

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

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

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

**11<sup>th</sup> August 2022**

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

#### 4. Authority Background

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

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

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

#### 5. Assessment Process

A PUR submission is evaluated by the Act's Assessment Team. The self-assessment process invites authorities to complete a template and send it to the Assessment Team one year after the date of agreement of its RMP and every year thereafter. The self-assessment template highlights where an authority's plan achieved agreement on an improvement basis and invites updates under those 'Amber' elements. However, it also provides an opportunity for authorities not simply to report on progress against improvements, but to comment on any new initiatives, highlight innovations, or record changes to existing arrangements under those elements that had attracted an initial 'Green' score in their original RMP submission.

The assessment report considers statements made by an authority under the elements of its agreed Plan that included improvement models. It reflects any changes and/or progress made towards achieving full compliance in those areas where agreement under improvement was made in the Keeper's Assessment Report of their RMP. The PUR assessment report also considers statements of further progress made in elements already compliant under the Act.

Engagement with the PUR mechanism for assessment cannot alter the Keeper's Assessment Report of an authority's agreed RMP or any RAG assessment within it. Instead the PUR Final Report records the Assessment Team's evaluation of the submission and its opinion on the progress being made by the authority since agreeing its RMP. The team's assessment provides an informal indication of what marking an authority could expect should it submit a revised RMP to the Keeper under the Act, although such assessment is made without prejudice to the Keeper's right to adopt a different marking at that stage.

#### Key:

<b>G</b>	The Assessment Team agrees this element of an authority's plan.	<b>A</b>	The Assessment Team agrees this element of an authority's progress update submission as an 'improvement model'. This means that they are convinced of the authority's commitment to closing a gap in provision. They will request that they are updated as work on this element progresses.	<b>R</b>	There is a serious gap in provision for this element with no clear explanation of how this will be addressed. The Assessment Team may choose to notify the Keeper on this basis.
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## 6. Progress Update Review (PUR) Template: Loch Lomond and The Trossachs National Park Authority

Element	Status of elements under agreed Plan 01SEP17	Progress review status 18MAR20	Progress review status 11AUG22	Keeper's Report Comments on Authority's Plan 01SEP17	Self-assessment Update 10DEC19	Progress Review Comment 18MAR20	Self-assessment Update as submitted by the Authority since 18MAR20	Progress Review Comment 11AUG22
1. Senior Officer	G	G	G	Update required on any change.	The strategic responsibility for records management lies with Pete Wightman, Director of Corporate Services. The day to day work in managing processes, delivering training and updating policies associated with records management continues to be the responsibility of the Information Officer Laura Baird.	Thank you for this update which has been noted.	The strategic responsibility for records management continues to be held by Pete Wightman, Director of Corporate Services.	Thank you for letting the Assessment Team know that Pete Wightman continues to assume strategic responsibility for the implementation of NPA's Records Management Plan (RMP). An update is required on any future change.
2. Records Manager	G	G	G	Update required on any change.	No change to the information for this element.	No immediate action required. Update required on any future change.	No change to the information for this element. The day to day work associated with records management continues to be the responsibility of Laura Baird, following job evaluation, is now Information Manager for the NPA.	Thank you for letting us know the day-to-day responsibility for records management at NPA continues to lie with Laura Baird. Update required on any change.
3. Policy	G	G	G	Update required on any change.	No change to the information for this element.	No immediate action required. Update required on any future change.	No change to the information for this element.	Update required on any change.
4. Business Classification	G	G	G	Update required on any change.	Minor revisions have been made to the folder structure of the shared drive which the business classification is based on.	No immediate action required. Update required on any future change.	Work is currently underway to migrate electronic records from a shared drive to Office 365. As part of this process, the business classification scheme is currently under review and will be fully updated on completion of the migration of files to Office 365.	Thank you for letting the Assessment Team know about the migration of electronic records from a shared drive to an Office 365 environment, and the concurrent/resulting review of NPA's Business Classification Scheme. This is an entirely appropriate approach while a records migration is ongoing. This will hopefully help NPA ensure that its functions continue to be accurately reflected in the BCS after the new system has been implemented. It is worth noting, however, that the O365 implementation is likely to take a considerable amount of time before

