

**Public Records (Scotland) Act 2011**

**Historic Environment Scotland**

**The Keeper of the Records of Scotland**

**6th June 2018**

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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 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 Historic Environment Scotland by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 1<sup>st</sup> August 2017 supplemented with updates subsequently.

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

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

## **3. Authority Background**

Historic Environment Scotland has taken on the responsibilities previously held by Historic Scotland and by the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS). The new organisation is a non departmental public body. A board of trustees, appointed by Scottish Ministers, governs Historic Environment Scotland which has charitable status, in keeping with other national cultural institutions such as National Galleries of Scotland, the National Library of Scotland, National Museums Scotland and the Royal Botanic Garden Edinburgh.

Historic Environment Scotland plays a role as a regulator and as the statutory adviser to Scottish Ministers.

They are responsible for the management of over 300 “properties in care”, under a formal Scheme of Delegation from Scottish Ministers as well as over 5 million archive items and collections.

Historic Environment Scotland are one of the largest operators of paid-for visitor attractions in Scotland and are therefore a contributor to Scotland’s economy.

Statutory functions within the planning system are part of their responsibilities for the historic environment. Managing change through scheduling, listing and other designations is intended to help maintain and enhance Scotland’s distinctive historic places.

Historic Environment Scotland conservation specialists conduct technical research into the built environment, provide guidance and support training and skills development. Owners and occupiers of traditional buildings, as well as professionals, can come to them for advice on how to maintain, repair, make changes to and save energy in such properties,.

They also contribute advice to the Scottish Government’s strategy to tackle climate change and reduce Scotland’s carbon footprint, as well as carrying out research into climate change and its impacts on the historic environment.

Historic Environment Scotland are also responsible for internationally significant collections including more than 5 million drawings, photographs, negatives and manuscripts, along with 20 million aerial images of worldwide locations.

<https://www.historicenvironment.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 Historic Environment Scotland’s *Records Management Plan* 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:**

<b>G</b>	The Keeper agrees this element of an authority’s plan.		<b>A</b>	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.		<b>R</b>	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.
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## 5. Model Plan Elements: Checklist

### Historic Environment Scotland (HES)

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>Historic Environment Scotland (HES) have identified Donella Steel, Director of Finance and Performance, as the individual with overall responsibility for records management in the authority.</p> <p>This is confirmed in a <i>Formal Appointment Letter</i> from Alex Paterson, Chief Executive of HES dated 22nd March 2018, by the <i>Information Management Strategy</i> section 6 and by the <i>Records Management Policy</i> section 6.2 <b>(for both these documents see element 3)</b>.</p> <p>The <i>Statement of Responsibility for Records Management</i> document – provided - also confirms “The senior responsible officer and lead for records management within Historic Environment Scotland is the Director of Finance and Performance, Donella Steel. The senior responsible officer for records management is also the senior responsible officer for all other information governance functions within the organisation, including Compliance (Data Protection and Freedom of Information) and Information Security and Assurance.”</p> <p>Although the Chief Executive accepts ultimate responsibility for all operational</p>

			<p>procedures in HES (see for example <i>Information Management Strategy</i> Appendix B) he clearly delegates responsibility for records management to Ms. Steel. Ms. Steel reports directly to the Chief Executive.</p> <p>Ms. Steel is the HES Senior Information Risk Owner (SIRO). As SIRO she has a responsibility to “Lead and foster a culture that values, protects and uses information for the public good.” <i>Information Management Strategy</i> Appendix B.</p> <p>Ms. Steel attends the HES Audit, Risk and Assurance Committee which reviews information risk quarterly (The Chief Executive is also involved in these reviews). Ms. Smith is responsible for ensuring the development of “strategic liaison between departments to facilitate coherent development of information provision.” (<i>Information Management Strategy</i> – <b>see element 3</b> – section 10).</p> <p>The Keeper agrees that Historic Environment Scotland have identified an appropriate individual to this role as required by the Public Records (Scotland) Act 2011(the Act).</p>
<p>2. Records Manager <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>HES have identified David Paris, Head of Information Governance, as the individual with responsibility of the day-to-day implementation of the <i>Records Management Plan</i> (the <i>Plan</i>).</p> <p>This is confirmed by the <i>Information Management Strategy</i> (<b>see element 3</b>) sections 6 and 12, by the <i>Records Management Policy</i> (<b>also element 3</b>) section 6.6, by the <i>Statement of Responsibility for Records Management</i> and by a <i>Covering Letter</i> from Alex Paterson, Chief Executive of HES, dated 31<sup>st</sup> July 2017.</p> <p>The <i>Covering Letter</i> explains that the Head of Information Governance is responsible for “ensuring that records management practices and procedures are established in accordance with all legal obligations and professional standards, and</p>



