National Records of Scotland

Public Records (Scotland) Act 2011

**Scottish Natural Heritage
Assessment Report**

The Keeper of the Records of Scotland

14 August 2014

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 fully 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 record keeping 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. Executive Summary

This report sets out the findings of the Keeper's assessment of the RMP of **Scottish Natural Heritage** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 5th May 2014.

The assessment considered whether the RMP of Scottish Natural Heritage was developed with proper regard to the 14 elements of the Keeper's statutory Model Records Management Plan (the Model Plan) under section 8(3) of the Act, and whether in this respect it complies with it and the specific requirements of the Act.

The outcome of the assessment and the Keeper's decision on whether the RMP of Scottish Natural Heritage complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

Scottish Natural Heritage is funded by the Scottish Government. Its purpose is to:

•promote care for and improvement of the natural heritage
•help people enjoy it responsibly
•enable greater understanding and awareness of it
•promote its sustainable use, now and for future generations.

http://www.snh.gov.uk/about-snh/

4. Keeper's Assessment Process

The RMP was assessed by the Public Records (Scotland) Act Assessment Team on behalf of the Keeper. Assessors used the checklist elements listed in section 5, to establish whether Scottish Natural Heritage's RMP was developed with proper regard to the elements of the Model Plan and is compliant with the Act. The assessment also considered whether there was sufficient supporting evidence of such compliance.

Key:

G	The Keeper agrees this element of an authority's plan.		A	The Keeper agrees this element of an authority's plan as an 'improvement model'. This means that he is convinced of the authority's commitment to closing a gap in provision. He will request that he is 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 Keeper may choose to return the RMP on this basis.

5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer *Compulsory element*	G	G	Ron Macdonald, Scottish Natural Heritage's (SNH) Director of Policy and Advice, is identified as the individual with overall responsibility for the Records Management Plan (RMP). Mr Macdonald's responsibility for records management in the authority is confirmed by a covering letter dated 5th May 2014 (evidence 02). Minutes of SNH Management Team date 17 December 2013 have been provided to the Keeper confirming Mr Macdonald's appointment. Ian Jardine SNH's CEO was in attendance and the Keeper accepts this as evidence that he approves the appointment. The Keeper agrees that the Director of Policy and Advice in SNH is a suitable individual to be identified in this role.
2. Records Manager *Compulsory element*	G	G	Rhoda Davidson, SNH's Information Officer/Corporate Records Manager is identified as the individual who has responsibility for the operational implementation of the plan. Ms Davidson is the author of the RMP, along with Ken McLean, SNH's Policy & Advice Manager and Security Manager. Ms Davidson is also responsible for implementing SNH policy on FOI, DP and EIR (the latter being a particularly important aspect considering the function of this authority). The BCS is managed by the Corporate Records Manager **(see element 4)**

			The Corporate Records Manager's job description and person specification has been supplied (evidence 12.4) as has the relevant section of *Standards and Guidance* (section 5) which shows the Corporate Records Manager is responsible for providing training to staff in records management principles; reviewing and updating policies and procedures and ensuring SNH's corporate records management complies with the legislative framework, including PRSA **(see *Standards and Guidance* under General Comments below).** Ms Davidson is also the eRDMS Systems Administrator and Team Leader. Ms Davidson manages the *Standards and Guidance* document. This document is core for the operation of records management in the individual service areas of SNH. The Corporate Records Manager reports to SNH's Policy & Advice Manager. The Keeper agrees that Rhoda Davidson is a suitable individual to be identified in this role.
3. Policy *Compulsory element*	**G**	**G**	SNH have provided a 33 page *Knowledge and Information Management (KIMS) Statement* (evidence 3.1) which sets out the authority's information management strategy, endorsed by Improvement Board and Management Team in December 2013. This document combined with section 4 of the *Standards and Guidance* document **(see *Standards and Guidance* under General Comments below)** fulfils the requirements of the Act: that an authority should have a clear records management policy statement available to all staff. The RMP contains in its introduction a statement regarding the importance of

