

The Public Records (Scotland) Act 2011

Tayside Valuation Joint Board

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

05 December 2022

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1. Public Records (Scotland) Act 2011

The Public Records (Scotland) Act 2011 (the Act) received Royal Assent on 20 April 2011. It is the first new public records legislation in Scotland since 1937 and came into force on 1 January 2013. Its primary aim is to promote efficient and accountable record keeping by named Scottish public authorities.

The Act has its origins in *The Historical Abuse Systemic Review: Residential Schools and Children's Homes in Scotland 1950-1995* (The Shaw Report) published in 2007. The Shaw Report recorded how its investigations were hampered by poor recordkeeping and found that thousands of records had been created, but were then lost due to an inadequate legislative framework and poor records management. Crucially, it demonstrated how former residents of children's homes were denied access to information about their formative years. The Shaw Report demonstrated that management of records in all formats (paper and electronic) is not just a bureaucratic process, but central to good governance and should not be ignored. A follow-up review of public records legislation by the Keeper of the Records of Scotland (the Keeper) found further evidence of poor records management across the public sector. This resulted in the passage of the Act by the Scottish Parliament in March 2011.

The Act requires a named authority to prepare and implement a records management plan (RMP) which must set out proper arrangements for the management of its records. A plan must clearly describe the way the authority cares for the records that it creates, in any format, whilst carrying out its business activities. The RMP must be agreed with the Keeper and regularly reviewed.

2. Progress Update Review (PUR) Mechanism

Under section 5(1) & (2) of the Act the Keeper may only require a review of an authority's agreed RMP to be undertaken not earlier than five years after the date on which the authority's RMP was last agreed. Regardless of whether an authority has successfully achieved its goals identified in its RMP or continues to work towards them, the minimum period of five years before the Keeper can require a review of a RMP does not allow for continuous progress to be captured and recognised.

The success of the Act to date is attributable to a large degree to meaningful communication between the Keeper, the Assessment Team, and named public authorities. Consultation with Key Contacts has highlighted the desirability of a mechanism to facilitate regular, constructive dialogue between stakeholders and the Assessment Team. Many authorities have themselves recognised that such regular communication is necessary to keep their agreed plans up to date following inevitable organisational change. Following meetings between authorities and the Assessment Team, a reporting mechanism through which progress and local initiatives can be acknowledged and reviewed by the Assessment Team was proposed. Key Contacts have expressed the hope that through submission of regular updates, the momentum generated by the Act can continue to be sustained at all levels within authorities.

The PUR self-assessment review mechanism was developed in collaboration with stakeholders and was formally announced in the Keeper's Annual Report published on 12 August 2016. The completion of the PUR process enables authorities to be credited for the progress they are effecting and to receive constructive advice concerning on-going developments. Engaging with this mechanism will not only maintain the spirit of the Act by encouraging senior management to recognise the need for good records management practices, but will also help authorities comply with their statutory obligation under section 5(1)(a) of the Act to keep their RMP under review.

3. Executive Summary

This Report sets out the findings of the Public Records (Scotland) Act 2011 (the Act) Assessment Team's consideration of the Progress Update template submitted for Tayside Valuation Joint Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

Tayside Valuation Joint Board was established in 1996 as part of the reorganisation of local government. It takes over from the Local Authorities in its area certain duties in relation to valuation for rating and council tax. Tayside Valuation Joint Board covers the local authority areas of Dundee City, Perth & Kinross and Angus Councils.

The Board comprises 15 Members who are appointed by the three Councils in its area. Dundee City Council nominates 6 members, Perth & Kinross Council 5 and Angus Council 4. The Board appoints the Assessor, whose statutory duty it is to prepare the Valuation Roll and the Council Tax Valuation List. The Assessor also provides the Electoral Registration service for Perth & Kinross Council and Angus Council.

Through its Clerk and Treasurer the Board provides the administrative framework within which the Assessor's Department operates. The Board Members provide an essential link between the Assessor, the Councils in the area and the electorate.

