

**The Public Records (Scotland) Act 2011**

**Forestry and Land Scotland**

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

**19<sup>th</sup> June 2023**

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

### **4. Authority Background**

Forestry and Land Scotland is an executive agency within the Scottish Government. It was established on 1 April 2019 to take forward the work previously undertaken by Forestry Commission Scotland and Forest Enterprise Scotland along with the new responsibilities gained following the full devolution of forestry to Scotland. As an executive agency within the Scottish Government, Forestry and Land Scotland is directly accountable to Scottish Ministers, and Forestry and Land Scotland's Chief Executive is directly accountable to the Scottish Government Cabinet Secretary for Rural Economy.

Forestry and Land Scotland look after national forests and land to enhance biodiversity, support tourism and increase access to the green spaces that will help improve Scotland's physical and mental health and well-being. They also provide vital timber supplies to support the rural economy.

<https://forestryandland.gov.scot/>

## 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:

<b>G</b>	The Assessment Team agrees this element of an authority's plan.	<b>A</b>	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.	<b>R</b>	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: Forestry and Land Scotland

Element	Status of elements under agreed Plan 18OCT21	Status of evidence under agreed Plan 18OCT21	Progress review status 19JUN23	Keeper's Report Comments on Authority's Plan 18OCT21	Self-assessment Update as submitted by the Authority since 18OCT21	Progress Review Comment 19JUN23
1. Senior Officer	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	<p>Due to an organisational structure change the senior individual with overall responsibility for records management has changed from Graeme Hutton to Michael Hymers (Director, Corporate Service).</p> <p>Graeme Hutton (previous senior individual) remains as the Senior Information Risk owner (SIRO) in his role as Director, Net Zero (previously Director, Business Services).</p>	<p>The Assessment Team thanks Forestry and Land Scotland for this update which has been noted.</p> <p>Update required on any future change.</p>
2. Records Manager	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	<p>Lynne Smith, Head of Records and Data Protection remains as the individual with day-to-day responsibility for implementing the Records Management Plan (RMP). It should be noted that Lynne now reports to Michael Hymers (Director, Corporate Services) who has overall responsibility for records management.</p> <p><b>Update, June 2023:</b> The PRSA</p>	<p>Thank you for confirming that Lynne Smith remains the Keeper's Key Contact. The Team also currently lists Kevin Whitelaw.</p> <p>Update required on any future change.</p> <p><b>Comments on June Update:</b> Many thanks for confirming that Kevin Whitelaw should</p>

					Team should continue to list Kevin Whitelaw as the second Key Contact. His new job title is Project Support and Information Management Officer.	continue to be listed as a second Key Contact for FLS, and that his job title has changed. This has been noted with thanks.
3. Policy	G	G	G	Update required on any change.	No change.	Update required on any change.
4. Business Classification	A	G	A	Under future actions in the <i>RMP</i> it is noted that FLS intend to migrate to an, yet to be procured, EDRM system and that funding was secured to progress the previously paused Records Management Project. Further funding for the Project was secured in July 2021. The aims of the Project include the creation of a formal Business Classification Scheme and are highlighted in the <i>Extract from Records Management Project Business Case and Executive Team Data Protection and Records Management Compliance Requirements Paper</i> (dated 21 November 2019). The project is ongoing with an amended completion date of Q4 2023/24. There is a Project Board to which updates and progress are reported and a copy of a <i>Records Management Project Board Agenda</i> (dated 19 July 2020), <i>Project update presentation</i> (dated July 2021), <i>Project highlight report</i> (dated March 2021)) and <i>Extract from records management project business case</i> (dated June 2021)	Further to securing funding for the Records Management Project in July 2021 the project has recruited three full-time roles – Project Manager, Project Support and Information Management Officer (PSIMO) and Business Analyst. The Project Manager is managing and directing the work and resources required for successful implementation of an Electronic Document and Records Management System (EDRMS) and will ensure the project plan is maintained, quality levels are achieved, correct resource levels are maintained and accurately utilised, and the appropriate resolution of issues affecting the success of the project is achieved. The Project Manager is supported by the Project Support and Information Management Officer (PSIMO). This role was recruited to assist with both the project management and information management aspects of the	<p>The Assessment Team thanks you for this positive update, indicating that the funding has been now translated to recruitment, and that the planning stages of the EDRMs project are ongoing. It is also good to hear that the Project Board remains in operation, and a working group for Project Technical Assurance is being set up.</p> <p>We note that the project closure has now been extended to 2025, but that detailed project plans are now in place in order to ensure best outcomes.</p> <p>It is understood that the project will, in due course and alongside the move to EDRMs, also result in the creation of an appropriately-structured Business Classification Scheme.</p>




