The Public Records (Scotland) Act 2011

North Ayrshire Council and Licensing Board

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

17 October 2018

Contents

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 **North Ayrshire Council and Licensing Board**. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

North Ayrshire Council is one of 32 council areas in Scotland. It has a population of roughly 136,000 people. It is located in the southwest of Scotland, and borders the areas of Inverclyde to the North, Renfrewshire to the Northeast and East Ayrshire and South Ayrshire to the east and south respectively.

The area was created in 1996 as a successor to the district of Cunninghame. The council headquarters are located in Irvine, which is the largest town. The area also contains the towns of Ardrossan, Beith, Dalry, Kilbirnie, Kilwinning, Largs, Saltcoats, Skelmorlie, Stevenston, West Kilbride, as well as the Isle of Arran and the Cumbrae Isles.

North Ayrshire Licensing Board is the statutory licensing authority responsible for all Alcohol and Betting Licences in North Ayrshire. The Board is constituted under the Licensing (Scotland) Act 2005 and Gambling Act 2005.

http://www.north-ayrshire.gov.uk/home.aspx

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.

Progress Update Review (PUR) Template: North Ayrshire Council and North Ayrshire Licensing Board

Element	Status of elements under agreed Plan, July 2015	Status of evidence under agreed Plan, July 2015	Progress assessment status, 2018	Keeper's Report Comments on Authority's Plan, July 2015	Self-assessment Update as submitted by the Authority since July 2015	Progress Review Comment, 2018
1. Senior Officer	G	G	G	Update required on any change	From 1 October 2018 the Senior Officer is Craig Hatton, Chief Executive of North Ayrshire Council.	The Keeper thanks the authority for this update to Element 1 which is required under the Public Records (Scotland) Act, s1 (2) (a).
2. Records Manager	G	G	G	Update required on any change	From June 2018, the person with corporate responsibility for records management for North Ayrshire Council is: Lauren Lewis, Information Management Officer. Contact: North Ayrshire Council, Council Offices, Cunninghame House, Friarscroft, Irvine KA12 8EE	Element 2 is required under the Public Records (Scotland) Act, s1 (2) (a). The Model Plan states "It should be noted that staff changes will not invalidate any submitted plan provided that all records management responsibilities are transferred to the incoming post holder and relevant training is undertaken." The authority has provided the job description of the new

					post along with a supporting statement from Elizabeth Quinn, Senior Manager (Data). The new post of Information Management Officer has operational responsibility for corporate records management and has been allocated all the records management responsibilities of the previous post of Information Governance Manager. The post reports directly to the Senior Manager (Data), thus retaining the same reporting structure as the previous post. The Senior Manager (Data) has a strengthened strategic responsibility.

The authority has provided an on-going commitment to ensuring that the responsibilities for records management under the RMP are addressed in the appropriate manager. They have stated that "Creating the new, separate role of Information Management Officer who has operational |

						responsibility for corporate records management, strengthens our records management approach and commitment, where previously it was one element of a much wider role."

Ms Quinn has advised that a wider restructure is planned within the next 12 months. The outcome of this restructure should be advised to the Keeper if this results in any further change in the allocation of records management responsibilities.

Ms Quinn has also explained that the Council fully supports appropriate training and development of the Information Governance Officer, Ms Lewis.

The Keeper is content that this redistribution of responsibilities and allocation of the specific records management responsibilities to the post of Information Governance Officer meets |

	G	G	G			the standards identified in the Model Records Management Plan.
3. Policy	G	G	G	The Council demonstrates a strong level of compliance under this element with the development of a comprehensive policy and a series of strategy documents outlining their longer-term approach to Information Management. Also submitted is the *Records Management Manual*, which supports the Policy, and which is currently under review. The Keeper requests that any revised version is forwarded in order that he may keep the Council's submission up-to-date.	North Ayrshire Council has revised various policy and guidance documents to reflect changes in legislation and Council initiatives in both data management and digital engagement. These include the Records Management Manual, the Information and Records Management Policy, and the Information Management Strategy. The Council has also developed a Digital Strategy to drive improved management and use of data in service delivery. The Information Governance Procurement Framework has been restructured into a more user-friendly format to encourage greater compliance.	Copies of the Information and Records Management Policy (v5.0, Feb 2018), Records Management Manual (v3.0, June 2018), the Information Management Strategy (v2, Dec 2015) and Information Governance Procurement Framework (undated) have been provided. The Keeper thanks the Council for keeping its submission up to date.
4. Business Classification	G	G	G	North Ayrshire Council have a comprehensive and in-depth Information Asset Register (IAR) which is based on the Local Government	There is no change to the use of the Local Government Classification Scheme within the Information Asset Register	This update is noted with thanks. The decision to use Office 365 and SharePoint instead of an EDRMS is a business matter for the

