any future change.	No change but the policy will be reviewed during the rewrite of the Records Management Plan	No immediate action required. Update required on any future change.  The Assessment Team acknowledges the planned development of a new Records Management Plan.  They look forward to being kept updated on this work in subsequent PURs.
9. Data Protection	G	G	G	G	G	The Keeper requests that he is	Number Provided: ZA112276 (notification made	As requested, the Council has provided the Keeper	Please find attached the slides which were used to	The submission shows that the Council continue to exhibit a high	A lot of change under this element due to the implementation of new Data Protection	As with all other Scottish public authorities East Lothian Council have been required to review

					<p>provided with the Board's registration number when it becomes available</p>	<p>20th April 2015 &amp; will continue to be renewed).</p>	<p>with East Lothian Licensing Board's Registration number with the Information Commissioner's Office, fulfilling the Keeper's initial request. This was confirmed by checking against the registration listed on the Information Commissioner's website.</p> <p>The Records Management Survey notes that the Council has tightened controls on sharing information in line with Data Protection procedures, and that specialist training was delivered to all local authority schools. This was an area where the Council had identified a need to improve.</p>	<p>deliver sessions to all but one of East Lothian's Schools - the outstanding school is still to be given this training. (A10).</p> <p>Here you will find the up to date ICO Register Entries for: East Lothian Council: <a href="https://ico.org.uk/ESDW/ebPages/Entry/Z575957">https://ico.org.uk/ESDW/ebPages/Entry/Z575957</a></p> <p>1 East Lothian Licensing Board: <a href="https://ico.org.uk/ESDW/ebPages/Entry/ZA11227">https://ico.org.uk/ESDW/ebPages/Entry/ZA11227</a></p> <p>6 And the ELC Returning Officer: <a href="https://ico.org.uk/ESDW/ebPages/Entry/ZA23744">https://ico.org.uk/ESDW/ebPages/Entry/ZA23744</a></p> <p>7 (A11, A12, A13).</p>	<p>level of compliance under this element. The Assessment Team thanks the authority for links (A11-13) to the Information Commissioner's website which demonstrates that the Council, Licensing Board, and Returning Officer are all registered.</p> <p>The Council are also committed to tightening controls on the sharing of information, particularly school records, as this was an area where the Council identified a need to improve. A presentation on Data Protection and Information Security (A10) which was delivered to all but one of East Lothian's schools has been submitted as evidence.</p>	<p>Legislation, so East Lothian Council have concentrated on updating guidance and this is evidence from E01-E07 and this information has been made available to staff and schools. We have also still been engaging with schools and attending meetings answering any relevant questions or concerns in relation to the new Data Protection Legislation. We are also midst drafting a Social Media policy for schools so they understand the rules in regards to social media in relation to children.</p> <p>We are also in the middle of renewing and updating our Data Sharing Agreements (E08) and Data Processing Agreements we have with suppliers and others so we are fully aware of who we are sharing information, ELC are also developing a register of these agreements which will hopefully linked to the Information Asset register and any relevant Data Protection Impact Assessments but all this is still in development but will be updated in rewrite of the Records Management Plan.</p>	<p>and update their data protection procedures in light of the 2018 legislation.</p> <p>The Assessment Team acknowledge receipt of a suite of new GDPR compliant data protection policy and guidance documents. These will be stored to keep the East-Lothian Council submission up to date.</p> <p>The Assessment Team acknowledges the receipt of a screen-shot showing staff have access to the new GDPR staff guidance documents.</p> <p>The Assessment Team also note the updated information on the East Lothian Council website: <a href="https://www.eastlothian.gov.uk/info/210598/access_to_information/12340/privacy_and_cookies">https://www.eastlothian.gov.uk/info/210598/access_to_information/12340/privacy_and_cookies</a></p>
--	--	--	--	--	--	--	--	--	---	--	---

							<p>The Assessment Team commends the authority for this initiative.</p> <p>The assessment team recognises the on-going initiative being undertaken by the authority under this element.</p>		<p>This presentation highlights the relevant data protection principles, advises staff on the secure and safe use of emails and social media, and offers guidance and support to ensure that Council employees comply with regulatory obligations. The Assessment Team welcomes this proactive approach to disseminating information to Council staff and commends the highlighting of the mandatory online training on these topics.</p> <p>The Team would be pleased to receive updates in the future should further changes in data protection and information sharing arrangements take place.</p>		
--	--	--	--	--	--	--	--	--	--	--	--

