

The Public Records (Scotland) Act 2011

Scottish Enterprise

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

3rd December 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 Scottish Enterprise. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

Scottish Enterprise started operations on 1 April 1991 under the Enterprise and New Towns (Scotland) Act 1990. That act merged the former Scottish Development Agency [SDA], created in 1975 and the Scottish Training Agency to form one integrated body. On 1 April 2008, the skills function of Scottish Enterprise moved out of the organisation to the newly formed Skills Development Scotland. Scottish Enterprise has approximately 1,400 staff and operates from 13 offices in Scotland and through our international arm, Scottish Development International, a presence in London and over 30 overseas locations. Its aim is to deliver a significant, lasting effect on the Scottish economy, to work with partners in the public and private sectors to find and exploit the best opportunities..

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: Scottish Enterprise

Element	Status of elements under agreed Plan 01MAY15	Status of evidence under agreed Plan 01MAY15	Progress assessment status 03DEC20	Keeper's Report Comments on Authority's Plan 01MAY15	Self-assessment Update as submitted by the Authority since 01MAY15	Progress Review Comment 03DEC20
1. Senior Officer	G	G	G	Update required on any change	The Senior Officer with senior leadership responsibility for records management in SE is now Mrs Linda Hanna, Interim Chief Executive. SE's telephone contact number is now 0300 013 3385.	The Keeper's Assessment Team thanks Scottish Enterprise for this update which has been noted.
2. Records Manager	G	G	G	Update required on any change	n/a	No immediate action required. Update required on any future change.
3. Policy	G	G	G	Update required on any change	In making it more accessible and engaging for staff, the Records Mgt handbook is currently being refreshed to 'modernise' its format by moving selected content in the Word document to digital content. The records management principles we work to remain the same.	In their original submission Scottish Enterprise committed to keeping their information governance policies and guidance documents under review and the Assessment Team acknowledges that this is being done.

						<p>The Assessment Team would be interested in receiving a copy of the new <i>Records Management Handbook</i> when it is approved and rolled-out throughout the organisation in order to keep the Scottish Enterprise submission up-to-date (the current version they hold is v2.0 2014).</p> <p>As Scottish Enterprise is scheduled to resubmit their reviewed plan next year it would make sense to supply the new version then.</p>
4. Business Classification	A	A	A	<p>Scottish Enterprise are committed to developing an operational Business Classification Scheme (BCS) based upon a functional scheme and to implement SharePoint to manage their electronic records. The Keeper commends these endeavours and looks forward to receiving updates on the progress of this work.</p> <p>The Keeper can agree this element on an 'improvement model'</p>	<p>O365 and SharePoint have been implemented in SE but the necessary pace of the roll out meant we were unable to introduce the BCS at that point.</p> <p>However, current work underway to implement MS Teams may enable us to introduce some of the functional classifications proposed in the updated BCS, allowing us to move to a 'hybrid' BCS using current SharePoint structures and amending and introducing the standard classification where possible.</p>	<p>The Assessment Team notes the introduction of a SharePoint solution in the authority. This will be part of an O365 roll-out.</p> <p>Generally a SharePoint solution is bound to be incremental and take several years to bed-in properly. The Assessment Team remind Scottish Enterprise of the importance of appropriate policies, governance and staff training in making this major project a success.</p>

				basis. This means that he is convinced of Scottish Enterprise's commitment to close the gap in provision in this area. He requests that he is kept informed as progress is made.		The Assessment Team looks forward to updates in subsequent PURs. This element remains at Amber while this work is ongoing.
5. Retention Schedule	G	G	G	The Keeper commends the approach of enabling business areas to contribute to the development of the schedule which will encourage buy-in from staff. As this document is scheduled for review in June 2015 the Keeper would be interested to receive any updates if changes occur.	The Retention Schedule was last updated in October 2019 with minor amendments (updated version attached).  Retention Schedule.xlsx The next review is scheduled for Sept 2021.	Scottish Enterprise have provided the latest version of their Retention Schedule which has been updated from that supplied with the original submission. There is a further review date scheduled. This is a recognition that a retention schedule is a 'living document' and will be subject to continual minor change year on year. The Assessment Team will store this in order that they may keep the Scottish Enterprise submission up-to-date.
6. Destruction Arrangements	G	A	A	Scottish Enterprise's implementation of an EDRMS will allow better	A project to implement SharePoint as a document management system had been proposed but had to be	See comments against element 4

