The Public Records (Scotland) Act 2011

Food Standards Scotland

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

7th September 2023

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 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 Food Standards Scotland. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

Food Standards Scotland's primary responsibility is to ensure that information and advice on food safety and standards, nutrition and labelling is independent, consistent, evidence-based and consumer-focused. Its primary concern is consumer protection – making sure that food is safe to eat and ensuring consumers know what they are eating and improving nutrition. With that in mind, their vision is to deliver a food and drink environment in Scotland that benefits, protects and is trusted by consumers.

FSS develops policies, provides policy advice to others, is a trusted source of advice for consumers and protects consumers through delivery of a robust regulatory and enforcement strategy.

FSS was established by the Food (Scotland) Act 2015 as a non-ministerial office, part of the Scottish Administration, alongside, but separate from, the Scottish Government. It is mainly funded by government but also charges fees to recover costs for regulatory functions.
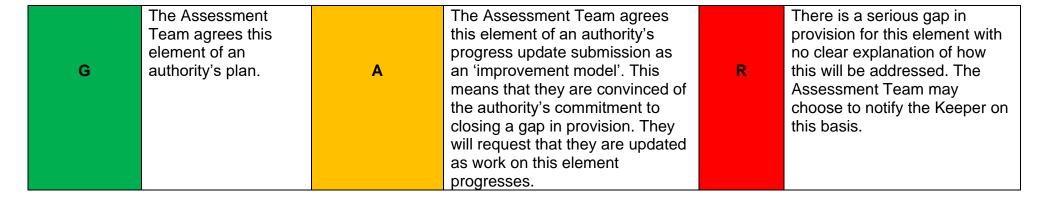
5. Assessment Process

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.

6. Progress Update Review (PUR) Template: Food Standards Scotland

Element	Status under agreed Plan 25JAN18	Progress status 14MAY20	Progress status 07SEP23	Keeper's Report Comments on Authority's Plan 25JAN18	Self-assessment Update 20APR20	Progress Review Comment 14MAY20	Self-assessment Update as submitted by the Authority since 30APR2021	Progress Review Comment 07SEP23
1. Senior Officer	G	G	G	Update required on any change.	Change to Personnel. Ian McWatt is now FSS New Deputy Chief Executive & Director of Policy, Science and Operations. He is FSS' SIRO	The Keeper of the Records of Scotland's PRSA Assessment Team thanks Food Standards Scotland for this update which has been noted.	Change in SIRO's Title: Ian McWatt is now Director of Policy and Delivery at FSS	The Keeper's Assessment Team thanks you for this update which has been noted.
2. Records Manager	G	G	G	Update required on any change.	No change to personnel. Job regraded with a new title - Information and Records Manager.	The Assessment Team note the change of job title. Thank you for this update.	No change to personnel. However with the doubling of the staff count in the past 18 months, a new Records Management Support Officer is currently being recruited to support the Information and Records Manager.	The Team thanks you for this update on recruiting additional staff to support the information and records manager in their work.
3. Policy	G	G	G	Update required on any change.	No change - Document reviewed and updated during annual policy review process.	In their original submission Food Standards Scotland committed to updating relevant policy documents on a regular basis. As before, the Assessment Team appreciates the confirmation that this is being done.	No change – Records Management Policy including procedural documents are being reviewed annually. We are also planning on a deep-dive review of our policies, procedures and template when the new Records Management Support Officer is in post to align with any new/updated SCARR guidance.	Thank you for letting us know there have been no major updates to this element. The plans for a thorough policy review in additional to the regular annual review are noted and commended.
4. Business Classification	G	G	G	Update required on any change.	No change – FSS Information Assets are monitored and annually reviewed on the Scottish Government Information Assets Register. The list of the assets is published and updated annually on our Open Data Portal	FSS make their record structure publically available at https://www.foodstandards.gov.scot/publications-and-research/open-data-portal/fss-information-assets-register This is to be commended. In 2018 the Keeper agreed that FSS had a BCS (or equivalent) which identified its functions and the records created in carrying these out. There is nothing here to suggest that this has changed and, in fact, it can be acknowledged that their structure undergoes routine review to ensure that all public records are known and are identified within a structure, as expected by the Keeper.	No change – FSS Information Assets are monitored and annually reviewed on the Scottish Government Information Assets Register. The list of the assets was reviewed following an Open Data Internal Audit and published on our Open Data Portal. We also now have a Data Inventory in eRDM but is not published because it contains personal and sensitive data.	Thank you for letting the Assessment Team know that the FSS information assets continue to be monitored and follow the annual review schedule of SG IAR. We are also grateful for the link to the Open Data portal as well as the notification of a Data Inventory on eRDM. It is clear that FSS continues to recognise the importance of a robust business classification framework.
5. Retention Schedule	G	G	G	Update required on any change.	No change – FSS retention schedules are reviewed and updated annually.	The Assessment Team thanks FSS for reconfirming that their retention schedules reviewed and update annually. Again there is a clear indication that the	No change – FSS retention schedules are reviewed and updated annually. We are also following new Scottish Government (SG) updated disposal schedule guidance for files which have an action of archive less than 15 years after closure following	Thank you for letting us know that there have been no changes to FSS retention schedule arrangements, and that any changes necessitating a change in