			<p>that appropriate advice is available, together with training (<b>see element 12</b>) and guidance given, to all staff throughout Historic Environment Scotland.” The <i>Information Management Strategy</i> confirms: “The Head of Information Governance will give guidance for good information management practice...” (<i>Strategy</i> section 6).</p> <p>The Head of Information Governance is an integral part of the HES Information Assurance Board and is responsible for “Information Assurance, Governance, Records Management and Information Security” and to “ensure that the records management policy and standards are kept up-to-date and relevant to the needs and obligations of HES” (both quotes <i>Information Management Strategy</i> Appendix B). He recently oversaw the review of information security policies and guidance by an external contractor (<b>see element 8</b>).</p> <p>Mr. Paris prepared the final version of the <i>Plan</i> as approved by the Director of Finance and Performance (<b>see element 1</b>).</p> <p>Mr Paris is responsible for the ‘actions’ detailed in the future developments section of the <i>Plan</i> (annex A), for monitoring the compliance with internal information governance policies (for example see <i>Records Management Policy</i> section 10) and for ensuring formal reviews of information governance documents (<b>see element 13</b>).</p> <p>Mr Paris approved the <i>Records Management Policy</i> (<b>see element 3</b>), the <i>Information Security Policy</i> (<b>see element 8</b>), the <i>Retention and Disposal Guidance</i> (<b>see element 6</b>), the <i>ISO27001 Gap Analysis</i>, the <i>Archiving &amp; Transfer Arrangements Statement</i> (<b>see element 7</b>), the <i>Information Classification and Handling Policy and Guidelines</i>, the <i>Data Protection Act Privacy Impact Assessment Guidance and Templates</i>, the <i>Surveillance Systems Code of Practice</i>, the <i>Subject Access Request Procedure</i> document (<b>see element 9</b>), the <i>Business Impact</i></p>
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			<p><i>Assessment – Registry, the Naming Conventions for Electronic Records Guidance (see element 11) and the Guidance Email Management (see element 6).</i></p> <p>The Head of Information Governance is responsible for the identification of vital records as part of the HES business continuity arrangements <b>(see element 10)</b>.</p> <p>The above clearly demonstrates that Mr. Paris has a detailed knowledge of records management provision in HES.</p> <p>Mr. Paris reports directly to the Director of Finance and Performance <b>(see element 1)</b>.</p> <p>The Keeper notes that this role was previously the ‘Head of Records Management’, but has been re-named, with an expanded remit, since 2015. Any reference to the ‘Head of Records Management’ in evidential documents pre-dating the change has been accepted as referring to the Head of Information Governance. The Keeper has seen the <i>Job Specification for the Head of Records Management</i> (Dec 2013) and notes that it specifically mentions a responsibility of “designing the Records Management function within Historic Scotland to meet Public Records (Scotland) Act 2011.”</p> <p>The Keeper agrees that Historic Environment Scotland have identified an appropriate individual to this role as required by the Act.</p>
<p>3. Policy <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>HES has a <i>Records Management Policy</i> which has been provided to the Keeper. This is version 3.0 dated April 2018 and approved by the Head of Information Governance <b>(see element 2)</b>. The Keeper has seen Senior Management Team minutes approving a draft of the original version of this <i>Policy</i>.</p> <p>The Records Management Policy is endorsed by the <i>Covering Letter</i> from HES</p>

			<p>Chief Executive (<b>see under General Comments below</b>).</p> <p>The <i>Records Management Policy</i> explains the purpose of efficient records management.</p> <p>HES also has a high-level <i>Information Management Strategy</i> document which has been provided to the Keeper. This is version 2.0 approved by the HES Board in April 2018.</p> <p>The <i>Information Management Strategy</i> (section 2) states a ‘Strategic Aim’ to “Provide the best possible service to our stakeholders by providing reliable information at the point of need; where individuals understand the importance of using it correctly, sharing it lawfully and protecting it from improper use.” The Keeper agrees that the processes explained in the <i>Plan</i> should further this strategic aim.</p> <p>The Keeper agrees that the <i>Plan</i> also supports all other aspirations in the <i>Information Management Strategy</i> and the <i>Records Management Policy</i>.</p> <p>The <i>Information Management Strategy</i> and the <i>Records Management Policy</i> mention the Public Records (Scotland) Act 2011 and the Data Protection Act 1998.</p> <p>HES have provided a screen-shot showing that staff can access these documents on the intranet.</p> <p>HES have provided their <i>Records Management Strategy</i> for reference. This Strategy is dated December 2014 and the Keeper understands it to have been replaced by the <i>Records Management Policy</i> and <i>Information Management Strategy</i> above.</p> <p>The Keeper agrees that Historic Environment Scotland have a records management</p>
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			policy statement as required by the Act.
4. Business Classification	<b>A</b>	<b>G</b>	<p>HES operate a hybrid paper/electronic public record system.</p> <p>HES have completed an information audit exercise, signed off by local business areas (Director level). The results of this audit have been used to populate a file plan which will lead to an <i>Information Asset Register</i>. However, this has not been fully implemented. The authority explains that they are planning to introduce a new electronic records system and state (<i>Plan</i> page 8): “to implement the BCS wholesale in the current structure would be counter-productive for the organisation. The BCS is however being used as part of the IAR work that is being undertaken...” The Keeper agrees that imposing a corporate records management structure, only to change it, would be prejudicial to the aspiration of creating a culture that values good records management in HES.</p> <p><b>The need for a more controlled electronic records solution is explained in <i>Plan</i> Annex A “HES suffers from a continued growth of largely unmanaged, unstructured electronic document and record storage.”</b></p> <p><b>Scoping work for an electronic document records management system has been undertaken and approval has now been granted. HES have committed to keep the Keeper updated as this project progresses. The Keeper thanks HES for this commitment. The <i>Plan</i> states (page 10): “eDRMS is likely to be introduced in the next 1-3 years which will include information from the file plans and based on the new BCS and RRS which be validated with the business prior to implementation.” This timescale is supported by other statements in the <i>Plan</i> (for example page 25). The Keeper agrees this is a reasonable timescale and accepts that full implementation will be incremental after any system is introduced. He will request updates periodically.</b></p>