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. Progress Update Review (PUR) Template: Tayside Valuation joint Board

Element	Status of elements under agreed Plan 12APR16	Progress review status 15NOV18	Progress review status 05DEC22	Keeper's Report Comments on Authority's Plan 12APR16	Self-assessment Update 07AUG18	Progress Review Comment 15NOV18	Self-assessment Update as submitted by the Authority since 15NOV18	Progress Review Comment 05DEC22
1. Senior Officer	G	G	G	Update required on any change.	No change.	No immediate action required. Update required on any future change.	<p>There was a change of Assessor with effect from 1 June 2022. The Records Management Plan and Records Management Policy have been reviewed and updated.</p> <p>The following documents are submitted:</p> <p>Records Management Plan (Document 1).</p> <p>Records Management Policy (Document 2).</p>	<p>The Assessment Team thanks you for this update on a new senior officer; this has been noted. Update required on any change.</p> <p>Thank you also for submitting the updated RMP and RM Policy as part of the PUR process; these have been received with thanks.</p>
2. Records Manager	G	G	G	Update required on any change.	Records Management Plan amended to record the Chair of the Governance Working group as party with operational records management	The amended Records Management Plan (v2.1 May 2018) has been provided and the Keeper thanks the authority	<p>The Records Management Plan has been reviewed.</p> <p>See Element 1.</p>	See Element 1. The Assessment Team notes that there have been no changes to the individual named under Element 2.

					responsibility.	for keeping its submission up to date.		
3. Policy	G	G	G	Update required on any change.	Records Management Policy updated to reflect changes in senior management structure.	The Records Management Policy (v1.3 May 2018) has been provided and the Keeper thanks the authority for keeping its submission up to date.	The Records Management Policy has been reviewed. See Element 1.	Thank you for this update as well as the provision of a reviews RM Policy (see Element 1).
4. Business Classification	G	G	G	Update required on any change.	No change.	No immediate action required. Update required on any future change.	There has been no change from the previous Progress Update Review.	Update required on any change.
5. Retention Schedule	A	A	G	The Board has submitted a document 'Plan for the Management, Retention and Destruction of Electronic Records' (evidence document 34). This has been developed to tackle the abovementioned issues of records and emails stored on the shared drives and	TVJB has created a structure to enable easier retrieval of electronically stored data. It is proposed to enable automatic destruction of certain records when the risk of deletion of inappropriate records has been abated. The retention and disposal arrangements have been reviewed to take account of changing circumstances. Evidence:	The Plan for the Management, Retention and Destruction of Electronic Documents (v0.5 May 2018), Guidance on the Management, Retention and Destruction of Electronic Documents (v1.4 May 2018) and the Retention and Disposal Arrangements (May 2018) have been provided. The Keeper thanks the	The Retention Guidelines and Disposal Schedule is kept under ongoing review. Any changes are approved by the Board's Governance Committee and the Assessor. The shared drives have been further re-organised and destruction timescales set. The process of automatic destruction of files and folders has been activated.	The Assessment Team is grateful for this update, which indicates that TVJB has continued to make progress in this Element. It is especially positive to hear that shared drives have now had destruction schedules set and destruction processes activated, as this was the main gap in provision identified by the Keeper in 2016. The Team also acknowledges the receipt of accompanying evidence with thanks.