				<p>control over the destruction of electronic records. The Keeper requests sight of the procedures that will allow staff to systematically destroy electronic records once the EDRMS has been implemented.</p> <p>The Keeper can agree this element on the basis that once the project to implement the EDRMS has been completed he is provided with the procedures that will allow staff to systematically destroy electronic records.</p>	<p>postponed due to competing business commitments.</p> <p>However, the move from the electronic shared drives to SharePoint enabled SE colleagues to review and cleanse electronic files prior to migration to SharePoint resulting in a programme of approved destruction of documents which were no longer required to be held.</p> <p>Whilst the functionality to automate and review/destroy electronic records in line with our retention schedule on SharePoint has not yet been enabled, early work on implementing MS Teams has identified record retention and deletion as a key objective for implementation.</p> <p>A Data Foundations project which will include a review of current information and data governance has also been proposed which will support the implementation of changes in current records retention management and behaviours.</p>	<p>The use of the planned migration to trigger a data cleansing exercise is an ideal opportunity to clear records that are no longer required. Scottish Enterprise have done this.</p> <p>The Keeper would agree that the adoption of a SharePoint solution should promote more controlled destruction of electronic records (compared to relying on staff deleting records from network drives). However, as noted above, this solution is not yet fully implemented in the authority and therefore, this element remains at Amber while implementation is ongoing.</p> <p>The Keeper agreed the original Scottish Enterprise Records Management Plan on the basis that once the project to implement the EDRMS has been completed he is provided with the procedures that will allow staff to systematically destroy electronic records. The Assessment Team is pleased to acknowledge that the authority appears to have</p>
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						continued pursuing compliance in this element.
7. Archiving and Transfer	G	A	G	The Keeper can agree that discussions are currently taking place with the relevant staff at National Records of Scotland (NRS) to develop a Memorandum of Understanding (MoU) to formalise transfer arrangements for records selected for permanent preservation. He requests a copy of the MoU once it has been finalised.	A MoU was agreed with NRS in May 2017(copy attached).  NRS MOU - signed copy.pdf	<p>The Keeper agreed the original Scottish Enterprise Records Management Plan on an improvement model basis on the grounds that the authority did not have a full signed-off Memorandum of Understanding with its archive provider. 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>If this was a formal re-submission it is likely that this element of the Plan would turn from Amber to Green.</p> <p>The Assessment Team acknowledge the receipt of a copy of the Memorandum of Understanding which they will store as superseding the draft version provided with the original submission.</p>

8. Information Security	G	G	G	Update required on any change	In addition to our compliance with ISO27001, our Information Security policy and our Information Classification and Handling policy, SE also follows the Scottish Government Cyber Resilience framework and are working towards Cyber Essentials plus certification.	Thank you for this update. The Assessment Team looks forward to an update in a subsequent PUR.
9. Data Protection	G	G	G	Update required on any change	<p>In line with GDPR legislation, a Data Protection and Information Governance Officer was appointed in Jan 2018. Since then SE's Data Protection policy has been updated and related policies, processes and procedures to meet the requirements of the General Data Protection Regulation and the Data Protection Act 2018 have been implemented. These are under a process of continuous improvement, with continual horizon scanning on legal changes that may impact on these.</p> <p>The Records Manager is a Deputy Data Protection and Information Governance Officer and the Records Mgt team engage regularly with and support the work of SE's Data Protection and Information Governance Officer.</p>	<p>As with all other Scottish public authorities Scottish Enterprise 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 SE website has been updated appropriately:</p> <p>https://www.scottish-enterprise.com/help/privacy-notice/collecting-and-sharing-your-data</p> <p>Scottish Enterprise have appointed a Data Protection Officer (Claire Thompson Information Governance Officer) and a registered as data controller Z4606732.</p>

						The Assessment Team notes that the individual identified at element 2 is closely involved in data protection procedures in the authority.
10. Business Continuity and Vital Records	G	G	G	Update required on any change	The Resilience Management Plan 2014 referred to in our RMP is now known as the Incident Management Plan. It was last updated in November 2019 and due for review in May 2021.	The Assessment Team thanks Scottish Enterprise for this update. The name change has been noted. There is further evidence here of policy and guidance documents being reviewed as appropriate.
11. Audit Trail	G	G	G	Update required on any change	No change	No immediate action required. Update required on any future change.
12. Competency Framework	G	G	G	Update required on any change	The Records Management (RM) team now comprises – Records Manager; RM Advisor (recently achieved PRSA Practitioner certificate); RM Administrator	Training in information governance for appropriate staff is of vital importance when implementing an authority's Records Management Plan. The assessment Team notes the recent training offered to the RM Advisor.

13. Assessment and Review	G	G	G	<p>Scottish Enterprise have policies and teams in place to ensure that regular self-assessment and reporting takes place. The Keeper commends this commitment and welcomes any updates following the annual review of the RMP and its associated strategies and policies.</p>	<p>The review of policies by the Records Management team is now undertaken every six months.</p> <p>Organisational changes now require the Records Manager to provide Records management updates when appropriate to the monthly Governance and Office Services Management team meetings.</p> <p>Work is underway with the Data Protection and Information Governance Officer to review current information governance and ensure that this is implemented in revised change management processes currently being proposed for the organisation.</p>	<p>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> <p>The authority’s participation in the PUR process in 2020 demonstrates a commitment to reviewing its RMP.</p> <p>There is strong evidence here that Scottish Enterprise understand this and are, in fact, improving their review process from what was an already compliant element of their plan. This is commendable.</p> <p>The Assessment Team notes the new, improved, biannual (six-monthly) reporting procedure and the requirement around providing updates to senior team meetings.</p>
14. Shared Information	G	G	G	Update required on any change	The sharing of information with third parties is governed by either appropriate data sharing arrangements (for cross partner working) or contractual arrangements which encompass data sharing on	The Assessment Team thanks Scottish Enterprise for this update. The principle of utilising a single data sharing process across the public sector seems

					<p>either controller or processor basis where this relates to a procured supplier delivering services on behalf of SE. SE is also working towards a pan-public sector data sharing scheme that will cover all data sharing among signatories.</p>	<p>sensible and the Assessment Team look forward to updates on this proposal in subsequent PURs.</p>
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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 4th August 2020. The progress update was submitted by Mandy Bell, Records Manager and Deputy Data Protection and Information Governance Officer.

The progress update submission makes it clear that it is a submission for **Scottish Enterprise**.

The Assessment Team has reviewed Scottish Enterprise'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

Scottish Enterprise 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 Scottish Enterprise 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