			<p>The development of an Information Asset Register is confirmed in the HES <i>Information Management Strategy</i> (section 9.5.1) – <b>see element 3</b>. The <i>Plan</i> states (page 12): “Work has commenced within HES to implement an Information Asset Register... This project is in its infancy but as it progresses, it will be rolled out across the organisation.”</p> <p>Furthermore the Plan explains that “The work being undertaken on the Information Asset Register will allow business areas to identify and record their vital records and the potential risks to that information, systems and collections (<b>see element 10</b>).”</p> <p>Further explanation of the IAR/eDRMS project has been provided to the Keeper as Annex A of the <i>Plan</i>. The Keeper agrees the proposals are appropriate and should greatly improve the records management provision in HES.</p> <p>The Keeper acknowledges that he has seen a report on the information audit and thanks HES for sharing this. He has also been provided with the HES <i>Information Assurance Model</i> showing progress including, as an example, developments around information sharing (<b>see element 14</b>). The Keeper thanks HES for sharing this document. He will request updates periodically.</p> <p>The covering statement from Alex Paterson, Chief Executive, states “Over the next few years HES records management policies, processes and procedures will be developed and implemented.” The Keeper agrees that the work described in element 4 will constitute a major part of this development.</p> <p>The <i>Records Management Policy</i> (<b>see element 3</b>) includes a specific commitment to develop a business classification scheme reflecting functions and activities (section 5).</p> <p>The Head of Information Governance (<b>see element 2</b>) is responsible for the storage</p>
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			<p>conditions of all records (<i>Information Management Strategy</i> Appendix B).</p> <p><b>The Keeper can agree this Element on an ‘improvement model’ basis. This means that the authority has identified gaps in provision (information asset register not fully operational and eRDM, although approved, is not yet introduced). However he recognises that HES have identified how they intend to close this gap and committed to do so. The Keeper’s agreement is dependent upon him being kept informed of progress with this work when required. The Keeper acknowledges that HES have committed to doing this (<i>Plan</i> page 27).</b></p>
5. Retention schedule	<b>G</b>	<b>G</b>	<p>The <i>Information Management Strategy</i> (see element 3) states that “The business should ensure compliance with the following: Creation, management, <b>retention</b>, audit, review and disposal of information.”</p> <p>HES have submitted their <i>Retention Schedules</i>. These have been created in conjunction with the relevant responsible business areas. It is clear from the submission that local directors have signed off the retention decisions for the public records in their area. The Keeper commends the involvement of local business areas in this work as liable to create a stronger business tool and encourage buy-in.</p> <p>The retention schedules show a function/activity/type/retention system. For example Contract management/Contract management files/Contract award letters/5 years. The structure of a retention schedule must be a business decision for HES, but the Keeper acknowledges that a functional system, as demonstrated here, is currently considered best practice.</p> <p>The <i>Plan</i> commits HES as follows (<i>Plan</i> page 11): “HES will continue to work with the business areas to further develop and implement currently agreed Records Retention Schedule and Policies based on the key record types held by the</p>

			<p>organisation – both paper and electronic”. The Keeper agrees this action.</p> <p>The <i>Plan</i> commits HES to using agreed retention decisions to populate the eDRMS (<b>see element 4</b>) when it is introduced.</p> <p>HES have provided a screen-shot showing that staff can access the <i>Schedule</i> on the intranet.</p> <p>The <i>Records Management Policy</i> (<b>see element 3</b>) includes a specific commitment to produce a consistent retention and disposal schedule (section 5).</p> <p>The Keeper has been provided with HES’ <i>Retention and Disposal</i> staff guidance document which explains the purpose of operating an effective retention schedule and mentions compliance with the Public Records (Scotland) and Data Protection Acts.</p> <p>The Head of Information Governance (<b>see element 2</b>) is responsible for liaising with local Information Asset Owners to ensure retention schedules are up-to-date. Overseeing compliance is the responsibility of the Information Governance Team - <b>see under General Comments below – Information Management Strategy</b> Appendix B.</p> <p>The Keeper agrees that Historic Environment Scotland have an operational <i>Retention Schedule</i> which is available to staff.</p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>HES commit to “The review and consolidation of destruction arrangements to detail the correct procedures to follow when disposing of business information” and to “placing controls around ...ultimate disposal (whether this be recycling, confidential destruction or transfer to the archive for permanent preservation.” (<i>Records Management Policy – see element 3 - sections 5 and 3</i>). The <i>Information</i></p>

