

The Public Records (Scotland) Act 2011

**Dundee City Council and
Dundee City Licensing Board**

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

22nd 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 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 Dundee City Council and Dundee City Licensing Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

Dundee is Scotland's fourth largest city and is situated on the north coast of the mouth of the Tay Estuary, in a stunning location. Edinburgh lies 60 miles to the south and Aberdeen 67 miles to the north. The most recent estimate of Dundee's population is 148,210 (National Records of Scotland (NRS) 2015 Mid-year population estimate). Dundee has a sizeable student population, and is home to the University of Dundee, Abertay University and Dundee & Angus College.

The Dundee City Council area covers 60 square kilometres and is, geographically, the smallest local authority area in Scotland. It is bordered by Perth and Kinross Council to the west and Angus Council to the north and east. The former Tayside Regional Council area previously covered all three councils, and Dundee continues to serve as the regional centre for this area and North-East Fife, with an estimated catchment population of some 400,000 people.

<https://www.dundeecity.gov.uk/service-area/chief-executive/chief-executives-services/about-dundee>

Dundee City Licensing Board is constituted under Section 5 of, and Schedule 1 to, the 2005 Act. It consists of 10 members and the quorum is five. It is the successor to the Licensing Board with the same name which was previously constituted under Section 1 of the Licensing (Scotland) Act 1976 ("the 1976 Act").

<https://www.dundeecity.gov.uk/search/licenisng%20board>

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: Dundee City Council and Dundee Licensing Board

Element	Status of elements under agreed Plan 17MAR20	Status of evidence under agreed Plan 17MAR20	Progress assessment status 22NOV21	Keeper's Report Comments on Authority's Plan 17MAR20	Self-assessment Update as submitted by the Authority since 17MAR20	Progress Review Comment 22NOV21
1. Senior Officer	G	G	G	Update required on any change.	The Chief Executive of the Council has changed. The contact is now Gregory Colgan, Tel: 01382 434431, Email: gregory.colgan@dundee.gov.uk	The Assessment Team thank Dundee City Council and Dundee City Licensing Board for this update. The new contact details for Dundee City Council's Chief Executive have been noted.
2. Records Manager	G	G	G	Update required on any change.	No Change	Update required on any change.
3. Policy	G	G	G	Update required on any change.	No Change. The Records Management policy is due for review in 2022.	Thank you for this notification of the policy review date. Update required on any change.
	A	G	A	It is noted that the Council is in the early stages of implementing the	Initially work on updating the classification scheme was due to	The Assessment Team acknowledge receipt of a