			records management to SNH. For ease a <u>summary</u> of the *Knowledge and Information Management Statement* is provided for SNH staff. The Keeper recognises this as good practice considering the detail (and length) of the complete document. The SNH records management policy is strongly supported by the *Standards and Guidance* document. The Keeper, therefore, agrees that SNH has a current and approved records management policy.
4. Business Classification	**G**	**G**	SNH have provided the Keeper with a full business classification and retention schedule as a combined document. For staff at SHN it appears as an appendix to the key *Standards and Guidance* document **(see *Standards and Guidance* under General Comments below).** The BCS is subject based and structured as 'Category/Sub-Category/Description/Files'. This structure is well established within SNH and covers the complete functions of the organisation. The BCS is managed by the Corporate Records Manager **(see element 2)** SNH holds records electronically on an eDRMS, digitally outwith the eDRMS and in paper format. The established business classification has been used to structure the eDRMS. The eDRMS holds an inventory of the paper files held internally and externally (Iron Mountain).

			Some files are too big to hold on the eDRMS (such as video) and these are accounted for separately in a Large Object Repository project (over 10MB such as video). Considerable detail has been provided to the Keeper regarding this project and he accepts that SNH is fully aware of the 'large records' that it holds, but would like to be kept informed of the progress of the Large Object Repository project. All the information held in the Large Object Repository is accounted for in the existing business classification scheme. The BCS is reviewed annually. Changes must be made through the Records Liaison Officer of the relevant service area and is tightly controlled centrally requiring Corporate Records Manager **(see element 2)** approval. The RMP states clearly that no <u>functions</u> of SNH are operated by third parties (page 24). The Keeper agrees that SHN has a business classification that covers the functions of the authority.
5. Retention schedule	**G**	**G**	SNH's retention schedule is built into the Business Classification Scheme **(see element 4)** and therefore matches the record types listed there. The retention schedule is available to all staff as appendix 2 of the *Standards and Guidance* document **(see *Standards and Guidance* under General Comments below).** Retention decisions trigger automatic action in the eDRMS. As with the BCS changes to retention periods must be made through the Records Liaison Officer of the relevant service area and is tightly controlled centrally

			requiring Corporate Records Manager **(see element 2)** approval. Section 24 of the *Standards and Guidance* document explains the need for retention schedules to SNH staff. The Keeper has seen staff guidance and a process checklist that explains retention/destruction procedures (evidence 5.4 and 5.5). As with most systems mentioned in the RMP there is a commitment to review the Retention Schedule annually. The Keeper agrees that SNH has an operational retention schedule that matches the BCS.
6. Destruction Arrangements *Compulsory element*	**G**	**G**	The RMP makes clear the processes for irretrievably destroying paper records; both those held internally and those out-stored with Iron Mountain. The Keeper has seen an example of an in-house destruction checklist (evidence 6.3). He has also been provided with a sample destruction certificate from Iron Mountain (evidence 6.4). The RMP makes clear the process for irretrievably destroying electronic records and notes that a deleted electronic record can be recovered for a period of two months. This is due to the, perfectly sensible, creation of a continuity back-up **(see element 10)**. The Keeper commends this recognition of retrievability. After two months there is 'no possibility the record/document could be recovered even by the IS database administrators.' Hardware destruction is explained in the RMP, with drives destroyed under SNH supervision to government approved standards and to ISO27001. The Keeper commends the thoroughness of this procedure. The Keeper has seen staff guidance and a process checklist that explains

			retention/destruction procedures (evidence 5.4 and 5.5). The destruction of records in all media must be authorised by the information asset owner 'Information Custodian' and double checked. An inventory of destroyed records is permanently preserved. For security, all records are automatically treated as if they are 'sensitive'. The Keeper agrees that SNH has properly considered the irretrievable destruction of its records.
7. Archiving and Transfer *Compulsory element*	**G**	**G**	SNH has arrangements in place to archive records for permanent preservation with the National Records of Scotland. A formal MoU is in the process of being confirmed between NRS and SNH. This is confirmed by NRS client managers. The Keeper agrees that SNH are taking steps to ensure that records selected for permanent preservation are transferred to a suitable archive. **The Keeper requests that once the MoU is signed off by SNH's Board it is then submitted to the assessment team for inclusion in SNH's evidence package.**
8. Information Security *Compulsory element*	**G**	**G**	SNH has an approved and operational *Information Security Policy* that has been provided to the Keeper (evidence 8.1). It is version 1.8 authorised by Ken McLean, SNH's Policy & Advice Manager and Security Manager, in August 2013. The Corporate Records Manager **(see element 2)** reports to Mr McLean. The policy is supported by a suite of other policies and guidelines which have been provided to the Keeper (for example: Evidence 8.2 – 8.7). In the area of information security SNH works to ISO27001 and is working towards