			<p>impose the structure of the BCS on a 'new' shared drive. A clear timescale for implementation has been laid out at the end of this document.</p> <p>The Future Development section of this Element of the RMP states that this work will be completed by 1 April 2017. The Keeper commends the commitment to improving provision in this difficult area.</p> <p>The Keeper can agree this element on an 'improvement model' basis. This means that the Board has identified a gap in provision (application of retention schedules to records held on shared drives)</p>	<ol style="list-style-type: none"> 1. Screenshot of Internal Shared Drive 2. Plan for the Management, Retention and Destruction of Electronic Documents 	<p>authority for this update in compliance with the conditions of agreement.</p> <p>The evidence supplied shows that the authority has developed a subject-based structure for the shared drive folders. This structure is a business decision for the authority but it does not appear to conform completely with the Retention and Disposal Arrangements and it is therefore not clear how the retention schedules apply to this electronic structure. It would be helpful to see procedures which clarify operational practice.</p> <p>The development of a structure is, however, a positive step forward and the assessment team would encourage further development in due</p>	<p>In the Valuation system records are maintained in Current and Archive folders. Essential records are maintained in Current, whilst Archived records are deleted in line with the retention schedule.</p> <p>Electoral paper records are scanned into digital format and both paper and digital records are deleted in line with the retention schedule.</p> <p>The following documents are submitted:</p> <p>Retention Guidelines and Disposal Arrangements (Document 3).</p> <p>Records Management Policy (see Element 1)</p> <p>Retention Schedule spreadsheet (Document 4).</p>	<p>To celebrate the progress made, this PUR Element has been turned from Amber to Green. If this was a formal RMP resubmission, it is likely this Element would receive a Green status as a result of formal assessment.</p>
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				and has provided clear evidence of a commitment to close this gap. As part of this agreement, the Keeper will require to be updated on progress as the project moves forward.		course.		
6. Destruction Arrangements	A	A	G	The Board has submitted a document 'Plan for the Management, Retention and Destruction of Electronic Records (evidence document 34). This has been developed to tackle the issues of records and emails stored on the shared drives and impose the structure of the BCS on a 'new' shared drive. It includes imposing access restrictions in certain areas,	An audit of records held on the shared and other drives was carried out by IT staff. Thereafter staff were instructed to delete personal files which are not thought suitable by management for storing on TVJB equipment. Thereafter staff transferred remaining appropriate files to a temporary area. These files would remain extant whilst other files remaining on the shared drive no longer required would be deleted. The existing shared drive has been so reviewed and the	The authority has invested considerable effort into cleansing electronic files which are not records. The evidence provided shows that the target date of April 2018 for the restructure of shared drives was met. The authority is maintaining progress in this area. It would be helpful in future PURs to see the forward plans for major initiatives like this. The authority has made progress in managing its	The changes to the management of electronic records has been progressed. All Shared Drives have a common structure and common disposal dates for destruction set and brought into use. These disposal dates have been set in line with the Retention Schedule as noted at Element 5 above. Staff are advised in advance of records being destroyed allowing an opportunity to check for any records they require to be retained.	See Element 5. The Team is pleased to hear that TVJB has made great progress in this Element, and managed to close the gap identified when their RMP was assessed in 2016. The Team acknowledges the receipt of accompanying evidence with many thanks. To celebrate the progress made, this PUR Element has been turned from Amber to Green. If this was a formal RMP resubmission, it is likely this RMP Element would also receive a Green

