

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

**Scottish Further and Higher Education Funding Council**

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

**12th June 2019**

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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 Further and Higher Education Funding Council. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

### **4. Authority Background**

The Scottish Further and Higher Education Funding Council (SFC) is a Non-Departmental Public Body (NDPB) of the Scottish Government and was established on 3 October 2005. The Council replaced the former Scottish Further Education Funding Council (SFEFC) and the Scottish Higher Education Funding Council (SHEFC) and brought together funding and support for Scotland's colleges and universities under one body.

SFC is the national, strategic body that is responsible for funding teaching and learning provision, research and other activities in Scotland's colleges and universities and higher education institutions. Although scheduled under the Public Records (Scotland) Act 2011 as 'Scottish Further and Higher Education Funding Council', they are more commonly known as 'the Scottish Funding Council' or 'SFC'.

<http://www.sfc.ac.uk/>

## **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 Further and Higher Education Funding Council**

Element	Status of elements under agreed Plan,	Status of evidence under agreed Plan,	Progress assessment status, 2019	Keeper's Report Comments on Authority's Plan, 19NOV14	Self-assessment Update as submitted by the Authority since 19NOV14	Progress Review Comment, 2019
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	19NOV14	19NOV14				
1. Senior Officer			<b>G</b>	Update required on any change.	No change since November 2014.	No immediate action required. Update required on any future change.
2. Records Manager	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	<p>The officer with operational responsibility for records management is now Callum Morrison, Information Management and Governance Officer (IMGO).</p> <p>The National Records of Scotland were advised of this change in January 2018 shortly after starting the role.</p> <p>The IMGO is also SFC's assigned Freedom of Information Officer and Data Protection Officer.</p>	<p>The Keeper thanks the authority for keeping him informed of changes to personnel under this element. Under any formal resubmission of the authority's plan, seeking the Keeper's agreement, he would expect to be supplied with supporting evidence, including the job description and objectives of the new Key Contact.</p> <p>With this in mind, the Keeper's Assessment Team acknowledge the receipt of the Council's <i>Information Management and Governance Officer Job Profile</i>. This shows that the individual identified at element 2 is ideally situated to carry forward the day-to-day work around implementing the Plan.</p> <p>The Assessment Team have stored this document in order that they may keep the Funding Council's submission up-to-date.</p>

						Update required on any future change.
3. Policy	G	G	G	The Funding Council have a strong policy which maps well against the RMP. The <i>Policy</i> is scheduled for review in July 2015. Should this review result in changes, the Keeper requests that he is provided with an updated version to keep the Funding Council's submission current.	SFC has updated the Information Management Framework document mentioned in the 2014 records management plan.  The last review of this policy was in January 2018 with a further review imminent.	The authority achieved the Keeper's agreement under this element in 2014 with a comprehensive Information Management Framework. The Framework was reviewed in January 2018, which coincided with the appointment of the current records manager. This updated version has been submitted in evidence. Reviewing policies and procedures is central to making sure our plans remain fit for purpose and helps insure authorities remain in compliance with the Act. It is therefore good that the Framework, which is a central plank of the SFC's arrangements, has been updated. The Framework clearly acknowledges the authority's information and records as corporate assets to be managed robustly. This is excellent evidence that the authority is committed to managing its records properly.  The assessment team thanks the authority for submitting the updated Framework.



						Were this a formal resubmission of the authority's plan under s5(6) of the Act this element would, with the supporting evidence, remain green.
4. Business Classification	<b>G</b>	<b>G</b>	<b>A</b>	Update required on any change.	<p>SFC last reviewed its corporate file plan since the 2014 RMP.</p> <p><b>LINKS (SFC's EDM)</b> The structure of the file plan is on a Function Action Transaction model which was designed to be resilient to organisational changes. The file plan informed the folder structure within LINKS.</p> <p>While the plan still broadly reflects the functions of the organisation, the file structure has had some organic change which needs to be recorded or monitored.</p> <p><b>Other electronic records</b> The file plan developed in 2014 only applies to records held within LINKS, SFC's EDM. SFC also holds a large</p>	<p>The Keeper agreed in 2014 that SFC had an operational business classification scheme that covered the functions of the whole authority. This was based on the evidence provided in support of LINKS. The PUR appears to suggest that some file structure changes have taken place in the interim period, but that these remain to be recorded and managed accordingly.</p> <p>It appears that the Keeper's agreement for the original submission in 2014 was based on all the authority's e-records being managed under the EDMs. The PUR is clear that some of the authority's records are, in fact, managed on network drives. The Funding Council have explained that at the time the RMP was submitted it was envisaged that all records would be managed on the EDM. However other servers were set up to allow linked spreadsheets to function or to</p>