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compliance with Cabinet Office security standards. It is also considering joining the Scottish Wide Area Network initiative. **If this is done, the Keeper would wish to record this fact to keep SNH's submission up-to-date.**

SNH completes the Audit Scotland *Your Business At Risk* survey on an annual basis. The results of this assessment for 2013/14 have been provided to the Keeper (evidence 8.13). The Keeper thanks SNH for this and would like to reiterate that no part of a submitted evidence package will be published by the Keeper without the express permission of the submitting authority.

Public systems are tested by external consultants to ensure that they are secure in what they term a 'penetration' test.

SNH consider the security of records in both physical and electronic format.

SNH operates an Information Security Forum chaired by their SIRO. Both Kenny MacLean and Rhoda Davidson **(see element 2)** are members of the Information Security Forum.

For security, all records are automatically treated as if they were 'sensitive'.

A questionnaire as sent to all information asset owners 'system owners' designed to create a centralised record of how issues are handled in local areas. Several of the eight sections focus on information security or systems users. With questions such as *What measures are in place to ensure that users who leave the organisation or the role has changed have the correct access?* The Keeper has been provided with the template questionnaire, but not the actual responses (evidence 5.6).

SNH operates a clear desk policy and this has been provided to the Keeper (evidence 8.3)
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			The Information Security policy is due for review in 2014. The Keeper requests that the new version is submitted, even if only the review date has changed, in order to keep the SNH submission up-to-date. The Keeper agrees that SNH has properly considered the security of its records.
9. Data Protection	**G**	**G**	SNH have a *Data Protection Policy* V2.0 dated from 2014. It has been approved by the SNH Director of Corporate Services, who is also SIRO and Chair of the Information Security Forum. SNH has provided: Proof of its registration with the Information Commissioner – Ref: Z7347108 (evidence 9.3) A sample privacy notice (evidence 9.7) A sample subject access request form (evidence 9.9) Staff Guidance on Data Protection issues that affect particular areas of SNH business, such as video recording in public areas (for example evidence 9.11 and 9.12) Data handling training is mandatory for staff at SNH. There is a commitment in the RMP to 'take forward' specific Data Protection training although no timescale has been suggested for this work. **The Keeper would be interested to know when this training is rolled out.** SNH completes Audit Scotland's *Your Business At Risk* review annually **(see element 13)**. They have run this for the last 5 years and the principle of specific Data Protection training has, in part, come out of the results of this review. For security, all records are automatically treated as if they were 'sensitive'.

			A questionnaire as sent to all information asset owners 'system owners' designed to create a centralised record of how issues are handled in local areas. The sixth of eight sections focuses on data protection issues for systems users. The Keeper has been provided with the template questionnaire, but not the actual responses (evidence 5.6). The Keeper agrees that SNH properly understands its responsibilities under the Data Protection Act 1998.
10. Business Continuity and Vital Records	G	G	SNH's premises are covered by local *Business Continuity Plans* either Large or Small Offices. These are based around ISO27999. Large Office plans are broken down into smaller areas a Unit Interim Operating Plan. SHN have provided a sample business continuity plan to the Keeper. Electronic records are covered by a Disaster Recovery contract. The Keeper has seen proof this contract exists. There is local 'system owner' input to these systems, which the Keeper commends. The RMP states that disaster recovery plans are supported by Business Impact assessments. A sample BIA has been provided. The plans were created with the help of an external consultancy and are tested and reviewed on an annual basis. The Infrastructure Team prioritise work and systems for recovery indicating an understanding of the value of vital records. Electronic records are retained for business continuity purposes for up to two months and then purged **(see comment under element 6 above)**

