

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

**Loch Lomond and The Trossachs National Park Authority**

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

**16<sup>th</sup> November 2023**

**Contents**

1. The Public Records (Scotland) Act 2011.....	3
2. Progress Update Review (PUR) Mechanism.....	3
3. Executive Summary.....	3
4. Authority Background.....	4
5. Assessment Process.....	4
6. Records Management Plan Elements Checklist and PUR Assessment.....	5-8
7. The Public Records (Scotland) Act Assessment Team's Summary.....	9
8. The Public Records (Scotland) Act Assessment Team's Evaluation.....	9

## 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 Loch Lomond and The Trossachs National Park Authority. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

#### 4. Authority Background

Loch Lomond and The Trossachs National Park was created in July 2002 under the National Parks (Scotland) Act 2000 to safeguard an area of outstanding and diverse landscapes, habitats and communities, parts of which were coming under severe visitor and recreational pressures. The 2000 Act set out four National Park aims, to: Conserve and enhance the natural and cultural heritage of the area; Promote sustainable use of the natural resources of the area; Promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public and Promote sustainable social and economic development of the area's communities.

The aims of the Authority are delivered through three distinct areas of activity: Conservation, Visitor Experience and Rural Development, all of which are supported by enabling service areas.

<http://www.lochlomond-trossachs.org/park-authority/>

#### 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.
----------	---	----------	---	----------	--

## 6. Progress Update Review (PUR) Template: Loch Lomond and The Trossachs National Park Authority

Element	Status of elements under agreed Plan 01SEP17	Progress review status 11AUG22	Progress review status 16NOV23	Keeper's Report Comments on Authority's Plan 01SEP17	Self-assessment Update 19MAY22	Progress Review Comment 11AUG22	Self-assessment Update as submitted by the Authority since 11AUG22	Progress Review Comment 16NOV23
1. Senior Officer	G	G	G	Update required on any change.	The strategic responsibility for records management continues to be held by Pete Wightman, Director of Corporate Services.	Thank you for letting the Assessment Team know that Pete Wightman continues to assume strategic responsibility for the implementation of NPA's Records Management Plan (RMP). An update is required on any future change.	Following internal organisation restructuring, the strategic responsibility for records management has now passed to the Head of Governance and Performance (Jane Kemp) as of 29 <sup>th</sup> May 2023.	The Assessment Team thanks the NPA for this update which has been noted.
2. Records Manager	G	G	G	Update required on any change.	No change to the information for this element. The day to day work associated with records management continues to be the responsibility of Laura Baird, following job evaluation, is now Information Manager for the NPA.	Thank you for letting us know the day-to-day responsibility for records management at NPA continues to lie with Laura Baird. Update required on any change.	No change to the information for this element. The day-to-day work associated with records management continues to be the responsibility of the Information Manager for the NPA.	Thank you for confirming that the Information Manager, remains the person named under Element 2 responsible for day-to-day records management. Update required on any future change.
3. Policy	G	G	G	Update required on any change.	No change to the information for this element.	Update required on any change.	This policy is now under review and will be updated to reflect the changes to the management of records from a shared drive to the SharePoint environment.	It is positive to hear that NPA's Records Management Policy is very appropriately under review in order to keep it up to date and fit for purpose. Thank you for updating us on this matter.
4. Business Classification	G	G	G	Update required on any change.	Work is currently underway to migrate electronic records from a shared drive to Office 365. As part of this process, the business classification scheme is currently under review and will be fully updated on completion of the migration of files to Office 365.	Thank you for letting the Assessment Team know about the migration of electronic records from a shared drive to an Office 365 environment, and the concurrent/resulting review of NPA's Business Classification Scheme. This is an entirely appropriate approach while a records migration is ongoing. This will hopefully help NPA ensure that its functions continue to be accurately reflected in the BCS after the new system has been implemented. It is worth noting, however, that the O365 implementation is likely to take a considerable amount of time before it has been fully bedded-into NPA's operations.  We look forward to hearing how this work progresses in subsequent PURs.	As part of the work to migrate files from a shared drive to the Office 365 environment, teams across all areas of business were asked to review the file structure of their records prior to migration to new SharePoint sites. The business classification scheme will be updated to reflect the new folder structure, after full implementation. Work to manage shared folders and implement ownership and appropriate access arrangements are ongoing.	The Team appreciates this helpful update on file migration and ongoing SharePoint implementation. This is a major endeavour. It is evident from this update that NPA is continuing to consider its Business Classification arrangements throughout this process, and that updates to the Scheme will take place accordingly. The Assessment Team also acknowledges that shared folders, ownership, and access arrangements continue to be assessed as the project progresses. The Assessment Team is keen to be kept up to date on this in subsequent PURs.