					<p>amount of data on shared drives which do not currently have any file plan and users are relied on to structure files within these drives. These drives are used as our EDRM does not allow linked spreadsheets to function properly so another storage solution was required. Currently SFC holds around 1.4TB of data outside of LINKS.</p> <p><b>Office paper records</b> SFC holds limited sets of paper records in the office. These records are managed independently by each team and not have any associated file plan.</p> <p><b>Offsite records</b> SFC uses Iron Mountain as a records storage provider for semi-current records. An audit of the off-site material was conducted in 2016 however the records of what is held have not been kept up to date with new additions or any</p>	<p>allow for external data transfers. As these were never managed fully, they have grown into secondary storage areas.</p> <p>In any case, it is commendable that the authority is using the PUR mechanism to notify the Keeper of this situation. Network drives are particularly challenging from a records management perspective</p> <p>On a positive note, the SFC are currently doing a soft push to use the EDRM for any records unless there is a clear reason not to (for example with linked spreadsheets) and have also recently refreshed and promoted records management guidance which includes advice on naming files.</p> <p>However, they note that no large scale project is yet in place to address historical issues. This is something the authority should address.</p> <p>A formal resubmission of the authority's plan under Section 5 would need to set out, under this element, what action is proposed</p>
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					<p>destruction that have taken place.</p> <p>At present there is no plan in place to review the file plan.</p>	<p>and within what time scale, to accommodate and manage these changes under the operational EDRMs. Depending on the number and nature of the changes yet to be managed, the Keeper might be inclined to agree this element on an improvement basis. The Element would become amber to signify work in progress.</p> <p>The Keeper would expect an indication of whether drives remain part of the long term strategy, or are they to be phased out in favour of a comprehensive EDRMs solution? It is noted that the authority is considering a O365/SharePoint option. This would almost certainly be regarded as business classification work in progress and would attract the Keeper's agreement on an amber improvement basis.</p> <p>The PUR would appear to suggest the internal management of papers records held off-site may have deteriorated since 2014. It is vitally important that authorities know what records are held off-site, how these are being managed and, crucially,</p>
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						<p>whether they are being disposed of in line with the authority's retention decisions. Again, the Keeper is grateful to the authority for its open and honest approach under this PUR, but he will be anxious to learn how the authority intends to address the gaps in provision that appear to exist here.</p> <p>SFC have sourced some useful data from their storage provider which should help them identify the records held more easily. Crucially, they now can match these records to the inventories they hold centrally to determine which records are held. However, a better solution should still be identified as it remains a disjointed process.</p> <p>The Keeper would expect to see evidence under a formal submission that acknowledges the gap in the management of hard-copy records. Depending on the quality of evidence submitted in support of the authority's proposed actions, which would include a commitment from senior management to address the gap, the Keeper might, under a formal submission, agree this</p>
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						element under improvement. The assessment team urges the authority to immediately review its hard-copy arrangements under this element.
5. Retention Schedule	<b>G</b>	<b>G</b>	<b>G</b>	The <i>Retention and Disposal Schedule</i> is under review at time of assessment and a revised version is expected in March 2015. The Keeper requests that the updated version is supplied, when available, to allow him to keep the Funding Council submission up-to-date.	<p>SFC's Retention and Disposal Schedule was last reviewed in 2014. SFC's EDRM has the capacity to automatically apply records retention periods however this is not fully utilised at present.</p> <p>SFC is committed to reviewing its Retention and Disposal Schedule in 2019.</p>	<p>It is disappointing that the authority appears not to have kept its retention schedule under regular review. The authority nevertheless confirms under this PUR that it remains committed to reviewing its arrangements this year. The assessment team will look forward to learning more about this in due course, either under a formal submission, required by the Keeper under Section 5(1)(b), or a voluntarily submission under Section 5(6), or under the next PUR.</p> <p>Any future assessment of the authority's arrangements by the Keeper will be concerned to learn about reviews undertaken and to know whether the EDRMs retention functionality is being more fully utilised.</p> <p>The gaps in provision which now appear to exist under the BCS (See Element 4) could negatively impact</p>