			<p><i>Management Strategy (see element 3)</i> states that “The business should ensure compliance with the following: Creation, management, retention, audit, review and <b>disposal</b> of information.”</p> <p>The <i>Information Management Strategy</i> also states (section 4) the principle that HES “Apply recordkeeping practices throughout the lifecycle including adequate storage and <u>disposal</u>.”</p> <p>With these statements in mind HES have the following procedures in place:</p> <p><u>Paper (Internal)</u>: Physical secure destruction is carried out by a third-party contractor. Evidence of this arrangement has been provided. The secure destruction of paper records forms part of the <i>Retention and Disposal Guidance</i> document provided to the Keeper (<b>see element 5</b>).</p> <p><u>Paper (External)</u>: HES has 2 temporary, rented offsite physical storage facilities. The Keeper understands that these are operated by HES not by a third party.</p> <p><b><u>Electronic:</u></b> (see element 4) <i>Plan Annex A</i> states: “HES suffers from a continued growth of largely unmanaged, unstructured electronic document and record storage... the technical infrastructure in place does not provide the necessary functionality to allow for the effective management of the records created by HES e.g. retention and disposal...”</p> <p>Until the <i>Information Asset Register/eRDM system</i> is operational in HES (see element 4), the destruction of electronic records will be awkward to sufficiently monitor. HES acknowledges this in the <i>Plan</i>: “...there is no ability to implement an audit facility on the shared drives and staff are able to edit, rename, delete and hold multiple copies of file.” The <i>Plan</i> goes on: “HES is committed to improving the way in which electronic documents are managed</p>
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			<p>throughout the organisation.” (both quotes <i>Plan</i> page 23).</p> <p><b>The use of shared drives is a area where many Scottish public authorities encounter difficulty when attempting to impose robust provision. The Keeper acknowledges that HES have correctly identified this gap in provision.</b></p> <p>A commitment to the development of records management systems is confirmed by a covering statement from the HES Chief Executive which forms part of the <i>Plan</i>.</p> <p>The Keeper notes that HES has a separate <i>Email Management Guidance</i> document. This includes destruction of emails. The Keeper welcomes the recognition of the particular risks of email.</p> <p><u>Hardware:</u> HES is a relatively new organisation being an amalgamation of two previously separate bodies. The arrangements for the destruction of hardware still lie with the constituent authorities. The <i>Plan</i> states: “We will continue to access the contract that was in place with RCAHMS prior to the merger but will ensure that the secure destruction of IT equipment is included in any contract awarded.” (<i>Plan</i> page 14)</p> <p>The controlled destruction of hardware is supported by statements in HES’ <i>Retention and Disposal</i> staff guidance document (<b>see element 5</b>).</p> <p><u>Back-Ups:</u> HES quite properly, keep back-up copies for business continuity purposes (<b>see element 10</b>). It is explained that these copies are kept “for a little time” (<i>Retention and Disposal Guidance</i>). HES have provided the Keeper with further details regarding the length of time back-up copies of public records are available. This is in the form of a statement regarding the back-up tape cycle provided by the authority’s IT department.</p>
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			<p><b>The Keeper can agree this element of the <i>Plan</i> under ‘improvement model’ terms. This means that the authority has recognised gaps in their records management provision, but have put processes in place to close those gaps. The Keeper’s agreement is conditional on his being updated on progress as appropriate.</b></p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The <i>Information Management Strategy</i> (section 4) (<b>see element 3</b>) states the principle that HES “work towards meeting statutory requirements to maintain records of historical importance”.</p> <p>HES have identified the National Records of Scotland (NRS) as the repository for the permanent retention of their records of historical interest.</p> <p>HES is developing a formal MOU with NRS to embed transfer procedures. This is confirmed by the NRS Client Management Team and by the <i>Plan</i> (page 17) “HES is currently in discussion with the Client Management Team in NRS regarding archiving and transfer arrangements with a view to signing an appropriate Memorandum of Understanding.”</p> <p>The <i>Archiving &amp; Transfer Arrangements Statement</i> supplied (v1.0 December 2016) explains the processes used at HES to select records for transfer and confirms NRS as the proper repository for those records selected for permanent preservation.</p> <p>The <i>Records Management Policy</i> (<b>see element 3</b>) specifically mentions the importance of permanent preservation and corporate memory (sections 3, 4, 5 and 6) as does the <i>Retention and Disposal Guidance</i> document (<b>see element 5</b>).</p> <p><b>The Keeper agrees this element of HES’ <i>Records Management Plan</i> under ‘improvement model’ terms. This means that he acknowledges that the authority has identified a gap in provision [there is no formal transfer</b></p>

			<p>agreement with the archive] and have put processes in place to close that gap. The Keeper’s agreement is conditional on his PRSA Assessment Team being provided with a copy of the signed MOU when available.</p>
<p>8. Information Security <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The <i>Information Management Strategy</i> (see element 3) states that “The business should ensure compliance with the following: Security of information.”</p> <p>HES have an <i>Information Security Policy</i> which has been provided to the Keeper. This is version 1.0 approved August 2016. The Keeper has been provided with evidence of the CMT approval.</p> <p>The <i>Information Security Policy</i> is supported by a suite of other security policies and guidance, approved by the organisation’s Information Security Governance Board. These have been shared with the Keeper. These include the HES <i>Surveillance Camera Code of Practice</i> and their <i>Data Protection Policy</i> (see element 9)</p> <p>The <i>Plan</i> suggests that further information security guidance will be added to this suite over the next few years (<i>Plan</i> page 19). The Head of Information Governance has appointed an external contractor who has provided an interactive system for IT and Information Security policies based on ISO 27000, legislation and best practice. This has been approved by the HES Senior Management Team. HES aims to operate in accordance with BS ISO 27001:2005 Information Security (<i>Records Management Policy</i>, section 7.2)</p> <p>HES have also provided their <i>Security Incident Reporting Policy</i>. Reporting of potential or actual security breaches is a requirement of the <i>Information Security Policy</i> (section 2 and 5) and <i>Data Protection Policy</i> (see element 9) section 6.</p> <p>The <i>Information Security Policy</i> is supported by other evidential documents and statements in the <i>Plan</i> (such as under element 3 page 7).</p>

