National Records of Scotland

Public Records (Scotland) Act 2011

Forestry and Land Scotland

The Keeper of the Records of Scotland

18th October 2021

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 Forestry and Land Scotland by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 3rd August 2020*.*

The assessment considered whether the RMP of Forestry and Land Scotland was developed with proper regard to the 15 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 Forestry and Land Scotland complies with the Act can be found under section 7 of this report with relevant recommendations.

3. 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/

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 Forestry and Land Scotland'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	**G**	**G**	The Public Records (Scotland) Act 2011 (the Act) requires that an individual senior staff member is identified as holding corporate responsibility for records management in a public authority. Forestry and Land Scotland (FLS) have identified Graeme Hutton, Director of Business Services as the individual with overall strategic responsibility for records management in the organisation. The Director of Business Services is also identified as the Senior Information Risk Owner (SIRO) for FLS. The identification of these roles is supported by a *Letter Supporting Elements 1 and 2* (dated 28 July 2020) from the Chief Executive Officer, Simon Hodgson, submitted to the Keeper. The *Letter* also outlines the CEO's support for the Records Management Plan (RMP) submitted by FLS. The Director of Business Services approved a number of policies including the *Records Management Policy* (see Element 3); *Data Protection Policy* (see Element 9); and *Digital Incident Management Policy* (see Element 8). This is confirmed both on the document control sheets for these individual policies and in an email, *SIRO Policy Approval Communication* (dated 24 July 2020), submitted to the Keeper. It is clear from the above that the Director of Business Services is closely aware of the records management provision in FLS.

			The Keeper agrees that Forestry and Land Scotland have identified an appropriate individual to this role as required by the Act.
2. Records Manager	**G**	**G**	The Act requires that each authority identifies an individual staff member as holding operational responsibility for records management and has appropriate corporate responsibility, access to resources and skills. FLS have identified Lynne Smith, Head of Records and Data Protection, as the individual with day-to-day responsibility for implementing the Records Management Plan (RMP). The identification of the Head of Records and Data Protection to this role is supported by two *Letters* (dated 6 December 2019 and 28 July 2020) from the Chief Executive Officer, Simon Hodgson, submitted to the Keeper, and by the *Records Management Policy* (page 5). The *Letter from CEO Supporting Elements 1 and 2* notes the Head of Records and Data Protection is supported by the FLS Senior Management Team and commits to notifying the Keeper of any change in post holder. A *Job Description for Head of Records and Data Protection* also supports this, "This is a key post that will be expected to regularly interact with the FES Management Board and Board members as well as Forest District teams to ensure records are managed consistently, proportionately and safely ensuring standards relating to particularly personal information that FES holds conform to recognised best practice." It also makes clear one of the purposes of the job is to ensure compliance with PRSA. In addition, the post holder reports directly to the named person under Element 1 and is required to provide "regular updates and advice to the FESMB on any issues or matters relating to this area of responsibility." The Head of Records and Data Protection is the author of the *Information Security*

			Policy (see Element 8) and reviewed a number of polices, including the *Records Management Policy* (see Element 3) and *Data Protection Policy* (see Element 9). The Head of Records and Data Protection is provided with opportunities to undertake records management training and attend conferences and events. This will ensure the post holder has the necessary skills and qualifications for the role (*RMP,* pages 17-18). Evidence of certificate achieved is detailed under Element 12. All of the above indicates the Head of Records and Data Protection is ideally placed to hold operational responsibility for records management and has access to senior management for reporting and support. The Keeper agrees that Forestry and Land Scotland have identified an appropriate individual to this role as required by the Act.
3. Policy	**G**	**G**	The Act requires an authority to have an appropriate policy statement on records management. FLS have a *Records Management Policy.* The Keeper has been provided with a copy of this *Policy*, which has been approved by the Director of Business Services and SIRO named in Element 1, and will be updated annually. This is version 1.0 dated 24 July 2020. An email, *SIRO Policy Approval Communication,* has been provided as evidence. The *Policy* states that FLS recognise records "as an important information asset and a key resource in the effective operation and demonstration of transparency and accountability." It commits to maintaining "authentic, reliable and useable records, capable of supporting business functions and activities for as long as they are required" and "the operation and continuous improvement of effective records management policies and procedures." It identifies the scope of the policy and

