

The Public Records (Scotland) Act 2011

Shetlands Islands Council, Shetlands Islands Area Licensing Board and ZetTrans

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

22 February 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 Final 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 Shetlands Islands Council, Shetlands Islands Area Licensing Board and ZetTrans. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

Shetland Islands Council is one of 32 councils in Scotland, serving 22,400 people across 1,468 square km. The Council has 22 elected members, serving on 6 three-member wards and 1 four-member ward. Members will serve until 2017. All councillors are independent – none represent a political party. As well as representing their ward, members serve on the following committees, which meet around every seven weeks at the Lerwick Town Hall:

- Education and Families
- Social Services
- Environment and Transport
- Development

The **Shetland Islands Licensing Board** comprises 10 members and is responsible for the issuing of various licenses such as liquor, fireworks and taxi.

ZetTrans is a statutory body responsible for the provision and maintenance of public transport services in the Shetland Islands. Working in cooperation with a number of stakeholders and interested bodies, including bus operators, airlines and ferry companies, ZetTrans is geared towards the development of a sustainable transport network to meet the needs of the present while also looking towards the future.

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: Shetland Islands Council and Licensing Board

Element	Status of elements under agreed Plan, Jun 2017	Status of evidence under agreed Plan, Jun 2017	Progress assessment status, February 2019	Keeper's Report Comments on Authority's Plan, Jun 2017	Self-assessment Update as submitted by the Authority since Jun 2017	Progress Review Comment, February 2019
1. Senior Officer	G	G	G	Update required on any change.	As a result of changes introduced by new Data Protection legislation, and specifically the role of Data Protection Officer being allocated to the Executive Manager Governance and Law, the Council, as recommended by the Information Governance Board, has confirmed the Director of Corporate Services, as the designated Senior Information Risk Owner [SIRO], with overall governance and strategic responsibilities for the Information Management Strategy, for managing all information risks and assurance measures, and for reporting or advising on such matters to the Chief Executive, Corporate Management Team, Information Governance Board, or the Council, [including the Council as Data Controller] as required.	<p>The Keeper thanks the authorities for this update on internal changes of responsibilities. In each case the authorities have transferred senior officer responsibility for records management and SIRO responsibilities in order to avoid a conflict of interest between the functions of the Data Protection Officer and the functions of the Data Controller.</p> <p>The Keeper agrees that appropriate individuals have been identified to take senior management responsibility for records management within the Council, Licensing Board and ZetTrans as required by the Public Records (Scotland) Act 2011 (PRSA), s1 (2) (a) (i).</p>

					<p>Mrs Christine Ferguson, Director of Corporate Services, is the senior individual with strategic responsibility for records management in the Council.</p> <p>The change in Data Protection legislation resulted in the Council and its partner organisations appointing a joint Data Protection Officer. This has resulted in a change to the senior person with strategic responsibility for records management.</p> <p>The senior individual with strategic responsibility for records management in the Shetland Islands Area Licensing Board [SIALB] is Ms Susan Brunton, Depute Clerk to Board.</p> <p>The senior individual with strategic responsibility for records management in the Shetland Transport Partnership is Mr Michael Craigie, SIC Executive Manager – Transport Services and Lead Officer to the Shetland Transport Partnership [ZetTrans].</p> <p>Evidence –</p>	
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					<p>Weblinks to decisions: SIC 9 May 2018 SIALB 5 June 2018 ZetTrans 26 June 2018</p>	
2. Records Manager	G	G	G	Update required on any change.	<p>No change.</p> <p>The Team Leader – Administration remains the Council’s Records Manager, with day to day responsibility for records management activities on behalf of the Council, the Shetland Islands Area Licensing Board and ZetTrans.</p>	No immediate action required. Update required on any future change.
3. Policy	G	A	G	<p>The Council has submitted its current Records Management Policy (evidence 03-1). This is dated 2003... The Keeper requests that he is sent a copy of the updated Policy once it has been reviewed and approved.</p> <p>The Keeper agrees that the Council has an operational records management policy statement which is available to staff. The Records Management Policy is currently undergoing revision and the Keeper</p>	<p>The Council has replaced its Records Management Policy with a new Information Governance Policy. This is supported by an agreed Information Management Strategy. A Policy and Procedures Framework was also approved by the Information Governance Board which sets out the suite of policies and procedures required to help govern and manage information in the Council. This is also supported by an approved Governance and Accountability Structure.</p> <p>These documents were approved</p>	<p>The new Information Governance Policy, Framework and Structure have been provided to the Assessment Team. The Records Manager has provided additional assurance that this new Policy is being updated to reflect the changes in roles of posts as detailed under Element 1.</p> <p>The structure and governance is a business matter for the three authorities but it is clear that this is well thought-out and appropriate for the purposes of the records management</p>

