

The Public Records (Scotland) Act 2011

**Dumfries and Galloway Council
Dumfries and Galloway Licensing Board
South West of Scotland Transport Partnership (SWestrans)**

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

7th January 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 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 Dumfries and Galloway Council and Licensing Board and SWestrans. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

Dumfries and Galloway Council is a unitary authority which provides all local government services for the Dumfries and Galloway area. The Council Headquarters are located in Dumfries. There are 47 councillors.

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. Dumfries and Galloway Licensing Board consists of 24 Board members divided into 4 districts.

Since the enactment of the Lands Valuation (Scotland) Act 1854, Assessors have been responsible for the valuation of all heritable properties for local taxation purposes within their respective valuation areas. Currently all rateable properties are shown in the Valuation Roll and domestic subjects are contained within the Council Tax List. These documents form the basis for levying non-domestic rates (Valuation Roll) and Council Tax (Council Tax Valuation Lists). Each of the 32 Councils within Scotland is a valuation authority and responsible for appointing an Assessor who must in turn compile and maintain a Valuation Roll and a Council Tax Valuation List.

South West of Scotland Transport Partnership (SWestrans) is one of seven Regional Transport Partnerships in Scotland and covers an area contiguous within the boundaries of Dumfries and Galloway Council. The Partnership Board consists of five Councillor members and two external members, one from Scottish Enterprise and one from NHS Dumfries and Galloway.

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:

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| 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 | 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 |
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| | | | | commitment to closing a gap in provision. They will request that they are updated as work on this element progresses. | | | choose to notify the Keeper on this basis. |
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Progress Update Review (PUR) Template: Dumfries and Galloway Council and Licensing Board and SWestrans

| Element | Status of elements under agreed Plan 12FEB19 | Status of evidence under agreed Plan 12FEB19 | Progress assessment status 07JAN20 | Keeper's Report Comments on Authority's Plan 12FEB19 | Self-assessment Update as submitted by the Authority since 12FEB19 | Progress Review Comment 07JAN20 |
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| 1. Senior Officer | G | G | G | Update required on any change. | Senior Officers official position title has changed from Director of Corporate Services to Director of Economy and Resources effective from April 2019. Name and address remain the same. | The Keeper's Assessment Team thanks Dumfries and Galloway Council for this update which has been noted. |
| 2. Records Manager | G | G | G | Update required on any change. | Updated to Nicola Adamson – Records and Information Management Officer (R&IMO) with effect from 13 th January 2020. R&IMO undertook the Practitioner Certificate in Scottish Public Sector Records Management delivered by infogov.scot. | The Keeper's Assessment Team thanks Dumfries and Galloway Council for this update which has been noted. It is also noted that Nicola has completed the infogov course. Frank Rankin has shared the contents of this course with the Assessment Team and we agree it is entirely appropriate for public sector records management training. |

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| 3. Policy | G | G | G | Update required on any change. | All records management policies and accompanying document framework were updated as part of the annual review in January 2020. | In their 2018 RMP Dumfries and Galloway 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 | A | <p>The RMP states that the BCS has not been implemented across the Council's shared drives. The Council are currently undertaking a project to implement SharePoint 2016 as an EDRMS. This will include additional records management functionality through an add-on provided by a third party. The RMP states that the BCS will be used to underpin the design of the EDRMS. The RMP states that the SharePoint 2016 infrastructure has been built on the Council's servers and the third party software has been installed and configured. Work to pilot the EDRMS prior to it being rolled out across the rest of the</p> | <p>BCS is not implemented across shared drives as these will be phased out throughout the Council once moved to EDRMS. The Council are now looking to use SharePoint (SP) Online as our EDRMS through O365 instead of SP 2016 (on-premise).</p> <p>Discussions with Microsoft are currently underway to look at using SP Online as an EDRMS with the BCS being used to underpin the design the structure of the site. Once the design has been completed, we plan to move current SP 2016 sites which are required to be retained to SP Online and move to rollout Council wide with an 'all in' approach.</p> <p>Full implementation of the EDRMS by the Council is planned for end of December 2020. This change in timeframe is a direct result of the shift to using SP Online rather than the original on-premise solution. A proposal is being taken to the Information Management Group to</p> | <p>In their original submission and that of 2018 Dumfries and Galloway Council indicated that they were pursuing the adoption of a SharePoint solution as a records management tool.</p> <p>This PUR specifies that they are adopting the O365 (Cloud service) version of this solution.</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.</p> <p>The Assessment Team looks forward to updates in subsequent PURs.</p> |