						authority recognises that a retention schedule is a living document liable to regular adjustments in line with FSS business needs.	discussion between SG and NRS. The change has been automated on eRDM.	approach are actioned swiftly. The Assessment Team is confident that FSS continues to take its responsibilities with regard to this element seriously.
6. Destruction Arrangements	G	G	G	Update required on any change.	We are still using Ecocleen for our confidential paper disposal but they are now trading as 'Tidy Green Clean' All IT hardware disposal is either done by Scottish Government iTECS team or on their instruction using SG IT/SCOTS guidance	The Assessment Team thanks FSS for this update regarding the change in the trading name of their confidential waste supplier. This makes no difference to the Keeper's original agreement that the records destruction procedures in the authority are appropriate.	No change to destruction arrangements. However, with the new way of working where all our office based staff are now working from home, paper shredders have been procured and delivered to key staff who have a business requirement to print out documents. The purchase of the paper shredders is to ensure the secure disposal of sensitive documents when no longer required.	The Assessment Team thanks FSS for this update on how home-working has impacted destruction arrangements and how it has been addressed. We are confident that the FSS has a good handle on this element.
7. Archiving and Transfer	G	G	G	Update required on any change.	No Change. Continuous preservation of FSS Website by National Records of Scotland. Discussion will be held with NRS and SG Corporate Records team on the best option available for archiving FSS records that are held on SG eRDM system.	In their original submission (2018) FSS identified the National Records of Scotland as a suitable repository for the preservation of the public records selected for permanent retention. There is an agreement (in the form of an MoU) to enable the transfer of such records. The Assessment Team thanks FSS for confirmation that they are also working with NRS regarding web-harvesting. Archiving digital records is in its infancy in the Scottish public sector. It is commendable that FSS is already addressing this with their archive provider.	No change, web harvesting with NRS has been excellent. FSS's electronic records on eRDM will be archived at NRS along with other SG records.	Thank you for notifying us that there has been no change to this element. We are very pleased to hear that the web harvesting and electronic record arrangements with the National Records of Scotland are working well.
8. Information Security	G	G	G	Update required on any change.	No change – FSS information security policies and procedures are reviewed and updated annually. All Information Assets Owners in FSS regularly monitor and manage the assets within their respective business areas. An annual report is then submitted to our SIRO. **Evidence 77 :** Annual IAOs report to SIRO Communication A Records Management Maturity Model procedure benchmarked against PRSA standards was developed to ensure the confidentiality, integrity, and availability of all information assets across the organisation. A report is generated and sent to our SIRO for review and approval of any recommendations identified in the IAO submissions, and to further facilitate the implementation of our RMP.	In their original submission Food Standards Scotland committed to updating relevant policy documents on a regular basis. The Assessment Team appreciates the confirmation that this is being done. The Keeper would commend local business area involvement in the records management provision in an authority. There is ample evidence in this PUR that that is standard practice in FSS through their Information Asset Owner structure. The Assessment Team acknowledge the receipt of evidence. The Assessment Team thanks FSS for the update regarding ISO27001. They look forward to a further update on this in subsequent PURs.	No change – FSS information security policies and procedures are reviewed and updated annually. FSS are in discussion with SG Digital Transformation Services (DTS) on getting an ISO27001 expert to help FSS implement the ISO27001 information security controls across all FSS business areas. The gap analysis and statement of applicability are completed. A paper was sent to, and approved by FSS SIRO to implement ISO 27001 controls in FSS. All information assets have been monitored, reviewed and updated throughout the reporting year. New information assets were identified and registered as an outcome of the Data Inventory exercise.	The Assessment Team is grateful for this update on FSS security policies and procedures. The new focus om implementing changes in order to meet the ISO27001 standard is particularly welcome news, as this shows continuous commitment to improvement. The Assessment Team is contented that the FSS is taking steps in the right direction in order to maintain their Green RAG status.