			outlines the roles of those responsible for implementation, review, monitoring, staff compliance and highlights the responsibility of all staff in managing the records they create. It applies to all records created by FLS, regardless of format, and all staff (employees, volunteers and temporary placements) carrying out FLS functions, as well as external contractors. The *Policy* supports the *RMP* (page 7) statement "FLS is committed to a systematic and planned approach to the management of records within the organisation, from their creation to their ultimate disposal." The *Policy* is available for all staff to access on the FLS intranet site. Two screen shots have been submitted to the Keeper, one showing the Records Management Policy information page and the other showing a communication notifying staff about the availability of the *Policy*, dated 14 December 2020. The Keeper encourages the authority to publish their Records Management Policy on their public facing website. The Keeper agrees that Forestry and Land Scotland has a formal records management policy statement as required by the Act.
4. Business Classification	**A**	**G**	The Keeper of the Records of Scotland (the Keeper) expects that the public records of an authority are known and are identified within a structure. A *Draft Copy of Business Classification Scheme (currently under development)* has been provided to the Keeper. The draft *BCS* is presented in a spreadsheet and is arranged by function, activity and transaction. The Keeper commends FLS's intention to consult local business areas in the

development of a formal BCS and acknowledges this is as a best practice approach. (*RMP* page 8)

FLS intend to develop a framework for managing their records and information (*RMP*) and to "Maintain an effective records file structure and file management protocols" (*Records Management Policy* page 3).

FLS currently create, store and manage their public records in several locations and formats, including "shared files, systems, paper records, drives… there is not a clear overview of where all information is stored" (*Extract from Records Management Project Business Case* page 2*)* (dated 2 February 2020). The *Project Business Case* (page 3) also lists the required changes to improve records management within FLS, including "A review of the information FLS holds, where and for how long and subsequently, a data cleanse" and "Implementing an appropriate system to effectively manage our documents and records and their appropriate retention."

FLS store digital records on shared drives. Hard copy (paper) records are held either in national or regional office storage areas or at off-site storage facilities. Iron Mountain provide off-storage facilities. (*RMP* page 16). Line of business systems appear to be in use**.** Learning Management Systems are mentioned in *Records Management Guidance* (page 3) and evidence of their use is provided at Element 13.

Under future actions in the *RMP* 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 *Extract from Records Management Project Business Case* and *Executive Team Data Protection and Records Management Compliance Requirements Paper* (dated

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<tr><td></td><td></td><td></td><td>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 Records Management Project Board Agenda (dated 19 July 2020), Project update presentation (dated July 2021), Project highlight report (dated March 2021)) and Extract from records management project business case (dated June 2021) have been submitted to the Keeper.

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 Records Management Policy 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.</td></tr>
<tr><td>5. Retention schedule</td><td>A</td><td>G</td><td>The Keeper expects an authority to have allocated retention periods to its public records and for those records to be retained and disposed of in accordance with a Retention Schedule.

FLS have provided the Keeper with a Draft Retention Schedule (currently under development). It lists record types by activity, identifies vital records, those containing personal data, and allocates a retention code. The retention code criteria provides an indication of the percentage of records to which this applies and the action required (assess, destroy, retain indefinitely). The record owner is identified as the individual who will carry out the assessment. 'Assessment' designation will only apply to a very small percentage of records that cannot be given an appropriate retention period for destruction or retained indefinitely.</td></tr>
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Retention codes have been allocated to record types regardless of format (e.g. *In House training Modules – Electronic or paper course materials, GIS Hard Copy Reports and Digital Back-ups*).

The *Draft Retention Schedule* is based on the Scottish Council for Archives Records Retention Schedule (SCARRS) model and has been adapted to the specific business needs of the authority.

Local business areas are involved in the development of the *Retention Schedule* and retention decisions. This is commended by the Keeper.

FLS may wish to consider combining the *BCS* and *Retention Schedule* into one resource, which includes identification of format and location. This would provide a stronger business tool.

Records Management Guidance (dated 1 May 2020) is available to staff on the FLS intranet site and includes information on records retention (page 7). The Keeper has been provided with a screen shot of this intranet page. Records are to be reviewed by a 'designated person' and queries should be directed to the Records Management Team. As the Retention Schedule remains under development staff are directed to the Scottish Council for Archives Records Retention Schedule (SCARRS) online information.

Currently FLS have "a large amount of information retained out with its retention period and multiple duplicates, ... hold a large volume of records and documents that should have been destroyed." In addition "there are no records retention policies in place and there is mixed understanding amongst staff about what should be stored and for how long. There is also no process in place for removing-destroying records and documents out with their retention period." (*Extract from Records Management Project Business Case* page 2-3*) (dated 2 February 2020).