				<p>therefore requests that he is sent the updated Policy once it has been approved and is operational.</p>	<p>at an operational level by the Information Governance Board on 16 October 2018. The Board agreed also that the Policy be submitted to the Council for approval in February 2019.</p> <p>Evidence –</p> <ul style="list-style-type: none"> • 3-1 Information Governance Policy • 3-2 Policy and Procedures Framework • 3-3 Governance and Accountability Structure 	<p>functions.</p> <p>Now that evidence has been provided it is likely that the evidence RAG status would move to Green if this were a statutory submission.</p>
4. Business Classification	A	G	A	<p>The RMP indicates that the Retention and Destruction Schedule has up until now been amended on an ad-hoc basis following reviews of local records management practices. The RMP also states that the Schedule as a whole is in need of a comprehensive review and updated where necessary. This review will be based on the requirements of the Scottish Council on Archives Records Retention Schedules (SCARRS)</p>	<p>The Council continues to base its Business Classification as part of its Retention and Destruction Schedule, and follows the format provided by the Local Government Classification Scheme.</p> <p>The model business classification and retention and disposal schedules produced by the Scottish Council on Archives remains the Council's agreed model for an updated Scheme and Schedule, and has been used already in the classification of information assets as part of the</p>	<p>The steady planned approach to improvement is on track. The authorities have indicated that they will meet their target for the year ending 31 March 2019 and are currently working towards completing the Information Asset Registers for remaining departments. The template for the Information Asset Register has been supplied to the assessment team.</p> <p>The continued use of SCARRS to underpin the Business Classification Scheme is good practice.</p>

				<p>model. ... Timescales of planned work as part of the Information Management and Improvement Programme will become clearer over the coming months. The Keeper requests that he is kept informed of the development of the SMART plan which will assign timescales to the programme of improvement.</p> <p>The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified a gap in provision (in this case, the lack of an operational BCS), and has evidenced how it intends to close this gap. As part of this agreement, the Keeper will expect to be regularly updated on the progress to close the identified gap and, in particular, informed of the estimated date of completion of this work when this becomes known.</p>	<p>project to compile an Information Asset Register [IAR].</p> <p>The IAR project commenced as the first phase of the 5 year Improvement Programme referred to in the RMP. This is a major piece of work, which the Council is confident will assist not only in ensuring that its records are managed appropriately, but will inform other work streams under the Improvement Programme, and other projects that form part of the Council's wider Business Transformation Programme. In this regard, the intention is to bring together a new BCS combined with a Retention and Destruction Schedule, and this remains a priority of the Information Governance Board.</p> <p><u>Evidence -</u></p> <ul style="list-style-type: none"> • 4-1 Information Governance Board – IMIP Project High Level Outputs and Updates. • 4-2 Information Asset Register template. 	<p>Overall, the planned five year improvement programme is meeting its aims. The RAG status of this Element remains Amber as the improvement process is still on-going, but the authorities are to be commended for their commitment to maintaining this steady approach to improvement.</p>
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5. Retention Schedule	A	G	A	<p>The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified a gap in provision (in this case, the lack of an operational retention schedule), and has provided the Keeper with evidence of how it intends to close this gap. As part of this agreement, the Keeper will expect to be regularly updated on the progress to close the identified gap and also informed of the estimated date of completion of this work when this becomes known.</p>	<p>The Council continues to base its Retention and Destruction Schedule on the format provided by the Local Government Classification Scheme.</p> <p>The model business classification and retention and disposal schedules produced by the Scottish Council on Archives remains the Council's agreed model for an updated Scheme and Schedule, and has been used already in the classification of information assets as part of a project to compile an Information Asset Register. See element 4.</p>	<p>As with Element 4, there is steady progress in the implementation of the retention schedules. The use of SCARRS as the basis for the retention schedules is good practice and will make it easier for the authorities to identify any changes in legislation that could impact their retention schedules.</p>
6. Destruction Arrangements	A	G	A	<p>The Improvement Statement section of the Element highlights the need to develop a records destruction policy and associated procedures for all mediums and formats to ensure consistency of practice across the Council. This should be undertaken in conjunction with the work to review and updated the BCS and retention schedules. This action</p>	<p>No change.</p>	<p>No immediate action required. Update required on any future change.</p>