					We will be exploring ISO27001 accreditation in the 2020/21 reporting year by doing a gap analysis and producing a Statement of Applicability (SoA).	For records management maturity model, see under element 13 below.	Regular cybersecurity updates are provided to all FSS staff as part of the Chief Executive Weekly news update to remind all FSS staff of the threats and vulnerabilities out there and the need for all FSS staff to remain vigilant especially while working from home.	
9. Data Protection	G	G	G	Update required on any change.	No change – FSS data protection policies and procedures are reviewed and updated annually. A 6 monthly data protection report is produced and discussed at our senior management team meeting. We now have a Stakeholder Engagement Management System built on Microsoft Dynamic 365 platform. The SEMS system ensures that we comply with the principles of GDPR/DPA 2018, in particular, Accuracy, Storage Limitation, and Integrity and Confidentiality of all personal data in our organisation.	The Assessment Team thanks FSS for this update. The new technological solution, making FSS data protection provision more robust, has been noted. This is an interesting expansion of the functionality of O365 which will be of interest to the many other public authorities already using this suite of tools. Again there is evidence here that policies and procedures in the authority are appropriately updated.	No change in this area but increase awareness across the business on our collective responsibility for the handling of information including personal data. A data protection check list was produced to ensure that privacy consideration is central to the introduction of new projects or services in FSS. We have further revamped our privacy section of the website to comply with our obligations for documentation, accountability in the processing of personal data under the UK GDPR and DPA 2018. Privacy	Food Standards Scotland	Thank you for updating us on FSS's continuing good practice in terms of its approach to Data Protection. The privacy statement, accessible on the FSS website, is also noted with thanks.
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	FSS continues to operate a Business Continuity Plan (BCP) that is periodically reviewed and kept up to date. The current Coronavirus pandemic tested our procedures and systems for prompt communication and continuation of both crises related critical work streams, and other essential core activities. Our systems and communication channels coped extremely well and facilitated a steady working from home arrangement, and a robust crises and resilience management.	The submission of the FSS PUR coincided with the actual implementation of their business continuity arrangements due to the Covid19 crisis. The Keeper will be pleased to learn that in FSS the switch to working from home went smoothly. Again there is evidence here that policies and procedures in the authority are appropriately updated.	No significant change. FSS continues to operate a Business Continuity Plan (BCP) that is periodically reviewed and kept up to date. The following changes were made to the BCP Some of Changes added to the BCP during the COVID-19 outbreak are: • Updated data and process on maintenance of GroupCall system • Section included on Risk Assessments relating to incident and any associated action tracking • Updated Hyperlinks throughout Included and Adapted Roles and Responsibilities in line with FSS Incident Management Framework • Inclusion of Business Continuity Classification Matrix • Change of Appendix 1 – 'Business Critical Activities' to include contingency plans and required equipment • Restructure of sections to signify Business Continuity Event and the potential steps/experiences/work scopes contained within	Thank you for informing us that there has been no significant changes to this element. The adjustments made during the ongoing COVID-19 pandemic are noted with thanks. It is clear that the FSS has made the necessary changes to their Business Continuity Plan to adjust in the altered situation while maintaining business resilience.

								• Addition of Section '20 COVID Addendum' in line with SG Guidance on update of BCP • Sections added on Concurrent Events, Working From Home, Internal Communications, Briefing Cell, Business Recovery Timescales and Human Resource Factors	
11. Audit Trail	G	G	G	Update required on any change.	No change. eRDM and SharePoint are the corporate records repositories that we use in our organisation. They both have appropriate audit mechanism to support Freedom of Information requests and any other legal or regulatory compliance requests.	No action required. Update required on any change.	No change. eRDM and SharePoint are the corporate records repositories that we use in our organisation. Important reports generated from our bespoke applications and presented to management or Ministers, are saved to either eRDM or SharePoint as part of our internal process of capturing corporate records of enduring value.	Thank you for indicating there have been no major changes to audit trail information arrangements, and that FSS continues to recognise the importance of complete an accurate representation of all changes that occur in relation to a particular record.
12. Competency Framework	G	G	G	Update required on any change.	The Information and Records Manager is a member of the Information and Records Management Society (IRMS) and member of the International Association of Privacy Professionals (IAPP). The Information and Records Manager takes advantage of these networks to identify and attend courses, webinars, conferences, to learn and share best practices with peers. The Records Manager provides regular updates and refresher training to FSS staff on key elements of the RMP. **Evidence: E78:** Knowledge and Information InfoMap **Evidence: E79:** Data Protection Compliance- Staff Update The Records Manager will undertake the Certified Information Security Manager course in 2020/21 reporting year to acquire further information security management skills. Our Information Assets Owners will receive their annual information assets training when we return to normal working arrangements. All FSS staff and contractors complete the mandatory training on data protection (Scottish Government e-learning) and managing information (Civil Service	In 2018 the Keeper agreed that Food Standards Scotland had appropriately resourced information governance training for their staff particularly the individual identified at element 2. There is ample evidence in the previous PUR and now again in this submission that this resource remains available and that the authority takes this vital aspect of records management provision seriously. The Assessment Team acknowledges receipt of recently produced staff guidance documents as evidence that training is continually reviewed and enhanced. The Assessment Team notes the professional memberships of the Information and Records Manager and that he will be undertaking supplementary information security training in the next year. This is commended both in itself and as evidence that the authority supports the development of key information governance staff.	The Information and Records Manager continues to be a member of the Information and Records Management Society (IRMS) and member of the International Association of Privacy Professionals (CAPP). The information and Records Manager introduced a Ways of Working (WoW) series, organising drop in sessions on different topics within the Knowledge and Information Management (KIM) subject areas. The Information and Records manager completed the Certified Information Security Manager training in this reporting year. All FSS staff and contractors complete the mandatory training on data protection (Scottish Government e-learning) and managing information (Civil Service Learning). This is monitored closely with a report sent to SIRO.	Thank you for the update on the information and records manager's continuing professional engagement and development, including information security certification and memberships of CAPP and IRMS. This is all very reassuring and shows that FSS is committed to supporting the development of their key information governance staff. In addition, the supply of mandatory training on data protection and information management for all staff shows commitment to this element throughout the organisation.