								it has been fully bedded-into NPA's operations.  We look forward to hearing how this work progresses in subsequent PURs.
5. Retention Schedule	G	G	G	Update required on any change.	An update to the retention schedule was undertaken in 2018, specifically checking the retention timescales for personal data in advance of the implementation of new Data Protection legislation.	In their original submission LLTNPA committed to keep its information governance policy documents under review and the Assessment Team acknowledge that this is being done.  There is a recognition that a retention schedule is a 'living document' and will be subject to continual minor change year on year.	The record retention is kept under review, with teams reminded to add new document categories and to comply with the requirements for the disposal of records. As part of the migration of records from a shared drive to Office 365, the Information Manager has delivered refresher training to teams on the RMP with further input on using the retention schedule. This training was particularly for the benefit of staff who have joined the organisation recently. When the file migration is complete a larger review of the schedule will be completed.	The retention schedule is a 'living document' and would usually be subject to regular minor changes. It is apparent from this update that NPA is keeping this under continuous review. The Assessment Team appreciates this notification of ongoing larger retention schedule review, necessitated by the O365 migration. Staff training provision is also noted with thanks.  The Assessment looks forward to being updated on progress in subsequent PURs.
6. Destruction Arrangements	G	G	G	<u>Electronic:</u> The Information Officer ( <b>see element 2</b> ) works with local business areas to ensure the regular destruction of electronic records according to the <i>Retention Schedule</i> . The routine destruction of electronic records held on shared drives (and therefore not automatically deleted) is a problem for many Scottish public authorities. It appears that Loch Lomond and the Trossachs National Park Authority is satisfied that the personal involvement of the Information Officer in this process will suffice (at least in the short-term). With a single shared drive covering the entire organisation this may prove adequate. <b>However, the Keeper will be interested in updates regarding this procedure going forward.</b>	Discussion ongoing with ICT manager for potential changes to the time period for server back-up tapes to be retained. Changes will be presented to the senior management team for approval prior to implementation. The Information Officer continues to advise teams on probative weeding of records, and on the implementation of retention periods at the time information is being gathered or created. The requirements of the GDPRs have proved useful in raising staff awareness of this.	Thank you for this update.  New data protection legislation has indeed raised awareness of records management in the public sector and it is interesting that LLTNPA have also used this development to strengthen what was already a robust element in their plan.  There is no right answer as to how long back-up copies should be kept for business continuity purposes (although there must be a limit as regards usefulness – and if it's no longer useful DP 5 <sup>th</sup> principle kicks in).  In order that he can agree this element the Keeper must be confident that an authority has clear understanding of the back-up process, and therefore the availability of a public record beyond its retention period.	As part of the migration of records from a shared drive to Office 365, all staff have been directed to complete a review of records on the shared drive, to delete files in compliance with the retention schedule. The Information Manager is working closely with IT colleagues to apply retention dates to files in Office 365 as they are set up, which will deliver a more consistent process of deleting records in line with the retention schedule.	It is reassuring to hear that NPA has procedures in place to prompt specific action and to keep staff informed of the ongoing records migration process. The new O365 platform should, in the long run, help NPA streamline its approach to achieve transparent and timely records destruction processes.
7. Archiving and Transfer	A	A	G	<b>The Keeper agrees this element of Loch Lomond and the Trossachs National Park Authority's Records</b>	Work undertaken on formalising a Memorandum Of Understanding (MOU) delayed by revision to the	The Assessment Team acknowledge that there has been a delay at NRS regarding getting MoUs signed off.	An archiving agreement has now been implemented for the NPA with the NRS. The Information Manager continues	The Assessment Team is very pleased to hear that an archiving agreement with the NRS has now been finalised, and is being