				<p>appears as number 2.2 in the Improvement Programme (evidence 01-4).</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 corporate policy on the destruction of records, in particular for electronic records managed on shared drives) and has identified the steps it intends to take to close this gap. As part of this agreement the Keeper will need to be kept updated on the progress of work to close the gap.</p>		
7. Archiving and Transfer	G	G	G	<p>The Transfer Procedure for Semi-Current and Non-Current Records to the King Harald Street Records Store document (evidence 07-5) has also been provided. The Keeper requests that he is kept informed of any changes to the Transfer Procedure document as a result of the change in location of the records</p>	<p>The change in location of the Long Term Records Store took place in late 2017. There has been no change in the transfer procedures, but a piece of work has been started to review the procedures and update forms.</p> <p>A documented procedure for transfer of records to the Shetland Archives was also identified as a requirement, and the process of</p>	<p>The Assessment Team thank the authorities for this update. The Data Protocol is carefully researched. It demonstrates the complexity of access to information held in the records of the Council and places the responsibility for access on the Council rather than delegating this to the archives service. This would be a useful document to share with other</p>

				<p>store.</p>	<p>drafting relevant documentation has started with a protocol for closure periods relating to the transfer of Council Minute Books. A draft copy is attached as evidence, but is not yet approved for operational use. This has been a useful exercise, which has helped to identify some of the issues involved, particularly with regard to personal information and closure periods. We now have a clearer understanding of what is required and will continue to make improvements in this area of the RMP.</p> <p>Evidence</p> <ul style="list-style-type: none"> • 7-1 Draft Protocol for Transfer of Minute Books. 	<p>local authority archives services and other Councils.</p>
8. Information Security	A	G	A	<p>The Improvement Statement of this Element states that although there are policies and procedures in place for protecting electronic information, there is nothing similar in place for non-electronic records. There are local arrangements in place but the Council recognises the need for a comprehensive</p>	<p>No change.</p> <p>Preparatory work is underway with a view to putting in place a Corporate Information Classification Scheme, which would identify and clarify the type of security required for different levels and types of information, in all formats.</p>	<p>It is helpful to hear that preparatory work is underway. The authorities are still in the early stages of developing comprehensive information security that will be format-neutral and the Keeper would be pleased to hear about the timescales envisaged for this work once they are finalised.</p>

				<p>approach in this area. The Council's Corporate Risk Register (evidence 08-3) includes the risks associated with the management of information. Section 4 of the RM Improvement Programme (evidence 01-4) outlines a commitment to the development of an Information Security Policy, the creation of policies for the reporting and management of information security breaches, and the consideration of information management when undertaking new projects and procuring new systems. The RMP also states that the work to develop a comprehensive corporate approach to the security of all information forms part of the Information Management Improvement Programme. The timescales around this work will become clearer over the coming months. The Keeper can agree this Element on an 'improvement model' basis.</p>		
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				<p>This means that the authority has identified a gap in provision (lack of comprehensive Council-wide policies and procedures for the protection of non-electronic records), but has identified how it intends to close this gap. This agreement is dependent upon the Keeper being updated as this project progresses, in particular, he will need to be informed of the timescales of this improvement work as soon as these have been finalised.</p>		
9. Data Protection	G	G	G	<p>Update required on any change.</p>	<p>The Council appointed the Executive Manager – Governance and Law as its Data Protection Officer. See element 1.</p> <p>GDPR/Data Protection Act 2018 is a component part of the Improvement Programme, and the work being done on compiling an Information Asset Register also includes compiling a personal data flow register.</p> <p>The Council's website was updated with information</p>	<p>The requirements of the Data Protection Act 2018 and GDPR have been appropriately managed. Work on Elements 4, 5, 6 and 8 described above will also contribute towards this Element.</p> <p>The evidence provided to the Assessment Team confirms that appropriate steps have been taken to appoint a Data Protection Officer, separate the functions of data controller from monitoring, train staff and compile a register of personal</p>

					<p>regarding Individual Rights and general privacy statements, and work is ongoing on compiling individual service Privacy Statements.</p> <p>The Council's online training programme was updated to coincide with the new DPA 2018, and a planned departmental training/briefing programme has been developed.</p> <p>Evidence</p> <ul style="list-style-type: none"> • Website link • 9-1 DP Training Module Screenshot • 9-2 DP Training Plan • 9-3 Personal Information Asset Register template 	data along with the lawful basis for processing this personal data. The authorities are to be commended for the way they has addressed these concerns.
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	No change.	No immediate action required. Update required on any future change.
11. Audit Trail	A	G	A	The Council recognises that considerable improvement is required in this area and has identified specific actions to undertake this, including linking	No change. Preparatory work is being undertaken with a view to putting in place a corporate standard for file naming conventions and	The development of a version control table is a practical step towards establishing appropriate audit, tracking and version control mechanisms across the three authorities. The