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| | | | | <p>organisation is ongoing. Screenshots of the Pentana corporate reporting system have been submitted (evidence 041). This shows that the Council is aiming for full implementation of the EDRMS by the end of December 2019. The Keeper requests that he is kept informed of the progress of this work.</p> <p>The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified a gap in provision (the lack of a fully implemented BCS) and has evidenced how it intends to close this gap. This agreement is dependent upon the Keeper being kept informed on the progress of work to close the identified gap.</p> | <p>consider extending the completion date, the EDRMS project has been effectively put on hold during COVID19 response phase as the Records and Information Management Officer was redeployed to assist with the Councils response to COVID19. The project is now being picked up again from July 2020.</p> | <p>This element remains at Amber while this work is ongoing.</p> |
| 5. Retention Schedule | A | G | A | <p>As mentioned in Element 4, the Council are currently implementing an EDRMS in the form of SharePoint 2016 with</p> | <p>As above the Council are now looking to use SP Online as our EDRMS through O365 instead of SP 2016.</p> <p>The remaining information contained within Element 5 remains current.</p> | <p>See element 4 above.</p> |

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| | | | | <p>additional records management functionality. It is anticipated that this will allow the Council to better apply retention periods to currently unstructured information as well as making it easier to dispose of records at in line with the schedules. The RMP explains that as part of the EDRMS roll out, shared drives will be phased out and all unstructured information will be moved to EDRMS. In preparation for this work, staff will review the information held on their email and shared drives in line with the retention schedules. This will also assist in the Council's rationalisation and Smarter Working programme. Screenshots of the Pentana corporate reporting system have been submitted (evidence 041). This shows that the Council is aiming for full implementation of the</p> | <p>Full implementation of the EDRMS by the Council is planned for end of December 2020. This change in timeframe is a direct result of the shift to using SP Online rather than the original on-premise solution. A proposal is being taken to the Information Management Group to consider extending the completion date, the EDRMS project has been effectively put on hold during COVID19 response phase as the Records and Information Management Officer was redeployed to assist with the Councils response to COVID19. The project is now being picked up again from July 2020.</p> | |
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| | | | | <p>EDRMS by the end of December 2019. The Keeper requests that he is kept informed of the progress of this work.</p> <p>The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified a gap in provision (the implementation of retention schedules as part of the project to develop and roll out the EDRMS) and has evidenced how it intends to close this gap. This agreement is dependent upon the Keeper being kept informed on the progress of work to close this gap.</p> | | |
| 6. Destruction Arrangements | G | G | G | <p>The Future Developments section states that work has been undertaken with procurement colleagues to review confidential waste contracts with the aim of having a single provider. The Keeper requests that updates are provided if there are</p> | <p>A single confidential waste contact was awarded to Paper Shredding Services (PSS) and has been rolled out throughout the Council. The contract has been awarded to PSS for 1+1 years and will be reviewed when required. We are now in year two of this contract. The contract allows for onsite confidential waste consoles which are collected regularly and the</p> | <p>The Assessment Team thanks the Council for this update regarding the hard-copy destruction arrangements. This change of supplier and procedure does not affect the Keeper's opinion that Dumfries and Galloway Council has properly considered arrangements for the irretrievable</p> |