The *Project Business Case* (page 3) also lists the required changes to improve records management within FLS, including "A review of the information FLS holds, where and for how long and subsequently, a data cleanse" and "Implementing an appropriate system to effectively manage our documents and records and their appropriate retention.''

The SIRO (Element 1) acknowledges the importance of implementing a retention schedule (*RMP*). The *Records Management Policy* states FLS will "Retain information and records only for as long as required to support FLS business requirements and legal obligations".

Records retention is listed as one of the areas to be addressed in the *Executive Team Data Protection and Records Management Compliance Requirements Paper* page 2 (dated 21 November 2019)).

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:
- **Confirm retention policies**
- **Map de-duplicated files into retention buckets**
- **Apply retention policies**
- **Identify a process to maintain compliance (automated or manual).**

"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."

			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 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.
6. Destruction Arrangements	**A**	**G**	The Act requires that public records are destroyed in a timely, controlled and secure manner.
			The *Records Management Policy* (page 3) commits to disposing of records in an appropriate manner and states that FLS will "Retain information and records only for as long as required to support FLS business requirements and legal obligations".
			Implementation of an approved retention schedule is noted as a future action (see Element 5) which will allow FLS to identify and carry out the controlled, secure and timely destruction of records (*RMP*).
			While this is the stated aim, currently "There is … no process in place for removing/destroying records and documents out with their retention period." (*Extract from Records Management Project Business Case* page 2-3*)* (dated 2 February 2020).
			Records Management Guidance (page 8) addresses destruction and disposal. It advises any destruction of records (paper or electronic) should be documented and that this should be done securely. Any queries are to be directed to the Records Management Team. The *RMP* notes "the Data Protection Policy and Records Management Policy detail retention and destruction policy and general guidance is

available."

Lists of records destroyed and records disposal certificates are identified as record types to be retained indefinitely in the *Draft Retention Schedule*. It is best practice to retain these logs.

Digital shared drives and line of business
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:
- **Confirm retention policies**
- **Map de-duplicated files into retention buckets**
- **Apply retention policies**
- **Identify a process to maintain compliance (automated or manual).**

'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.'

Digital back-ups
FLS have explained that ICT back-up copies are held for 6 months unless specified otherwise. Veeam software is automated to securely delete digital backups at the destruction date.

FLS note under Element 7 of the *RMP* that Enterprise Vault is used to manage emails. This will ensure their permanent destruction.

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<u>Digital hardware</u>
FLS engage an external contractor, TES-AMM Europe Ltd, to permanently and securely destroy digital hardware. Example destruction certificate have been supplied to the Keeper, *Electronic Media Destruction Certificate* (dated 12 Feb 2020) and *Hard Drive Destruction Certificate* (dated 29 Jan 2020). Guidance on the disposal process is available to staff on the intranet site. A copy has been provided to the Keeper, *Waste Electronic Disposal Process (Intranet),* along with a screen shot showing how staff access the process on the intranet site.

<u>Hard copy (paper) records (onsite)</u>
FLS engage an external contractor, Restore Datashred, to dispose of confidential waste directly from onsite offices. Evidence to support this has been supplied to the Keeper: *Example Confidential Waste Contractor Destruction Certificate* (dated 11 March 2020) and *Confidential Waste Agreement* (dated 31 May 2019 and expired 30 April 2020). Due to COVID-19 restrictions buildings are not currently occupied and as a result there is no contract in place for the destruction of confidential waste. FLS have confirmed confidential waste is being securely destroyed onsite by Restore Datashred on an ad hoc basis as required and that a new contract will be put in place when offices reopen. The Keeper has been provided with a *Confidential Waste Purchase Order* to support this.

<u>Hard copy (paper) records (off-site)</u>
A *Third Party arrangements* (dated 29 July 2020) document has been supplied to the Keeper which relates to a customer account agreement with Iron Mountain (UK) Plc. The process for disposal by the off-site provider in accordance with EN15713 has been outlined, including provision of destruction certificates and arrangements for the secure transfer of records identified for permanent preservation to the place of deposit. A copy of the *Off-site storage provider destruction process* has been supplied to the Keeper**.**