						on the authority's retention mechanism. This is another area of the agreed plan that will require closer scrutiny at a future point.
6. Destruction Arrangements	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change	<p>SFC has a contract with Shred-it to provide secure on-site destruction of waste paper.</p> <p>SFC has a contract with TES-amm under an Advanced Procurement for Universities and Colleges (APUC) framework agreement to provide secure destruction of IT equipment.</p>	The PUR statements would appear to reflect ongoing compliance under this element. As in 2014 the authority relies on commercial providers to supply secure destruction services for paper and hardware. I presume the provisions in place for destruction of back-ups also remains compliant? The situation for destruction of paper held in off-site commercial storage is less clear (see 4 above). Any future formal submission of the authority's plan would seek clarification on this point.
7. Archiving and Transfer	<b>G</b>	<b>G</b>	<b>G</b>	The Funding Council transfer records selected for permanent preservation to the National Records of Scotland (NRS). The Keeper would be interested in learning whether the depositing of	<p>Transfers to the SFC's physical records have not been taking place regularly.</p> <p>SFC would be keen to engage again with NRS on this issue to re-establish deposits (paper and electronic).</p> <p>SFC-NRS record transfer MOU was last</p>	The authority has an agreed MoU with the NRS for the transfer and deposit of records of enduring value. This remains sufficient to achieve the Keeper's agreement under the element. It is right that the authority wishes to revisit the MoU to ensure it remains for purpose. The Keeper supports this and advises the authority to liaise with its NRS client manager to begin the process. The

				electronic records with NRS has begun.	updated in 2014. SFC would be keen to review this document to reflect the current legislative environment and any arrangements going forward.	same initiative would facilitate a discussion on SFC records to be transferred to NRS. Your contact is Mr Neil Miller ( <a href="mailto:Neil.Miller@nrscotland.gov.uk">Neil.Miller@nrscotland.gov.uk</a> )
8. Information Security	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change	<p>SFC's Information Security Policy has been updated and is pending approval by SFC's Senior Management Team.</p> <p>Ongoing data protection training covers key information security aspects. Although this focuses on personal data security the principles apply to all of SFC's information.</p> <p>SFC's systems have recently been accredited as Cyber Essential's Plus compliant with ongoing work from the Information Systems team on awareness on phishing attacks.</p>	<p>The assessment team commends the authority for its commitment to reviewing its information security policies and procedures. The PUR appears to indicate that other policies are currently, or will soon be, under review. And, the Information Management Framework commits the authority to reviewing it provisions more generally. This is all good news. The Keeper will look forward to being supplied with a copies of the reviewed and updated policies under any future formal submission, or as part of a future PUR, should the authority chose to send accompanying evidence under this process.</p> <p>Training for the purposes of data protection is particularly important and it's encouraging to learn the authority supports ongoing staff training, but it should consider</p>

						<p>extending this training to address records and information governance more generally. Although this training does touch on RM matters but is not comprehensive</p> <p>The authority is to be commended in its achievement of Cyber Essential Plus compliance. This is achieved through an independently verifiable assessment and is highly regarded.</p>
9. Data Protection	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change	<p>SFC's Data Protection Policy has been updated and is pending approval by SFC's Senior Management Team.</p> <p>SFC is in the process of carrying out data protection training with all staff which is due to be completed by the end of March 2019.</p> <p>SFC is also in the process of mapping personal data and recording how it's used in accordance with GDPR.</p>	<p>Again, it is good news that the authority has updated its DP policy. The Keeper will look forward to be furnished with a copy of the new Policy under any future formal submission or as part of a PUR should the authority chose to participate in this way. Data protection is a high priority and it is good to see SFC working with its data to better understand how it is used and managed.</p> <p>Again, the Keeper would urge the authority to maximise the resources being allocated to this exercise to ensure records and information governance is addressed more generally.</p>



