

The Public Records (Scotland) Act 2011

Water Industry Commission for Scotland

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

15 June 2018

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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 the **Water Industry Commission for Scotland**. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

Water Industry Commission for Scotland is a non-departmental public body with statutory responsibilities. Its mission is to manage an effective regulatory framework which encourages the Scottish water industry to provide a high-quality service and value for money to customers and acts independently of Ministers. Water Industry Commission for Scotland also has a statutory duty to promote the interests of customers. It does this by setting prices for water and sewerage services that deliver Ministers' objectives for the water industry at the lowest reasonable overall cost. The price setting process takes place every six years. In November 2014 they published a Final Determination, which set charge caps for the regulatory control period 2015-21.

It is part of their role to facilitate competition in the Scottish water industry. In April 2008 the Scottish water and sewerage market for all non-household customers was opened up to competition. These new arrangements are already bringing significant benefits to Scotland's 130,000 business customers, offering better value for money and services that are more tailored to customers' needs.

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: Water Industry Commission for Scotland

Element	Status of elements under agreed Plan, Dec 2016	Status of evidence under agreed Plan, Dec 2016	Progress assessment status, 2017	Keeper's Report Comments on Authority's Plan, December 2016	Self-assessment Update as submitted by the Authority since December 2016	Progress Review Comment, 2017
1. Senior Officer	G	G	G	Update required on any change	Senior Management responsibility has changed following an office restructure. Our Chief Operating Officer, Michelle Ashford now has overall responsibility for records management within the Commission.	The Keeper thanks the WICS for this update.
2. Records Manager	G	G	G	Update required on any change	No change.	No immediate action required. Update required on any future change
3. Policy	G	G	G	The Commission intends to develop a programme of induction and on-going refresher training. The Keeper commends this approach to training staff in their records management responsibilities and requests that he is sent a sample of this training once it	We have recently awarded a contract for HR and compliance work and we are working with the contractor to develop a training work plan which will cover staff training requirements on an annual basis.	Recent developments demonstrate the Commission's continuing commitment to training of staff and the Keeper would welcome samples of this training once available. A number of authorities have

				<p>has been developed and rolled-out.</p>	<p>Induction packs have not been formally developed however it was agreed at a recent records management project board meeting that records management related policies will form the induction pack for any new employee and professional induction training will be provided from our external DPO (also recently appointed).</p> <p>In the last month, SharePoint training has been organised for all staff and will take place on 05 June 2018. This will be a top up to training that was provided when we first set up SharePoint as our document storage facility and following this, there will be an option for staff to participate in webinars to broaden their knowledge. Following a proposed SharePoint restructure project, additional training will be provided for staff although this will likely be</p>	<p>developed e-learning modules and the Assessment Team would encourage the WICS to consider whether customising existing training might meet their needs.</p>
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					nearer 2020 post project.	
4. Business Classification	A	G	A	<p>The Commission is working on creating a combined Business Classification Scheme and Retention Schedule, with a target date for full roll-out of May 2018. The Keeper commends this endeavour and requests that he is kept informed of the progress of this work as it progresses.</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 an organisation-wide operational BCS) and has evidenced a commitment to closing this gap and the timescales for undertaking this work. As part of this agreement, the Keeper requests that he is kept informed of the progress of this work.</p>	<p>The Commissions business classification and retention schedule has been developed since our formal submission in July 2016 to take into account changes in terms of the GDPR coming into force in May 2018. However, in planning to become GDPR complaint we have undergone a cleanse of our data and have begun considering a further project to refresh and restructure our document depository (SharePoint). This work has had an impact on our schedule which again needs to be updated to reflect such changes. We hope in future to have more automation in place in terms of retentions etc which means this schedule will be easier to maintain and keep up to date.</p>	<p>The Keeper thanks the WICS for providing an update as required under the agreed Records Management Plan. The development of a combined Business Classification Scheme and Retention Schedules is good practice. Investing the time to develop appropriate and workable solutions is sensible and will contribute to the ability of the authority to comply with GDPR.</p>