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| | | | | any substantive changes to procedures. | option for additional ad-hoc pick-ups of confidential waste bags when required. | destruction of its corporate records. |
| 7. Archiving and Transfer | G | G | G | The Future Developments section of this Element states that the Council, at present, does not have a Digital Preservation strategy. One will be developed in line with best practice and in the meantime service areas are responsible for assisting in the preservation of digital records until a solution has been developed. This is a common issue among public authorities, particularly local authorities, and the Keeper welcomes the recognition of the problems associated with digital preservation and looks forward to being kept informed as the Council develops a solution. | The Council are looking at potential solutions for the issue of digital preservation and working towards a Digital Preservation strategy. Until this is developed service areas remain responsible for assisting in the preservation of digital records. | The PUR notes the situation around the preservation of digital records. The Keeper has acknowledged that digital archiving in the Scottish public sector is in its infancy and it may be many years before those records selected for permanent preservation can be transferred to the Council archive. However, it is important that arrangements are put in place as soon as possible and he recognises that The authority has taken steps to pursue these arrangements. |
| 8. Information Security | G | G | G | Update required on any change. | Previous update is still applicable, once DGC moves to SP Online, we will be able to take full advantage of the Office365 reporting functionality once we start to generate data. | The Assessment Team notes that the details around this element will change as the O365 solution |

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| | | | | | | discussed in element 4 is implemented. However, the Assessment Team is satisfied that the public records of the authority are protected under the currently agreed information security arrangements. |
| 9. Data Protection | G | A | G | <p>The Future Developments section of the Element states that the Policy will be reviewed in line with the General Data Protection Regulation (GDPR) and related UK Data Protection legislation. It also states that the refreshed Policy will be presented to the Policy and Resources Committee in January 2019. The Keeper requests that he is provided with the updated Policy when it becomes available.</p> <p>Provided the Keeper is sent a copy of the updated Data Protection Policy once it has been approved, he should be able to agree that the Council is aware of its responsibilities with</p> | <p>A Data Protection Policy was created in January 2019 and updated February 2020 to include updates to Section 16. The Data Protection Policy will be reviewed every three years by the Council's Data Protection Officer.</p> <p>A copy of the updated Data Protection Policy was sent to the Keeper by the previous Records and Information Management Officer, Lindsay Turpie.</p> | <p>As with all other Scottish public authorities Dumfries and Galloway Council 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 Council website has been updated appropriately:</p> <p>https://dumgal.gov.uk/article/15129/Data-protection</p> <p>The Assessment Team also acknowledge receipt of a <i>Data Protection Policy</i> as required in the Keeper's 2019 agreement. They have retained this in order that they may keep the Fife Council submission up-to-date.</p> |

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| | | | | regards to Data Protection and provides appropriate training for its staff. | | If this was a formal re-submission it is likely that this element of the Plan would turn from Green/Amber to Green. |
| 10. Business Continuity and Vital Records | G | G | G | Update required on any change. | There have been no changes with Element 10. | No immediate action required. Update required on any future change. |
| 11. Audit Trail | A | G | A | The Council is also in the process of implementing SharePoint 2016 with added records management functionality as an EDRMS. This will allow the Council to impose greater control over currently unstructured information. As the EDRMS is rolled out the use of shared drives will be phased out and the Council will also move towards greater use of electronic records. The EDRMS will be able to support robust audit trail provision, version control and the tracking and retrieval of electronic records. A sample of the audit trail functionality of | <p>As noted in Element 4 & 5 the Council are now looking to use SP Online as our EDRMS through O365 instead of SP 2016.</p> <p>Full implementation of the EDRMS by the Council is planned for end of December 2020. This change in timeframe is a direct result of the shift to using SP Online rather than the original on-premise solution. A proposal is being taken to the Information Management Group to consider extending the completion date, the EDRMS project has been effectively put on hold during COVID19 response phase as the Records and Information Management Officer was redeployed to assist with the Councils response to COVID19. The project is now being picked up again from July 2020.</p> | <p>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.</p> <p>The O365 should provide automatic version control, but staff will still be required to name records in a consistent way so that the search functionality can be properly applied. The Assessment Team would expect to see a Naming Convention Policy imposed alongside the new structure.</p> <p>The Assessment Team looks forward to updates on this matter in subsequent PURs.</p> |

