

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

**Board of Trustees for the National Galleries of Scotland**

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

**10<sup>th</sup> November 2021**

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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 Draft 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 Board of Trustees for the National Galleries of Scotland. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

### 4. Authority Background

The purpose of the National Galleries of Scotland (NGS) as set out in the governing legislation (the National Heritage (Scotland) Act 1985) is to:

- care for, preserve and add to the objects in their collections;
- ensure that the objects are exhibited to the public;
- ensure that the objects are available to persons seeking to inspect them in connection with study or research; and generally to promote the public's enjoyment and understanding of the fine arts;
- and for those purposes to provide education, instruction and advice and to carry out research.

The National Galleries of Scotland look after one of the world's finest collections of Western art ranging from the Middle Ages to the present day. These holdings include the national collection of Scottish art displayed in an international context.

The National Galleries of Scotland is governed by a Board of Trustees. There are up to 12 trustees on the Board at any one time and they are appointed by Scottish Ministers through an open appointments system.

Trustees are appointed for a four year term of office in the first instance and may be offered a second term.

## 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:

<b>G</b>	The Assessment Team agrees this element of an authority's plan.	<b>A</b>	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.	<b>R</b>	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: Board of Trustees for the National Galleries of Scotland**

Element	Status of elements under agreed Plan 24MAY16	Progress status 31AUG20	Progress status 10NOV21	Keeper's Report Comments on Authority's Plan 24MAY16	Self-assessment Update 14JUL20	Progress Review Comment 31AUG20	Self-assessment Update as submitted by the Authority since 31AUG20	Progress Review Comment 10NOV21
1. Senior Officer	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 change.
2. Records Manager	G	G	G	Update required on any change.	Louise Rasmussen, Records & Information Manager's contract has been extended to end-March 2021. There are no changes to the job description.	The Keeper's Assessment Team thanks the National Galleries of Scotland for this update which has been noted.	Louise Rasmussen, Records & Information Manager's has a permanent position as of December 2021. There are no changes to the job description.	The Keeper's Assessment Team are pleased to hear that the post of Records & Information Manager is now a permanent position. Thank you for confirming there are no changes to the job description.
3. Policy	G	G	G	Update required on any change.	Currently reviewing and expanding the Framework to include other aspects that affect information governance such as IT, Cyber, Physical and People elements.  All Information Management policies, procedures and guidance have been reviewed and can now be found on a new dedicated intranet site.	In their original submission the National Galleries of Scotland committed to keeping their information governance policies and guidance documents under review and the Assessment Team acknowledges that this is being done.  Securing an information governance area of the authority's intranet is commendable. This should provide staff with a single location for access to all relevant policy and guidance documents.	Policies are under constant review given the changing circumstances, with current home and onsite working as well as a proposed blended working trial in 2022.  The following new policies are in draft format: Information Governance and Assurance Framework, Information Security Policy, and Digital Preservation Policy.	From this update it is clear the National Galleries of Scotland continue to ensure information governance policies are regularly reviewed to meet changing business requirements and working practices.  The development of new policies to further underpin records management provision is commended. The new policies, currently in draft format, are noted. We would be particularly interested to learn

								more about the development of the Digital Preservation Policy in subsequent PUR submissions. Digital Preservation will be an area of focus at future PRSA surgery events.
4. Business Classification	G	G	G	Update required on any change.	No change to report.	No immediate action required. Update required on any future change.	No change to report.	Update required on any change.
5. Retention Schedule	G	G	G	Update required on any change.	Currently investigating how best to retain or destroy electronic records as part of Office 365 implementation.	<p>It is important that the agreed retention schedule can be imposed on any new system and it is good that the National Galleries have recognised this.</p> <p>Many Scottish public authorities are migrating to a M365 (O365) solution and the availability of mandatory retention 'labels' for record types (and the licence level required to control these labels) is a 'hot topic' at the moment. The Keeper would be very interested in the Galleries' experience with this going forward.</p> <p>The PRSA Assessment Team is closely monitoring this situation (as is the Information and Records Management Society). If the authority wishes to discuss further please get in touch either with the PRSA Team or with <a href="mailto:scotland@irms.org.uk">scotland@irms.org.uk</a></p> <p>The Assessment Team looks forward to updates in subsequent PURs.</p> <p>This element remains at Green while this work is ongoing.</p>	<p>Electronic retention and destruction remain a key consideration of the O365 Project, which is currently going through the approval process. The Galleries has a Microsoft 365 A5 for faculty license, which will enable us to use more advanced records management functionality.</p> <p>Departments have almost completed a review of the retention schedule to identify missing record series and vital records, including documenting where archival records are kept.</p>	<p>Thank you for this update on progress with the M365 (O365) Project. Confirmation that retention and destruction processes are being appropriately considered is welcomed by the Assessment Team.</p> <p>As you will know, the migration to M365 is widespread across Scottish public authorities. We are aware many authorities are, or will be, using E3 or E5 licenses, so we would be interested to hear about your experience with the A5 for faculty license.</p> <p>The further development and review of the retention schedule to include all records series, identify vital records and record the location of archival records will enhance this</p>