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			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.
7. Archiving and Transfer	**A**	**G**	The Act requires that all Scottish public authorities identify a suitable repository for the permanent preservation of any records considered suitable for archiving. A formal arrangement for transfer to that repository must be in place. FLS have identified National Records of Scotland (NRS) as the proper repository for their public records suitable for permanent preservation. NRS is an accredited archive https://www.nrscotland.gov.uk/news/2015/national-records-of-scotland-receives-archive-accreditation-award and fully adheres to the Keeper's *Supplementary Guidance on Proper Arrangements for Archiving Public Records*: https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/supplementary-guidance-on-proper-arrangements-for-archiving-public-records.pdf An MOU/Transfer Agreement has not yet been finalised between FLS and NRS. The *RMP* notes under the evidence section, item 07-01: Memorandum of Understanding between FLS and National Records of Scotland [PENDING AS AT 31 JULY 2020]. **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, jean.crawford@nrscotland.gov.uk, and she will be able to provide further advice. Discussion are ongoing with NRS staff on the issue of legacy Forestry Commission Agency (Forest Enterprise Scotland) records and if these will be transferred for permanent preservation. Discussions have also included local FLS archive arrangements (*RMP*). Identification of records for permanent preservation will carried out as part of the work involved in rolling out an approved retention schedule. (*RMP*) FLS use the NRS Web Continuity Service, Web Archive - Internet Archive (nrscotland.gov.uk), to capture, preserve and provide access to their website. The Keeper has been supplied with a *NRS Web Continuity Questionnaire* and commends FLS on their engagement with this service. FLS submitted to the Keeper *NRS Guidance For Permanent Preservation* and *NRS Depositor Guidance for the Transfer of Archival Born Digital Records* (dated Feb 2019). Updated born digital records guidance (May 2020) is now available on the NRS website, Depositor Guidance for the Transfer of Archival Born Digital Records May 2020 (nrscotland.gov.uk) **Forestry and Land Scotland have identified a suitable archival repository and are working 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.**
8. Information Security	**G**	**G**	The Act requires that public records are held in accordance with information security compliance requirements.

The *RMP* (page 12) states "FLS provides systems which maintain appropriate confidentiality, security and integrity for all data including storage…". It also acknowledges the responsibility for information security applies to all records regardless of format.

The Keeper has been provided with an *Information Security Policy* (version 1.0 dated 24 July 2020) which outlines FLS commitment to information security.

All formats are considered as stated in the *Information Security Policy* introduction, "The confidentiality, integrity and availability of information, in all its forms, are critical to the ongoing functioning and good governance of FLS".

A number of supporting policies, which have been submitted to the Keeper, underpin this overarching policy and include, *Digital Security Policy, Mobile and Remote Access Policy*, *Physical Security and Access Control Policy*, *Removable Media Policy*, *Use of Surveillance Equipment Policy* and *Clear Desk and Workstation Policy* (all policies version 1.0, dated 24 July 2020).

All policies related to information security are the responsibility of the SIRO (see Element 1) and endorsed by the Security and Information Risk Assurance Board (SIRAB), who are responsible for reviewing their effectiveness and compliance.

These policies detail security requirements, roles and responsibilities and legislation. Supporting guidance is referred to in each, for example "Government Security Classifications, IT Security When Mobile Working, Malicious Software, Passwords, Email Best Practice" (*Digital Security Policy* page 4).

FLS utilise Scottish Government IT systems (SCOTS) and use is governed by the *Scottish Government IT Code of Conduct,* a copy of which has been provided to the

			Keeper.
			The *Scottish Government Data Handling Standard* (version 1.2 dated 23 September 2019) has also been submitted to the Keeper. This provides baseline control measures for working with SG assets in all formats. The reporting system and management of security breaches is addressed under the *Digital Incident Management Policy* (version 1.0 dated 24 July 2020). Any security incidents are reported to the SIRAB and regularly reviewed, with high and medium risk incidents reported directly to the SIRO. (*Digital Incident Management Policy*, page 4). A *Pre-Certification Assessment Report* extract (dated 25 February 2020) has been provided and shows that FLS has undergone an IS 720988 (ISO/IEC 27001:2013) pre-certification audit. This audit was undertaken at the FLS head office based in Edinburgh. FLS have achieved ISO 27001 certification and have submitted their *Certification of Registration,* dated 4 March 2021, to the Keeper. This is also published on the FLS public website, [Our digital services and your privacy - Forestry and Land Scotland](#). All staff are required to complete mandatory Responsible for Information training through Civil Service Learning annually. A *Screenshot of Civil Service Learning (CSL) Responsible for Information (2018) e-Learning* and a training *Notification Email* relating to the Head of Records and Data Protection, have both been provided to the Keeper. Staff can access information security policies and associated guidance on the FLS intranet and a screen shot showing this has been provided.

