

The Public Records (Scotland) Act 2011

Aberdeen City Council

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

22nd May 2020

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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 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 Aberdeen City Council. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

Description of Authority: Aberdeen is locally governed by the Aberdeen City Council, which comprises forty-three councillors who represent the city's wards and is headed by the Lord Provost. The council was created in 1996, under the Local Government etc. (Scotland) Act 1994. However, Aberdeen as a city, with its own city council, can be traced back to 1900, when the county of "City of Aberdeen" was created.

In 1975, under the Local Government (Scotland) Act 1973, the county of the city was combined with Bucksburn, Dyce, Newhills, Old Machar, Peterculter and the Stoneywood areas of the county of Aberdeen and the Nigg area of the county of Kincardine (including Cove Bay) to form 'Aberdeen District' of Grampian Region. This district became the now existing unitary council area in 1996.

On 9 May 1995 by resolution under section 23 of the Local Government (Scotland) Act 1973 the City of Aberdeen Council changed the name of the local government area of "City of Aberdeen" to "Aberdeen City".

Aberdeen City Council's activities are organised into six Directorates supported by eighteen Heads of Service.

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: Aberdeen City Council

Element	Status of elements under agreed Plan 28JAN15	Status of evidence under agreed Plan 28JAN15	Progress assessment status 22MAY20	Keeper's Report Comments on Authority's Plan 28JAN15	Self-assessment Update as submitted by the Authority 02APR20	Progress Review Comment 22MAY20
1. Senior Officer	G	G	G	Update required on any change.	Fraser Bell is now the Responsible Officer (Senior Risk Owner (SIRO)) for Aberdeen City Council.	The Keeper's Assessment Team thanks Aberdeen City Council for this update which has been noted.
2. Records Manager	G	G	G	Update required on any change.	There is no change to Aberdeen city Council's named Records Manager.	No immediate action required. Update required on any future change.
3. Policy	G	G	G	Update required on any change.	Policies have been consolidated and updated into the new style for Aberdeen City Council.	In their original submission the Council committed to keeping their information governance policies and guidance documents under review and the Assessment Team acknowledges that this is being done.
4. Business Classification	A	G	G	... the council are clear in their RMP that this classification is still to be fully rolled out across the service	The Council classifies our information according to the Business Classification Scheme in its central Information Asset	In their original submission Aberdeen City Council indicated that they were pursuing a business classification structure around the

				<p>areas of the authority (see <i>Improvement Programme under General Comments below</i>). ... The RMP states, under element 2, that: ‘...the next phase of Information and Records Lifecycle Management project work to pilot, test and refine the implementation of our corporate Business Classification Scheme..’</p> <p>In the next two years metadata standards will be built into the <i>Business Classification Scheme</i>. The Keeper agrees this element under Improvement Model terms. This means that he acknowledges that the authority have identified a gap in provision and have committed to a plan to close that gap. He requests that he is updated as the project progresses.</p>	<p>Register. The roll out of SharePoint is using the Business Classification Scheme to determine the retention periods of records.’ with ‘The Council classifies our information according to the Business Classification Scheme in its central Information Asset Register. There is a high level of regular planned updates to Information Asset Register as part of the Council’s annual assurance cycle, in addition to the required updates to the Information Asset Register on and as and when basis, as set out in the Information Asset Owner Handbook. The roll-out of SharePoint in the Cloud has used the Business Classification Scheme to inform the organisation of records prior to migration. This has been supported by governance processes and staff training.</p>	<p>management of their public records. They have now done this in combination with an information asset register. This will be used to inform the SharePoint roll-out.</p> <p>The achievement of this objective marks a measurable improvement in the records management provision in the authority.</p> <p>Generally a SharePoint solution is bound to be incremental and take several years to bed-in properly. The Assessment Team remind the Council of the importance of “appropriate policies, governance and staff training” in making this major project a success. Aberdeen City Council clearly recognise this.</p> <p>Subsequent to the PUR submission, but before the report was finalised, the authority provided considerable detail around the migration of all shared dive records to SharePoint in the cloud as part of the Microsoft Office 365 roll-out. The Assessment Team is happy to acknowledge that the Council have properly engaged with staff and the necessary organisation around this major piece</p>
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						<p>of work seems robust.</p> <p>The Assessment Team looks forward to updates in subsequent PURs.</p> <p>If this were a formal resubmission under section 5 of the Act, and evidence of the training, guidance etc. could be provided. It is likely that this element could be awarded a green RAG status.</p> <p>PRSA says at section 5.6 “An authority may at any time revise its records management plan and submit the revised plan to the Keeper for agreement.” Aberdeen City Council should consider doing this because of the scale of the improvement actions recently completed (see also E5).</p> <p>If the Council is considering a formal re-submission please contact the assessment team to discuss what evidence would need to be supplied public_records@nrscotland.gov.uk We will fully engage and support a section 5 re-submission. Happy to talk through the process at any time.</p>
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5. Retention Schedule	A	G	G	<p>...the council are clear in their RMP that the retention schedule is still to be fully rolled out corporately across the service areas of the authority (see element 4) (see <i>Improvement Programme</i> under General Comments below)... The Keeper agrees this element of The Council's RMP under Improvement Model terms. This means that he is convinced that the Council intends to roll out the published <i>Retention Schedule</i> as part of its Improvement Programme. He requests that he is updated as the project progresses.</p>	The Records Retention & Disposal Schedule is fully rolled-out to staff and accessible via a wiki.	<p>The Keeper agreed the original Aberdeen City Records Management Plan on an improvement model basis partly on the grounds that the authority did not have operational retention schedules rolled-out throughout the business. He was convinced that processes were in place to remedy this. The Assessment Team is pleased to acknowledge that the authority now appears to be compliant in this element.</p> <p>The achievement of this objective marks a measurable improvement in the records management provision in the authority.</p> <p>If this was a formal re-submission it is likely that this element of the Plan would turn from Amber to Green.</p>
6. Destruction Arrangements	G	G	G	Update required on any change.	No significant change to arrangements.	No immediate action required. Update required on any future change.
	G	G	G	Update required on any	No significant change to	No immediate action required.