				<p><b>Management Plan on 'improvement model' terms. This means that he acknowledges that the authority, having identified a gap in provision, have put processes in place to close that gap, in this case by formalising an MOU to secure archiving arrangements. The Keeper's agreement is conditional on his receiving a copy of the signed MOU when it becomes available.</b></p>	<p>NRS template MOU to ensure compliance with changes to data protection legislation. Most recent contact with team at NRS in November 2019 to progress this work.</p>	<p>As suggested in the PUR, the National Records of Scotland have recently rolled-out a new, GDPR compliant, MoU. Organisations depositing their records with NRS for permanent preservation are encouraged to engage with the new version.</p> <p>In order to expedite this for your authority, the Assessment Team suggests that you e-mail the lead officer in the NRS client management unit: <a href="mailto:neil.miller@nrscotland.gov.uk">neil.miller@nrscotland.gov.uk</a> asking to be sent the new MoU for consideration and sign-off. Neil will let you know who your client manager is and has indicated to the Assessment Team that he is happy to prioritise MoU's for authorities looking to submit the new version as evidence in element 7 of their Records Management Plan. This is particularly relevant in your case where, unusually, element 7 remains the only 'amber' element of the plan.</p>	<p>to meet with the NRS client manager to deliver the first transfer of records for permanent preservation.</p> <p>Due to the NPA's Office 365 file migration taking place this year, and having been advised of archive backlogs with the NRS, a provisional timescale of year end has been agreed for the first records transfer to take place.</p> <p>The next meeting to progress this work has been scheduled for September 2022. Discussion have also included the archiving of physical documentation that we hold with historical value being transferred to the NRS when they are in a position to receive.</p> <p>The NPA website is already archived with the NRS.</p>	<p>implemented. It is also very welcome news that NPA website is already being archived with the NRS, and that the archiving of physical records of historical value is actively being discussed.</p> <p>If this was a formal resubmission, the Keeper would likely change the RAG status of this Element from Amber to Green. This has been done for the PURs to reflect the progress made in this area.</p>
8. Information Security	G	G	G	Update required on change.	ICT Policy revised and updated in 2018.	In their original submission the Park Authority committed to keeping its information governance policies and guidance under review. The Assessment Team acknowledge that this is being done.	<p>The NPA Information Service (IT) team have prioritised work on cyber security in the past year. Our migration to Office 365 will deliver enhanced security benefits to protecting our records.</p> <p>The Cyber Incident Response Plan is reviewed each year, and monthly bitesize learning is delivered to all staff on Cyber Security as ongoing training.</p>	<p>This is a positive update on information security arrangements. The NPA is well aware that the migration to O365 will have implications to cyber security arrangements. It is good to hear that regular staff training on cyber security is ongoing as well.</p> <p>The Cyber Incident Response Plan's annual review is noted with thanks.</p>
9. Data Protection	G	G	G	Update required on any change.	Data Protection Policy revised and updated to comply with changes to legislation in 2018. New Data Protection Procedure created to include all new processes required to comply with changes to legislation. External auditors completed a data protection audit and made no recommendations.	<p>As with all other Scottish public authorities Loch Lomond and the Trossachs National Park Authority have been required to review and update their data protection procedures in light of the 2018 legislation.</p> <p>The Assessment Team acknowledges that the public facing Park Authority's website has been updated appropriately</p>	<p>No change to the information for this element. The Information Manager is monitoring possible changes to data protection legislation currently under consideration by the UK government.</p>	<p>The Assessment Team thanks you for letting us know there have been no major updates to this Element. It is reassuring to know that the IM continues to monitor the legal landscape in order to proactively address any changes.</p>

