

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

**Crofting Commission**

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

**04 December 2017**

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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 **Crofting Commission**. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

### 4. Authority Background

The Crofting Commission's aim is to regulate crofting, to promote occupancy of crofts, active land use, and shared management by crofters as a means of sustaining and enhancing rural communities. The Crofting Commission also advises Scottish Government on crofting issues.

<http://www.crofting.scotland.gov.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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## 6. Records Management Plan Elements: Checklist

### Crofting Commission (Hereafter the 'Commission')

Element	Status of elements under agreed Plan September 2014	Status of evidence under agreed Plan, September 2014	Progress assessment status, 2017	Keeper's Report Comments on Authority's Plan, September 2014	Self-assessment Update as submitted by the Authority since September 2014	Progress Review Comment, 2017
1. Senior Officer	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change	<p>The Senior Officer has now changed to Jane Thomas, Head of Corporate and Customer Services (01463 663479 Jane.thomas@crofting.scotl and.gov.uk) and this has been updated in our RMP.</p> <p>We also have a new Chief Executive Officer, Bill Barron.</p>	The Assessment Team thanks the Commission for the update under this element. The Team believe that Jane Thomas, as a member of the Senior Management Team, is a suitable individual to have strategic responsibility for records management within the authority. The Team commends the updating of the RMP to

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						<p>reflect this change.</p> <p>In the event of a future statutory assessment, the Keeper will request sight of evidence such as a covering letter confirming the appointment of Jane Thomas as the individual named under this element.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>
2. Records Manager	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change	No change.	No immediate action required. Update required on any future change.
3. Policy	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change	No change.	No immediate action required. Update required on any future change.
4. Business	<b>A</b>	<b>A</b>	<b>A</b>	The Keeper commends the authority's functional	Our Business Classification scheme will be reviewed	At the point of the Keeper's statutory



<p>Classification</p>				<p>approach to its Business Classification Scheme (BCS) and the comprehensive nature of documents including the 'Information Database'.</p> <p>The authority does not currently have an EDRMS system but is committed to rolling out a SharePoint system across the authority by 2016. The Records Management Plan also commits the authority to producing a 'high level information asset register' as part of the new BCS. The Keeper requests sight of this document when available.</p> <p>The Keeper agrees this element on 'improvement model' terms. This means that he is convinced of the authority's commitment to implement the BCS over time. The 'sign-off' of the RMP, effected by the inclusion of the 'Covering</p>	<p>early 2018 to be linked with our new retention schedule that should be available December 2017. At this point, we will be reviewing whether to continue with the database format or to use the SCARRS BCS templates that are linked to the SCARRS retention schedule templates that we are currently completing.</p> <p>Progress on using SharePoint as an EDRMS did not proceed as fast as anticipated due to our organisation implementing a new database and long term sickness of key staff. Our organisation will shortly be moving to Microsoft Office 365 and we will be investigating the best use of EDRMS within this package.</p> <p>When we are reviewing the BCS, we will also be looking at the completion of an information asset register.</p>	<p>assessment in 2014 the Commission was working to achieve full compliance under this element by applying their Business Classification Scheme to the structure of an EDRMS (SharePoint).</p> <p>Although this submission notes that implementation of SharePoint has been delayed, there is a clear commitment from the Commission to continue working towards bringing this element into full compliance. This is reflected in the on-going investigation of EDRMS applications to complement the adoption of Office 365. The Team would be pleased to receive updates as work in this area progresses.</p> <p>The Assessment Team commend the intended review of the BCS in early</p>
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				<p>Statement' from the Chief Executive as part of the plan, can be taken by the Keeper as evidence that resources will be made available to ensure the pursuance of the activities required.</p> <p>The Keeper requests that he is updated as this project progresses, particularly if a 'pilot' scheme is implemented in a particular service area.</p>	<p>No pilot scheme will be implemented as the BCS and IAR will be rolled out to all teams at the same time.</p>	<p>2018. Such reviews will ensure that the BCS continues to accurately represent the functions of the authority and comprehensively cover all record series being generated through those activities. Likewise, the combining of this reviewed document with the authority's retention schedule is considered an example of good practice. Although not obligatory, linking such information is recommended as a means of providing staff with a useful, clear resource for managing the Commission's record series.</p> <p>The potential use of the SCARRS BCS template following the review must remain a business decision for the Commission, but the</p>
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						<p>Team considers this a wholly appropriate resource.</p> <p>Similarly, whilst there is no requirement for an authority to develop an Information Asset Register for compliance under this element, the Team considers this a reflection of the Commission's commitment to enhance their provisions in this area. The Team would welcome sight of this document once available.</p> <p>As significant reviews and developments under this element are anticipated to take place towards late 2017/early 2018, the Assessment Team request that they are updated on any changes in this area within future PUR submissions.</p>
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						The Assessment Team consider that progress is being made and that this element should remain under improvement.
5. Retention Schedule	A	A	A	<p>The Crofting Commission does not currently have a retention schedule but their plan commits them to creating one based on the BCS being rolled-out. The Keeper recommends combining the Retention Schedule and Business Classification Scheme within one document.</p> <p>The Commission commits itself to ensure that the Keeper is updated regarding significant changes to the retention schedule.</p> <p>The Keeper agrees this element on 'improvement model' terms. This means that he is convinced of the authority's commitment to create a full retention</p>	<p>Our organisation made a start on producing retention schedules and our SMT agreed on retention for some items, which included some historical paper files. However, this was put on hold due to the implementation of our new database and long term sickness of key staff. We are now making progress again and are working towards having our retention and destruction schedule implemented by the end of December 2017. This will then be linked to our BCS that we will review in early 2018.</p> <p>No pilot scheme will be implemented as the retention schedule will be</p>	<p>The creation of a comprehensive retention schedule is required under this element to ensure that consistent, pre-determined disposal/archival decisions are applied to all record series regardless of format.</p> <p>This submission indicates that the Commission have been engaged since 2014 in creating such a schedule and that they hope to implement this finalised document by December 2017. The Assessment Team commend this initiative and request that they have sight of this document once it</p>