10. Business Continuity and Vital Records	<b>G</b>	<b>G</b>	<b>G</b>	<p>The Funding Council have an operational business continuity plan that properly considers the recovery of records in an emergency. As this Plan undergoes annual testing as well as a review the Keeper would welcome updates concerning these tests and any changes which have taken place following the reviews.</p>	<p>SFC has a Business Continuity Plan in place. This was last updated in 2016 and is currently undergoing a further review.</p> <p>The current plan has provisions for the recovery of vital information from back up servers in the case of an incident that affected records.</p>	<p>Once again, it is commendable that the authority appears committed to ensuring it remains on top of its policies and procedures under this element, particularly in relation to DP. The Keeper will expect to see updated policies in due course under a formal submission or as part of a PUR exercise should the authority chose to submit under this process.</p> <p>The original plan indicated annual testing under this element. Mention of the 2016 review might suggest an annual review was not carried out as agreed. It is, however, encouraging that the authority is supporting the IMGO to address this. The Keeper will be keen to learn whether the agreed annual review is to be honoured from now on?</p>
11. Audit Trail	<b>G</b>	<b>G</b>	<b>A</b>	<p>As well as operating an EDRM system, the Funding Council hold legacy paper records. The RMP discusses the potential of combining an inventory of these</p>	<p>Legacy paper records have not been recorded in EDRMS.</p> <p>Discussions have taken place regarding the long term viability of SFC's EDRM,</p>	<p>It is not always possible to record the existence and whereabouts of paper records under an EDRMs. A way of robustly auditing the movement of paper records is, however, essential. This is particularly important if SFC considers paper has a long term application within the authority.</p>

				<p>paper records with the EDRM. The Keeper commends this in principal and would be interested in hearing whether this has been undertaken.</p>	<p>LINKS.</p> <p>The system is considered costly and there have been early stage discussions about a move to using another system primarily Office 365/SharePoint for records management system in the future.</p> <p>Given the uncertain status of LINKS in the long term, SFC does not intend to record physical records within the system.</p> <p>Records stored on shared drives do not currently have a formal method of recording an audit trail.</p>	<p>This has been acknowledged by the Funding Council.</p> <p>A new content management system, such as O365/SharePoint, could facilitate a move away from paper, but I understand only early stage discussions have taken place. Such a move must, of course, remain a business decision for the authority and it is not something the Keeper will seek to take a view on. He will, however, be keen to learn how the authority intends to address the management of its paper records. Knowing what records we have, in any and all formats, where they are and that they are up to date and current, is important.</p> <p>It's true that network drives are notoriously challenging to audit. SFC is not alone in facing this challenge. Any future formal submission would, however, need to address this more fully. The Keeper will expect the authority to acknowledge the gap in provision that network drives represent and demonstrate what provisions it has in place, or are being developed, to help address the risks posed by records created</p>
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						<p>and stored to network drives. The Keeper's Guidance includes useful advice on this.</p> <p>The Keeper commends the authority's decision to investigate and scope the possibility of procuring a new platform for managing its electronic content and looks forward to learning more about this in due course.</p>
12. Competency Framework	<b>G</b>	<b>G</b>	<b>A</b>	<p>The Keeper commends the Funding Council's strong commitment to staff training, especially the objective to introduce records management training into the mandatory FOI/DP and information security training for staff and to continue to roll-out and update training in-house for all staff. The Keeper would be keen to receive updates on</p>	<p>SFC has not yet introduced mandatory records management training for staff.</p> <p>New members of staff are given a brief introduction to the EDRM system, focusing on basic functionality, not any records management elements.</p> <p>Guidance documents for the EDRM are available but not widely</p>	<p>It is disappointing that the strong commitment given under the original plan to records management training, appears not to have been implemented. This is particularly disappointing given the commitment was explicitly supported by the Chief Executive's accompanying letter. It is additionally disappointing that the compliance statement opposite appears to suggest there may still be little appetite for records management training for staff. The Keeper's agreement for this element was not achieved solely on the basis of the clear commitment to <b>all</b> staff RM training, but it undoubtedly influenced him.</p> <p>The assessment team's advice</p>