										<p>The Team are conscious that the implementation of GDPR in 2018 will likely have a significant impact on current practices and policies within public authorities.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>		
10. Business Continuity and Vital Records	A	G	A	G	G	<p>The Keeper requires that the Council provide him with a redacted sample of a Service Business Continuity Plan when they are completed.</p>	<p>All current Business Continuity Plans make reference to the Vital Records Guidance. There is scope for further improvement on this area before seeking evidence progress. Annual reviews are undertaken.</p>	<p>The Records Management Survey notes that additional guidance was created to advise people on how to identify vital records, and this has been included in the Business Continuity training. The Records Management Survey also notes that a Business Continuity AGM was introduced, as well as review reminders to</p>	<p>The AGM resulted in the improvement and adoption of a more integrated Business Continuity system. The attached guidance plan is dated 2017 (A14a), but had its basis in the work undertaken in 2016. There is also a screen capture showing the level of integration</p>	<p>The Council have engaged in extensive work under this element since the Keeper’s formal agreement of the Plan in 2015. Individual Service Unit Business Continuity Plans have been developed and a sample example from Licensing, Administration &amp; Democratic Services has been provided as evidence (A15). These Plans, which are signed off by the Heads of</p>	<p>East Lothian Council have recently published an updated Business Continuity Plan and is evidenced at E09</p>	<p>The Assessment Team acknowledge the receipt of the East Lothian Council Business Continuity Plan (v1.0) dated January 2019.</p> <p>As noted in previous PUR, the Assessment Team recognises the significant progress made in this area and the on-going initiative being undertaken by the authority under this element.</p> <p>It is likely that if this were a formal re-submission under section 5 of the PRSA this element would gain a ‘Green’ RAG status.</p>



							<p>ensure Business Continuity plans are updated where necessary. The Assessment Team commends these efforts as they indicate continuing progress and development of the Council's business continuity strategy.</p> <p>The Assessment Team asks that the Keeper is provided with a redacted sample of a Service Business Continuity Plan as originally requested in the Keeper's report of 5<sup>th</sup> January 2015.</p>	<p>that 'vital records' now have in the business continuity process (A14(b)). This establishes the policy position and shows the result of the co-ordinated work to improve our support of this function.</p> <p>Please find attached the redacted Business Continuity Plan from 2016 for Licensing, Administration &amp; Democratic Services. (A15). The new system has specific elements on Vital Records so this will be expanded further in future.</p>	<p>Service, detail the activities which need to be undertaken in the event of significant disruption and prioritises these actions based on a Business Impact Analysis. Particularly commendable is the inclusion of contact details, the delegation of staff responsibilities, and the discussion of mitigation options to ensure that disruption is kept to a minimum. The Assessment Team thanks the Council for sight of this robust and valuable document.</p> <p>The Team are also pleased to see that these localised Business Continuity Plans declare that recovery arrangements are to be reviewed on an annual basis and that there is provision for staff to receive training to help maintain</p>		
--	--	--	--	--	--	--	---	---	--	--	--

							<p>The Assessment Team considers that progress is being made and that this element should remain under improvement.</p>		<p>continuity of service. The Team would be happy to receive future updates following these reviews and training.</p> <p>Furthermore the <i>Business Continuity Policy and Management System (A14(a))</i> dated February 2017 is a comprehensive, high-level document which aims at compliance with ISO 22301. As well as stating that Heads of Service must have in place Business Continuity Plans, it also describes the Service Risk Registers for identifying potential risks and the provision of staff training using LearnPro to help staff become more aware of Business Continuity obligations. This is commended by the Assessment Team.</p>	
--	--	--	--	--	--	--	---	--	---	--

										<p>Another key aspect of this element is the identification of vital records. The establishment of a dedicated Business Continuity AGM has led to an improved, integrated Business Continuity system and the development of new policies surrounding vital records. The extract from the Business Continuity software (A14(b)) shows that vital records forms a compulsory element within the system. Likewise the <i>Business Continuity Policy</i> includes specific guidance on how to identify vital records and to assign responsibility for these records to a named individual within each service. The Team believe such an approach will reduce the likelihood of significant disruption in the</p>		
--	--	--	--	--	--	--	--	--	--	--	--	--

									<p>event of a disaster.</p> <p>The Team believe that sufficient progress under this element has taken place to award an improved RAG marking. It is clear from the submission that the Council has developed service area Business Continuity Plans and policies which take into consideration the importance of vital records.</p> <p>The Assessment Team recognises the significant progress made in this area and the on-going initiative being undertaken by the authority under this element.</p>			
11. Audit Trail	A	G	A	A	A	The Keeper requests that he is kept up to date with the project as it progresses .	No change - destruction protocols will support this development	The Assessment Team asks that the Keeper is kept informed of progress with the Council's EDRMS Audit Survey.	See Section 4 - general progress on EDRMS functionality is being made. New appointment of an EDRMS Project	The ability to track and locate records regardless of format is vital for ensuring their on-going authenticity and reliability. The Council recognised that	No change	No immediate action required. Update required on any future change.  East Lothian Council will be in a better position to address this when the BCS/Retention Schedule is fully implemented.