								important business tool.
6. Destruction Arrangements	G	G	G	Update required on any change.	A wastepaper disposal guide has been written and communicated to staff.  The old intranet and all its contents was deleted on 8 April 2020.	Thanks for this update which has been noted.	No change to report.	See comments under element 5 concerning M365 project and destruction processes.  Update required on any change.
7. Archiving and Transfer	A	A	A	The Board have identified the National Records of Scotland as the repository to which it will transfer these records [of enduring value not directly related to the collections]. An MOU will be created between the Board and the National Records of Scotland to formally document this arrangement. <b>When this is in place the Keeper will require a copy to be provided for the PRSA submission.</b>  <b>The Keeper suggests that, once negotiations with NRS are concluded, the Records Retention Schedule (see elements 4 and 5) could be amended to differentiate between records archived locally and those transferred to NRS under the MOU.</b>  <b>The Keeper can agree this element of the Board's Plan under 'improvement model' terms. This mean that the authority has identified a suitable repository for records selected for permanent preservation and have put processes in place to formalise transfer arrangements. The Keeper's agreement is conditional on the MOU, between NRS and the Board being, created, signed and forwarded to the PRSA Assessment Team.</b>	Still need to work with the National Records of Scotland to a) review and sign the MoU between NGS and NRS considering legislative changes, GDPR and data protection, and b) review NRS' policy and process arrangements for the transfer of physical and digital-born records.  Together with a group of colleagues have reviewed archival storage requirements for various digital assets and electronic records, which feeds into the wider Collections Management Systems Review project.  Some Collections archival records held off-site have been identified, and further work is required to identify other business records that need to be held indefinitely for archival purposes.	The Act requires that all Scottish public authorities identify a suitable repository for the permanent preservation of any records considered suitable for archiving. A formal arrangement for transfer to that repository must be in place.  The Keeper has already agreed the identification of NRS as a suitable repository for the preservation of the National Galleries' administrative records selected for permanent retention. The Keeper has agreed that public records directly relating to the galleries collections will remain in their care possibly in a National Collection Facility in Granton.  The National Galleries have committed to negotiations with NRS to develop a memorandum of understanding to formally agree the obligations on both the authority and the repository with regard to the transfer of records selected for permanent preservation.  However, these negotiations have not been finalised.  This element will remain at Amber while this work is ongoing.	NGS received the updated MoU from NRS in May 2021 and are reviewing the various clauses and the section on data protection. The work on the Records Retention Schedule will allow us to identify records that we can transfer to NRS. Following this, the Records & Information Manager must consult with departments to determine whether transferring any business records to NRS will have any impact on delivering our work or public task, and how we might mitigate this. This is particularly important when we transfer original records which we may not hold a copy of onsite.  A group of cross-team colleagues is currently reviewing electronic storage requirements of digital born and archival records; this ties in with the review of Collections Management systems and any digitization work NGS might do in future.	We are pleased to hear work towards finalising an agreement with NRS is progressing, with a review of the updated MoU currently underway.  Ongoing work to determine which records will be transferred to NRS and identifying any potential impact as a result of this is noted.  The Assessment Team also acknowledge the work underway reviewing electronic storage requirements. See comments relating to the draft Digital Preservation Policy under element 3.  This element will remain at Amber while this work is ongoing.
	G	G	G	Update required on any change.	Information security policies, procedures and guidance is	In their original submission the National Galleries of Scotland	An Information Security Review Group was set up in May 2021 to review the	The establishment of an Information