				<p>the progress of implementing these objectives</p>	<p>promoted or used and have not been updated for some time.</p>	<p>would be for the authority to re-commit to the proposed staff records management training</p> <p>It is also unfortunate that the authority appears to support a clear commitment to DP, extending to staff training, yet fails to see the benefit of records management more generally. It is widely acknowledged that authorities cannot guarantee compliance with other information legislation without investing in good records management. RM training could, it seems to me, be very easily built into the authority's DP initiatives.</p> <p>It is right that new staff are introduced to the EDRMs, but again disappointing that this induction training appears not to extend to records management. Informal 'drop-in' records management sessions have been instigated recently. However, this is not an alternative to the need for formal records management training.</p> <p>To be fair to the authority, in 2014 agreement under this Element was dependent on evidence that the</p>
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						<p>person at No 2 had access to appropriate training and professional development opportunities. Element 12 was developed to provide guidance on what that might include. The SFC's 2014 plan must have been sufficiently robust to meet the Keeper's requirement at that time. This is something the Keeper will scrutinise more closely under any future submission</p>
13. Assessment and Review	<b>G</b>	<b>G</b>	<b>R</b>	<p>The Funding Council have arrangements in place to review their RMP and the key records management policies. The Keeper welcomes this commitment and would be interested in receiving updates of any changes following these reviews.</p>	<p>RMP has not been reviewed since its implementation in 2014.</p>	<p>Element 13 is one of those, along with 1, 2, 3, 6 7 and 8, that the Act specifically mentions. It is therefore necessary for authorities to remain compliant under this Element. It's challenging when an authority fails to achieve compliance under an initial submission, but where such an authority is very close to being compliant and can demonstrate its commitment to being fully compliant, the Keeper can move to agree the arrangements. Falling out of compliance once the Keeper's agreement has been achieved is considerably more challenging. This would appear to be the case here.</p> <p>The authority's 2014 submission gave a clear commitment to review</p>

						<p>the plan annually over the first two years with a biennial commitment thereafter. The file plan was to be reviewed annually and other polices were also to be regularly reviewed. The original plan was clear, for example, that archival and information security policies would be reviewed annually. The PUR suggest these were not all carried out. Further, it clearly states that the plan has not been reviewed since it was agreed in 2014.</p> <p>The PUR is equally clear that, with the appointment of the Information Management and Governance Officer, reviews of policies have taken place and more are planned. This is good, but it appears to signal the first such reviews since 2014. This situation is at odds with the commitment given to the Keeper in 2014, and which achieved his agreement.</p> <p>It is important to note that the recently updated Information Management Framework, which is a robust policy, continues to claim,</p> <p><i>“We will manage our records</i></p>
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					<p><i>throughout the full lifecycle: from the creation or receipt of information, through managing its use, maintaining its integrity, controlling its storage and retrieval, to its final transfer or disposal ... Our records management relies on regular review."</i></p> <p>The Keeper will now be concerned to know what level of commitment lies behind this IMF statement.</p> <p>Failing to honour the original commitment to keep the agreed plan under review is a failure to comply with section 5(1) of the Act. This is a serious failing which could lead to the Keeper taking action.</p> <p>Section 7 of the Act gives the Keeper power to issues action notices "where he considers an authority ... has failed or is failing to comply with its records management plan."</p> <p>Despite the PUR being a non-statutory process information volunteered under a submission can be used by the Keeper to invoke his</p>
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						<p>regulatory powers where he considers this is appropriate.</p> <p>This has been acknowledged by the Scottish Funding Council.</p>
14. Shared Information	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change	<p>SFC has recently reviewed its information sharing procedures and the Data Sharing and Collections Policy has been re-drafted and is with management for approval.</p> <p>SFC is in the process of developing a data sharing register at present. Its main focus is on the sharing of personal data however it may be utilised for non-personal data sharing in future.</p> <p>Where personal data is shared, SFC</p>	<p>The SFC had strong evidence in support of compliance under this element in 2014. It's commitment to reviewing and updating its policies in this area is to be commended. The Keeper will look forward to taking receipt of these updated policies and procedures, such as the data sharing register, in due course under a formal submission or a future PUR where the authority chooses to submit evidence. It is encouraging also to know that the SFC continues to maintaining compliance with its DP obligations by employing data sharing agreements.</p>



