

The Public Records (Scotland) Act 2011

Scottish Public Services Ombudsman

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

29th July 2025

Table of Contents

1. The Public Records (Scotland) Act 2011	3
2. Progress Update Review (PUR) Mechanism	4
3. Executive Summary	4
4. Authority Background	5
5. Assessment Process	6
6. Progress Update Review (PUR)	7
7. The Public Records (Scotland) Act Assessment Team's Summary	11
8. The Public Records (Scotland) Act Assessment Team's Evaluation	12

1. The 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 Review template submitted for the Scottish Public Services Ombudsman. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

The Scottish Public Services Ombudsman has a wide remit, covering a variety of functions and services. The Ombudsman's powers and duties come (predominantly) from the Scottish Public Services Ombudsman Act 2002, which gives him four distinct statutory functions:

- 1. the final stage for complaints about most devolved public services in Scotland including councils, the health service, prisons, water and sewerage providers, Scottish Government, universities and colleges*
- 2. specific powers and responsibilities to publish complaints handling procedures, and monitor and support best practice in complaints handling.*
- 3. independent review service for the Scottish Welfare Fund (SWF) with the power to overturn and substitute decisions made by councils on Community Care and Crisis Grant applications.*
- 4. Independent National Whistleblowing Officer for the NHS in Scotland (INWO) – from 1 April 2021 – final stage for complaints about how the NHS considers whistleblowing disclosures and the treatment of individuals concerned.*

<http://www.spsso.org.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. Progress Update Review (PUR)

Scottish Public Services Ombudsman

Element	Status under agreed Plan 23FEB16	Progress review status 29OCT24	Progress review status 29JUL25	Keeper's Report Comments on Authority's Plan 23FEB16	Progress Review Comment 29OCT24	Self-assessment Update as submitted by the Authority since 29OCT24	Progress Review Comment 29JUL25
1. Senior Officer	G	G	G	Update required on any change.	Thank you for providing the PRSA Team with this update. This has been noted. Update required on any future change.	No change	No immediate action required. Update required on any future change.
2. Records Manager	G	G	G	Update required on any change.	Update required on any change.	No change	No immediate action required. Update required on any future change.
3. Policy	G	G	G	Update required on any change.	Update required on any change.	No change	No immediate action required. Update required on any future change.
4. Business Classification	G	G	G	Update required on any change.	Update required on any change.	No change	No immediate action required. Update required on any future change.
5. Retention Schedule	G	G	G	Update required on any change.	The Assessment Team is grateful for this update regarding rationalisation of data collection in the case handling system.	No change	No immediate action required. Update required on any future change.
6. Destruction Arrangements	G	G	G	Update required on any change.	Update required on any change.	<ul style="list-style-type: none"> WorkPro (bespoke case handling system) File Management (FM) archiving process instructions checked and updated. New 'history destruction' process to Workpro FM enabled (ensures all personal data deleted from FM cases). Liaison with public Inquiries about retention of records. Internal guide to ongoing public inquiries circulated for staff information. 	Thank you for this update. In the Keeper's original agreement it was noted that the Scottish Public Services Ombudsman had indicated a process for ensuring that relevant information governance systems are kept under review and updated as appropriate. It is welcome to see confirmation that this is being appropriately pursued.
7. Archiving and Transfer	G	G	G	Update required on any change.	Element 7 stipulates that records that have enduring value are permanently retained and made accessible Section 1(2)(b)(iii) of the Act specifically requires a RMP to make provision about the archiving and destruction, or other disposal, of an authority's public records.	<ul style="list-style-type: none"> Initial meeting with NRS regarding CLAS files retrieval. Reviewed sample selection ahead of retrieval. Project to commence 2025-26 once NRS have reviewed and updated their policy. 	Thank you for this update. The issue of providing a 'digital archive' is one that is being focused on by the Keeper. It is likely that a formal proposal for providing access to a permanent digital repository will be part of the Keeper's future

				<p>It is good to hear that an online email archive is in place, and that all emails are now held centrally on the cloud. It is also very appropriate that paper case files are kept under lock and key until records selected for permanent selection, whether paper or born-digital, can be sent to NRS for permanent preservation.</p> <p>The PRSA Assessment Team trusts that the formal archiving arrangements, which refer to permanent preservation of selected public records at a selected archival repository (in SPSO's case, National Records of Scotland) are still in place.</p>		<p>expectations of the Scottish public sector's RMP. It is welcome to learn that SPSO are in regular contact with their 'client manager' at NRS.</p>
8. Information Security	G	G	G	<p>Update required on any change.</p> <p>Thank you for this thorough update on SPSO's continuing information security compliance, including the development of updated guidance and procedures, extensive cyber security training and exercises, and the adoption of multi-factor authentication.</p> <p>That SPSO continues to hold Cyber Essentials reaccreditation is commendable.</p> <p>Based on this update, SPSO continues to ensure that robust information security procedures are in place, and that these are being followed.</p>	<ul style="list-style-type: none"> • Standard SPSO contract for suppliers reviewed with cyber security clauses inserted. • Initial assessment against updated Public Sector Cyber Resilience Framework. • Review of Cyber Incident Response Plan and associated playbooks, in conjunction with the review of Business Continuity Handbook. • Monitoring of new Scottish Cyber Co-ordination Centre monthly ransomware reports and daily threat reports. • Cyber Essentials re-certification. • iTECS 'think before you click' phishing campaign recommenced. • Staff sessions run by iTECS for National Cyber Security Awareness Month, and for Cyber Scotland week 2025. • MFA switched on for learning hub, social media accounts and Mailchimp (and due to be switched on for Workpro 30 May 2025). • Changes to WorkPro backup approach, improving resilience, exposure, protection, and security. 	<p>As noted above, it is important that an authority keeps its information management systems, policies and guidance documents under review and it is welcome that SPSO clearly does this.</p> <p>This is particularly important around the area of information security. It is vital that an authority guarantees that it can react to changes in information security threat and that it has policies in place that ensure all the public records it manages are retained within appropriate security controls (for example by reviewing their cyber-incident response procedures). It is clear from this PUR that the SPSO understand this.</p> <p>Many of the recent information security breaches stem from human error. It is therefore important that staff are trained on the authority's information security requirements and that this training is routinely repeated. Again, it seems clear that SPSO are actively pursuing this principle.</p>