				Classification Scheme. The Keeper considers this a wholly appropriate guide on which to base the IAR. The Council intends to use this existing IAR to inform the file plan structure when the authority begins the implementation of an Electronic Document and Records Management System (EDRMS). The Keeper commends this project and would welcome updates as work in this area progresses.	(IAR). The project to implement an Electronic Document and Records Management System (EDRMS) has now been superseded by the introduction of the Office 365 and SharePoint project. This project will form part of the Council's plan for delivering the Digital Strategy. This will use business classifications to support content and records management within the new suite of tools. A technical implementation partner was appointed in June 2018 and the project aims to deliver the new solution to all Council staff by end 2019.	Council. It is good to know that the LGCS continues in use as the Council's business classification scheme and will be operational within the new electronic records systems. The Assessment Team would welcome updates on this project in future PURs.
5. Retention Schedule	G	G	G	The Council are committed to developing new retention schedules centred on each Service area. The creation of new schedules, which will be based on those produced by the Scottish Council on Archives, is recognised as a	The Council continues to base its retention and disposal schedules on the model retention and disposal schedules produced by the Scottish Council on Archives. These will facilitate the cleansing	This update is noted with thanks.

				positive initiative by the Keeper, especially as input from the local service areas will influence the nature of these new schedules. The Keeper would be pleased to receive updates as work on this project continues.	and migration of electronic data on the Council's network shared drives to Office 365 and SharePoint.	
6. Destruction Arrangements	G	G	G	Update required on any change	No change other than the Information Classification Guidelines have been revised.	This update is noted with thanks.
7. Archiving and Transfer	G	G	G	The Plan states that the Council is developing a joint Archiving and Transfer Policy which will formalise the arrangements for transferring records selected for permanent preservation to an appropriate archive. The Keeper commends this endeavour and requests that he is provided with a copy of this document once it has been approved.	A working group has been established between the Data Service and representatives from the Economy & Communities Directorate which manages and operates the Heritage Centre. The objective of this group is to liaise with Ayrshire Archives to review the memorandum of understanding that currently exists, and where necessary, update this to reflect current business requirements for archives. The output of this piece of work will inform the new Archiving & Transfer Policy	The collaboration between the Council and its chosen archives facility is positive. The Assessment Team recommend that the working group should look closely at the Keeper's "Supplementary Guidance on Proper Arrangements for archiving public records" in developing the new Archiving & Transfer Policy. The Keeper will welcome sight of this in due course. https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/supplementary-guidance-on-proper-

	G	G	G		which will be created and signed off within the next 3-6 months.	
8. Information Security	G	G	G	Update required on any change	The Council has revised a number of information security policy and guideline documents to reflect changes to legislation and updated guidance from UK and Scottish governments on IT and Cyber Security. These include: Information Assurance Policy, IT and Cyber Security Policy, Third party access to Council resources guidelines, Guidelines for handling information and data, Guidelines for reporting IT and cyber security incidents, Loss of IT equipment guidelines.	Copies of the Information Assurance Policy (v1.0 May 2018); IT and Cyber Security Policy (v2 Nov 2017); Third party access to Council resources guidelines (v5.0 May 2016); Guidelines for handling information and data (v5.0 Nov 2017; Guidelines for reporting IT and cyber security incidents (v4.0 Nov 2017); and Loss of IT equipment guidelines (v4.0 Nov 2017) have been provided. The Keeper thanks the Council for keeping its submission up to date. Clearly there has been a thoughtful review of all policy in this area, partly prompted by legislative changes. The policy on Third Party access is usefully comprehensive in its understanding of the range of third parties which may reasonably request access to the Council's information, ranging from contractors to