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| | | | | <p>SharePoint 2016 and the additional EDRMS functionality has been provided (evidence 050). Screenshots of the Pentana corporate reporting system have been submitted (evidence 041). This shows that the Council is aiming for full implementation of the EDRMS by the end of December 2019. The Keeper requests that he is kept informed of the progress of this work.</p> <p>The Keeper can agree this Element on an 'Improvement Model' basis. This means that the authority has identified a gap in provision (the lack of audit trail provision for currently unstructured electronic records) and has outlined how it intends to close this gap. This agreement is dependent upon the Keeper being regularly informed of the progress of this work.</p> | | <p>This element remains at Amber while this work is ongoing.</p> |
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| 12. Competency Framework | G | G | G | Update required on any change. | <p>Additional guidance documents have been created and made available to staff. Including:</p> <ul style="list-style-type: none"> • FAQ Confidential Waste Arrangements • OneDrive Guidance • Document Naming and Version Control Guidance | <p>Training in information governance for appropriate staff is of vital importance when implementing an authority's Records Management Plan.</p> <p>The assessment Team notes the recent training undertaken by the Records and Information Management Officer (see statement against element 2 above). This is evidence that the Council properly consider appropriate training as required.</p> <p>The Assessment Team notes that new guidance documents have been made available to staff. These could be submitted to the Keeper if thought appropriate (there is no requirement to do this). The Assessment Team could store them in order that they may keep the D&G submission up-to-date.</p> |
| 13. Assessment and Review | G | G | G | Update required on any change. | Corporate Services Programme Executive group no longer meets. The Records Management Programme is now reported and scrutinised through the Information Management Group. | 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.) |

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| | | | | | | <p>The authority's participation in the PUR process in 2020 demonstrates a commitment to reviewing its RMP.</p> <p>The Assessment Team notes the change in reporting. This makes no difference to the Keeper's opinion that the Council has arrangements in place to properly review their RMP and other key records management policies.</p> |
| 14. Shared Information | G | G | G | <p>The Council states that the Scottish Government has issued an Information Sharing Framework to replace SASPI. The RMP states that the Council is currently working to adopt the new framework over the coming months. As a result it will also review its information sharing arrangements and will also ensure that these are compliant with GDPR and the revised UK Data Protection legislation. The RMP commits the Council to updating related policies and guidance.</p> <p>The Keeper will need to be kept updated as this work progresses and</p> | No further update. | No immediate action required. Update required on any future change. |

| | | | | sent any revised policies and procedures. | | |
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| 15. Public Records created or held by 3 rd Parties | | | A | | <p>Element 15 is a newer element and was not on the original Records Management Plan submitted to the Keeper.</p> <p>DGC has developed a standard contractual Records Management Clause for contracts with Legal Services. The next stage of the process will be to work with the Procurement team and progress with the inclusion of this within contracts held with Procurement.</p> | <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>This has been recognised by Dumfries and Galloway Council and the Assessment Team notes that they are engaging with their procurement colleagues to ensure that robust information governance clauses are imposed on future contracts in this area. The Assessment Team reminds the Council that this element only applies when a contractor, or other third party such as an ALEO, is carrying out a <u>function</u> of the Council not when it is simply providing a service.</p> |

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 21st August 2020. The progress update was submitted by Nicola Adamson, Records and Information Management Officer.

The progress update submission makes it clear that it is a submission for Dumfries and Galloway Council and Licensing Board and SWestrans.

The Assessment Team has reviewed Dumfries and Galloway Council and Licensing Board and SWestrans' 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

Dumfries and Galloway Council, Dumfries and Galloway Licensing Board and SWestrans continue to take their records management obligations seriously and are 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.

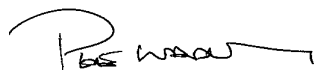
The Keeper cannot change the status of elements formally agreed under a voluntary submission, but he can use such submissions to indicate how he might now regard this status should the authority choose to resubmit its plan under section (5)(6) of the Act.

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

Based on the progress update assessment the Assessment Team considers that Dumfries and Galloway Council and Licensing Board and SWestrans 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