				<p>have been submitted to the Keeper.</p> <p>Forestry and Land Scotland recognise that the implementation of an approved BCS will be key to their records management provision and maintaining an effective records file structure is one of the listed <i>Records Management Policy</i> objectives. It is indicated that there is a project timeline in place to develop this in conjunction with the migration from shared drives to an EDRMS. A Records Management Project Board is in place to oversee these developments. The Keeper can agree this element on an 'Improvement Model' basis as the gap in provision is acknowledged and work is planned to close it. This agreement is dependent on the Keeper being updated on progress.</p>	<p>project. The Business Analyst has brought expertise and knowledge to the project and is working closely with the Records and Data Protection team and users to elicit and document information around the EDRMS requirements gathering. Included in the BA responsibilities is the further development of the BCS.</p> <p>The Project Board continues to meet on a regular basis to discuss the project and more recently making decisions related to the roll out of parts of the data cleanse. The Project Board has identified the Senior Users and Suppliers and the Project Manager is in the process of creating the Project Technical Assurance Group.</p> <p>The Project Manager has assessed and re-defined the project plan with a revision to the project closure timeline to 2025.</p> <p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>• Evidence 04-01 Project Manager job description</li> <li>• Evidence 04-02 Business Analyst job description</li> <li>• Evidence 04-03 PSIMO job description</li> <li>• Evidence 04-04 Extract from Project</li> </ul>	<p>The Assessment Team acknowledges the receipt of role descriptions and an extract of the project plan roadmap with thanks.</p> <p>This Element will remain at Amber while the work is ongoing. The Team looks forward to further updates in subsequent PURs.</p>
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	A	G	A		Plan_Roadmap	
5. Retention Schedule	A	G	A	<p><b>See comments under Element 4 concerning the ongoing Records Management Project. The aims of the Project include the creation of a formal retention schedule in line with migration to an, yet to be selected, EDRMS. As part of the wider Project a data cleanse pilot project plan is currently underway. The pilot plan intends to identify and apply automated data cleanse activities and address the retention and disposal process for digital records. FLS state the pilot plan work will:</b></p> <ul style="list-style-type: none"> <li>• <b>Confirm retention policies</b></li> <li>• <b>Map de-duplicated files into retention buckets</b></li> <li>• <b>Apply retention policies</b></li> <li>• <b>Identify a process to maintain compliance (automated or manual).</b></li> </ul> <p><b>“The pilot plan will run for a number of months and will then be rolled out to the wider business as part of the full data cleanse and finalisation of retention and disposal policy and process.”</b></p> <p><b>Forestry and Land Scotland are currently working towards the development of an approved retention schedule in conjunction with the migration from shared drives to an EDRMS as part of their wider Records Management Project. A Project Board is in</b></p>	<p>Please see section 4 above for the project update.</p> <p>In addition, enhancing the project team with the three project roles has supported the pilot data cleanse that is in progress in conjunction with two of the five FLS business Regions. This has identified groups of low / no value files for deletion (approved by the Project Board) prior to removing duplicate files, mapping cleansed files to the business classification scheme and applying retentions.</p> <p>The project team meets regularly with the Regional Pilot Teams to monitor and implement progress with the pilot data cleanse.</p> <p>The retention and disposal schedule has been developed and will be ratified through the Security and Information Risk Assurance Board (SIRAB) in Q4 2022/23 to allow a full rollout to the organisation.</p>	<p>As updated under Element 4, it is clear that FLS is well-placed to proceed with the development of a retention schedule concurrently with the establishment of the new EDRMs. Thank you also for letting us know of the upcoming data cleanse which will be followed by duplicate file removal, business classification mapping and retention rule application.</p> <p>It is great to hear that the Retention and Disposal Schedule has been developed and will be rolled out through the organisation in due course.</p> <p>This Element will remain at Amber while the work is ongoing. The Team looks forward to further updates in subsequent PURs.</p>