7. Archiving and Transfer				change.	arrangements.	Update required on any future change.
8. Information Security	G	G	G	Update required on any change.	Incident and breach management is now governed by the Information Security Incident Reporting Procedure (ISIRP).	The Assessment Team thanks the Council for this update. Clear guidance on reporting security breaches (actual or potential) is a vital part of robust provision and this new procedure would seem to deliver that guidance. Obviously, if this were a formal resubmission the Keeper would require sight of this document However, for the purposes of this PUR the Assessment Team can agree that there is nothing here to suggest that this element should not retain its green RAG status.
9. Data Protection	G	G	G	Update required on any change.	Procedures have been revised in line with data protection legislation and consolidated into the Corporate Information Handbook and Information Asset Owner Handbook. Policy, procedures and guidance has been made accessible to staff on the intranet. Staff are supported through updated online Information Governance training and additional face-to-face training.	As with all other Scottish public authorities Aberdeen City Council have been required to review and update their data protection procedures in light of the 2018 legislation. The Assessment Team acknowledges that the public facing Library website has been updated appropriately: https://www.aberdeencity.gov.uk/se

						arch/content?keys=data+protection For training see element 12 below.
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	Business Continuity Planning is now handled by the Corporate Risk Lead, Governance through the Business Continuity Group, a sub group of the Council's Organisational Resilience Group.	Thank you for this update the structure of information governance in the Council. The adjustment of reporting and oversight arrangements is a usual part of the business of a public authority. However, the Keeper would be concerned if these adjustments resulted in less resource being provided for records recovery or if reporting to senior management became less coordinated. The authority must consider this and the Assessment Team offers support if necessary. Alternatively the changes described may result in a similar (or improved) response to public record recovery in the event of an emergency. The Assessment Team would be interested to learn whether the new arrangements operated satisfactorily in the actual Covid19 emergency.