5. Retention Schedule	A	G	A	<p>As the retention schedule will form part of the Business Classification Scheme, the Keeper requests updates regarding the development of this combined document.</p> <p>The RMP states that once the BCS/retention schedule has been rolled-out there will be designated individuals responsible for ensuring compliance with the requirements of the schedule. The Keeper would be interested to learn whether these individuals have yet been identified.</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 an organisation-wide operational retention schedule) and has evidenced a commitment to closing this gap and the timescales for undertaking this work. As part of this agreement, the Keeper requests that he is kept</p>	<p>As part of the ongoing work, individual 'data owners' have been identified as responsible for certain areas of our file structure. Internal data owner workshops have been scheduled to take place week commencing 05/03/18 to discuss future plans for SharePoint structures. As recognised by the Keeper, this work ties in with element 4 above.</p>	<p>The Keeper thanks the WICS for this update on progress and is pleased to note that data owners have now been identified.</p> <p>The original target date for roll-out of the combined BCS/Retention Schedules was May 2018. There appears to be some slippage in this timetable but this is to be expected and there is evidence of some progress.</p>
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				informed of the progress of this work.		
6. Destruction Arrangements	A	G	A	<p>The RMP states that at present there is no means of recording paper files which have been destroyed but that this will be built into the retention schedule once finalised. This is welcomed by the Keeper, who would be pleased to receive updates on this initiative.</p> <p>It would also appear that the destruction of electronic records is built in to the plan to develop and roll-out the retention schedules. Individuals within local business areas will also ensure that destruction decisions are applied consistently. The Keeper asks for clarification concerning whether the destruction of electronic files will be an automated process or require the input of these individuals and the records manager. The Keeper requests that he is kept informed of the work being undertaken in this area, and to be updated on the</p>	<p>Work is still underway in implementing destruction arrangements for paper and electronic files. This falls into the work being carried out for elements 4 and 5 above. It is expected that the destruction of electronic files will be automated via SharePoint tools. We plan for data owners and the records manager to be informed by the system when files are due to be destroyed to ensure this is always carried out appropriately and in line with our policies and requirements.</p>	<p>The Keeper thanks the WICS for providing an update as required under the agreed Records Management Plan.</p> <p>There is a continuing gap in provision which will need to be addressed as elements 4 and 5 are improved.</p>

				<p>recording of electronic file destruction once the retention schedules become operational.</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 destruction of electronic records) and has evidenced a commitment to closing this gap. As a condition of this agreement, the Keeper will need to be kept updated on the progress of the work to close this gap and further information about the proposed processes for the deletion of electronic records.</p>		
7. Archiving and Transfer	G	G	G	Update required on any change	No change.	No immediate action required. Update required on any future change.
8. Information Security	G	G	G	Update required on any change	The Commission achieved the "Cyber Essentials Plus" certification in February 2018. This independent assessment passed the Commissions systems against a number of key technical security controls	The achievement of Cyber Essentials Plus certification demonstrates good practice and strengthens the already robust procedures for information security.

					<p>including;</p> <ul style="list-style-type: none"> • Malware Protection • Secure Configuration • Boundary Firewalls and Internet Gateways • Patch Management • Access Control <p>This area of the plan has been updated to reflect positive alterations to the Commissions information security, but also to address the level of sensitive information which had been provided previously.</p>	
9. Data Protection	G	G	G	Update required on any change	No change (other than minor references to the GDPR).	No immediate action required. Update required on any future change.
10. Business Continuity and Vital Records	G	G	G	The Keeper would welcome updates on the work to identify and include the Commission's vital records within the combined BCS/Retention Schedule.	The Business Continuity Team has recently been renamed the Incident Management Team and the Records Manager has joined this group. Discussions have taken place to consider vital records and this will be further discussed at the data owner workshops. The office is currently	The Keeper is pleased to see the inclusion of the Records Manager in the WICS Incident Management Team which acknowledges the importance of the authority's information and records assets. The protection of vital records is being taken seriously at appropriate levels within the authority.

					undergoing a restructuring project which is expected to involve the purchase or fire proof cupboards for our vital paper records (such as approved financial records e.g. signed POs, credit card statements etc).	
11. Audit Trail	A	G	A	<p>The Commission is working to move its records system from a shared drives network to a cloud based SharePoint system using Office 365. This should allow the authority to more thoroughly audit the records held on this system. This is commended by the Keeper, who would be interested to receive updates on the progress of this work.</p> <p>The Commission also intends to develop file naming conventions as part of its corporate style guidance. The estimated completion date for this work is the end of 2017. The Keeper requests that he is sent this guidance once it has been developed and is</p>	<p>The Commission successfully transitioned from the shared drives network to the cloud based SharePoint system via Office 365. This has helped us to develop our records management work in terms of investigating what tools SharePoint can offer to assist with things like retention scheduling, naming conventions and access controls.</p> <p>The corporate style guidance work was not carried out in 2017 but we are currently working with a stakeholder engagement expert who may look at this as part of the wider piece of</p>	<p>The Keeper thanks the authority for providing an update as required under the agreed Records Management Plan and notes that the gap in provision (lack of a consistent method of naming documents) is still outstanding.</p>