						<a href="https://www.lochlomond-trossachs.org/privacy-cookie-policy/">https://www.lochlomond-trossachs.org/privacy-cookie-policy/</a>		
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	No change to this element.	No immediate action required. Update required on any future change.	No change to this element.	Update required on any change.
11. Audit Trail	G	G	G	Update required on any change.	Work scheduled for completion of an update to Naming Conventions and Version Control guidance, currently in draft.	Again this shows anecdotal evidence that information governance policies and staff guidance are routinely reviewed and, where necessary, upgraded.  The Assessment Team is confident that, while waiting for the new version to be rolled out, staff in the authority are operating the old version which was agreed as suitable by the Keeper in 2017.	Naming Conventions and Version Control guidance has been updated. Enhanced audit functionality for tracking records along with automatic version control will be in place later this year following migration of NPA records to Office 365.	Thank you for this update on audit trail management, especially with regard to reviews and updates to Naming Conventions and Version Control Guidance documents.  Office 365 implementation will hopefully improve the audit trail arrangements within NPA. The Assessment Team reminds the authority that it is likely that a full O365 implementation may take a considerable amount of time, and the transfer of records from shared drives needs to be done mindfully to maintain existing audit trails where relevant.  We look forward to hearing how this progresses in subsequent PURs.
12. Competency Framework	G	G	G	Update required on any change.	The Information Officer achieved accreditation status with the Information and Records Management Society in April 2019.	The Keeper expects to see evidence that staff creating, or otherwise processing records, are appropriately trained and supported.  In 2017 the Keeper agreed that the staff of the authority were appropriately trained and there is no indication that this has changed.  The Assessment Team note the recent professional qualification gained by the Information Officer. Congratulations Laura!	The Information Manager continues to be supported to attend NRS surgery events, the Part 7 FOI practitioner's group, (hosted by the NPA in January 2022) and to sign up for webinars as part of ongoing professional development.	It is good to hear that the Information Manager continues to engage with colleagues and to access resources that contribute to their continuing professional development.
13. Assessment and Review	G	G	G	Update required on any change.	Updates on the RMP and associated policies continue to be submitted to the Park Authority's Audit Committee. External auditors reviewed the new processes implemented to comply with changes to data protection legislation and made no recommendations.	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.)  It is clear that this authority is pursuing this aspect of the plan appropriately.  The authority's participation in the PUR process demonstrates a commitment to reviewing its RMP.	Regular updates on the RMP and associated policies continue to be submitted to the Park Authority's Audit Committee.	Thank you for this update on RMP and associated policy regular review. Loch Lomond and the Trossachs National Park Authority should also be commended for its desire to keep records management matters under regular review as evidenced by its participation in the PUR process.

						<p>The Assessment Team notes the use of auditors, independent of the IG Team (and in this case external to the authority), in reviewing information governance provision in a public authority. This is highly commended.</p> <p>As with other elements in the plan it is clear that the procedures and policies are routinely reviewed and, where necessary, upgraded. This maintenance is vital to the continuing success of a records management programme and it seems clear that the resources are made available in LLTNPA to pursue this.</p>		
14. Shared Information	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	Data sharing agreements with external parties have been reviewed to make any changes required to comply with changes to data protection legislation. This work is ongoing.	<p>Thank you for this update.</p> <p>As with other elements in the plan it is clear that the procedures and policies are routinely reviewed and, where necessary, upgraded.</p>	The Information Manager continues to assist with the review of data sharing agreements with external parties. Where new agreements are being implemented, the Information Manager provides advice to colleagues, including on the use of DPIA assessments an agreement involves the sharing of any personal data.	Thank you for this update on the processes in place concerning data sharing agreements.
15. Public records created or held by third parties	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	New element	The Information Officer participated in the working group which completed a review of all elements of the RMP in 2018. Work is ongoing to identify any records which would fall within the scope of this element.	<p>Thank you for engaging with this new 15<sup>th</sup> element. This is not necessary for a PUR, as it did not form part of the structure of the original plan. However, as the authority has correctly identified, it will be an official part of the Model Plan framework going forward and will need to be addressed in any resubmission.</p> <p>The Assessment Team are also working on element 15 at time of PUR and will produce guidance shortly.</p> <p>The Assessment Team acknowledge that the Park Authority Information Officer was part of the Stakeholder Forum that worked on the development of the element. We are grateful for your assistance.</p>	Data sharing agreements are more commonly used by the NPA. Assessment of the requirements of this element continue to be kept under review.	<p>Thank you for this update on Element 15. The Public Records (Scotland) Act (PRSA) makes it clear that records created by a contractor in carrying out a scheduled authority's functions are public records (Part 1 section 3.1 (b)). This element only applies when a contractor, or other third party, is carrying out a <u>function</u> of the public authority, not when it is simply providing a service.</p> <p>This is a new Element, and it is positive that NPA has voluntarily submitted a PUR update.</p>

## 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 19 May 2022. The progress update was submitted by Laura Baird, Information Manager.

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

The Assessment Team has reviewed Loch Lomond and The Trossachs National Park Authority's Progress Update submission and agrees that the proper record management arrangements outlined by the various elements in the authority's plan continue to be properly considered. The Assessment Team commends this authority's efforts to keep its Records Management Plan under review.

### General Comments

Loch Lomond and The Trossachs National Park Authority continues to take its records management obligations seriously and is working to 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 Loch Lomond and The Trossachs National Park Authority 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



Iida Saarinen  
Public Records Support Officer