			<p>HES have provided a screen-shot showing that staff can access information governance documents on the intranet.</p> <p>The <i>Records Management Policy</i> (<b>see element 3</b>) specifically mentions the importance of information security (sections 3 and 5).</p> <p>All HES business systems holding protectively marked information are HMG 'accredited' for information assurance and risk management.</p> <p>Ensuring that security procedures are available to staff is the responsibility of the Information Governance Team - <b>see under General Comments below</b>. The Head of Information Governance (<b>see element 2</b>) acts as the point of contact for all information security issues (<i>Information Management Strategy</i> Appendix B).</p> <p>The Keeper agrees that Historic Environment Scotland has appropriate measures in place to protect its information and systems.</p>
9. Data Protection	<b>G</b>	<b>G</b>	<p>The <i>Information Management Strategy</i> (<b>see element 3</b>) states that "Information originally created or recorded for HES purposes will be compliant with the principles of Data protection Act 1998..."</p> <p>HES have a <i>Data Protection Policy</i> which has been provided to the Keeper. This is version 3.0 approved in April 2018.</p> <p>The <i>Data Protection Policy</i> is publically available at:  <a href="https://www.historicenvironment.scot/media/4698/data-protection-policy.pdf">https://www.historicenvironment.scot/media/4698/data-protection-policy.pdf</a></p> <p>This includes the authority's subject access procedure (section 5.2). Staff are issued with a <i>Subject Access Request Policy</i> document. A screen-shot has been provided as evidence that staff can access this, and other information governance</p>

			<p>documents, on the HES intranet.</p> <p>HES subject access processes are a response to the principle in the <i>Information Management Strategy</i> (<b>see element 3</b>) that aims at access “individuals have a right to access the information we hold about them.” (Principle 7).</p> <p>Overseeing subject access requests is the responsibility of the Information Governance Team - <b>see under General Comments below</b> – <i>Information Management Strategy</i> Appendix B.</p> <p>HES also have a <i>Privacy Policy</i> published at <a href="https://www.historicenvironment.scot/privacy-policy/">https://www.historicenvironment.scot/privacy-policy/</a></p> <p>HES are registered with the Information Commissioner: ZA143443.</p> <p>The <i>Data Protection Policy</i> explains the 6 principles of data protection (section 5).</p> <p>The Keeper has been provided with copies of bespoke e- learning modules on data protection and information security. Staff who come into contact with personal information must undertake a training session on data protection.</p> <p>The <i>Records Management Policy</i> (<b>see element 3</b>) mentions compliance with the Data Protection Act 1998 (section 7).</p> <p>The Head of Information Governance (<b>see element 2</b>) is in overall charge of Data Protection within HES and is the Data Protection Officer (see <i>Information Management Strategy</i> Appendix B).</p> <p>The <i>Data Protection Policy</i> mentions the Public Records (Scotland) Act 2011.</p>
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			<p>The Keeper agrees that Historic Environment Scotland has properly considered its responsibilities under the Data Protection Act 1998 and the General Data Protection Regulation.</p>
<p>10. Business Continuity and Vital Records</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The <i>Information Management Strategy</i> (<b>see element 3</b>) states that “HES has a corporate responsibility to ensure it has a business continuity plan in place to safeguard its corporate and <b>information</b> assets.” The <i>Information Security Policy</i>, sections 2 and 6 (<b>see element 8</b>) states that HES will ensure “Business continuity plans are established, maintained, and tested”. The <i>Records Management Policy</i> (<b>see element 3</b>) commits HES to the “input to a business continuity plan, encompassing strategies to ensure that vital records held by HES remain accessible over time and that there are processes in place to monitor the integrity and usability of records.” (<i>Policy</i> section 5). The Keeper welcomes this commitment.</p> <p>The HES <i>Plan</i> states (page 23) in regard to business continuity “This is an area that needs development”. HES is a fairly new organisation and the Plan goes on to state: “All plans require to be updated following the creation of HES and the change of IT systems.” <b>The Keeper agrees this action and requests he is provided with a sample of the updated business continuity procedures when available.</b></p> <p>Furthermore the Plan explains that “The work being undertaken on the Information Asset Register (<b>see element 4</b>) will allow business areas to identify and record their vital records and the potential risks to that information, systems and collections.” (page 23) and “Business areas will be required to identify and document their vital records and the potential risks to information, systems and collections. This information will be recorded on the information asset register.”(page 24). The Keeper agrees and commends this proposal.</p> <p>The Keeper assumes that, until this work is complete, HES are operating under the previously existing HS and RCHAMS procedures. The <i>Plan</i> suggests this (page 23).</p>

			<p>The Keeper has been supplied with the business impact assessment for the file registry.</p> <p>The <i>Plan</i> also states that “HES business areas have individual business continuity/emergency plans and site response plans in place. These appear to be a requirement of the <i>Information Management Strategy</i> (section 10). HES have provided a sample of one of these local plans.</p> <p><b>The Keeper can agree this element of the Historic Environment Scotland plan under ‘improvement model’ terms. This means that the authority has explained how they intend to close a gap in provision and the Keeper agrees that the process suggested is appropriate. His agreement would be conditional on his being updated on progress.</b></p>
11. Audit trail	<b>A</b>	<b>G</b>	<p><b>See work described under element 4</b></p> <p>The <i>Records Management Policy</i> (<b>see element 3</b>) under Section 5 states that HES will undertake a “review of audit trail mechanisms, the potential of existing systems, and the gap which exists between current provision and best practice, in order to produce a clear strategy for improving the capture and management of key events in a record’s lifecycle.” and under Section 3 that this will allow “placing controls around each stage of a record’s lifecycle, at the point of creation (through the application of metadata, version control and naming conventions).”</p> <p>The Keeper has been provided with the HES <i>Naming Conventions for Electronic Records</i> guidance (version 2.0 dated March 2018). The Keeper acknowledges that this includes guidance for the management of e-mail. The Keeper commends this document. This document is a response to the principle in the <i>Information Management Strategy</i> (<b>see element 3</b>) that aims at standardised information “using</p>