				<p>place to oversee these developments and timescale have been provided. The Keeper can agree this element on an 'Improvement Model' basis, as the gap in provision is acknowledged and work is planned is close it. This agreement is dependent on the Keeper being updated on progress.</p>		
<p>6. Destruction Arrangements</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p><b>A</b></p>	<p><u>Digital shared drives and line of business</u>                  There is no formal process in place for the permanent destruction of digital records, however a data cleanse pilot plan is currently underway as part of the wider Records Management Project (see Elements 4 and 5) to address this. The pilot plan intends to identify and apply automated data cleanse activities and address the retention and disposal process for digital records. FLS state the pilot plan work will:</p> <ul style="list-style-type: none"> <li>• Confirm retention policies</li> <li>• Map de-duplicated files into retention buckets</li> <li>• Apply retention policies</li> <li>• Identify a process to maintain compliance (automated or manual).</li> </ul> <p>'The pilot plan will run for a number of months and will then be rolled out to the wider business as part of the full data cleanse and finalisation of retention and</p>	<p>Please see sections 4 and 5 above for project and pilot plan updates.</p>	<p>Thank you for the update given under Elements 4 and 5. It is clear that FLS continues to work towards closing the gap identified in its RMP. This will be addressed in the wider Records Management Project and the implementation of an EDRMs.</p> <p>This Element will remain at Amber while the work is ongoing. The Team looks forward to further updates in subsequent PURs.</p>

				<p>disposal policy and process.’</p> <p>[...]</p> <p>The Keeper agrees there are processes in place for the secure and permanent destruction of hard copy records held at onsite locations and off-site with Iron Mountain; digital hardware and digital back-ups. Forestry and Land Scotland do not yet have processes in place for the permanent destruction of digital records. This gap in provision is acknowledged and work has been identified, as part of the wider Records Management Project, to address this. Therefore, the Keeper can agree this element on an ‘Improvement Model’ basis. This is conditional on him being updated as this work progresses.</p>		
<p>7. Archiving and Transfer</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>An MOU/Transfer Agreement has not yet been finalised between FLS and NRS. <b>NRS have now completed the update to their Mou/transfer agreement clauses. The Keeper urges FLS to pursue this agreement as a matter of urgency. The NRS Client Manager for FLS is Jean Crawford, <a href="mailto:jean.crawford@nrscotland.gov.uk">jean.crawford@nrscotland.gov.uk</a>, and she will be able to provide further advice.</b></p> <p>Forestry and Land Scotland have identified a suitable archival repository and are working</p>	<p>The MoU/transfer agreement has been set up in draft form. There has been contact between FLS and NRS related to queries on two sections of the MoU where clarification has been sought. Once clarification has been received the MoU will be finalised and signed off. The plan is to complete the sign off by end February 2023.</p> <p><b>Update, June 2023:</b> There has been a delay in the MoU set up,</p>	<p>The Assessment Team is grateful for this update on progress made regarding an MoU or Transfer Agreement with NRS.</p> <p>As FLS has indicated that a formalised MoU should be in place by the end of February, it is assumed that this will have been completed by the time this PUR is finalised. This Element has been turned Green in the PURs to</p>