4. Business Classification				<p>use of Office 365. It is not yet been determined if the current EDRMS software will be replaced with SharePoint. Either way this should not affect the creation and implementation of a business classification scheme. The Council have committed to ensure that any migration project provides the opportunity to ensure that classification is built into the structure of any new system.</p> <p>The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified gaps in provision (business classification is being developed and has not been fully implemented) but have identified how it intends to close this gap. The Keeper has been provided with a commitment to pursue this in the text of a <i>Covering Letter</i> from the Council's Chief Executive. This agreement is dependent upon the Keeper being kept informed of progress with this work.</p> <p>The Council has committed to doing this through annual updates.</p> <p>Update: The Keeper would expect to see a commitment to the development of a timed, resourced action plan in this</p>	<p>begin in 2020, however the pandemic meant that this was delayed. However, work has now begun on this project, which will also involve the creation of a Records Retention Schedule. Our original plans have altered slightly due to needs. See our plan attached in PUR 2021 Evidence A.</p>	<p>revised version of Evidence A, Review for Business Classification and Retention Schedule. Disruption and delay to planned work due to Covid-19 is understandable and we are pleased to hear work is now underway. The Review notes a change to the plan regarding the order of review of functions and sets out the work to be undertaken (a six stage review of each function with functions being addressed over six phases, March 2022-June 2026). Archive and Records Management staff have been identified as those carrying out the majority of the work, along with input from Services Areas. This revised Review provides timed commitments with an estimated completion date of June 2026. The authority commits to</p>
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			<p>area and the Keeper being kept informed of progress with this work.</p>		<p>reviewing target dates after each phase to assess progress and amend targets as necessary. If this Review document has approved, a document control mechanism demonstrating this and carrying the names and designation of those who have worked on it and signed it off, or perhaps a strategic meeting minute that endorses this work would be welcomed at the time of the authority's next PUR submission.</p> <p>The Keeper's agreement is based on the Council's commitment to provide an annual update and the requirement to be updated with a specific plan of action. An update on progress against this planned Review will be expected as part on this annual update. While work remains ongoing</p>
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						this element remains Amber.
5. Retention Schedule	A	G	A	<p>Many public records are not on this system (see element 4). The <i>Plan</i> notes: "The retention schedule is not automatically applied to non-structured records, particularly those held on local shared drives."</p> <p>The Keeper acknowledges that the development of a functioning business classification/retention/tracking system, that covers all public records in an organisation of the size and complexity of a local authority, will be incremental. However, he will expect to see progress over the next 5 years.</p> <p>The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified gaps in provision (some record types are not covered by the generic schedule and the schedule is not automatically applied to shared drives). However, the Keeper acknowledges a commitment to close this gap. This agreement is dependent upon the Keeper being kept informed of progress with this work.</p>	<p>Initially work on updating the retention schedule was due to begin in 2020, however the pandemic meant that this was delayed. However, work has now begun on this project, which will begin with the creation of a Business Classification Scheme. Our original plans have altered slightly due to needs. See our plan attached in PUR 2021 Evidence A.</p>	<p>The Assessment Team acknowledge receipt of a revised version of Evidence A, Review for Business Classification and Retention Schedule. See comments under element 4 above.</p> <p>The Keeper's agreement is based on the Council's commitment to provide an annual update and the requirement to be updated with a specific plan of action. While work remains ongoing this element remains Amber.</p>

				<p>The Council has committed to doing this through annual updates.</p> <p>Update: The Keeper would expect to see a commitment to the development of a timed, resourced action plan in this area and the Keeper being kept informed of progress with this work.</p>		
6. Destruction Arrangements	A	G	A	<p>The <i>Plan</i> explains that the Corporate electronic Records and Document Management System has an automated 'trigger' linked to retention decisions. However, it goes on to point out that "a large amount of records are not managed through the CeDRMS system and the retention function on the system is not always used."</p> <p>With regard to the issue of destroying records held on shared drives, the Council anticipates that the creation of detailed retention schedules will inform destruction decisions and encourage users to review and destroy records – both physical and electronically held on shared drives. The process of gathering information about the records held by the Council to inform the creation of the BCS and RS will also highlight the records which are not being destroyed</p>	<p>As the plan to create a Business Classification Scheme and Retention Schedule progresses (as outlined in PUR 2021 Evidence A) retention schedules will be applied to records already stored in our CeDRMS and others will be moved over so that automatic retention can be used. At present the project is not a stage to show significant progress in this element at the moment.</p>	<p>The Assessment Team acknowledge receipt of a revised version of Evidence A, Review for Business Classification and Retention Schedule. See comments under element 4 above.</p> <p>It is noted that significant progress has not yet been made to address the identified gap in provision around the timely and appropriate (secure, safe and auditable) destruction of all digital records. The Assessment Team remind the authority of the importance of having</p>