				<p>operational.</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 a consistent method of naming documents) and has evidenced a commitment to closing this gap. As a condition of his agreement, the Keeper requests that he is kept informed of the work as it progresses.</p>	<p>work being done in terms of our communications strategy, both internal and external. Despite this, naming conventions have been considered and again will be discussed with data owners in due course.</p>	
12. Competency Framework	A	G	A	<p>The Records Management Work Plan, which is built into the RMP, has the provision of guidance for staff and the production of staff training programmes as key objectives. The Keeper commends this commitment to training and requests that he is sent a sample of the staff guidance and training when it becomes available.</p> <p>The Keeper can agree this element on an 'improvement model' basis. This means that</p>	<p>Staff guidance is being developed and will be shared with the Keeper in due course. We currently have a classification guidance document and breach reporting procedures ready to be approved by senior management however further work is required in other areas where staff will require guidance. Policies have been reviewed and are expected to be rolled out in the next few months.</p>	<p>The Assessment Team note that staff guidance and training is being developed and that there is a concentration on compliance with GDPR across the authority. However, additional records management training and/or professional development opportunities for the named individual under Element 2 ("Records Manager") is required if the authority is to achieve a green rating for their competency framework</p>

				<p>the Commission recognises that records management forms a key work area of relevant staff and the appointed records manager has access to relevant training and has identified the training of staff as a key objective and has outlined the timescale for developing a programme of training and guidance in records management for all staff. As part of this agreement, the Keeper requests that he is provided with examples of staff training and guidance documents once this has been created and is operational.</p>	<p>Following the office restructure, the records manager (now senior support officer for risk and records) has been able to gain more focus and control over the office's records management procedures. Between Oct 17 – Jan 18, staff have been trained in Data protection, GDPR and FoI which feeds into understanding good records management and being clear about why. The records manager participated in a four-day intensive GDPR certified practitioner course run by QA training. This was followed up with many in-house GDPR sessions.</p>	<p>under Element 12. Demonstrable support for a broad range of records management development will ensure that the Commission continues to benefit from skills appropriate to the scale of the organisation.</p>
<p>13. Assessment and Review</p>	<p>G</p>	<p>G</p>	<p>G</p>	<p>The Commission has outlined the procedures in place for assessing and reviewing its records management systems and has identified the process by which the records manager will notify the Director of Corporate Affairs and Strategy on any progress or issues.</p>	<p>The records management working group now meet on a fortnightly basis to review progress and actions. We have also set up a records management project board who has been meeting once every 3 weeks in the lead up to GDPR implementation</p>	<p>The review arrangements as described are sensible and appropriate to the needs of the authority.</p>

				<p>Analysis using a Generally Accepted Records Keeping Principle (GARP) methodology will be employed for identifying the current situation and assessing levels of provision and compliance. This assessment will be conducted on an annual basis.</p> <p>The RMP also states that once the Plan is signed off, internal auditors will carry out a full review of the Plan. Partial reviews will be conducted thereafter.</p> <p>The Keeper commends the authority's commitments under this element and would welcome updates following these reviews/audits, particularly if they lead to changes in records management arrangements.</p>	<p>and will continue to meet every 6 weeks post 25 May 2018. This group enables us to feed progress to senior management. This will help us to push on and formalise things like staff guidance and procedures.</p> <p>A GARP analysis is completed annually to measure progress.</p> <p>A review was carried out on our records management procedures in 2016-17 by our internal auditors. Recommendations are being considered and implemented as appropriate although there were no significant changes proposed.</p>	
14. Shared Information	G	G	G	Update required on any change	No change.	No immediate action required. Update required on any future change.

Version

The progress update submission which has been assessed is the one received by the Assessment Team on 7 March 2018 and updated by the authority on 24 May 2018. The author of the progress update submission is Kirsty McLean, Records Manager.

The progress update submission makes it clear that it is a submission for the **Water Industry Commission for Scotland**.

7. PRSA Assessment Team's Summary

The Assessment Team has reviewed the **Water Industry Commission for Scotland** 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

The Commission continues to take its records management obligations seriously and is working to bring all elements into full compliance. The development of the business classification scheme, retention schedule and destruction arrangements has suffered from some slippage but work is clearly continuing. Developing appropriate retention schedules is important to ensure compliance with a range of statutory requirements, not least GDPR, and the Assessment Team would encourage continuing efforts in this area.

The training of staff and in particular the provision of professional development opportunities for the Records Manager are important in developing a culture which understands the purpose of good records management and recognises that this helps staff to do their work more efficiently and cost-effectively. Even although the retention schedules are not fully in place, staff should be made aware of the importance of managing records appropriately. The Assessment Team commends the Commission for its work towards developing training of all staff and would be glad to see further development in due course.

The Team commends the progress evident in this work and would welcome updates on these projects in future PUR submissions.

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 the **Water Industry Commission for Scotland** 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