			<p>fitting descriptions, including metadata, on all information and its content.” (Principle 4) and that “The business should ensure compliance with the following: Creation, management, retention, <b>audit</b>, review and disposal of information.” (section 4.5)</p> <p><b>HES notes that the <i>Naming Conventions for Electronic Records</i> guidance is not fully embedded in the organisation. The <i>Plan</i> states (page 25): “Staff will be introduced to and trained in these rules and procedures in 2017/18 in order to improve how HES captures, stores, names and disposes of its records.”</b></p> <p><b>Furthermore, the <i>Plan Annex A</i> states: “the technical infrastructure in place does not provide the necessary functionality to allow for the effective management of the records created by HES e.g. retention and disposal, access and security and audit trail”. Until the eDRMS solution/<i>Information Asset Register</i> is fully implemented, controlled electronic record tracking remains a problem area for HES. The <i>Plan</i> states (also page 25): “...there is no ability to implement an audit facility on the shared drives and staff are able to edit, rename, delete and hold multiple copies of files.”</b></p> <p>The Keeper notes, however, that the creation of folders is now restricted by the IGT (see under <b><u>General Comments</u></b> below). He agrees that this will help manage the shared drive.</p> <p>The Keeper agrees that the introduction of a eDRMS, as described in element 4, should greatly improve this situation.</p> <p>The Keeper also agrees that any line-of-business systems used by HES may impose suitable naming convention/version control at time of record-creation to adequately track records subsequently.</p> <p>The Keeper notes that HES have a <i>Managing E-mail Guidance</i> document (supplied</p>
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			<p>v1.0 March February 2017). The Keeper commends the acknowledgement of the particular risks involved in the management of e-mail.</p> <p>HES operate a registry system to record the movement of the majority of their hard-copy records.</p> <p><b>However, they acknowledge that this hard-copy record tracking system is out-of-date (Plan page 12) and that a small section of hard-copy records, held away from the main store, are not included in the registry. This is addressed in Annex A of the Plan (Plan page 34) with a commitment to “re-evaluate the physical records management needs across HES.” The Keeper will request information an update on this situation when appropriate.</b></p> <p>A commitment to the development of records management systems is confirmed by a covering statement from the HES Chief Executive which forms part of the <i>Plan</i>.</p> <p><b>The Keeper is able to agree this element of Historic Environment Scotland’s records management plan on improvement model terms. This means that the authority have identified a gap in their records management provision (in this case, naming and tracking of records on shared drives is not satisfactorily controlled and the system for tracking physical records needs revisiting as the management system is at end-of-life and does not encompass all paper records). The Keeper agrees that HES has committed to programmes designed to alleviate the situation and close the gap. The Keeper’s agreement is conditional on his receiving updates when requested.</b></p>
12. Competency Framework for records	<b>G</b>	<b>G</b>	<p>HES have submitted a <i>Statement of Responsibility for Records Management</i> which states that Mr. Paris is “the responsible officer for records management and information governance, attends senior management meetings to provide regular updates on records management, and works closely with representatives from all</p>