	G	G	G		Learning).			
13. Assessment and Review	G	G	G	Update required on any change.	No change. However, there is a strong commitment to annual review of our RMP, Records Management Policy, and other Knowledge and Information Management (KIM) policies and procedures, as a standard objective of the Information and Records Manager. The Information and Records Manager now meets monthly with the SIRO, to update the SIRO on any information security concerns or issues in the organisation and to highlight/promote best practices. Reporting to the DPO is by exception but the DPO is always kept up-to-date where an information security incident is under investigation or his advice or approval is required. Any information security or privacy concerns in the organisation is further discussed at Senior Management Team meeting, Corporate Leadership Group meeting and at all staff meeting. If and where necessary or appropriate, it can be escalated to the Board	The Act requires all public authorities to keep their plan under review. There is strong evidence that Food Standards Scotland properly does this. FSS have developed a Maturity Model which was shared with the Keeper in 2019. This is highly commended and has, with FSS permission, been published by the Keeper as an example of best practice in this area. A specific use of the Maturity Model within FSS is discussed under element 8 above. The Assessment Team thanks FSS for the update regarding reporting in the organisation. It is clear that there is a direct method to bring information governance issues to the attention of senior management. Again this is commendable. In short, this element is a particular highlight of what is already a very strong plan.	No change. The information and Records Manager now sits on FSS Data and Digital Forum providing expert advice on records management, information security and data protection. However, there is a strong commitment to annual review of our RMP, Records Management Policy, and other Knowledge and Information Management (KIM) policies and procedures, as a standard objective of the Information and Records Manager.	Thank you for letting us know there have been no major changes to this element. It is reassuring to see that the FSS continues to keep up with their robust assessment and review processes, including regular annual review of key policies and procedures.
14. Shared Information	G	G	G	Update required on any change.	eRDM Connect is officially the default corporate tool to share information and collaborate on documents with stakeholders and key delivery partners up to Official-Sensitive. We have tightened our information sharing procedure further by ensuring that we have appropriate data/information sharing agreements in place before sensitive data is shared with external stakeholders including other public sector organisations, with exception where the Law allows emergency sharing of data across the public sector E.g., in the detection and prevention of crime.	In 2018 the Keeper agreed that FSS had appropriate safeguards in place to ensure the controlled sharing of information with third parties. There is nothing here to suggest that this has changed. The Keeper acknowledges that use of Objective Connect as a data sharing tool. He already endorses this product by using it for data sharing by NRS.	There has been significant improvement in this element in this reporting year. More business areas now use eRDM Connect to share and collaborate on documents with external stakeholders and key delivery partners. There has also been an increase in the drafting and approval of data sharing agreements with key delivery partners in this reporting year.	The Assessment Team thanks FSS for this update. It is positive to hear that significant steps have been taken with regard to element 14, and continue to be taken to improve the shared information procedures and policies.

7. The Public Records (Scotland) Act Assessment Team's Summary

<u>Version</u>

The progress update submission which has been assessed is the one received by the Assessment Team on 16th March 2023. The progress update was submitted by Alina (Maria) Zangelidou, Records Management Support Officer.

The progress update submission makes it clear that it is a submission for **Food Standards Scotland**.

The Assessment Team has reviewed Food Standards Scotland'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.

<u>General Comments</u>

Food Standards Scotland 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 Food Standards Scotland 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

Iida Saarinen
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