8. Information Security					<p>being reviewed as part of the Framework under element 2.</p> <p>The following guidance has been communicated to staff and can be found on the new intranet: (1) information security guidance for home working, (2) guidance on which Office 365 tools have been approved for use, (3) Guidance on externally arranged web meetings using alternative tools; (4) Guidance on recording internal meetings and deleting Stream videos, (5) meetings and documents protocol – using Microsoft Teams, OneDrive and network drives.</p> <p>The scope of the Digital Workplace (Office 365) project changed - the Records &amp; Information Manager built the Galleries new modern SharePoint intranet, which launched in December 2019.</p> <p>The Records &amp; Information Manager is working with the Infrastructure Project Manager to agree and run pilots in Microsoft Teams over the next six months.</p> <p>Records retention and information classification and security will be considered in future phases of the Office 365 project.</p>	<p>committed to keeping their information governance policies and guidance documents under review and the Assessment Team acknowledges that this is being done.</p> <p>Securing an information governance area of the authority's intranet is commendable. This should provide staff with a single location for access to all relevant policy and guidance documents.</p> <p>As noted under element 5 above the migration to a SharePoint/O365 solution is currently:</p> <p>a) Increasingly common in the Scottish Public Sector and b) The subject of some debate around records management functionality.</p> <p>The management of records created in Teams, One Drive and other 'out of the box' O365 apps features strongly in that debate. The Assessment Team would be very interested in hearing the experience of the National Galleries in this area.</p> <p>The NGS Records &amp; Information Manager may be interested to know that there is a PRSA Knowledge Hub site around this topic. For example at: <a href="https://www.khub.net/group/public-records-scotland-act-discussion-group/group-forum/-/message_boards/message/329013279">https://www.khub.net/group/public-records-scotland-act-discussion-group/group-forum/-/message_boards/message/329013279</a></p>	<p>information risk register, cyber incidents and status reports, data protection incidents, legislative compliance, and cyber essentials accreditation. It meets monthly and reports to the Cross Working security group and Audit and Risk Committee.</p> <p>The Information Security Review Group is currently reviewing the existing IT Use Policy and draft Information Security Policy in light of cyber essentials accreditation requirements.</p> <p>Information security remains a key consideration of the O365 Project, which is currently going through the approval process. The Galleries has a Microsoft 365 A5 for faculty license, which will enable us to use more information security functionality.</p>	<p>Security Review Group is commendable and will reinforce the information security practices already in place. The remit of this group and reporting structure is noted.</p> <p>In their 2018 PUR submission NGS reported work towards achieving Cyber Essentials accreditation had commenced. Thank you for this update on progress and the work of the new Review Group.</p> <p>Confirmation that information security will be appropriately considered as part of the M365 (O365) Project is welcomed. The Assessment Team are interested to hear about NGS's experience as the project continues.</p>
9. Data Protection	G	G	G	Update required on any change.	<p>Data protection policies, procedures and guidance can be found on a new Information Management intranet site.</p> <p>The record of processing activity as required under A30 of GDPR is under review and will form the basis of a personal data asset register and will then be extended to a full information asset register.</p>	<p>As with all other Scottish public authorities the Board of Trustees of the National Galleries of Scotland have been required to review and update their data protection procedures in light of the 2018 legislation.</p> <p>The Assessment Team acknowledges that the public facing Galleries website has been updated appropriately: <a href="https://www.nationalgalleries.org/website-terms-of-use/general-privacy-notice">https://www.nationalgalleries.org/website-terms-of-use/general-privacy-notice</a></p>	<p>Data protection incidents are reviewed monthly by the Information Security Review Group set up in May 2021.</p> <p>Work is still ongoing on the records of processing activity mentioned in the previous update.</p>	<p>Thank you for this update on the review process for data protection incidents. For comments on the establishment of the Information Security Review Group see element 8.</p> <p>The Assessment Team notes work is</p>