			Scottish Government information security classifications are in use by FLS (*Extract from FLS Welcome Pack (induction)* page 6). The Keeper notes that FLS have achieved Cyber Essentials+ certification: Sector: Agriculture, Forestry and Fishing Certificate number: IASME-CEP-002715 Certificate level: Cyber Essentials Plus Date issued: 23/02/21 This is published on the FLS public website, <u>Our digital services and your privacy - Forestry and Land Scotland</u>. The Keeper agrees that Forestry and Land Scotland have procedures in place to appropriately ensure the security of their records as required by the Act with appropriate polices in place to govern this.
9. Data Protection	**G**	**G**	The Keeper expects a Scottish public authority to manage records involving personal data in compliance with data protection law. FLS have a *Data Protection Policy*. The Keeper has been provided with a copy of this *Policy*. This is version 2.0 dated 24 July 2020. The *Data Protection Policy* commits to meeting legislative requirements and outlines the data protection principles FLS will adhere to when processing personal data. The Head of Records and Data Protection (Element 2) is the FLS Data Protection Officer. FLS is registered with the Information Commissioner's Office (ICO) as part of Scottish Ministers: <u>Information Commissioners - Data protection register - entry</u>

details (ico.org.uk). A copy of this registration has been provided to the Keeper.

A *Privacy Notice* (dated 1 April 2019) is available on the internal FLS intranet site and externally on the public website at Privacy notice - Forestry and Land Scotland. A copy has been supplied to the Keeper. The *Notice* details how a Subject Access Request (SAR) can be made. Staff can access guidance about handling SAR requests via the staff intranet. *Records Management Guidance* (dated 1 May 2020) has been provided to the Keeper.

FLS also publish online additional digital services information about the processing of data from their website and social media, Our digital services and your privacy - Forestry and Land Scotland (see Element 8 above).

FLS will carry out Data Protection Impact Assessments (DPIA) when processes or projects involve the processing of personal data (*Data Protection Policy* section 4*)*. A *DPIA template with Guidance* document (dated 5 August 2019) has been supplied to the Keeper. Information Asset Owners (IAOs) sign all DPIAs and the Data Protection Officer (Element 2) will review and comment on all DPIAs *(DIPA Guidance* page 2).

All FLS staff are required to complete Civil Service Learning Responsible for Information training modules appropriate to their respective roles (*RMP*) (see Element 8 above). Data Protection training is included as part of these modules and must be retaken annually. A *Screenshot* and a *Notification Email Example* relating to *Data Protection e-Learning* have been submitted to the Keeper.

The Data Protection Officer (DPO) is responsible for data protection assurance and compliance, and reports key findings and recommendations to the Executive Team. Any personal data breaches are reviewed by the SIRAB. (*Data Protection Policy,* section 5).

			Data processing by third party organisations carrying out functions on behalf of FLS is managed through a clause in the Conditions of Contract for the Purchase of Services (clause 28). A draft *Example Data Protection Clauses and Schedule (third party processor contracts)* document has been provided to the Keeper. The Keeper can agree that FLS have arrangements in place that allow them to properly comply with data protection legislation.
10. Business Continuity and Vital Records	**G**	**A**	The Keeper expects that record recovery, prioritising vital records, is an integral part of the authority's business continuity planning. FLS have two levels of Business Continuity Plans (BCPs), National and Regional. A *Draft Head Office Business Continuity Plan* (version 2.1, dated May 2020) has been submitted to the Keeper. This draft document is a local plan relating to FLS Business Services at two specific locations. A *Regional Business Continuity Plan* (version 2.0, dated April 2020) has also been provided. Both BCPs note how staff access can access BCPs on the staff intranet site. Both BCPs state they are reviewed annually. The *National BCP* (version 3.1.2, dated July 2021) has also been submitted to the Keeper. This document is available to the Organisational Resilience Group (ORG), who have reviewed and updated the plan. It will be made available to wider staff after feedback from the Audit and Risk Committee is received after September 2021. The *National BCP* will be updated quarterly and formally reviewed annually. **The Keeper requests he is informed when the *National BCP* has been made available to staff.** A document, *Extracts from Covid-19 Business Continuity Plan (BCP) Guidance (Intranet)* (dated 29 July 2020), has been submitted to the Keeper.