						students and volunteers. It is important that access to information by non-employees is appropriately controlled. The Council is to be commended for their work in this area.
9. Data Protection	G	G	G	The Council demonstrates a high level of compliance under this element. However, as the Council's *Data Protection Policy* and *Subject Access Request Procedures* are currently under review, the Keeper requests that he is sent a copy of the revised documents once these are finalised and become operational.	The Council continues to employ a full time Data Protection Officer. This role meets the requirements of the General Data Protection Regulation (GDPR). All Data Protection policy and guideline documents have been revised to reflect the introduction of the GDPR and the Data Protection Act 2018. These include: Data Protection Policy, Privacy and fair processing of personal data, Guidance on handling subject access requests, Data breach reporting and management procedures, Data protection impact assessment information and guidance. The Council's Privacy Notice has also been	The Council has thoroughly reviewed its procedures and guidance in response to GDPR. Copies of the Data Protection Policy (v2.2 May 2018); Privacy and fair processing of personal data (v1, Mar 2018); Guidance on handling subject access requests, (v1.2 May 2018); Data breach reporting and management procedures (v1 May 2018); and the Data protection impact assessment information and guidance (v2 Apr 2018) along with a five part privacy impact assessment questionnaire have been provided. The Keeper thanks the Council for keeping its submission up to date.

					updated.	The Guidance on subject access requests is a particularly helpful document in the light of recent GDPR changes. It uses clear language to assist staff in ensuring that they provide good customer service and comply with the law.
10. Business Continuity and Vital Records	G	A	G	The Keeper agrees that the Council has an approved and operational business continuity plan and that the recovery plan encompasses vital records. However, as the submitted Business Continuity Plan for the Chief Executive's Service is in a 'draft' state, the Keeper is not able to consider it. He will need to receive an authorised version to agree the evidence part of this element. The Keeper makes this agreement on the understanding that once the evidential sample has been fully signed-off the Council will submit it to him.	Each Council service maintains a business continuity plan which includes arrangements for vital records and information assets. The Information Asset register also includes a field in each entry where business continuity details are recorded for that information asset. The Council's corporate Records Management Unit (RMU) relocated in 2016 and a disaster recovery plan has been developed for the new location.	The Business Continuity Strategy (Oct 2015) has been provided and this sets out the framework in place for managing risk including risks affecting records and information. Additionally the authority has provided the Business Continuity Plan template (v0.1), the Vital Records Guidelines (v2.0 May 2018) and the Records Management Unit Disaster Recovery Plan (v1.0 June 2018). Provision for Vital Records is in the Business Continuity Plan template. The Council may also find it helpful to mention recovery of vital records in the responsibilities

					of the Recovery Manager so that they are considered within 72 hours. Getting specialist help within 72 hours of an incident involving water damage to paper records (for example a fire extinguished by water) will minimise recovery costs. A redacted copy of the disaster recovery plan has been provided. This covers initial actions and relies on specialist support from an appropriate specialist document recovery company. The Council may wish to consider building on this by establishing regular table-top exercises and training of records staff in conjunction with Heritage & Archives staff. A sample Business Continuity Plan for Customer Services (version 1.1, updated in May 2018) has been submitted. Section 4.4 considers the recovery of vital records. If this were a statutory

						assessment it is likely that this would move the RAG status from Amber to Green in the Evidence column.
11. Audit Trail	G	G	G	The Council has procedures in place to ensure that the correct version of a record can be located and tracked. However, as the adoption of an EDRM system will likely lead to significant changes in audit trail functionality, the Keeper requests that he is informed if and when the EDRM becomes operational.	Both the Document Control Guidelines and the File Naming Convention Guidelines have been revised. Along with other information and records management policy and guidance documents these will support the development of Office 365 and SharePoint. A new RecMan database is being developed to replace the existing database and improve the tracking of paper records. The new database is currently in the user testing phase and it is expected to be available to records management staff by end Sept 2018.	Copies of the Document Control Guidelines (v2.0 May 2018) and the File Naming Convention Guidelines (v10 May 2018) have been provided. The Keeper thanks the Council for keeping its submission up to date. As the Office 365 and SharePoint project progresses along with the new RecMan database, the Assessment Team would be interested in seeing updates in future PURs.
12. Competency Framework	G	G	G	There is a strong commitment under this element to provide training to staff in information management. Also staff are	As part of the GDPR Project, a comprehensive training programme was rolled out across all staff	It is positive to see that the Information Management Officer is being supported to maintain and develop her

| | | | | required to complete mandatory training in Information Security and Data Protection before being allowed to access Council systems. The Keeper commends these initiatives and requests that he has sight of documentation relating to such training once available. | and Elected Members in the Council. The Information Governance Manager post is currently vacant and the scope of the role under review. From June 2018 the Information Management Officer (IMO) has corporate responsibility for records management and is a current and active member of the Information and Records Management Society (IRMS). She will be undertaking relevant training courses and qualifications to further develop her knowledge and experience. Following the relocation of the RMU the staffing level has reverted to two full time employees (the third role was temporary to support the move). | professional knowledge and qualifications.