							<p>The Assessment Team considers that progress is being made and that this element should remain under improvement.</p>	<p>Manager will undertake a more co-ordinated look at these systems and the way in which this functionality is delivered across the Council</p>	<p>this is a challenge due to the use of several disparate electronic records management systems and shared drives and accept that a centralised solution will take time to implement.</p> <p>However it is evident that the Council are engaged in efforts to improve provision under this element. Comments made under Element 4 indicate that work is on-going to assess the current systems used by the Council prior to re-structuring them to match the BCS/Retention Schedule. Similarly a Project Manager has been appointed to develop and implement a centralised, corporate EDRMS solution. The Team consider these</p>	<p>The Assessment Team notes the update of the EDRMS project (see element 4) and look forward to being kept updated on this work in subsequent PURs.</p> <p>This element remains at 'amber' for the moment as this work progresses.</p>
--	--	--	--	--	--	--	---	---	--	---

									<p>approaches to be effective means of imposing audit trail functionality upon the Council's recordkeeping systems. As such the Team would welcome updates in future PUR submissions as these projects continue.</p> <p>In the absence of a single records management system, and the employment of shared drives, it is crucial that the Council develop file naming conventions and version control procedures. This has been evidenced by the documents referred to under Element 4 (A1-A3) which demonstrate a commitment by the Council to provide guidance in these areas which should ultimately increase conformity and standardisation of naming practices.</p>		
--	--	--	--	--	--	--	--	--	--	--	--

										<p>This is welcomed by the Team. As it is noted that there is currently no assessment of uptake of these procedures the Team would be interested to hear whether any such assessments are scheduled for the future.</p> <p>The Assessment Team consider that progress is being made and that this element should remain under improvement.</p>		
12. Competency Framework	G	G	G	G	G	Update Required on Any Change	RM training formally made compulsory by Council Management Team 21/01/16. Paper version & Electronic available.	The Assessment Team commends the Council Management Team's approach to formally make Records Management training compulsory earlier in the year. This supports previous evidence supplied in the authority's original submission and it is a strong	Please find attached the extract from the Council Management Team meeting from 21 January 2016 which approved the training (A16) and copies of the 'offline' version with scoring matrix, and guidance provided to trainers. (A17, A18, A19).	The Keeper's Model Plan expects an authority to recognise that records management is a separate and vital function which requires specific skills and training. The Council demonstrates a high-level of compliance with this expectation through their development of mandatory staff training. This PUR submission includes the note	No change	No immediate action required. Update required on any future change.

							<p>indicator of the Council's commitment towards continuous improvement. The Assessment Team requests that the Keeper is kept informed of any further changes made in this area.</p> <p>The assessment team recognises the on-going initiative being undertaken by the authority under this element</p>		<p>(A16) from the Council Management Team meeting dated 21 January 2016 at which it was agreed to make records management training for staff compulsory. This decision is welcomed by the Assessment Team.</p> <p>An offline version of the training (A17) defines records management and outlines its importance, as well as discusses the utility of the BCS and Retention Schedule. This approach is commended by the Team. The Training Guidance (A18) and Training Template (A19) are vital tools for identifying who has undertaken the training and for ascertaining who has passed. This information is then forwarded to the Records Manager for retention and reporting purposes.</p>		
--	--	--	--	--	--	--	---	--	---	--	--



										<p>The Assessment Team applaud this initiative and believe that it will help bring about a culture of good records management across the authority as well as improve staff compliance with the records management arrangements detailed in the RMP. Should further training modules be created, the Team would be happy to receive updates in future PUR submissions.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>		
13. Assessment and Review	<b>G</b>	<b>G</b>	<b>G</b>	<b>G</b>	<b>G</b>	The Keeper requests that if any changes result from the review he is provided with the	This report is the first full formal review of progress. Some elements are still progressing. Data Protection Health Check is underway.	Confirmation that the Data Protection Health Check is underway shows that the action points laid out in the initial submission are being	Please find attached a list of some of the activities of the Information Governance Compliance Officer relating to	Regular reviews of the RMP and accompanying policies is a requirement under this element to help ensure that documents remain fit for purpose and to	East Lothian Council have made the decision with the launch of the new Records Management Plan that they are going to do a re-write of the Records Management Plan this year.	Once the Records Management Plan has been revised and updated, the Council may choose to re-submit formally under section 5 of the Act. This would be welcomed.