				<p>deletion of emails and highlights the need to maintain a record of deleted records. This document shows a strong commitment to improving the current situation and clearly states how the Board intends to do this and the timescales involved.</p> <p>The Keeper can agree this Element on an 'improvement model' basis. This means that the Board have identified a gap in provision (lack of ability to consistently and systematically delete records in shared drives) and have provided evidence of how they intend to close the gap. As a condition of this agreement the Keeper</p>	<p>temporary area will be transferred to the original shared drive by the end of April 2018.</p> <p>An area for management has been created where access is restricted to management team members only. Home drives have been reviewed. Management have access to all home drives other than other management team members.</p> <p>The automatic deletion of all emails has been established with a lower limit of one year and six and ten years dependent on the long term worth of any email.</p> <p>An audit of shared drive files has been undertaken and a structure established. Automatic deletion of electronic files stored on the shared drive will be enabled once the risk of erroneous</p>	<p>electronic records by structuring its shared drives. The Assessment Team recommend that the next steps should be the alignment of this structure fully with the retention schedules to enable the authority to ensure that electronic records are systematically deleted in accordance with the retention schedule.</p> <p>The guidance to staff to save emails into the appropriate electronic folders is good practice.</p> <p>The Plan for the Management and Retention of Electronic Records describes a process to set automatic deletion dates on individual files. The Plan identifies work which is still to be done but does not have target dates for completion of the additional work. In the absence of automatic deletion,</p>	<p>The revaluation period is decreasing from 5/7 years to 3 years following the Non-Domestic Rating (Scotland) Act 2020. At each re-valuation information non critical to the valuation process from the previous re-valuation is moved from the Current folder to Archive folder in property records. Older information is destroyed, whilst information critical to the valuation process is retained in Current in the subject library.</p> <p>The following documents are submitted:</p> <p>A screenshot of the Angus share drive structure (Document 5).</p> <p>Shared Drive Rationalisation - Staff Guidance (Document 6).</p>	<p>status as a result of formal assessment.</p> <p>Update required on any change.</p>
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				requests that he is kept informed of progress.	deletion of files has been mitigated. Evidence: 1. Plan for the Management, Retention and Destruction of Electronic Documents.	it appears that the authority has retained a system of manual deletion. It would be helpful to see any guidance provided to staff on responsibilities for deletion.		
7. Archiving and Transfer	G	G	G	Update required on any change.	No change.	No immediate action required. Update required on any future change.	The Archiving Policy & Transfer Arrangements document has been reviewed. The following document is submitted: Archiving Policy & Transfer Arrangements (Document 7).	The Assessment Team thanks you for this update, and for providing an updated copy of Archiving Policy and Transfer Arrangements.
8. Information Security	G	G	G	Update required on any change.	No change.	No immediate action required. Update required on any future change.	IT security has been upgraded to allow secure access to all systems during periods of home working. IT security is reviewed on a regular basis with external audits carried out and recommendations implemented.	Thank you for this update on information security arrangements. It is good to hear that this is being regularly reviewed, and that external audits are used as an improvement tool.
9. Data	G	G	G	Update required on any change.	The Records Manager and another senior	The impact of the Data Protection Act	The Data Protection Policy has been	Thank you for letting the Assessment Team know

Protection					<p>officer have received GDPR training achieving GDPR Practitioner certificates. Staff have been given guidance on GDPR by way of briefing sessions. Additionally, we are working collaboratively with Tayside Councils and other Assessors within the Scottish Assessors Association to meet all requirements under the DPA and obligations under GDPR, examples include the preparation and implementation of Data Sharing Agreements, Information Data Audits, GDPR Training and Privacy Notices on public facing media.</p>	<p>2018 has been fully considered and appropriate measures taken to ensure that staff have access to relevant and appropriate training and that the authority's compliance with data protection principles is maintained and updated as required.</p>	<p>reviewed.</p> <p>The following document is submitted:</p> <p>Data Protection Policy (Document 8).</p>	<p>that the Data Protection Policy has been recently reviewed. The receipt of this updated plan is also acknowledged with thanks.</p>
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.	<p>The Business Continuity Plan is kept under review and amended as required.</p> <p>The following document is submitted:</p> <p>Business Continuity Plan (Document 9).</p>	<p>Thank you for this update which has been noted. Thank you also for submitting the updated Business Continuity Plan which has been received with thanks.</p>

	G	G	G					
11. Audit Trail	G	G	G	Update required on any change.	Guidance on the Management and Retention of Electronic Documents has been reviewed to give formal instruction to staff on destruction of emails and file naming conventions.	The Guidance document has been provided (see Elements 5 and 6 above). The file naming convention in use is a business decision for the authority: developing this further will assist with more robust methods of tracking and accounting for files.	Guidance on the Management and Retention of Electronic Documents has been reviewed. The following document is submitted: Guidance on the Management and Retention of Electronic Documents (Document 10).	Many thanks for this update which has been noted, alongside the accompanying evidence. Update required on any change.
12. Competency Framework	G	G	G	Update required on any change.	No change.	No immediate action required. Update required on any future change.	There has been no change from the previous Progress Update Review.	Update required on any change.
13. Assessment and Review	G	G	G	Update required on any change.	No change.	No immediate action required. Update required on any future change.	The Records Management Policy has been reviewed. See Element 1.	Thank you for this update which has been noted. It is great to see that both the RM Policy and Plan have been reviewed as scheduled. It is also commendable to see Tayside VJB continuing to engage with the voluntary PUR process.
	G	G	G	Update required	Creation, review and	This update is noted	There has been no	Update required on any