5. Retention Schedule	G	G	G	Update required on any change.	The record retention is kept under review, with teams reminded to add new document categories and to comply with the requirements for the disposal of records. As part of the migration of records from a shared drive to Office 365, the Information Manager has delivered refresher training to teams on the RMP with further input on using the retention schedule. This training was particularly for the benefit of staff who have joined the organisation recently. When the file migration is complete a larger review of the schedule will be completed.	The retention schedule is a 'living document' and would usually be subject to regular minor changes. It is apparent from this update that NPA is keeping this under continuous review. The Assessment Team appreciates this notification of ongoing larger retention schedule review, necessitated by the O365 migration. Staff training provision is also noted with thanks.  The Assessment looks forward to being updated on progress in subsequent PURs.	Staff have made good use of the record retention <u>schedule</u> in the past year as part of the work to review and update file structures before migration to Office 365. The Information Manager has assisted with enquires about appropriate retention timescales for records, some of which had not previously been included in the retention schedule.	Thank you for this update on file structure review and update in preparation for the O365 migration. It is great to hear that Retention Schedules were and are actively consulted in all stages of this project. It is also positive to hear that updates to the Schedules have been made to reflect new groups of records not previously included in the Schedule.  As O365 implementation is a major endeavour impacting all aspects of NPA's records management, the Assessment would appreciate being updated on progress in subsequent PURs.
6. Destruction Arrangements	G	G	G	<u>Electronic:</u> The Information Officer ( <b>see element 2</b> ) works with local business areas to ensure the regular destruction of electronic records according to the <i>Retention Schedule</i> . The routine destruction of electronic records held on shared drives (and therefore not automatically deleted) is a problem for many Scottish public authorities. It appears that Loch Lomond and the Trossachs National Park Authority is satisfied that the personal involvement of the Information Officer in this process will suffice (at least in the short-term). With a single shared drive covering the entire organisation this may prove adequate. <b>However, the Keeper will be interested in updates regarding this procedure going forward.</b>	As part of the migration of records from a shared drive to Office 365, all staff have been directed to complete a review of records on the shared drive, to delete files in compliance with the retention schedule. The Information Manager is working closely with IT colleagues to apply retention dates to files in Office 365 as they are set up, which will deliver a more consistent process of deleting records in line with the retention schedule.	It is reassuring to hear that NPA has procedures in place to prompt specific action and to keep staff informed of the ongoing records migration process. The new O365 platform should, in the long run, help NPA streamline its approach to achieve transparent and timely records destruction processes.	The Information Manager continues to work closely with IT colleagues on the transition to Office 365. Following the creation of SharePoint sites for all areas of business, work has begun to assess the use of Information Protection functions within Microsoft Purview. The application of retention labels will assist in more effective management of the disposal of electronic records in future. With the return to partial office working, there has been an increase in the use of paper and printing of documents. The Information Manager has discussed the ongoing use of confidential waste disposal of paper files with the team responsible for managing this function, we continue to use an external contractor for the secure disposal of paper records.	The Assessment Team notes that IT and Information Manager continue to collaborate closely during the implementation of O365, including Microsoft Purview. The Assessment Team agrees that automated electronic records destruction, when fully implemented, can significantly improve the efficiency of records destruction processes.  Thank you also for providing an update on paper records and the impact of office-working. It is great to hear that confidential paper waste disposal arrangements remain functional when documents do require to be printed out.
7. Archiving and Transfer	A	G	G	<b>The Keeper agrees this element of Loch Lomond and the Trossachs National Park Authority's Records Management Plan on 'improvement model' terms. This means</b>	An archiving agreement has now been implemented for the NPA with the NRS. The Information Manager continues to meet with the NRS client manager to deliver the first transfer of records for permanent preservation.	The Assessment Team is very pleased to hear that an archiving agreement with the NRS has now been finalised, and is being implemented. It is also very welcome news that NPA website is already being archived with the NRS, and that the archiving of physical	The Information Manager has identified the first batch of electronic records for permanent preservation and will liaise with the NRS Client Manager to progress this work. In addition,	Thank you for this very positive update on records selected for permanent preservation. It is also good to hear that NPA is going to review and update its processes with regard to the