			<p>regularly. The Records Management Group also intends to promote regular reviews of records with the intention of encouraging appropriate destruction to be built into the normal working routine.</p> <p>The Keeper agrees this element of Dundee City Council's <i>Planon</i> improvement model terms. This means that the authority has recognised a gap in its records management provision (the controlled systematic destruction of <u>all</u> digital records in line with the Retention Schedules) and has put a project in place to close that gap. Keeper's agreement on this aspect of 'destruction' is conditional on his being updated on progress.</p> <p>Update: The Keeper's agreement on this aspect of 'destruction' is conditional on his being updated on progress against this project plan.</p>	<p>robust processes in place with regard to information governance legislation compliance.</p> <p>The authority have confirmed the Information Governance Group (which replaced the Records Management Group – see element 9) has not carried out any recent destruction promotions, mainly due to the ongoing pandemic. The Records Manager has decided to delay these until more work had been done on the Review (see element 4), to avoid the untimely destruction of records. A council-wide campaign is planned for early 2022, once staff have returned to the office. It is anticipated that once Classification Schemes and Retention Schedules have been set out reviews will take place more frequently.</p>
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						The Keeper's agreement is conditional on being updated on progress. As work towards the controlled systematic destruction of <u>all</u> digital records in line with the retention schedules remains ongoing this element will remain Amber.
7. Archiving and Transfer	A	G	A	<p>The Keeper acknowledges that as part of the <i>Forward Plan</i> the Council commits to "Investigate and introduce a digital archive". The Keeper accepts this, and will be interested in learning of developments in this area.</p> <p>The Keeper has expressed concerns regarding Dundee City Council's archive store. Representatives of the Keeper have met with and been corresponding with Council officials to try and find an appropriate solution. Both the Keeper and the Council recognise that work has to be done in this area and that this will take some time. However, the Keeper requires to be updated on the following issues outlined in the communication to the Chief</p>	<p>A report on the progress to address the issues with Dundee City Council's archive store is attached as PUR 2021 Evidence C.</p> <p>The Digital Archives, which is managed by Dundee City Archives, has been transferred from a standard storage location on the council's shared drives to a separate storage location. This should aid with preservation and back up of data.</p>	<p>The Assessment Team acknowledge receipt of Evidence C, Report in response to key points relating to the Archives Store.</p> <p>This Report provides an update on the current situation around Dundee City Council's archive store. The contents of the Report will be addressed under the Charge and Superintendence arrangements in place between Dundee City Council and National Records of Scotland. The</p>

			<p>Executive of the Council in a letter from the Keeper dated 13 December 2019</p> <ul style="list-style-type: none"> • Development and implementation of effective compartmentation plans for the archive stores in the Caird Hall Estate <ul style="list-style-type: none"> • Installation of fire and smoke dampers in all ducting in the Caird Hall Estate • Direct link from fire and smoke alarms to the Fire and Rescue Service • Ensuring all holes and voids which could facilitate the spread of smoke and fire are eliminated across the estate • Extension of fire and smoke detection systems in Caird Hall to include archives • Procedures for actively monitoring the archives and the spaces below it, to ensure that mitigations are sustained over time and regularly reviewed, through the formation of a Building User Group. • Clarification of the monitoring arrangements and fire safety compliance of your commercial tenants situated in the building • Remedial work to address variable performance of the fire retardant properties of flooring tiles within the archive. 	<p>authority will be contacted separately about this Report.</p> <p>Thank you for the update on the Archive Service's work on creating a digital archive. It is noted that digital records selected for permanent preservation have now been moved from council shared drives to separate storage. As digital preservation remains in its infancy within many public authorities we would be very interested to hear more about the processes which have been put in place and any plans the Archive Service may have to develop this further.</p> <p>If you have not already done so, the training currently available through the Digital Preservation Coalition (DPC) offers best practice guidance,</p>
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			<ul style="list-style-type: none"> The Keeper requires that temporary temperature and relative humidity loggers should be placed in the archives stores at Dundee City Archives. <p>In January 2020 the Council made the following statement: "Work has already begun to address some of these issues. The Council have communicated to the Keeper their desire to arrange a further meeting with his representatives in order to agree on an action plan and timescale for resolving those issues still outstanding."</p> <p>The Keeper can agree this element of Dundee City Council's <i>Records Management Plan</i> on 'improvement model' terms. This means that the authority has recognised a gap in their records management provision and have put processes in place to close that gap. The Keeper's agreement is conditional on his being updated as this work proceeds.</p> <p>Update - The Keeper wishes to be kept informed on the introduction of a digital archive (see above).</p> <p>Update - The Keeper wishes to receive a formal report on</p>	<u>Novice to Know-How - Digital Preservation Coalition (dpconline.org)</u> <p>The Keeper's agreement of this element is conditional on being updated as work progresses.</p> <p>This element remains Amber while work around the archive store is ongoing.</p>
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				progress to address the issues with Dundee City Council's archive store by the end of June 2021.		
8. Information Security	G	G	G	Update required on any change.	No changes	Update required on any change.
9. Data Protection	G	G	G	Update required on any change.	<p>The Council has reviewed and updated its Data Protection Policy, the latest version produced in 2019. This is available on the Council's website: https://www.dundeecity.gov.uk/service-area/corporate-services/democratic-and-legal-services/data-protection.</p> <p>A new data protection module has been developed and it is compulsory for all staff to undertake this training every 2 years.</p> <p>The Data Protection Group no longer exists and was merged with the Records Management Group to form the Information Compliance Group. It is still made up of representatives from all service areas of the Council. It is chaired by the Information Governance Manager and also includes the Records Manager and a representative from IT with responsibility for Information Security. The group meets quarterly. There is also an Information Governance Group which includes more senior representatives and discusses issues</p>	<p>Thank you for this update and for providing a link to the updated Data Protection Policy published on the Council's website (version 1.2, dated 2 October 2019). The development of a new mandatory training module (screen shot of GDPR training module provided as Evidence B) and changes to the information governance working groups is noted.</p>