14. Shared Information				on any change.	renewal of data sharing agreements is in progress in order to ensure compliance with the principles of the General Data Protection Regulation.	with thanks. The review of arrangements for shared information is essential for compliance with the Data Protection Act 2018 and it is positive to see this has been appropriately considered.	change from the previous Progress Update Review.	change.
15. Public Records created or held by Third Parties	N/A	N/A	A	N/A	N/A	<p>New Requirement: Adequate arrangements must be in place for the management of records created and held by third parties who carry out any functions of the authority.</p> <p>Obligations re public records being created by third parties...when delivering a public function under contract...</p> <p>Includes records which have come into the possession of the authority or contractor WHEN</p>	<p>Tayside Valuation Joint Board contracts third party companies to provide services to the Board. Records come into the third party company's possession, received on behalf of the Board to assist in carrying out the Board's functions.</p> <p>There is a Service Level Agreement in place to allow the efficient work of this aspect of the Board's functions. Paper copies of records are returned and digital records retained for only a short time.</p>	<p>Thank you for this update on Element 15. The Public Records (Scotland) Act (PRSA) makes it clear that records created by a contractor in carrying out a scheduled authority's functions are public records (Part 1 section 3.1 (b)). The Assessment Team reminds Tayside VJB that this element only applies when a contractor, or other third party, is carrying out a <u>function</u> of Tayside VJB, not when it is simply providing a service.</p> <p>In the formal assessment process, evidence would be required. This might include, for instance, an</p>

						<p>CARRYING OUT THE AUTHORITY'S FUNCTIONS.</p> <p>Requirement, that public records created or held by 3rd parties are properly managed.</p>	<p>example of a third-party contract with strong contractual clauses relating to records management processes.</p> <p>Scottish Council on Archives has published a helpful guidance document which may be beneficial when considering PRSA compliance under Element 15: PRSA-Contractors-Guidelines-ARMS-2018.pdf (scottisharchives.org.uk). The PRSA Team is also happy to help should any further guidance be required.</p> <p>This is a new Element, and it is very positive that Tayside VJB has voluntarily submitted a PUR update. This Element has been given an Amber status as it is clear that Tayside VJB has begun to consider its requirements. This RAG status is specific to the PURs only.</p>
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7. The Public Records (Scotland) Act Assessment Team's Summary

Version

The progress update submission which has been assessed is the one received by the Assessment Team on 30th August 2022. The progress update was submitted by Donald Groves, Principal Valuer, West Division.

The progress update submission makes it clear that it is a submission for **Tayside Valuation Joint Board**.

The Assessment Team has reviewed Tayside Valuation Joint Board's Progress Update submission and agrees that the proper record management arrangements outlined by the various 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

Tayside Valuation Joint Board continues to take its records management obligations seriously and is working to bring all elements into full compliance.

Section 5(2) of the Public Records (Scotland) Act 2011 provides the Keeper of the Records of Scotland (the Keeper) with authority to revisit an agreed plan only after five years has elapsed since the date of agreement. Section 5(6) allows authorities to revise their agreed plan at any time and resubmit this for the Keeper's agreement. The Act does not require authorities to provide regular updates against progress. The Keeper, however, encourages such updates.

The Keeper cannot change the status of elements formally agreed under a voluntary submission, but he can use such submissions to indicate how he might now regard this status should the authority choose to resubmit its plan under section (5)(6) of the Act.

8. The Public Records (Scotland) Act Assessment Team's Evaluation

Based on the progress update assessment the Assessment Team considers that Tayside Valuation Joint 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

A handwritten signature in blue ink that reads "Iida Saarinen". The signature is written in a cursive style and is positioned above the printed name and title.

Iida Saarinen
Public Records Officer