				<p>towards finalising a formal MOU/Transfer Agreement with NRS. The Keeper can agree this element on an 'Improvement Model' basis with the condition he is updated once a formal agreement is in place.</p>	<p>however, the outstanding queries have been resolved and the MoU has been completed and is with NRS for review and sign off. It's anticipated this will be complete end June.</p> <p> FLS%20Agreement %20(controller-proc</p>	<p>celebrate progress.</p> <p><b>Comments on June Update:</b> The Assessment Team thanks you for clarifying the situation, and for submitting the draft Transfer Agreement as Evidence. It is clear that although the report has not yet been finalised, FLS is in the final stages of the process with NRS. The Team is content to keep this Element at Green.</p>
8. Information Security	G	G	G	Update required on any change.	FLS can confirm continued compliance with ISO 27001. The latest surveillance audit (report reference 19644) was completed in November 2022 with no non-conformities identified.	<p>The Assessment Team thanks you for this update on continued information security compliance, including a recent surveillance audit completion.</p> <p>Update required on any future change.</p>
9. Data Protection	G	G	G	Update required on any change.	No change.	Update required on any change.
10. Business Continuity and Vital Records	G	A	G	<p>The Keeper can agree FLS have approved and operational business continuity processes in place and work is ongoing to identify vital records and incorporate this into future Business Continuity Planning. <b>The Keeper requests he is informed when the <i>National BCP</i> has been made available to all staff.</b></p>	<p>Identification of vital files is in development and recorded in the draft retention and disposal schedule.</p> <p>The National Business Continuity Plan has been made available to all staff via the FLS intranet (Saltire).</p>	<p>Thank you for this update, and the BCP Saltire page screenshot provided. It is good to hear that the National Business Continuity Plan has been made available to staff. It is also reassuring to hear that the ongoing Records Management Project will</p>

					<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Evidence 10-01 BCP Saltire page screenshot</li> </ul>	<p>incorporate the identification of vital records (see also Element 4).</p> <p>Update required on any future change.</p>
11. Audit Trail	A	G	A	<p>A Windows File Auditing Project is underway to include the function to audit the movement of records in shared drives using document management software. <b>A File Auditing Project Plan has been submitted which contains tasks and a timeline. FLS have stated that it is anticipated that file auditing will be in place by the end of the financial year. The Keeper requests notification of the outcomes and completion of this project.</b></p> <p>The Keeper can agree this element on an 'Improvement Model' basis as Forestry and Land Scotland have acknowledged limitations in provision around audit trail and are currently undertaking work to improve this. This agreement is conditional on being updated on progress.</p>	<p>The File Auditing Project has progressed to implementation. The file audit requirements were collated by the project Business Analyst, discussed and agreed with the Digital Services group and Windows File Auditing implemented in Q3 2022/23.</p> <p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Evidence 11-01 File Audit Requirements v1</li> </ul> <p><b>Update, June 2023:</b> The file auditing has been implemented, however, we're having some problems getting the data interpreted for our purposes. Audit data is available but currently not in a user friendly readable format. We hope to resolve this by end July.</p>	<p>Thank you for this update on the File Auditing Project. It is good to hear this is now being implemented.</p> <p>Thank you also for providing us with a copy of the Record Management Requirements for File Auditing document, received with thanks. It is good to see the Keeper's Model Plan's requirements expanded on and clarified for internal purposes. <b>The Assessment Team would like to clarify that under PRSA, public records do not need to be classified as such, even if a software suite may include this kind of classification option. Under PRSA, any 'record' (or file or document) in any format 'created by or on behalf of the authority in carrying out its functions' is a public record for the purposes of the Act.</b></p>

						<p>This Element will remain at Amber while the wider Records Management Project progresses. The Team look forward to progress updates in subsequent PURs.</p> <p><b>Comments on June Update:</b> The Assessment Team is grateful for this additional update. It is clear that FLS continues to address ongoing challenges in a satisfactory manner while wider project is ongoing.</p>
12. Competency Framework	G	G	G	Update required on any change.	No change.	Update required on any change.
13. Assessment and Review	G	G	G	Update required on any change.	No change.	Update required on any change.
14. Shared Information	G	G	G	Update required on any change.	No change.	Update required on any change.
15. Records Created or Held by Third Parties	G	G	G	Update required on any change.	No change.	Update required on any change.

## 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 7th February 2023. The progress update was submitted by Lynne Smith, Head of Records and Data Protection.

The progress update submission makes it clear that it is a submission for **Forestry and Land Scotland**.

The Assessment Team has reviewed Forestry and Land 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.

### General Comments

Forestry and Land Scotland 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 Forestry and Land Scotland 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