						The Assessment Team notes the intention to develop an Information asset Register in the authority. This is commendable. They look forward to updates in subsequent PURs.		ongoing on the records of processing activity. We look forward to updates in subsequent PURs.
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	Information-related legislative compliance and information security is being specifically included in a continuity analysis currently being drafted as part of business continuity planning.	<p>The Assessment Team notes that new business continuity documents will soon be available. The Assessment Team requests that these are submitted along with the Galleries' next PUR. They will store these in order that they may keep the submission up-to-date.</p> <p>The importance of keeping continuity plans under review and regularly tested is emphasised by the authority and, of course, in Spring 2020, has now been implemented in response to the Covid19 lockdown. It will be very interesting to review the success of the National Galleries' business continuity arrangements around access to record once the current emergency is passed (perhaps a fuller statement in next year's PUR?).</p>	<p>Departments have almost completed a review of the retention schedule to identify vital records.</p> <p>Files relating to business continuity planning reside on either the Business Continuity and Disaster Recovery intranet site or the Coronavirus COVID-19 intranet sites.</p> <p>The Planning &amp; Performance Team provided a response to the continuity analysis exercise in April 2020. Some of these recommendations (contracts, IT) have been addressed in Covid-19 Business Contingency Planning files or in guidance issued to staff via the intranet. This will be reviewed again when the new Director of Operations (who very recently joined the Galleries) next reviews the business continuity planning files.</p> <p>The IT Team have been working towards gaining cyber essentials accreditation in October 2021, which will support the Galleries business continuity efforts.</p>	<p>The Assessment Team acknowledge the identification of vital records is part of the retention schedule review. See element 5 for comments.</p> <p>Thank you for providing screen shots of the NGS Disaster Recovery and Coronavirus COVID-19 intranet sites showing access to the business continuity files located there. These will be retained to ensure the NGS submission is up-to-date.</p> <p>We also acknowledge receipt of the Business Continuity Planning: Legal and Compliance analysis document.</p> <p>From this update it is clear NGS are keeping business continuity plans under review and updating the them and associated staff guidance accordingly.</p> <p>See comments relating to Cyber</p>

								Essentials accreditation under element 8.
11. Audit Trail	G	G	G	Update required on any change.	No changes to report	No immediate action required. Update required on any future change.	No changes to report.	No immediate action required. Update required on any future change.
12. Competency Framework	G	G	G	Update required on any change.	<p>Currently gaining on-the-job experience of document/ content/ information/ records management and information security as part of Office 365 implementation.</p> <p>Alongside Data Protection Officer delivered team briefing sessions on Records Management and GDPR.</p> <p>Online training sessions (GDPR, FOI, Records Management, Information Security, Cyber Security and Office 365 apps) are going to be scheduled in the next 3-4 months as many staff return to work on site and return from furlough leave. A series of recorded mini briefings or modules on specific topics will be developed for staff to access as required. Some form of verification of who's viewed which training may be required.</p>	<p>The Keeper expects to see evidence that Staff creating, or otherwise processing records, are appropriately trained and supported.</p> <p>There is abundant evidence that the Board of Trustees of the National Galleries of Scotland take this aspect of their records management provision seriously.</p> <p>The Assessment Team notes the statement about training on SharePoint/O365. The Assessment Team emphasise the importance of appropriate policies, governance and staff training in making this major project a success. It is apparent that the National Galleries understand this.</p>	Online refresher training was offered to staff in August 2020 as part of the Reopening Project following lockdown. Training included links to intranet pages, videos and files on Digital Basics and Information Legislation.	The availability of refresher training for staff following lockdown is commendable. This demonstrates a continuing commitment to ensuring staff are appropriately trained and supported.
13. Assessment and Review	G	G	G	Update required on any change.	The actions remain the same as the last progress report.	No immediate action required. Update required on any future change.	This Progress Update Review process helps us assess and review our records management practice.	<p>Information provided under element 3 makes it clear the policies that underpin the NGS records management plan continue to be regularly reviewed.</p> <p>NGS's continued engagement with the PUR process further</p>

								highlights the review and assessment practices in place.
14. Shared Information	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	Data sharing templates are being developed for data protection purposes.	The Assessment Team notes that new Data Sharing Templates will soon be available. The Assessment Team requests that these are submitted along with the Galleries' next PUR. They will store these in order that they may keep the submission up-to-date.	The Data Processing Agreement Template can be found on the Information Management intranet site.	Thank you for providing the new Data Processing Agreement Template, which will be retained to ensure the NGS submission is up-to-date. The Assessment acknowledge that this document is made available to staff on the intranet site.

## 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 31 August 2021. The progress update was submitted by Dr Louise Rasmussen, Records & Information Manager.

The progress update submission makes it clear that it is a submission for **Board of Trustees for the National Galleries of Scotland**.

The Assessment Team has reviewed Board of Trustees for the National Galleries of Scotland's Progress Update submission and agrees that the proper record management arrangements outlined by the various 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

Name of authority 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.

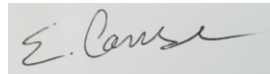
The Keeper cannot change the status of elements formally agreed under a voluntary submission, but he can use such submissions to indicate how he might now regard this status should the authority choose to resubmit its plan under section (5)(6) of the Act.

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

Based on the progress update assessment the Assessment Team considers that Board of Trustees for the National Galleries of Scotland continue to take their statutory obligations seriously and are working hard to bring all the elements of their records management arrangements into full compliance with the Act and fulfil the Keeper's expectations.

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

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



Liz Course  
Public Records Officer