						<ul style="list-style-type: none"> Working from home data security checklist reviewed. Update to ICT handbook to include guidance on using AI tools. Disclosure Scotland: renewal of Disclosures. 	
9. Data Protection	G	G	G	Update required on any change.	<p>Thank you for providing this update on data protection training. The changes made to data collected for the case management system, also mentioned under Element 5, is also noted.</p> <p>Thank you also for letting us know that the SPSO Privacy Notice, RoPA, IAR, SAR and other information request guidance have gone through a review and been updated.</p> <p>Update required on any future change.</p>	<ul style="list-style-type: none"> Data protection complaint process reviewed and updated. New digital recording policy added to Information Governance Handbook (and staff training). 	<p>Thank you for this update. The comments have been noted.</p> <p>Furthermore the PRSA Implementation Team note that the Scottish Public Services Ombudsman is registered with the Information Commissioner as a data controller: Information Commissioner's Office - Register of data protection fee payers - Entry details</p> <p>They publish a Privacy policy online: Privacy notice SPSO This includes details of service user's rights as a data subject.</p> <p>This element retains its Green RAG status.</p>
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	<p>An authority's business continuity arrangements should include the recovery of records made temporarily unavailable due to an unexpected event. It is clear that SPSO has recently invested in training on the subject.</p> <p>For further comments on training, see Element 12.</p>	<ul style="list-style-type: none"> Incident Response Team completed ransomware incident management exercise. Review of Business Continuity Handbook. 	<p>Thank you for this update.</p> <p>The incident management exercise and handbook review have been noted.</p> <p>The recovery of records made temporarily unavailable by an unexpected event is an integral part of the authority's business continuity planning.</p> <p>Staff training is fundamental to the smooth recovery in an emergency (including record recovery). The exercise is evidence that SPSO pursue this appropriately.</p>
11. Audit Trail	G	G	G	Update required on any change.	Update required on any change.	No change	No immediate action required. Update required on any future change.

12. Competency Framework	G	G	G	There is a commitment in the <i>Records Management Policy</i> (page 4) (see element 3) that states "The identification of records management as a distinct stream within the organisation's training portfolio, with dedicated training provided to all staff". The Keeper commends this commitment and request that any training material relevant to this RMP should be sent to him when available.	Thank you for letting the Team know that information management and records management training has been attended by the Corporate Information Governance Officer, and that future training is also planned. It is also good to know that business continuity has also been a focus of recent conference attendance and training.	No change	No immediate action required. Update required on any future change.
13. Assessment and Review	G	G	G	Update required on any change.	Thank you for confirming that the internal Information Governance Handbook has been reviewed. SPSO's continuing participation in the Progress Update Review (PUR) process is commended as a way to ensure the RMP remains fit for purpose.	<ul style="list-style-type: none"> Information Governance Handbook annual review (incorporates RMP along with all other Information Governance and Data Protection policies, procedures and guidance). Annual eRDM file closures and deletions review. Annual GDPR, and data security training. 	<p>Section 1(5)(i)(a) of the Act says that an authority must keep its RMP under review. The Keeper's Assessment Team acknowledge that this requirement is being appropriately pursued by the Scottish Public Services Ombudsman.</p> <p>They welcome the authority's continued engagement with the Keeper's Progress Update Review (PUR) process.</p> <p>At the time of the original agreement (2016) The Keeper agreed that SPSO had made a firm commitment to review their RMP as required by the Act and have explained who will carry out this review and by what methodology.</p>
14. Shared Information	N/A	G	G	Update required on any change.	Update required on any change.	<ul style="list-style-type: none"> Staff session: Information sharing - new draft guidance on health and safety (section 19 (3) SPSO Act). 	Thank you for confirming that that information sharing with other bodies or individuals is appropriately controlled and that records management is properly considered. The evidence package that accompanied the last RMP submission included an example of data sharing agreement and the Keeper was able to agree that SPSO properly considers records governance when undertaking information sharing programmes. Therefore, this element retains its Green 'compliant' RAG status.

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 23rd May 2025. The progress update was submitted by Helen Littlemore, Corporate Information Governance Officer.

The progress update submission makes it clear that it is a submission for **the Scottish Public Services Ombudsman**.

The Assessment Team has reviewed the Scottish Public Services Ombudsman'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

The Scottish Public Services Ombudsman continues to take its records management obligations seriously and is working to maintain all elements in 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.

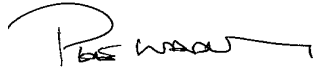
The Keeper cannot change the status of elements formally agreed under a voluntary submission, but he can use such submissions to indicate how he might now regard this status should the authority choose to resubmit its plan under section (5)(6) of the Act.

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

Based on the progress update assessment the Assessment Team considers that the Scottish Public Services Ombudsman continue to take their statutory obligations seriously and are working hard to maintain all the elements of their records management arrangements in 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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Pete Wadley
Public Records Officer