					uses data sharing agreements to keep an audit trail of the data shared and to ensure that the sharing is compliant with data protection law.	
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## 7. PRSA Assessment Team’s Summary

### Version

The progress update submission which has been assessed is the one received by the Assessment Team on **12 February 2019**. The author of the progress update submission is Callum Morrison, Information Management & Governance Officer.

The progress update submission makes it clear that it is a submission for **Scottish Further and Higher Education Funding Council**

The Assessment Team has reviewed **Scottish Further and Higher Education Funding Council’s (SFC)** Progress Update submission and agrees that many of the record management arrangements outlined by the fourteen elements in the authority’s plan continue to be properly considered. There are, however, some areas of concern.

### General Comments

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. He thanks SFC for participating in the PUR process.

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.

It is clear that some of SFC's records management arrangements remain compliant and equally clear that others are currently under review having not been reviewed since 2014.

It is further clear from the submission that some commitments given under the original submission, which achieved the Keeper's agreement, have not been implemented. This appears to be particularly true under Element 13 where the authority has failed to honour a commitment to develop and implement records management training for all staff. This is an indication that the authority may be failing to implement its plan as agreed by the Keeper, which could attract statutory action from the Keeper under Section 7 of the Act. This section gives the Keeper power to issue action notices to authorities that have failed or are failing to comply with their records management plans. This Element has been marked as RED under the RAG status as an indicator that the Assessment Team considers the authority is failing to meet its obligations as agreed in 2014.

Under Elements, 4, 11 and 12, there appear to be changes to the arrangements agreed under the original plan sufficient for the Assessment Team to indicate these would turn from a compliant GREEN to a work-in-progress AMBER were this to have been a formal submission under Section 5 of the Act.

The PUR demonstrates that the current records manager, appointed in 2018, is working hard to ensure a number of the authority's policies and procedures are subject to review and are being brought up to date. This is important necessary work to ensure the authorities policies and procedures are fit for purposes and The Keeper commends our colleague for his work to ensure the authority remains in compliance with its statutory obligations.

The recently updated Information Management Framework is a particularly useful policy and should act as a robust guardian of the authority's records management commitment. The stated recognition of records as an important and valuable asset of the authority should provide the drive to ensure these assets are robustly managed and that staff are trained appropriately.

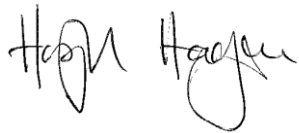
It is further clear that the authority is concerned to meet its statutory obligations under Data Protection laws. The PUR indicates that training and guidance to staff in this respect was and remains a priority. This is commendable. It is, however, disappointing that the

authority appears unable to extend this training to comply with its commitment to the Keeper to train staff in records management. It is widely accepted that authorities cannot comprehensively meet their obligations under DP/FOI legislation without good records management. Having developed training to accommodate access to information laws it would seem sensible to extend this to include records and information management.

## 8. PRSA Assessment Team's Evaluation

Based on the progress update assessment the Assessment Team considers that **Scottish Further and Higher Education Funding Council** continues, as evidenced in the recently updated Information Management Framework, to identify records and information as valuable corporate assets. The Framework lists the benefits of good records management and the reasons for ensuring records are properly safeguarded. The PUR highlights areas of good practice and a number of Elements continue to indicate compliance, but it also suggests gaps in provision and areas where the authority would appear to be failing to implement the plan as agreed in 2014.

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



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**Hugh Hagan**  
Senior Public Records Officer