						Unless informed otherwise this element remains Green.
11. Audit Trail	G	G	G	Update required on any change.	Office 365 is being rolled out with governance controls in place. Staff are supported in good practice by the Corporate Information Handbook, which provides guidance on information and records management, including version control, naming conventions, and disposal of records.	<p>In 2015 the Keeper agreed that the document tracking processes in Aberdeen City Council were appropriate for both hard-copy and electronic records: https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/keepers-assessment-report-aberdeen-city-council.pdf</p> <p>He requested that he was updated if the Council's improvements programme was liable to result in changes to the record tracking procedures. The Council has now indicated it is rolling-out a SharePoint/O365 solution (see element 4 above).</p> <p>The O365 migration should greatly increase the control over document tracking although it will take some time for this to be universally applied in the authority. However, in the short term the Assessment Team would expect the previous processes to remain operational.</p> <p>On that basis, this element remains</p>

						green.
12. Competency Framework	G	G	G	Update required on any change.	The competency framework has developed with reference to the roles required to meet the Council's needs concerning data and information.	<p>The Assessment Team notes that the Council have developed a competency framework pointing to information governance requirements. This is to be welcomed.</p> <p>They also note that staff are supported through updated online Information Governance training and additional face-to-face training (see for example under element 9).</p> <p>The Keeper expects to see evidence that staff creating, or otherwise processing records, are appropriately trained and supported.</p> <p>There is evidence that Aberdeen City Council take this aspect of their records management provision seriously.</p>
13. Assessment and Review	G	G	G	Update required on any change.	Between 2018 and 2020 Internal Audit have audited the Council's compliance with GDPR, Data Security in a Cloud Based Environment, and Information Governance, as well as system	It is a requirement of the Public Records (Scotland) Act 2011 that "An authority must— (a) keep its records management plan under review" (PRSA Part 1 5.1.a.)

					<p>specific audits such as SEEMiS.</p>	<p>The Assessment Team thanks the Council for the update regarding information governance review using their internal audit facility. The Keeper has previously commended the use of this sort of review, independent of information governance staff, to self-assess the implementation of the Plan. Although the records management plan as a whole does not seem to have been reviewed, the work done on line of business systems, data protection and information security are laudable. Perhaps other elements of the plan (business continuity for example) could be scheduled for the same treatment in the near future?</p> <p>In the meantime the assessment team acknowledges that guidance documents and information governance policies seem to be appropriately reviewed and updated.</p> <p>Also, the authority's participation in the PUR process in 2020 demonstrates a commitment to reviewing its RMP.</p>
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14. Shared Information	G	G	G	Update required on any change.	Procedures have been revised in line with data protection legislation have been consolidated into the Corporate Information Handbook and Information Asset Owner Handbook.	Again evidence here of information governance documents being updated as appropriate. It is likely that GDPR clauses will have to be added to the Council's data sharing agreements and the Keeper would expect to see evidence of this if this were a formal resubmission (the original agreement of this element was in part based on sight of a sample data sharing agreement with Police Scotland)
Additional general comments				<p><u>Domains</u> ... the Keeper would be interested in seeing these guidelines when appropriate, as they would seem to refer to a sector-wide records management issue.</p> <p><u>Third Parties</u> The Keeper welcomes this commitment and asks the Aberdeen City Council provide him with a sample of the contractual clauses used (redacted if necessary) when these are in place. This will allow the Keeper to keep the</p>	Contractual clauses in the Council's standard terms and conditions include arrangements which must be in place for recordkeeping, personal data and data retention.	<p>The Act makes it clear that records created by a contractor in carrying out a scheduled authority's functions are public records (Part 1 section 3.1 (b)).</p> <p>The Assessment Team acknowledge that Aberdeen City Council have recognised this. If this were a formal resubmission the Keeper would expect to see a sample of these clauses in operation under 'element 15' (See the 2019 Model Plan: https://www.nrscotland.gov.uk/record-keeping/public-records-scotland-</p>

				Council's submission up-to-date.		act-2011/resources/model-records-management-plan)
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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 2nd April 2020. The progress update was submitted by Susan Patterson, Information Management Officer.

The progress update submission makes it clear that it is a submission for **Aberdeen City Council**.

PRSA Assessment Team's Summary

The Assessment Team has reviewed Aberdeen City Council'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

Aberdeen City Council continues to take its records management obligations seriously and is working to bring all elements into full compliance.

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

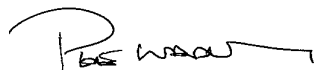
The Keeper cannot change the status of elements formally agreed under a voluntary submission, but he can use such submissions to indicate how he might now regard this status should the authority choose to resubmit its plan under section (5)(6) of the Act.

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

Based on the progress update assessment the Assessment Team considers that **Aberdeen City Council** 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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Pete Wadley
Public Records Officer