			The Organisational Resilience Group (ORG) is "responsible for validating local BCPs and ensuring compatibility with corporate business continuity arrangements." (*Draft Head Office BCP*, para 1.6.). An ORG *Terms of Reference* (dated 22 April 2020) has been submitted to the Keeper. The ORG was established at the request of the CEO and the Director of Business Services (see Element 1) is SRO. The Keeper agrees there are suitable recovery and back up procedures in place to deal with the loss or damage of digital records. *VEEAM Design* and *FLS Back-up Map* have both been submitted to the Keeper and show technical processes. The Keeper has been provided with an *Off-site storage provider business continuity overview* outlining the business continuity arrangements in place at third party offsite storage for hard copy records FLS commit to protecting vital records (*Records Management Policy* page 3). Work to identify and develop procedures to manage vital records will be undertaken as part of the Records Management Project (see Element 4). Vital records will be identified in the retention schedule, which is currently under development. (see Element 5). The BCPs will be updated to reflect this work (*RMP* page 15). 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. **The Keeper requests he is informed when the *National BCP* has been made available to all staff.**
11. Audit trail	**A**	**G**	The Keeper expects an authority to have processes in place to track public records in such a way that their location is known and changes recorded.

FLS state they will "Maintain an effective records file structure and file management protocols…"(*Records Management Policy* page 3). See Element 4 for the location of FLS public records.

FLS recognise "limitations in the use of shared drives in relation to the ability to form a comprehensive audit trail of record movement" (*RMP*). A Windows File Auditing Project is underway to include the function to audit the movement of records in shared drives using document management software. **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.**

When an EDRMs is procured as part of the wider Records Management Project (see Element 4) this will also greatly improve the ability to track records and will have automatic version control.

Naming Convention and Version Control guidance is included in the *Records Management Guidance* submitted to the Keeper. Specific naming conventions are local to each business area rather than a uniform practice for the whole authority. The planned move to an EDRMs would be a good opportunity to introduce standardised naming convention rules for the whole authority.

Version control is managed through the use of document control sheets and included in file naming. This guidance is available to staff on the intranet site and a screen shot showing this has been submitted to the Keeper.

FLS have not specified line of business in use, but have provided an *Example IT System Audit Trail (Learning Management System)* to the Keeper showing tracking and audit of use.

			Hard copy (paper) records held onsite at FLS national or regional offices are managed by local inventories at each location. An *Example of Regional Paper Records Inventory* has been provided to the Keeper. Hard copy (paper) records held off-site by Iron Mountain are also managed by an inventory. FLS have supplied a statement explaining the file and box movement tracking processes in place and copies of . Copies of the *Iron Mountain Contract* and *Contract Variation* have been submitted to the Keeper. **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.**
12. Competency Framework for records management staff	**G**	**G**	The Keeper expects staff creating, or otherwise processing records, to be appropriately trained and supported. "FLS will provide appropriate training and development support to ensure all staff are aware of their records management responsibilities." (*RMP* page 17). All FLS staff undertake mandatory Responsible for Information and Data Protection training. This training must be refreshed annually and is delivered through Scottish Government Civil Service e-learning modules. A *Screenshot of Civil Service Learning (CSL) Responsible for Information (2018) e-Learning* and *Extract from FLS Welcome Pack (induction)*(dated July 2020) have been supplied as evidence to support this.

Records Management Guidance is available to staff on the staff intranet, along with information management policies and guidance. Screen shots showing access to these pages and links to documents on the FLS intranet site have been submitted to the Keeper.

A *Draft Records Management Training Competencies Framework* (dated March 2020) has been submitted to the Keeper. This will be developed in line with the Records Management Project (*RMP* page 17).

Further training is being developed and rolled out in a new Learning Management System, introduced at FLS in April 2020. The Future Actions section notes this work is schedules for Q4 of 2021/22. This is commended by the Keeper and he would welcome updates on implementation.

Training is a standing item on the Security and Information Risk Assurance Board (SIRAB) agenda (*Internal Audit Recommendations Review Report* page 3).

It is noted in the *Internal Audit Recommendations Review Report* (page 4-5) that role specific training assessed for development to develop, for example for IAOs.

The Head of Records and Data Protection, named at Element 2, has undergone relevant training for the role. This includes the successful completion of the Practitioner Certificate in Scottish Public Sector Records Management, an email of *Joining Instructions* (dated 14 October 2019) for this course has been provided to the Keeper. Access to further learning opportunities are provided to the post holder through IRMS membership and attendance at conferences and seminars.