					<p>updated version.</p> <p>The Keeper would be interested in the results of the Data Protection Health Check, if appropriate.</p>	<p>addressed. The Assessment Team asks that the Keeper is provided with the results of the Health Check when completed.</p> <p>The Assessment Team has considered the improvement report and commends East Lothian Council's Records Management Survey as it reflects good records management practice.</p> <p>The survey demonstrates the active operation of the self-assessment procedure as used by the Council to direct and inform its programme of improvements within the Records Management Plan. It provides a detailed insight into</p>	<p>the 'Data Protection Health Check'. (A20).</p> <p>It is hoped that the above items of evidence, and the continued participation of East Lothian in the self-assessment process, are sufficient to satisfy the Keeper that improvements are still being made to records keeping practices in line with our Records Management Plan obligations.</p>	<p>enable authorities to gauge internal compliance with the agreed records management provisions. It is therefore heartening to see that since agreement of the Plan in 2015, the Council has reviewed or developed new policies such as the Archive Acquisition Policy and implemented new provisions such as mandatory data protection training. The RMP indicated that the <i>Information and Records Management Policy</i> would be reviewed by June 2016 and the <i>Information Security Policy</i> by December 2015. The Team would welcome updates on this work, particularly if this led to the creation of updated or revised policies.</p> <p>The use of the Records Management</p>	<p>Even though ELC have participated in the PUR we now feel a refresh of the RMP is required. The original plan was also dated 2013-2019 so its due review at the end of this year so this all coincides nicely with the launch of the new Records Management Plan.</p>	<p>However, it would be worth contacting the Assessment Team in advance to discuss what is required of an authority who chooses to do this. (The Assessment Team will also be happy to put East Lothian Council's Records Manager in touch with her opposite number in another local authority who has already been through the voluntary re-submission process)</p> <p>In the meantime the completion of this Progress Update Review can also be considered as evidence of a commitment to ensure the implementation of the Records management Plan is subject to internal review.</p>
--	--	--	--	--	---	--	---	---	---	---

							<p>levels of staff confidence and awareness of records issues, as well as providing data on the physical storage of records. The survey also highlights areas where developments within the Council's records management practices are still needed. It is seen as providing a solid base from which to carry out future surveys and assess growing user confidence and measure culture change.</p> <p>The assessment team recognises the on-going initiative being undertaken by the authority under this element.</p>	<p>Survey to help identify areas requiring further work/resources and gauging staff compliance with records management arrangements was a valuable tool for informing future action plans. The Team would be interested to learn whether a similar survey continues to be used for this purpose.</p> <p>Since the previous PUR submission, the Council undertook a Data Protection Health Check in December 2016. This details some of the activities of the Information Governance Compliance Officer and records the updating of privacy notes and entries in the data processing register following this health check. The Team consider this initiative an example of good practice and</p>		
--	--	--	--	--	--	--	---	---	--	--

										<p>would welcome receipt of the findings from other self-assessment exercises in the future.</p> <p>The Team commends the Council for being the first authority to voluntarily engage in the PUR process. This reflects the Council's commitment to conducting self-assessment reviews and using the mechanism to gauge progress and identify elements which require further work to bring them into full compliance. The Team look forward to receiving PUR templates from this authority in the future.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>		

14. Shared Information												
------------------------	--	--	--	--	--	--	--	--	--	--	--	--

## 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 15 May 2019. The progress update was submitted by Maureen Henderson, Team Manager – Information Governance and Data Protection Officer.

The progress update submission makes it clear that it is a submission for **East Lothian Council and East Lothian Licensing Board**.

### PRSA Assessment Team's Summary

The Assessment Team has reviewed East Lothian Council and East Lothian Licensing Board'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

East Lothian Council and East Lothian Licensing Board 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.

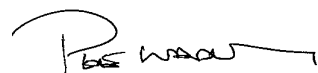
Where 'no change' has been recorded under the update on provision by the authority, the Assessment Team is happy to agree that these elements require no further action for the time being.

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

Based on the progress update assessment the Assessment Team considers that East Lothian Council and East Lothian Licensing Board 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