					from a managerial perspective. This group is chaired by the Head of Democratic & Legal Services.	
10. Business Continuity and Vital Records	G	G	G	The Keeper notes that the Council is developing a disaster plan for the central records store (<i>Plan</i> page 16). He requests that this is provided when available in order that he may keep the Council's submission up-to-date.	The disaster plan for the records store is not yet completed.	The authority have confirmed they aim to create the disaster plan for the external store by the end of December 2022. We look forward to updates in future PUR submissions.
11. Audit Trail	A	G	A	The Council holds many public records digitally on shared drives outwith the CeDRMS and line-of-business systems. These must be correctly named and saved manually by staff and to ensure this is done correctly, guidance must be issued. The Council have committed to producing version control and naming convention guidance. The Keeper acknowledges that this <i>Forward Plan</i> includes a commitment to "Create a series of guidance for all staff on a range of records management issues. (Where appropriate these may become policy, or feed into the	No changes. No further guidance has been produced.	The Assessment Team acknowledge that staff guidance has not yet been produced. The authority have confirmed they aim to create guidance on Naming Conventions by the end of December 2021. We look forward to updates in future PUR submissions.

				<p>RM policy) This will include: Naming conventions Version control". He agrees this action. The Keeper requires that these are provided when available.</p> <p>The Keeper can agree this element on an 'improvement model' basis. This means that the Council has identified gaps in provision (lack of audit trail provision in shared drives and of operational naming convention/version control guidance) and has identified solutions to close these gaps. This agreement is conditional upon the Keeper being kept informed of progress.</p>		This element remains Amber as work has not progressed to address lack of audit trail provision in shared drives and the development of operational naming convention/version control guidance.
12. Competency Framework	G	G	G	Update required on any change.	No changes	Update required on any change.
13. Assessment and Review	G	G	G	Update required on any change.	No changes	Update required on any change.
14. Shared Information	G	G	G	Update required on any change.	No changes	Update required on any change.

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 30 June 2021. The progress update was submitted by Sarah Aitken, Records Manager/Assistant Archivist.

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

The Assessment Team has reviewed Dundee City Council and Dundee City Licensing Board'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

Dundee City Council and Dundee City 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.

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

Based on the progress update assessment the Assessment Team considers that Dundee City Council and Dundee City 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



Liz Course
Public Records Officer