				<p>schedule, based on the BCS, over time. The 'sign-off' of the RMP, effected by the inclusion of the 'Covering Statement' from the Chief Executive as part of the plan, can be taken by the Keeper as evidence that resources will be made available to ensure the pursuance of the activities required.</p> <p>The Keeper requests that he is updated as this project progresses, particularly if a 'pilot' scheme is implemented in a particular service area.</p>	<p>rolled out to all teams at the same time.</p>	<p>becomes available.</p> <p>As noted under Element 4, the Team consider the linking of this retention schedule with the BCS as an example of good practice. A combined document will provide staff with a robust tool which will aid them in applying records management decisions correctly and consistently to the record series created by the Commission.</p> <p>The Assessment Team consider that progress is being made and that this element should remain under improvement.</p>
6. Destruction Arrangements	A	A	A	<p>As a relatively new body the Commission has not yet had to destroy paper records but it is committed to reviewing what records it holds in storage with a view to taking</p>	<p>The review of our paper records is on-going due to the amount that we have stored off-site. Agreement was made by our Senior Management Team that</p>	<p>The Assessment Team commend the undertaking of a review of the paper records held in storage with a view to developing the retention</p>

				<p>a decision on their retention and disposal. The Keeper should be informed when this review is completed.</p> <p>Similarly the destruction of electronic records will also be included within the retention and disposal policies being developed.</p> <p>The Commission is actively working to ensure that policies are implemented for all record types and has supplied the 'Commission's Records Management Improvement Plan' as evidence. The Keeper agrees that the destruction of records is appropriately accounted for within this document.</p> <p>The Keeper agrees this element on 'improvement model' terms. This means that he is convinced of the authority's understanding of the importance of the managed destruction of</p>	<p>certain file types could now be destroyed and this has taken place. There are some file types that require further investigation.</p> <p>Investigations are on-going for the automatic destruction of electronic documents stored in our new database.</p> <p>Once our organisation moves to Microsoft Office 365, we will be investigating the best use of EDRMS within this package to include the management of electronic record destruction.</p>	<p>schedule (see Element 5). The Team recognise that this may take some time and therefore would be happy to receive updates on this project as work continues.</p> <p>The Keeper's statutory assessment acknowledged that suitable destruction arrangements had been developed by the Commission but that there had not yet been an opportunity to carry these out in practice. This PUR submission records that certain paper file types have now been destroyed. As such the Team would welcome having sight of documentation such as certificates of destruction if these are available.</p> <p>The Team similarly recognise that the</p>
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				<p>records and that they have put processes in place to ensure that this will be properly developed for records in all media. The Keeper requests that he is updated as this project progresses. He is particularly interested in viewing staff instructions for the management of electronic record destruction.</p>		<p>destruction of electronic records is linked to the authority's implementation of an EDRMS. The development of an EDRMS should allow for the assigning of automatic destruction or retention decisions to electronic record series. The Assessment Team would therefore welcome updates in this area once an EDRMS has become operational.</p> <p>The Assessment Team consider that progress is being made and that this element should remain under improvement.</p>
7. Archiving and Transfer	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change	No change.	No immediate action required. Update required on any future change.