				<p>that he acknowledges that the authority, having identified a gap in provision, have put processes in place to close that gap, in this case by formalising an MOU to secure archiving arrangements. The Keeper's agreement is conditional on his receiving a copy of the signed MOU when it becomes available.</p>	<p>Due to the NPA's Office 365 file migration taking place this year, and having been advised of archive backlogs with the NRS, a provisional timescale of year end has been agreed for the first records transfer to take place.</p> <p>The next meeting to progress this work has been scheduled for September 2022. Discussion have also included the archiving of physical documentation that we hold with historical value being transferred to the NRS when they are in a position to receive.</p> <p>The NPA website is already archived with the NRS.</p>	<p>records of historical value is actively being discussed.</p> <p>If this was a formal resubmission, the Keeper would likely change the RAG status of this Element from Amber to Green. This has been done for the PURs to reflect the progress made in this area.</p>	<p>action has recently been taken to restrict access to the in-house archive storage area in advance of work to review and update processes for the management of in-house archival files.</p>	<p>in-house archival storage area and pre-transfer archival file management. This sounds like a very appropriate way to maintain audit trails and other metadata of these records whilst in house.</p>
8. Information Security	G	G	G	<p>Update required on change.</p>	<p>The NPA Information Service (IT) team have prioritised work on cyber security in the past year. Our migration to Office 365 will deliver enhanced security benefits to protecting our records.</p> <p>The Cyber Incident Response Plan is reviewed each year, and monthly bitesize learning is delivered to all staff on Cyber Security as ongoing training.</p>	<p>This is a positive update on information security arrangements. The NPA is well aware that the migration to O365 will have implications to cyber security arrangements. It is good to hear that regular staff training on cyber security is ongoing as well.</p> <p>The Cyber Incident Response Plan's annual review is noted with thanks.</p>	<p>The Information Services team have made full use of the cyber security elements available following the migration of records to Office 365. The Cyber Incident Response Plan annual review and monthly bitesize learning modules for all staff continue, managed by the Information Services team.</p>	<p>Thank you for this update on recently adopted new cyber security functionality, associated with O365. It is also reassuring to hear that The Cyber Incident Response Plan continues to be updated as scheduled, and that regular awareness training continues.</p>
9. Data Protection	G	G	G	<p>Update required on any change.</p>	<p>No change to the information for this element. The Information Manager is monitoring possible changes to data protection legislation currently under consideration by the UK government.</p>	<p>The Assessment Team thanks you for letting us know there have been no major updates to this Element. It is reassuring to know that the IM continues to monitor the legal landscape in order to proactively address any changes.</p>	<p>No change to this element, the policy will be updated to reflect any changes to the legislation. All new staff receive induction training on data protection from the Information Manager who also advises and assists colleagues with the completion of DPIAs.</p>	<p>Thank you for confirming there have been no major updates to NPA's Data Protection arrangements. The Assessment Team acknowledges that Data Protection Policy is being kept up to date, and that DPIAs continue to be completed where required.</p>
10. Business Continuity and Vital Records	G	G	G	<p>Update required on any change.</p>	<p>No change to this element.</p>	<p>Update required on any change.</p>	<p>No change to this element.</p>	<p>Update required on any change.</p>
11. Audit Trail	G	G	G	<p>Update required on any change.</p>	<p>Naming Conventions and Version Control guidance has been updated. Enhanced audit functionality for tracking records along with automatic version control will be in place later this year following migration of NPA records to Office 365.</p>	<p>Thank you for this update on audit trail management, especially with regard to reviews and updates to Naming Conventions and Version Control Guidance documents.</p> <p>Office 365 implementation will hopefully improve the audit trail arrangements</p>	<p>The transition of files from the shared drive to Office 365 on an incremental team-by-team basis has resulted in improvements to shared working, with the functionality of Office 365 creating audit trails for records which were not previously available. Staff are</p>	<p>It is excellent to hear that the implementation of )365 is already yielding positive results in the form of automated audit trail functionality, and that this has had a positive impact in shared working practices. It is also</p>