<p>management staff</p>			<p>business areas of the organisation to develop, monitor and review corporate records management policies, procedures and solutions.” The <i>Statement of Responsibility for Records Management</i> is formally approved by the HES SIRO (<b>see element 1</b>).</p> <p>The Head of Information Governance has provided the Keeper with evidence of his qualifications and professional memberships (and that of HES corporately). The Keeper thanks Mr Paris for providing these.</p> <p>The <i>Plan</i> states (page 22): “HES will continue to provide comprehensive training and awareness for all staff in order to ensure that they are aware of their responsibilities in managing, processing and protecting personal data.”</p> <p>As evidence of this, the Keeper has been provided with copies of revised, bespoke e-learning modules on data protection and information security. Staff who come into contact with personal information must undertake a training session on data protection. Information security training and familiarisation with the <i>Information Security Policy</i> (<b>see element 8</b>) is a requirement of that policy (<i>Information Security Policy</i> sections 2 and 5).</p> <p>Training is the responsibility of the Information Governance Team - <b>see under General Comments below</b> – <i>Information Management Strategy</i> Appendix B.</p> <p>Formalised data protection training is supported in the <i>Data Protection Policy</i> (<b>see element 9</b>) section 15.1.</p> <p>Annex A to the <i>Plan</i> states: Future Developments – HES will look to produce and deliver comprehensive information governance training to staff in order to raise the awareness of the importance of records management...” (<i>Plan</i> page 38). The <i>Records Management Policy</i> (<b>see element 3</b>) commits HES to the “The identification of records management as a distinct stream within the organisation’s</p>
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			<p>training portfolio, with dedicated training provided to all staff.” (<i>Policy</i> section 5. See also section 9.1). This is also confirmed in the covering statement from the Chief Executive that forms part of the <i>Plan</i> and by his separate <i>Letter of Endorsement</i>. The Keeper welcomes this commitment.</p> <p>The Keeper accepts that HES have thus made a commitment to introduce records management training for staff (for example <i>Plan</i> page 15 which talks about record destruction training). The Keeper commends this as being complimentary to that already developed for data protection and information security. <b>He would be pleased to receive further details when available.</b></p> <p>The <i>Plan</i> has committed HES to ensure that the <i>Records Management Policy</i> will be communicated to all staff (<i>Plan</i> page 8).</p> <p>The <i>Information Management Strategy</i> (<b>see element 3</b>) notes that Senior Management have a responsibility to “invest in appropriate resources, skills and training.” (section 4.3) and to provide an “environment to support staff in their role of managing the lifecycle of the information.” (section 9.3).</p> <p>HES commit to encouraging a culture of effective records management. The <i>Plan</i> states (covering statement): “staff will be trained and the culture of information management will be introduced and fostered.” This is supported under future developments (page 3) and at page 29. The Keeper strongly commends this approach.</p> <p>The Keeper agrees that the individual identified at element 2 has the relevant skills and authority to implement the HES records management plan. Furthermore, he agrees that HES properly considers information governance training for staff where appropriate.</p>
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<p>13. Assessment and Review</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Act requires a scheduled public authority to “keep its records management plan under review” (part 1 5.1 (a)). The <i>Information Management Strategy</i> (<b>see element 3</b>) states that “The business should ensure compliance with the following: Creation, management, retention, audit, <b>review</b> and disposal of information.”</p> <p>HES have committed to a review 6 – 9 months after agreement and thereafter annually.</p> <p>The review will be carried out by the Head of Information Governance (<b>see element 2</b>) and reported to the HES Board. HES have also committed to sharing the results of the review with the Keeper. He thanks them for this commitment.</p> <p>The review will be measured by the HMG Information Assurance Maturity Model (IAMM). Although the IAMM is no longer supported as a function by the National Cyber Security Centre the IAMM has been adapted for HES to ensure it meets the needs of the organisation. The IAMM is updated bi-annually, the results from the update are fed back into the Information Governance improvement plans for the next 6 months.</p> <p>HES has employed a Head of Internal Audit and Business Improvement. The Head of Information Governance has had early discussions and agreed the entirety of Information Governance arrangements (Records Management, Data Protection under GDPR, Freedom of Information, Information Security and Information Management) within HES will be audited over the coming years in a rolling programme of audits. The Keeper commends the use of internal audit (where available in an authority).</p> <p>The <i>Business Impact Assessment – Registry</i> is scheduled for review before February 2019.</p>
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			<p>The <i>Naming Conventions for Electronic Records Guidance</i> (<b>see element 11</b>) and the <i>GDPR Subject Access Request Procedure</i> guidance (<b>see element 9</b>) are scheduled for review before March 2019.</p> <p>The <i>Retention and Disposal Guidance</i> (<b>see element 6</b>) is scheduled for review before April 2019.</p> <p>The <i>Data Protection Policy</i> (<b>see element 9</b>) is scheduled for review before May 2019.</p> <p>The <i>Statement of Responsibility for Records Management</i> is scheduled for review by July 2019.</p> <p>The <i>Records Management Policy</i> (<b>see element 3</b>) is scheduled for review before April 2020.</p> <p>HES commit, in the <i>Plan</i>, to create a log to track reviews of policy document and guidance. The Head of Information Governance is responsible for ensuring these reviews take place (<i>Plan</i> page 8).</p> <p>HES completed an information audit in 2013/14. This was used to better understand holdings and to create a file plan (<b>see element 4</b>).</p> <p>HES commit, in the <i>Plan</i> (page 12), to regularly review their <i>Retention and Disposal Schedule</i>.</p> <p>Information security policies and procedures are scheduled to be reviewed bi-annually (informally) and annually (formally).</p> <p>Destruction procedures are reviewed annually by the Head of Information</p>
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			<p>Governance in conjunction with the Head of IT and a report provided to the Senior Management Team.</p> <p>The Keeper agrees that Historic Environment 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.</p>
<p>14. Shared Information</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>HES shares information with other bodies when appropriate and does so under the best practice guidance and systems, for example those developed by the Information Commissioner’s Office or through INSPIRE (Scotland) Amendment Regulations. They state: “HES is committed to continual development of information process to enable effective information sharing partnerships and ensure disclosure and dissemination in a lawful manner.” (<i>Information Management Strategy – see element 3</i> -section 9.3).</p> <p>The <i>Information Management Strategy</i> goes on to devote a section to “Information as a Shared Resource” (section 9.6)</p> <p><b>However, HES have acknowledged the need to impose consistency and oversight to the information sharing process and state in the <i>Plan</i> (page 32/33): “This is an area that requires further development” “HES will look to define specific arrangements for information sharing, including the establishment of clear information sharing protocols...”</b></p> <p>The <i>Information Management Strategy</i> (<b>see element 3</b>) notes that “Information Sharing Agreements should be put in place, where appropriate, with guidance from the Records Management Team.” (section 4.4). Formalised data sharing agreements are also supported in the <i>Data Protection Policy</i> (<b>see element 9</b>) section 9.2.</p>

			<p><b>The Keeper requires sight of these new protocols when available.</b></p> <p>Developing and ensuring proper sign-off of Information Sharing Agreements is the responsibility of the Information Governance Team - <b>see under General Comments below</b>. The Head of Information Governance (<b>see element 2</b>) is responsible for ensuring that third party sharing of information complies with security standards (<i>Information Management Strategy Appendix B</i>).</p> <p><b>The Keeper can agree this element of Historic Environment Scotland’s records management plan on ‘improvement model’ terms. This means that the authority has recognised a gap in their records management provision and have put process in place to close that gap. The Keeper agrees the improvements suggested are appropriate, but will request updates as the project progresses.</b></p>
15. Freedom of Information	<b>G</b>	<b>G</b>	<p>The <i>Plan</i> states that “HES is committed to the discharge of its functions under FOISA and EIRs. HES has a network of FOI Lead Officers who actively respond to all requests and are proficient in the handling of those requests.”</p> <p>HES has a publication scheme: <a href="https://www.historicenvironment.scot/freedom-of-information/publication-scheme-guide-to-information/">https://www.historicenvironment.scot/freedom-of-information/publication-scheme-guide-to-information/</a></p> <p>The Keeper has been provided with HES’ <i>Freedom of Information and Environmental Information Regulations Policy</i>. This is version 2.0 approved by the HES Board in October 2016.</p> <p>He has also been provided with the staff training materials on FOISA.</p> <p>The Keeper agrees that Historic Environment Scotland has properly considered its responsibilities under the Freedom of Information (Scotland) Act 2002.</p>



