

The Public Records (Scotland) Act 2011

Scottish Natural Heritage

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

4th June 2020

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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 Scottish Natural Heritage. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

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

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

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

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:

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| G | The Assessment Team agrees this element of an authority's plan. | A | The Assessment Team agrees this element of an authority's progress update submission as an 'improvement model'. This means that they are convinced of the authority's commitment to closing a gap in provision. They will request that they are updated as work on this element progresses. | R | There is a serious gap in provision for this element with no clear explanation of how this will be addressed. The Assessment Team may choose to notify the Keeper on this basis. |
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Progress Update Review (PUR) Template: Scottish Natural Heritage

| Element | Status of elements under agreed Plan 14AUG14 | Status of evidence under agreed Plan 14AUG14 | Progress assessment status 04JUN20 | Keeper's Report Comments on Authority's Plan 14AUG14 | Self-assessment Update as submitted by the Authority since 14AUG14 | Progress Review Comment 04JUN20 |
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| 1. Senior Officer | G | G | G | Update required on any change | Jane MacDonald is now the Senior Officer | The Assessment Team thanks SNH for this update which we have noted. |
| 2. Records Manager | G | G | G | Update required on any change | Fiona Eardley is now the Records Manager | The Assessment Team thanks SNH for this update which we have noted. |
| 3. Policy | G | G | G | Update required on any change | No change | No immediate action required. Update required on any future change. |
| 4. Business Classification | G | G | G | Some files which are too large to hold on the eDRMS are accounted for separately in a Large Object Repository | Document size limits have been removed from eRDMS. (Appendix 1) | In their last PUR Scottish Natural Heritage alerted the Assessment Team to a potential issue regarding the management of large |

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| | | | | <p>project. Considerable detail has been provided to the Keeper regarding this project and he accepts that SNH is fully aware of the 'large records' it holds, but would like to be kept informed of the progress of the Large Object Repository project.</p> | <p>Our new Digital Asset Management system was successfully launched in August 2019 to host media rich information. (Appendix 2a and 2b)</p> | <p>digital objects.</p> <p>They have now resolved this issue by expanding the file size in eDRM and by creating a separate system for those objects (such as databases) that cannot be accommodated by eDRM even in its improved version.</p> <p>The Assessment Team would be interested to learn more about the DAM system either as a response to this Draft Report or at the time of the next PUR.</p> <p>Addressing this potential gap in provision marks a significant improvement in the records management arrangements in SNH and is to be commended.</p> <p>The Assessment Team acknowledge the receipt of staff guidance on improvements to digital record storage and on restrictions on the use of personal areas in eDRM.</p> <p>The Assessment Team also acknowledge the receipt (subsequent to the original PUR) of</p> |
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| | | | | | | details of the Objective eDRM upgrade. |
| 5. Retention Schedule | G | G | G | Update required on any change | No update | No immediate action required. Update required on any future change. |
| 6. Destruction Arrangements | G | G | G | Update required on any change | No update | No immediate action required. Update required on any future change. |
| 7. Archiving and Transfer | G | G | G | <p>SNH has arrangements in place to archive records for permanent preservation with the National Records of Scotland (NRS). A formal MoU is in the process of being confirmed between NRS and SNH. This is confirmed by NRS client managers.</p> <p>The Keeper agrees that SNH are taking steps to ensure that records selected for permanent preservation are transferred to a suitable archive. The Keeper requests that once the MoU is signed off by SNH's Board it is then submitted to the assessment team for inclusion in SNH's evidence package.</p> | We are in touch with NRS at present to select and transfer records relating to our Main and Local Areas Boards. Our Records Manager is due to meet with NRS shortly to discuss the process and future action with a view to having a more structured and intuitive transfer process as it is currently a bottleneck within the organisation. | <p>The Assessment Team thanks SNH for this update.</p> <p>At the time of assessment face-to-face meetings with NRS Client Management staff is severely restricted and we accept that this objective may have to be put on hold.</p> <p>On that basis the element remains its original Green RAG status.</p> |

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| 8. Information Security | G | G | G | <p>SNH demonstrate a strong commitment to information security and are working towards compliance with Cabinet Office standards and are considering joining the Scottish Wide Area Network initiative. If this done, the Keeper would wish to record this fact to keep SNH's submission up-to-date.</p> <p>The <i>Information Security Policy</i> is due for review in 2014. The Keeper requests that the new version is submitted, even if only the review date has changed, in order to keep the SNH submission up-to-date.</p> | <p>SNH now uses Objective Connect for sharing information with externals. This is working well and provides a secure platform for potentially sensitive information to be transferred. (Appendix 3)</p> <p>We are also in the process of introducing a cap to the number of documents staff can store in their Home Folders (personal storage space) as corporate information was inappropriately stored here and was vulnerable to loss. The progress towards this has been excellent and has provided an opportunity to engage with the wider organisation about information accessibility and security. (Appendix 4)</p> <p>Government Security Classifications Instruction Notice was issued to all staff in 2018. (Appendix 5)</p> <p>Updated Information Security Policy attached. (Appendix 6)</p> | <p>In their original submission SNH committed to keeping its information governance policies and guidance under review. The Assessment Team is pleased to acknowledge that this is being done.</p> <p>The Assessment Team acknowledge the receipt of the <i>Information Management Government Security Classifications Handling Instructions</i> and the <i>Information Security Policy</i>. These documents will be retained in order that the authority's submission can be kept up-to-date.</p> <p>For information sharing see element 14 below.</p> |
| 9. Data Protection | G | G | G | <p>Data handling training is mandatory for staff at SNH. There is a commitment in the RMP to 'take forward' specific</p> | <p>SNH has appointed a Data Protection Officer (Jennifer Ryles) to ensure fulfilment of</p> | <p>As with all other Scottish public authorities SNH have been required to review and update their</p> |