						<p>within NPA. The Assessment Team reminds the authority that it is likely that a full O365 implementation may take a considerable amount of time, and the transfer of records from shared drives needs to be done mindfully to maintain existing audit trails where relevant.</p> <p>We look forward to hearing how this progresses in subsequent PURs.</p>	<p>adapting to the new working practices. The Information Manager continues to work with IT colleagues to review and agree on the implementation of additional functionality including sensitivity labels and classification of data using Microsoft Purview.</p>	<p>great that close collaboration with IT colleagues continues throughout the project lifetime in order to ensure accurate and useful information on each file is being retained.</p>
12. Competency Framework	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	The Information Manager continues to be supported to attend NRS surgery events, the Part 7 FOI practitioner's group, (hosted by the NPA in January 2022) and to sign up for webinars as part of ongoing professional development.	It is good to hear that the Information Manager continues to engage with colleagues and to access resources that contribute to their continuing professional development.	The Information Manager again hosted the January Part 7 Practitioner's group meeting, signs up to webinar updates on data protection and attends NRS surgeries as part of ongoing professional development.	The Assessment Team thanks you for this positive update on Information Manager's continuing engagement with Information Practitioner colleagues, and attendance at relevant professional events.
13. Assessment and Review	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	Regular updates on the RMP and associated policies continue to be submitted to the Park Authority's Audit Committee.	Thank you for this update on RMP and associated policy regular review. Loch Lomond and the Trossachs National Park Authority should also be commended for its desire to keep records management matters under regular review as evidenced by its participation in the PUR process.	Updates on the RMP and associated policies form part of the standing list of policies with scheduled review dates for submission to the Audit and Risk Committee.	Thank you for this positive update that NPA's Records Management Plan continues to be reviewed regularly as scheduled, including its submission to the Audit and Risk Committee. NPA's regular participation in the PUR process is also commendable.
14. Shared Information	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	The Information Manager continues to assist with the review of data sharing agreements with external parties. Where new agreements are being implemented, the Information Manager provides advice to colleagues, including on the use of DPIA assessments an agreement involves the sharing of any personal data.	Thank you for this update on the processes in place concerning data sharing agreements.	No change to this element. Staff regularly seek advice from the Information Manager, who maintains strong working relationships across the organisation and has the support of legal colleagues for the implementation of more complex agreements with external parties.	Thank you for letting the Assessment Team know that there have been no major changes to this Element. It sounds like NPA continues to appropriately consider the information it shares externally through legal and managerial support and oversight.
15. Public records created or held by third parties	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	New element.	Data sharing agreements are more commonly used by the NPA. Assessment of the requirements of this element continue to be kept under review.	<p>Thank you for this update on Element 15. The Public Records (Scotland) Act (PRSA) makes it clear that records created by a contractor in carrying out a scheduled authority's functions are public records (Part 1 section 3.1 (b)). This element only applies when a contractor, or other third party, is carrying out a <u>function</u> of the public authority, not when it is simply providing a service.</p> <p>This is a new Element, and it is positive that NPA has voluntarily submitted a PUR update.</p>	No change to this element. The NRS advice on the scope of the element from last year's update has been noted with thanks.	Thank you for confirming that this Element is not currently relevant to Loch Lomond and The Trossachs NPA as none of the authority's functions have been contracted to a third party. Update required on any future 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 29<sup>th</sup> May 2023. The progress update was submitted by Laura Baird, Information Manager.

The progress update submission makes it clear that it is a submission for **Loch Lomond and The Trossachs National Park Authority**.

The Assessment Team has reviewed Loch Lomond and The Trossachs National Park Authority'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

Loch Lomond and The Trossachs National Park Authority 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 Loch Lomond and The Trossachs National Park Authority 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  
Public Records Officer