## Historic Environment Scotland (HES)

### General Notes on RMP, Including Concerns:

#### Version

This assessment is on the *Records Management Plan* (the *Plan*) of Historic Environment Scotland (HES) version 2.0 a revised version of that approved by HES Senior Management Team 27<sup>th</sup> June 2017 and originally submitted to the Keeper of the Records of Scotland for agreement on 1<sup>st</sup> August 2017.

The *Plan* was accompanied by a letter of endorsement from Alex Paterson, Chief Executive of HES dated 31<sup>st</sup> July 2017. Mr Paterson also provides a covering statement in the *Plan* itself. The letter of endorsement emphasises the ‘close co-operation’ between the Information Governance Team (**see below**) and local business areas. This is confirmed in the Records Management Policy (section 6) and the Information Management Strategy (**for both see element 3**). Local Information Asset Owners are a requirement of the *Information Management Strategy* (section 12). HES have an Information Asset Owner’s network. The Keeper commends the principle of maximising local involvement in the development of any public authority records management system.

Annex A of the *Plan* is an action-plan for future improvements.

HES acknowledges records as a business asset (for example *Information Management Strategy* section 4, *Security Policy* ‘Introduction’ or *Records Management Policy* section 4.1). The Keeper commends this recognition.

The *Plan* states (Control Sheet): “The Keeper of the Records of Scotland will be alerted to any changes that are made to this Records Management Plan...” The Keeper thanks HES for this commitment.



The *Plan* is based on the Keeper's, 14 element, Model Plan <http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources/model-records-management-plan> with the addition of a 15<sup>th</sup> element 'Freedom of Information'.

The HES Records Management Plan is mentioned on their publically available website:  
<https://www.historicenvironment.scot/freedom-of-information/availability-of-records/>

The Keeper agrees that the implementation of the Records Management Plan will further the HES corporate objective of "operating as a streamlined, financially efficient and effective public body" See HES Corporate Plan 2016-2019:  
<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=c0ccdb06-60a1-40c8-8111-a60f00a5c9c6>)

### **Third Parties**

The Public Records (Scotland) Act 2011 (PRSA) makes it clear that records created by third parties when carrying out the functions of a scheduled authority should be considered 'public records' - PRSA Part 1 3 (1)(b).

This places a requirement on scheduled authorities, like HES, to ensure that they can be confident that records created or held by third parties who have contracted to undertake HES functions are properly managed.

On this issue HES have made the following statement: "HES does not use any additional parties to deliver its public functions as described in the Historic Environment Scotland Act 2014. HES does have a wholly owned subsidiary, Historic Environment Scotland Enterprises Ltd, which is the delivery arm for the non-public tasks, such as Membership, publications, retail etc. For clarification the RMP covers both HES and HESe, HESe does not employ any operational staff and all Information Governance strategies, policies and procedures apply equally to both organisations."

## **The Information Governance Team**

The IG Team will champion the development of a records management culture in HES. This will be done alongside local information asset owners. Information Asset Owners are “usually a senior officer or member of staff involved in running of a business area within the organisation. Information Asset Owners act as the custodian for live data, ensuring their information asset(s) and associated risks are effectively managed.” *Information Management Strategy* Appendix B.

The IGT is responsible for providing guidance in the management of information to all HES staff. They work with local Information Asset Owners to ensure local areas are properly considered in any policy/procedure change. Furthermore, during the work explained in element 4 above, the IGT will be liaising with local business areas to create file plans for each which can then be collated centrally to populate the corporate information asset register. The Head of Information Governance ensures that records management features at divisional team meetings. The Keeper commends the principle of local involvement in the development of any public authority records management system.

The IGT control the creation of folders on the HES IT Network.

Members of the IG Team attend, and provide secretarial services to, the HES Information Assurance Board (IAB) which is chaired by the SIRO (**see element 1**). The IAB is the reporting mechanism for the IGT.

An IGT is a requirement of the *Information Management Strategy* – **see element 3** - (section 12 and Appendix B).

This group is clearly of fundamental importance to records management in the authority and the Keeper thanks the HES for including information about their work in the submission.

## 6. Keeper's Summary

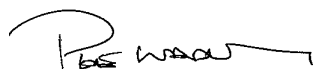
Elements 1 - 15 that the Keeper considers should be in a public authority records management plan have been properly considered by Historic Environment Scotland. Policies and governance structures are in place to implement the actions required by the plan.

## 7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of **Historic Environment Scotland**.

- The Keeper recommends that Historic Environment 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,

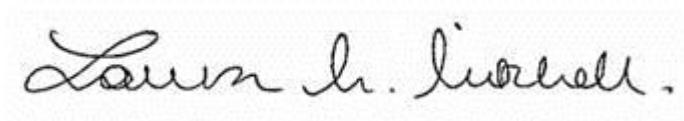


.....  
**Pete Wadley**  
Public Records Officer

.....  
**Robert Fotheringham**  
Public Records Officer

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

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

A handwritten signature in black ink, reading "Laura M. Mitchell", is centered on a light gray rectangular background.

.....  
**Laura Mitchell**  
Deputy Keeper of the Records of Scotland