The Keeper agrees that Forestry and Land Scotland have appropriate records management training modules in place and that staff have access to relevant guidance, policies and procedures. He further agrees the person named at Element

			2 has access to appropriate training.
13. Assessment and Review	**G**	**G**	Section 1(5)(i)(a) of the Act says that an authority must keep its RMP under review. FLS commit to reviewing their *RMP* annually (*RMP* page 8) and to the "the operation and continuous improvement of effective records management policies and procedures." (*Records Management Policy*, page 3) The Head of Records and Data Protection (Element 2) is responsible for submitting and reviewing the *RMP*. The Security and Information Risk Assurance Board (SIRAB) is responsible for endorsing policies and reviewing their overall effectiveness. The SIRO (Element 1) attends the SIRAB, which meets quarterly, and the group reports to the Executive Team in addition to providing updates to the Audit and Risk Committee (ARC). The *RMP* is a standing item on the SIRAB agenda. FLS have provided the *Security and Information Risk Assurance Board (SIRAB) Terms of Reference* (dated 30 October 2019) and *Security and Information Risk Assurance Board (SIRAB) Standing Agenda* as evidence. FLS have identified the Archive and Records Management Services Quality (ARMS) framework as the chosen method for review with results being reported to the SIRAB and Executive Team/Audit and Risk Committee. Review of the *RMP* will also form part of FLS internal audit reporting. An *Internal Audit Recommendations Review Report* (July 2020) has been submitted to the Keeper. FLS commits to participating in the PRSA Progress Update Review (PUR) process. Engagement with this voluntary self-assessment reporting mechanism is commended by the Keeper. The following policies, which underpin the *RMP,* will be reviewed annually and as

			required to meet any legislative or regulatory changes: *Records Management Policy* *Information Security Policy* *Digital Security Policy* *Mobile and Remote Access Policy* *Physical Security and Access Control Policy* *Removable Media Policy* *Use of Surveillance Equipment Policy* *Digital Incident Management Policy* *Clear Desk and Workstation Policy* *Data Protection Policy* Business Continuity Plans are also reviewed annually (*Draft Head Office Business Continuity Plan* and *Regional Business Continuity Plan*). Under the future actions section of the *RMP* FLS have noted that review of the *RMP* will be incorporated into the Records Management Project and decisions around an EDRMS. (for comments on the Records Management Project see Element 4) The Keeper agrees that Forestry and Land Scotland have made a firm commitment to review their *RMP* as required by the Act and have explained who will carry out this review and by what methodology. Furthermore he agrees that supporting policy and guidance documents have appropriate review periods allocated.
14. Shared Information	**G**	**G**	The Keeper expects a Scottish public authority to ensure that information sharing, both within the Authority and with other bodies or individuals, is necessary, lawful and controlled. FLS state data is shared in line with Data Protection and Freedom of Information

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<td>legislation. (*RMP)*

An *FLS Guide to Information* (dated July 2019), approved by the Scottish Information Commissioner, has been submitted to the Keeper. This document is available to view on the FLS public website at <u>Freedom of information - Forestry and Land Scotland</u>. It describes information routinely published by FLS and explains FLS are operating under the Scottish Government Open Data Strategy while its own Open Data Publication Plan is in development. (*FLS Guide to Information* page 23)

Sharing of information is managed through the use of Data Sharing Agreements. FLS have provided the Keeper with *Data Sharing Template Non Personal Data* and *Data Sharing Agreement Drafting Notes.* The template contains guidance for completion for each section.

FLS staff can access *Data Sharing Guidance* (dated 1 May 2020) via the staff intranet and a copy of this guidance and a screen shot showing access on the intranet site have been provided to the Keeper.

The FLS Data Protection Team receive a copy of finalised Data Sharing Agreements (*Data Sharing Guidance* page 3).

The Keeper can agree that Forestry and Land Scotland properly considers records governance when undertaking information sharing programmes.</td>
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<td>15. Public records created or held by third parties</td>
<td>**G**</td>
<td>**G**</td>
<td>The Act expects a public authority to ensure that adequate arrangements are in place for the management of records created and held by third parties who carry out any functions of the authority.

FLS contracts out some functions to third parties, mainly small to medium enterprises or micro-businesses in managing their national forest estate. The Act</td>
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makes it clear that records created by these third parties when carrying out these functions are subject to the Act. It is the responsibility of the scheduled authority, FLS, to ensure that procedures are in place to satisfy themselves that third parties are carrying out records management appropriately.