			All Large Office Disaster Recovery Plans are tested and reviewed on an annual basis. A questionnaire as sent to all information asset owners 'system owners' designed to create a centralised record of how issues are handled in local areas. The third of eight sections focuses on business continuity for systems users. The Keeper has been provided with the template questionnaire, but not the actual responses (evidence 5.6). The Keeper agrees that SNH have appropriate disaster recovery plans in place and that they consider the recovery of records.
11. Audit trail	**A**	**A**	SNH tracks the majority of its records through the eDRMS. This has built-in audit trail for electronic records. SNH have supplemented the usefulness of the system by recording paper files in the same structure. This has created a single system to track records no matter the format. Naming conventions and version control staff instructions are included in the *Standards and Guidance* document (the latter provided as evidence as 11.4). However, not all SNH digital records can be imposed on the eDRMS at the moment **(see element 4 above)** resulting in a gap in provision. SNH have recognised this gap and the RMP clearly states (page 19) 'We will actively review and assess all the corporate systems which have limited or no audit trail data. This review work will be carried out in the 2014/15 financial year. Necessary updates to the auditing capabilities of the corporate systems will be programmed over the next two to three years.' In fact, the Keeper understands that the assessment of audit trail requirements for SNH corporate systems is already underway. As the above statement has been included in the RMP, approved by Ron MacDonald, Director of Policy and Advice, the Keeper can consider this a firm

			commitment by SNH to address the gap in provision. He recognises the timescale suggested as sensible. **Therefore the Keeper agrees this element of SHN's RMP on an 'Improvement Model' basis. This means that he is convinced of the authority's commitment to closing a gap in provision. He will request that he is updated as work on this element progresses.**
12. Competency Framework for records management staff	**G**	**G**	SNH have provided the Job Description and Person Specification for the Corporate Records Manager (evidence 12.4) **(see element 2 above)**. As this person is also the eDRMS System Administrator that job description has also been provided. The Corporate Records Manager leads a team of local Records Liaison Officers whose role description has also been provided, as has a practical guide for these local 'champions'. The *Standards and Guidance* document (section 5) shows the Corporate Records Manager is responsible for providing training to staff in records management principles **(see *Standards and Guidance* under General Comments below).** A questionnaire as sent to all information asset owners 'system owners' designed to create a centralised record of how issues are handled in local areas. The first of eight sections focuses on training for systems users. The Keeper has been provided with the template questionnaire, but not the actual responses (evidence 5.6). Data handling training is mandatory for staff at SNH. A suite of eDRMS staff training modules has been provided to the Keeper. The Keeper agrees that the individual identified at element 2 has appropriate skills to undertake the records management role and that this is a clear objective of the post. He also notes the records management training offered to SNH staff.

	G	**G**	
13. Assessment and Review	**G**	**G**	The RMP cover sheet commits to a review of the plan on 1 May 2015 and annually thereafter. The Key *Standards and Guidance* document is reviewed annually, 'unless legislative or other changes mean more immediate updates are required'. However, the nature of the document means that can be reviewed as 30 separate sections (potentially more in the future) **(see *Standards and Guidance* under General Comments below).** The Audit and Risk Management Committee is updated on a regular basis on the progress of the *Knowledge and Information Management (KIMS) Statement* **(see element 2)** The RMP asserts that, due to strategic oversight at a high level, the RM provision and improvements detailed in the *Statement* are' closely monitored and highly visible'. The *Standards and Guidance* document (section 5) shows the Corporate Records Manager is responsible for reviewing and updating policies and procedures. The *Information Security Policy* is due for review in 2014 **(see element 8)**. SNH completes the Audit Scotland *Your Business At Risk* survey on an annual basis. SNH also plan to involve an external consultant to review their security policies, although this has not yet been done. As with most systems mentioned in the RMP, the BCS/retention schedule is reviewed annually. Additional work 'to ensure the corporate databases are aligned to the business classification scheme' will be assessed and resourced over the next 5 to 7 years. **The Keeper is interested in the progress of this project (see element 4 above) and requests he is informed of the results of the**