Operational management of the RMU appears to continue to be appropriately supported. |
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| 13. Assessment and Review | **G** | **G** | **G** | The Council have opted to undertake a number of review procedures, including an annual assessment of compliance with the Plan by the Information Governance Manager, and the creation of | Following the introduction of the Progress Update Report (PUR) process by the National Records of Scotland, the Council intends to use this process to review progress on an | The internal review arrangements described here along with the commitment to use the PUR process is very positive and the Council is to be commended for this pro-active approach to |

				an *Information Management Self-Assessment Workbook* to help services undertake self-assessment and gauge their levels of compliance with Council policies and practices. The Plan also commits the authority to include assessment of records management provision within the internal audit programme. The Keeper applauds these planned endeavours as evidence of the Council's commitment under this element. As such the Keeper would welcome updates concerning these reviews and their results, particularly if they lead to significant changes in provision.	annual basis. The Corporate Management Team was renamed the Executive Leadership Team (ELT) in 2016. As part of the GDPR Project, monthly reporting on information governance and data protection was provided to the ELT, and will change to quarterly reports from Q2 2018-19. The structure and remit of the Information Management Governance Group (IMGG) and the Data Protection Advisory Group (DPAG) are currently under review and will be updated to reflect new legislation and align with Council strategies.	assessment and review of its Records Management Plan. The review of the Information Governance Group and Data Protection Advisory Groups is sensible in the light of the new Data Protection Act 2018. As with Element 12, the Council should ensure that it continues to have professional advice on proper arrangements for its records at an appropriate level and has mechanisms for ensuring that all staff comply with its Records Management Plan.
14. Shared Information	G	G	G	Update required on any change.	The strategic partnership working agreements are still in place. As part of the GDPR Project and the revision of the Information Governance Procurement Framework, the guidance on third party data sharing arrangements was updated	Templates for Data Controller to Data Controller and Data Controller to Data Processor have been provided. The Keeper thanks the Council for keeping its submission up to date.

					and templates created to support both data controller to processor and data controller to controller relationships. Completed data sharing agreements are held within the Information Asset Register and it is the responsibility of the relevant Service to ensure these are completed and maintained.	

<u>Version</u>

The progress update submission which has been assessed is the one received by the Assessment Team on 22 June 2018 and updated with additional evidence on 2 October 2018. The author of the progress update submission is Lauren Lewis, Information Management Officer.

The progress update submission makes it clear that it is a submission for the **North Ayrshire Council and Licensing Board**.

7. PRSA Assessment Team's Summary

The Assessment Team has reviewed the **North Ayrshire Council and Licensing Board** 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.

<u>General Comments</u>
Overall, a great deal of work has clearly gone into reviewing and updating policies and procedures prior to the current vacancy. There has been a clear strategic overview of the obligations of the Council in advance of the implementation of GDPR and a comprehensive consideration of policies and practice. There is evidence that operational changes are being well managed.

The decision to create a new structure for information governance and review the role of Information Governance Manager is a business matter for the Council. The Assessment Team have been assured that there is no diminishment in the level of responsibility of the functions of the Records Manager under the Act and that the new structure has strengthened strategic responsibility for records management as well as other areas of information governance. The need for greater focus on records management, data protection and information governance has been addressed by introducing new quarterly reports to the Executive Leadership Team and the Records Management Plan is being incorporated into the formal Information Governance Best Value Assessment.

Work on developing an Archiving and Transfer Policy (Element 8) is clearly much slower than was anticipated at the time of the Keeper's agreement three years ago. The authority has provided assurance that this is now being progressed and the collaborative approach described is a positive way forward for achieving this. The Assessment Team recommend that the Supplementary Guidance on Proper Arrangements for archiving public records is consulted and used to inform the development of this new Policy. The Keeper would like to see a copy of this Policy once it has been agreed.

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 **North Ayrshire Council and Licensing Board** 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