<p>8. Information Security</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Keeper commends the Commission for adopting the Scottish Government Framework Security Policy and for their commitment to personalise it for their own use. The Keeper requests that he is supplied with a copy of the new policy document when available.</p> <p>The Keeper also welcomes the authority’s development of workflows and the training on information security provided to staff.</p> <p>The Keeper requests sight of the new ‘Acceptable Use Policy’ which is being developed alongside the rolling out of SharePoint.</p>	<p>New Crofting Commission Information Systems Security Policy and Information Management Practices documents have been issued to all staff to read and sign that they will adhere to the content. These replace the “acceptable use policy” that we previously advised of. <b>(See annex 1 &amp; 2).</b></p> <p>Responsible for Information training has now been added to the staff handbook and this mandatory annual training is included in all staffs’ personal learning plans. <b>(See annex 3 &amp; 4).</b></p>	<p>It is clear from the evidence submitted that the Commission continues to take its information security provisions seriously. The <i>Information Management Practices</i> (Annex 1) document instructs staff on the principle of ‘Single Source of Trust’ when handling and storing potentially sensitive information. Furthermore <i>The Security Policy</i> (Annex 2) highlights prohibited use of the authority’s hardware and software, the requirements on staff to comply with IT security practices, and the processes for reporting theft of equipment or the observance of behaviour likely to undermine information security. Particularly commendable is the inclusion of guidelines surrounding</p>
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						<p>social media, an increasing concern for all public authorities.</p> <p>The issuing of such guidance, and ensuring that staff read and sign these documents, is applauded by the Assessment Team.</p> <p>The Team also welcome the submission of a <i>Staff Handbook Screenshot</i> (Annex 3) and <i>Personal Learning Plan</i> (Annex 4) which show that staff must now undergo mandatory 'Responsible for Information' training. This module is designed to aid staff in the secure sharing and use of information. The Team would be happy to receive updates on the positive impact of such training in future PUR submissions.</p>
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						<p>The Assessment Team recognises the on-going initiative being undertaken by this authority under this element.</p>
9. Data Protection	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change	All staff now undergo mandatory data protection training which is included in the staff handbook. This mandatory annual training is included in all staffs' personal learning plans. <b>(See annex 3 &amp; 4).</b>	<p>As with Element 8, the Commission exhibits a high level of on-going compliance under this element. The mandatory, annual staff training in data protection is welcomed by the Assessment Team, as is the offering of a recommended module in Freedom of Information. The Team would be pleased to learn in future PUR submissions of any further developments in staff training should these take place.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by this</p>

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						authority under this element.
10. Business Continuity and Vital Records	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change	Our Business Continuity Plan is currently being reviewed and a new version is with our Senior Management Team for approval. A copy of the new agreed version will be supplied to the keeper when agreed.	<p>The regular review, testing, and updating of Business Continuity Plans is an expectation in the Keeper's Model Plan. The Team therefore commend the commitment by the Commission to review their Plan as this will ensure that the new version is relevant and fit for purpose.</p> <p>The Team thanks the Commission for their intention to forward a copy of the new version once approved by the Senior Management Team.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by this authority under this</p>

						element.
11. Audit Trail	A	A	A	<p>The Commission anticipates an improvement in the tracking of records once SharePoint is implemented and is also considering including an inventory of paper records for ease of control.</p> <p>The Keeper is able to agree this element on 'improvement model' terms. This means that the Commission has identified and acknowledged a weakness in provision and committed themselves to a course of action that will close this gap. The Keeper requires the Commission to keep him informed of progress in this area.</p>	<p>Our organisation will shortly be moving to Microsoft Office 365 and we will be investigating the best use of EDRMS, including the tracking of records, within this package.</p> <p>Our organisation also has a new database and a future improvement to this currently being investigated is to have a tracker for our paper files. The new database also keeps an audit trail of when staff create and delete records within the database.</p>	<p>Audit trail functionality, which allows an authority to track the movement and editing of a document, is crucial for ensuring the integrity, authenticity, and reliability of records.</p> <p>This submission highlights the progress being achieved in this respect through development of the new <i>Information Database</i>, which maintains an audit trail of when staff create and delete records held within this database. The Assessment Team commend this initiative and would also be pleased to receive future updates should the authority introduce a tracker for paper files as part of this new database.</p>