			assessment. All Large Office Disaster Recovery Plans are tested and reviewed on an annual basis. The Keeper agrees that SNH has processes in place to Keeper the RMP and supporting documents under review.
14. Shared Information	**G**	**G**	SNH operates data sharing under formal agreements and memoranda of understanding. Sensitive personal information is shared under the Information Commissioners *Data Sharing Code of Practice*. The Keeper has been provided proof of this process. SNH plan to review the data sharing template in 2014 to strengthen the records governance clauses. The Keeper commends this. They have shared with the Keeper their *Data Sharing Improvement Statement 2014/15* which lays out the timetable for this review and who will be involved. The work in the Data Sharing Improvement Statement will be monitored by the Information Security Forum. This body is chaired by the SNH SIRO **(see element 9)**. SNH have provided the Keeper with their Data Sharing Improvement Statement 2014/15. The Keeper agrees that SNH has considered the importance of records governance when sharing information while carrying out its functions and already has processes in place to reflect this. He requests that he is kept informed as the data sharing review progresses.

General Comments

The RMP is accompanied by a covering letter from Ron Macdonald, Director of Policy and Advice **(see element 1)** in which he endorses the plan and accepts his overall strategic responsibility for records management in SNH. The letter is dated 5th May 2014.

The assessed RMP is version 1.0 approved by the Director of Policy and Advice **(see element 1)** on the 28th April 2014. It has been created by Rhoda Davidson, SNH's Information Officer/Corporate Records Manager **(see element 2)** with input from Ken McLean, SNH's Policy & Advice Manager and Security Manager. The involvement of the latter will help ensure security buy-in to the procedures proposed in the plan.

The RMP states that it covers all 14 elements in the Keeper's Model Plan. In style it appears that this plan has been created primarily for the purposes of a PRSA submission – the Act is mentioned on the front cover – rather than for SNH business. However, in this case, the Keeper considers this appropriate as SNH already operates a robust *Standards and Guidance* suite of documents that will fulfil the role that the RMP may play in other authorities **(see below)**.

The RMP contains in its introduction a statement regarding the importance of records management to SNH.

Standards and Guidance

SNH has a large suite of records management guidance *Standards and Guidance* available to all staff on the Intranet. The front page has been provided to the Keeper as a screen shot (evidence 3.7) as have all 30 sections and 15 appendices of the 'document'.

In fact, *Standards and Guidance* is a suite of separate documents which allows for one section to be updated without disturbing the others. Each section is clearly named and dated. Generally, *Standards and Guidance* consists of policy statements followed by the procedure to fulfil that policy. It would appear that every aspect of the SNH RMP is supported by a document in the *Standards and Guidance* suite. Some sections are currently 'draft' (section 30) but, given the live nature of the whole, this is to be expected. *Standards and Guidance* is a very strong business tool and is managed by SNH's Information Officer/Corporate Records Manager **(see element 2 above).** The Keeper commends this entire suite of staff guidance.

6. Keeper's Summary

Elements *1 - 14* that the Keeper considers should be in a public authority records management plan have been properly considered by Scottish Natural Heritage. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of **Scottish Natural Heritage**.

- The Keeper recommends that Scottish Natural Heritage should publish its agreed RMP as an example of good practice within the authority and the sector.

This report follows the Keeper's assessment carried out by,

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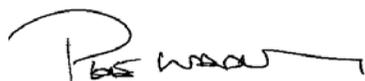
Pete Wadley
Public Records Officer

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Robert Fotheringham
Public Records Officer

8. Endorsement of Report by the Keeper of the Records of Scotland

The report has been examined and is endorsed under the signature of the Keeper of the Records of Scotland as proof of compliance under section 1 of the Public Records (Scotland) Act 2011, and confirms formal agreement by the Keeper of the RMP as submitted by **Scottish Natural Heritage**. In agreeing this RMP, the Keeper expects Scottish Natural Heritage to fully implement the agreed RMP and meet its obligations under the Act.

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Tim Ellis
Keeper of the Records of Scotland