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| | | | | Data Protection training although no timescale has been suggested for his work. The Keeper would be interested to know when this training is rolled out. | the GDPR and DPA 2018 legislation. All SNH staff have access to GDPR support intranet pages which provides context of what GDPR means for SNH and supporting documentation and are required to complete a mandatory GDPR e-learning course. (Appendix 7) | data protection procedures in light of the 2018 legislation. The Assessment Team acknowledges that their public facing website has been updated appropriately: https://www.nature.scot/about-snh/access-information-and-services/access-information/privacy-notice/data-protection-policy For training see under element 12 below. |
| 10. Business Continuity and Vital Records | G | G | G | Update required on any change | No change | No immediate action required. Update required on any future change. |
| 11. Audit Trail | A | A | G | Not all SNH digital records can be imposed on the eDRMS at the moment, resulting in a gap in provision. SNH have recognised this gap and have stated their intention to address this by reviewing and assessing all the corporate systems which have limited or no audit trail data. This work will be undertaken in the 2014/15 financial year. | The removal of document size limits to allow most documents to be stored on eRDMS has reduced this issue. (Appendix 1) Work continues with other system owners to ensure we have audit trails available where required. | As under element 4 above the Assessment Team is pleased to recognise that the authority has identified and then addressed a specific issue around tracking large or unusual format documents held digitally. The Keeper has already indicated that he is willing to accept that |

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| | | | | <p>Therefore the Keeper agrees this element of SNH's RMP on an 'Improvement Model' basis. This means that he is convinced of the authority's commitment to closing a gap in provision. He will request that he is updated as work on this element progresses.</p> | | <p>bespoke or stand-alone line of business systems are liable to have in built record tracking systems and version control.</p> <p>Therefore, if this were a formal re-submission under section 5 of the Act it is liable that this element would achieve a RAG status of Green.</p> <p>It is worth noting that the situation regarding records sitting outside the electronic records management system was the only amber element in the authority's original plan.</p> <p>PRSA says at section 5.6 "An authority may at any time revise its records management plan and submit the revised plan to the Keeper for agreement." SNH should consider doing this because of the apparent completion of the sole remaining improvement action.</p> <p>If SNH is considering a formal re-submission please contact the assessment team to discuss what evidence would need to be supplied</p> |
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| | | | | | | public_records@nrscotland.gov.uk We will fully engage and support a section 5 re-submission. Happy to talk through the process at any time. |
| 12. Competency Framework | G | G | G | Update required on any change | eRDMS training is compulsory for all staff and takes for the form of 2 x 2 hour 1-1 sessions. This is positively received. SNH's Record Liaison Officers, who have more complex functionality on the system, receive a full day training course which we have recently redeveloped. | The Keeper expects to see evidence that Staff creating, or otherwise processing records, are appropriately trained and supported. It is clear that the authority has taken steps to determine what learning (and roles) should be put in place to ensure this element continues to be compliant. The Assessment Team acknowledge that they have received evidence of mandatory data protection training in SNH. |
| 13. Assessment and Review | G | G | G | There is a strong commitment within SNH's RMP to regularly review its Plan and the key documentation and policies, including the BCS/Retention Schedule, and plans to involve an external consultant to review their security policies. The Keeper commends this | SNH's Records Management Plan is due to be reviewed and updated within the next 6 months. We will ensure that we align with corporate databases where possible and make the necessary linkages to ensure | It is a requirement of the Public Records (Scotland) Act 2011 that "An authority must— (a) keep its records management plan under review" (PRSA Part 1 5.1.a.) The authority's participation in the PUR process in 2019 |

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| | | | | strong commitment and requests that he is informed of the results of any such assessments. He is also interested in learning about projects such as the plan to align corporate databases with the Business Classification Scheme. | that the Business Classifications are universally applied. | demonstrates a commitment to reviewing its RMP. The Assessment Team notes the specific issues to be addressed at the next review. |
| 14. Shared Information | G | G | G | The Keeper commends the planned review of the data sharing template in 2014 and requests that he is kept informed as this review progresses. | SNH uses Objective Connect to share information with externals. This works well and is fully auditable. (Appendix 3). SNH works in different ways with suppliers and partners and one data sharing template cannot support this so we have developed several approaches to sharing personal data that can be used depending on the characteristics of the project. Our standard Statement of Requirements for letting contractors contains a section on sharing personal data and is supported with a template joint controller agreements and a template data processor agreement. Where applicable, personal data management and sharing is included in the conditions under which we award grants. We also work alongside other public bodies to support the delivery of each | The Assessment Team acknowledge the receipt of Guidance on the use of Objective Connect. As a matter of fact this system is used by NRS for document sharing/collaboration. The Assessment Team thanks SNH for the detailed explanation of the various data sharing agreements they pursue. Their use is dependent on the particular business requirements of the data sharing exercise. The Assessment Team is confident that, in all cases, information governance considerations are appropriately addressed. |

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| | | | | | <p>other's statutory duties. In that case we create a joint agreement that describes each body's role and responsibility on the management and sharing of personal data for each project.</p> <p>In each case, the project staff will work with SNH's DPO to ensure that personal data is shared in compliance with the law and those requirements are captured in the project documentation.</p> | |
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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 28th October 2019. The progress update was submitted by Fiona Eardley, Records Manager Information Management Activity.

The progress update submission makes it clear that it is a submission for Scottish Natural Heritage.

PRSA Assessment Team's Summary

The Assessment Team has reviewed Scottish Natural Heritage's Progress Update submission and agrees that the proper record management arrangements outlined by the fourteen 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

Scottish Natural Heritage 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 **Scottish Natural Heritage** 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,



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Pete Wadley
Public Records Officer