						<p>The Commission recognises that audit trail functionality for electronic records is best served through implementation of an EDRMS. Although work on this project has been delayed, there is a clear commitment to introduce an electronic records management system once Office 365 is fully operational. The Team welcome this assurance and would be pleased to receive updates as work in this area progresses.</p> <p>The Assessment Team consider that progress is being made and that this element should remain under improvement.</p>
12. Competency Framework	<b>G</b>	<b>G</b>	<b>G</b>	Once it becomes available the Keeper requests sight of the Training Plan as it is specifically mentioned in the RMP. The Keeper would also	Responsible for Information training has now been added to the staff handbook and this mandatory training is included in all staffs'	The Assessment Team welcomes the Commission's initiative in developing mandatory training in areas such as

				<p>welcome updates on the planned annual compulsory training on information management.</p>	<p>personal learning plans. <b>(See annex 3 &amp; 4).</b> The personal learning plans are used instead of a training plan.</p>	<p>Data Protection and Responsible for Information. This will likely help embed a culture amongst staff in which records management is recognised as a crucial function of the authority. The Team also thanks the Commission for notification that the Personal Learning Plans are now used instead of the Training Plan.</p> <p>For further discussion of the evidence supplied in respect of staff training please see elements 8 and 9.</p>
<p>13. Assessment and Review</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Keeper commends the Commission's commitments to reviewing and updating their policies and procedures and welcomes updates on these. In particular the Keeper would like to receive news of the planned review of</p>	<p>No change. See comments in element 4 relating to the BCS.</p>	<p>No immediate action required. Update required on any future change.</p>

				the Business Classification Scheme planned for 2015.		
14. Shared Information	<b>G</b>	<b>A</b>	<b>A</b>	The Keeper requests that he is kept informed of changes following the planned review of all information sharing protocols in 2014-15. He is especially keen to have sight of the MoU with Registers of Scotland once it becomes available. The sample submitted was labelled 'draft' and so cannot be taken as representative of what is actually happening in the Commission.	Due to our organisation implementing a new database and the long term sickness of key staff, we will now be reviewing all data sharing protocols in late 2017/early 2018, to ensure compliance with GDPR. Once completed, final versions will be forwarded to the keeper.	<p>The Commission recognises the importance of complying with information sharing protocols to ensure that data is shared securely and appropriately. This is reflected in the commitment to review all such protocols in late 2017/early 2018. The Commission will forward examples of approved protocols as evidence of compliance under this element. The Assessment Team applaud this initiative and look forward to receipt of these protocols once they become available.</p> <p>The Team similarly commend the Commission's proactive approach to the implementation of the</p>

						<p>General Data Protection Regulation (GDPR) in May 2018. Updating policies and protocols in readiness for GDPR is considered good practice.</p> <p>The Assessment Team consider that progress is being made and that this element should remain under improvement.</p>
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Version

The progress update submission which has been assessed is the one received by the Assessment Team on 03 October 2017. The author of the progress update submission is Gerry McGarry, Records Manager.

The progress update submission makes it clear that it is a submission for the **Crofting Commission**.

**7. PRSA Assessment Team’s Summary**

The Assessment Team has reviewed the **Crofting Commission** 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 hard to bring all elements into full compliance. The Assessment Team are particularly pleased to see the developments and progress being achieved in the training of staff in areas such as information security and data protection.

A number of the elements agreed by the Keeper on 'improvement model' terms will experience significant change in late 2017/early 2018 through major reviews of the Business Classification Scheme and data protocols, as well as the creation of a comprehensive Retention Schedule. The Team commends these initiatives and would welcome updates on these projects in future PUR submissions.

The Commission also intend to investigate suitable EDRMS options once they have fully adopted Office 365. As the implementation of EDRMS will likely improve audit trail functionality and automated destruction as regards electronic records the Team would be pleased to receive news of the work being done in this area.

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 **Crofting Commission** 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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**Neil Adams**  
Public Records Officer