The *RMP* commits "to understanding where public records are created and held by a third party carrying out a function of FLS and to ensure the records management requirements are met and contractors can provide assurances to meet these requirements." (*RMP* page 20)

The Keeper has been provided with a *Model Framework Agreement* (draft) which includes clauses to ensure that third-party records management provision is adequate. FLS have confirmed this is available on their public website and is labelled as draft as it is tailored to the needs of each individual contract.

An *Example Data Protection Clauses and Schedule (third party processor contracts)* (draft) document has been provided to the Keeper. (see Element 9)

FLS have provided their *Procurement Strategy* 2019-2022. In order to fulfil the Governance and Process commitments outlined in the *Strategy* (page 8), an action is included to "Review delegated purchasing authority, considering compliance; competence; separation of duty; process and record keeping and risk reduction, making recommendations for change if needed."

The Keeper can agree Forestry and Land Scotland have adequate arrangements in place for the management of records created and held by third parties who carry out any functions of the authority.

General Notes on submission:

Version

This assessment is on the Forestry and Land Scotland Records Management Plan (the RMP) submitted to the Keeper for his agreement on 3rd August 2020. This is the version dated July 2020. The development of the RMP was led by the Head of Records and Data Protection (see Element 2).

The authority recognise records "as an important information asset and a key resource in the effective operation and demonstration of transparency and accountability." (Records Management Policy page 3). This is an important recognition and the Keeper commends it.

The RMP mentions the Act and is based on the Keeper's, 15 element, Model Plan http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources/model-records-management-plan.

Key Group

Forestry and Land Scotland have established a Security and Information Risk Assurance Board (SIRAB). The Board's remit covers "a. A unified approach to information security, information risk and information assurance and the controls in place to address; physical, personnel, information and cyber security. b. Where appropriate, SIRAB will provision centralised guidance and standards to facilitate effective secure information sharing. This will also include: i. Liaising with and sharing best practice with relevant stakeholders ii. Co-ordination with SG Government guidance iii. Providing and receiving current opinion on physical, personnel, information and cyber security risk from the wider public sector" (Security and Information Risk Assurance Board (SIRAB) Terms of Reference page 4).

The SIRAB was established in August 2019. There are agreed Terms of Reference with reporting structure to provide assurance to senior management and the ARC. Meetings are held quarterly (Internal Audit Recommendations Review Report). The SIRAB will "Provide assurance to the FLS Senior Management Team that the organisation's policies, procedures, processes and controls underpin good information governance: extracting value from information whilst reducing potential risks." Security and Information Risk Assurance Board (SIRAB) Terms of Reference

The SIRAB is responsible for endorsing policies associated with the RMP and reviewing their overall effectiveness. The Head of Records and Data Protection (Element 2) is Chair of the SIRAB and the Director of Business Services (Element 1) is a Board Member (Security and Information Risk Assurance Board (SIRAB) Standing Agenda).

Local Records Management

There is evidence in the RMP that Forestry and Land Scotland is committed to liaising with local business areas in the development of key records management resources, for example the Business Classification Scheme and Retention Schedule, as progress is made with the planned Records Management Project.

Information Asset Owners are identified as heads of business areas and have "overall responsibility for the management of records generated by their business areas activities" (Records Management Policy page 4).

Information Asset Owners maintain Business Continuity Plans across the organisation (RMP page 15).

Information Asset Owners sign off Data Protection Impact Assessments (DPIA template with Guidance page 3).

Information Asset Owners are responsible for maintaining, registering and safeguarding information assets and have a responsibility to ensure compliance with data protection law within their business area (Data Protection Policy page 4).

6. Keeper's Summary

Elements 1 to 15 that the Keeper considers should be in a public authority records management plan have been properly considered by Forestry and Land Scotland. Policies and governance structures are in place to implement the actions required by the plan.

Elements that require development by Forestry and Land Scotland are as follows:

Element 4 Business Classification
Element 5 Retention Schedule
Element 6 Destruction Arrangements
Element 7 Archiving and Transfer
Element 10 Business Continuity and Vital Records
Element 11 Audit trail
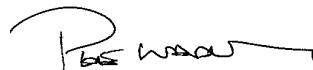
7. Keeper's Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of **Forestry and Land Scotland**

- The Keeper recommends Forestry and Land Scotland 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,

Liz Course
Public Records Officer

Pete Wadley
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 **Forestry and Land Scotland.** In agreeing this RMP, the Keeper expects *Forestry and Land Scotland* to fully implement the agreed RMP and meet its obligations under the Act.

Paul Lowe
Keeper of the Records of Scotland