				<p>departmental file plans with the BCS, developing corporate policies around the use of file naming conventions, version control and file tracking, and also the development of a strategy for the introduction of an Electronic Document and Records Management System (EDRMS). These actions are built into the Improvement Programme.</p> <p>The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified a gap in provision (lack of comprehensive Council-wide policies and procedures for the tracking of records), but has identified how it intends to close this gap. This agreement is dependent upon the Keeper being updated as this project progresses.</p>	<p>documentation and version control. A copy of the version control table is attached as evidence, and whilst it is used on most new policies that are submitted for Council approval, it is not yet used routinely across the Council.</p> <p>Evidence 11-1 Document Version Control table.</p>	<p>assessment team look forward to the implementation of this and other improvements in future Progress Update Reviews.</p>
12. Competency Framework	G	G	G	Update required on any change.	No change.	No immediate action required. Update required on any future change.

13. Assessment and Review	A	G	G	<p>The Information Management Improvement Programme contains a commitment to develop a formal assessment and review process. This work will be undertaken with the assistance of the Council's Chief Internal Auditor and the assurances given under the RMP will be afforded the same status as other governance assurances provided by the Council's Internal Audit Service, such as the financial and accounting and decision-making processes. The Keeper commends this approach and requests that he is kept informed on the progress of developing a formal assessment mechanism.</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 formal method for assessing and reviewing the RMP) and has identified</p>	<p>The Information Management Board has adopted the new Progress Update Review process as a means of assessment and review of the RMP.</p> <p>The Council has also recently appointed a new internal Audit Service, and a review will be undertaken in the new year as to elements of the RMP will be assessed going forward.</p>	<p>The Assessment Team welcome the use of the Progress Update Review as a means of assessment and review of the RMP. The use of internal audit is also welcome and should provide additional assurance that the three authorities are keeping their RMP under review as required by statute.</p> <p>If this were a statutory submission, it is likely that the RAG status of this Element would move to Green.</p>
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				how it intends to close the gap. As part of this agreement the Keeper expects to be regularly updated on the progress of work to close the gap.		
14. Shared Information	G	G	G	Update required on any change.	No change.	No immediate action required. Update required on any future change.
15. Third Parties	A	G	A	The Improvement Statement included under this Element states that the Council recognises the need to ensure that contractors carrying out one of the Council's functions have provisions in place to ensure that they create and manage public records in accordance with the requirements of the Council. The Council intends to include this into its Information Management Improvement Programme, in particular, the assessment of a contractor's capability to manage records at the procurement stage. Agreements and contracts	No change.	No immediate action required. Update required on any future change.

				<p>will be created and amended at the next review stage to include appropriate clauses relating to the creation and management of public records on behalf of the Council and also what happens to that information at the end of the contract. Timescales for this work will be developed in the coming months.</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 contractual arrangements to ensure that third parties have appropriate measures in place to manage records created on behalf of the Council while carrying out its functions) and has provided information about how it intends to close this gap. As part of this agreement the Keeper will need to be updated as this work progresses.</p>		
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Version

The progress update submission which has been assessed is the one received by the Assessment Team on 20 November 2018. The author of the progress update submission is Anne Cogle, Team Leader - Administration.

The progress update submission makes it clear that it is a submission for **Shetlands Islands Council, Shetlands Islands Area Licensing Board** and **ZetTrans**.

7. PRSA Assessment Team's Summary

The Assessment Team has reviewed **Shetlands Islands Council, Shetlands Islands Area Licensing Board** and **ZetTrans'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 these authorities' efforts to keep their Records Management Plan under review.

General Comments

Shetlands Islands Council, Shetlands Islands Area Licensing Board and ZetTrans continue to take their records management obligations seriously and are working to bring all elements into full compliance. There has been considerable work undertaken as part of a planned and steady approach to improvement and the results look very positive in Elements 3, 5 6 and 8. The authorities are to be commended for their on-going commitment to this necessary work. In undertaking this work, the authorities have ensured that they are also in compliance with the Data Protection Act 2018 and show a commendable thoroughness in their approach to these closely-related requirements.

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 authorities choose to resubmit their plan under section (5)(6) of the Act. On the basis of the evidence supplied by the authorities, the RAG status for the evidence element for Element 3 would be likely to move to Green and the RAG status for Element 13 would move to Green.

The Public Records (Scotland) Act 2011 does not require authorities to provide regular updates against progress. The Keeper, however, encourages such updates and welcomes this Progress Update Review.

Where 'no change' has been recorded under the update on provision by the authority, the Assessment Team is happy to agree that these elements require no further action for the time being.

8. PRSA Assessment Team's Evaluation

Based on the progress update assessment the Assessment Team considers that **Shetlands Islands Council, Shetlands Islands Area Licensing Board and ZetTrans** 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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Elspeth Reid
Public Records Officer