

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

### **VisitScotland Assessment Report**

**The Keeper of the Records of Scotland**

**12<sup>th</sup> January 2016**

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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 **VisitScotland** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 31<sup>st</sup> August 2015.

The assessment considered whether the RMP of VisitScotland 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 VisitScotland complies with the Act can be found under section 7 of this report with relevant recommendations.

## 3. Authority Background

The Scottish Tourist Board was established under the Development of Tourism Act 1969. The Board's principal functions under the 1969 Act were to encourage British people to take holidays in Scotland, to encourage the provision and improvement of tourist facilities and amenities in Scotland, and to advise Government and public bodies on matters relating to tourism in Scotland. In 2001 The Scottish Tourist Board began trading as 'VisitScotland'. In 2005 the new 'VisitScotland Network' came into being consisting of one single national tourism network with 14 area offices.

The new network required changes to legislation:

- two Scottish Statutory Instruments were passed in 2004, creating two Network Boards which are fully responsible and accountable to VisitScotland.
- primary legislation, namely the Tourist Boards (Scotland) Act 2006, was passed by Parliament in March 2006

These formally created VisitScotland as a single entity and changed the legal name of Scottish Tourist Board to VisitScotland.

VisitScotland markets Scotland to all parts of the world to attract visitors; provides information and inspiration to visitors and potential visitors so they get the best out of a visit to Scotland. They provide quality assurance to visitors and advice to industry partners to help the industry meet visitors' expectations.

<http://www.visitscotland.org>

## 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 VisitScotland's RMP was developed with proper regard to the elements of the Model Plan and is compliant with the Act. The assessment also considered whether there was sufficient supporting evidence of such compliance.

### Key:

G	The Keeper agrees this element of an authority's plan.		A	The Keeper agrees this element of an authority's plan as an 'improvement model'. This means that he is convinced of the authority's commitment to closing a gap in provision. He will request that he is updated as work on this element progresses.		R	There is a serious gap in provision for this element with no clear explanation of how this will be addressed. The Keeper may choose to return the RMP on this basis.
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## VisitScotland

### 5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>VisitScotland have identified Ken Neilson, Director of Corporate Services, as the individual with overall responsibility for records management in the authority.</p> <p>This is confirmed by a <i>Covering Letter</i> from VisitScotland's CEO (evidence 1) and by the <i>Records Management Policy</i> (<b>see element 3</b>) section 7.4.</p> <p>Mr. Neilson is the authority's SIRO.</p> <p>Mr Neilson receives Data Governance and Security Group (DGSG) reports and attends meetings when he considers necessary to do so. (<b>see element 8</b>).</p> <p>The Keeper agrees that VisitScotland have identified an appropriate individual to this role as required by the Act.</p>
2. Records Manager <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>VisitScotland have identified Heather Mackay, Records Management/Data Protection Officer, as the individual responsible for the day-to-day implementation of the <i>Plan</i>.</p> <p>This is confirmed by a <i>Covering Letter</i> from VisitScotland's CEO (evidence 1), by the <i>Records Management Policy</i> (<b>see element 3</b>) section 7.3 and by the <i>Records Management/Data Protection Officer Job Description</i> (evidence 5).</p>

			<p>Ms. Mackay prepared the <i>Plan</i> and the <i>Records Management Policy</i>.</p> <p>Ms. MacKay is VisitScotland’s Data Protection Officer (<b>see element 9</b>) and sits on the Data Governance and Security Group (<b>see element 8</b>).</p> <p>Ms. MacKay reports, through her manager, to the Director of Corporate Services (<b>see element 1</b>).</p> <p>The Keeper agrees that VisitScotland has 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>VisitScotland has a <i>Records Management Policy</i> which has been provided to the Keeper as evidence 2. This is version 1.1 approved by the Audit and Risk Committee in May 2015.</p> <p>The <i>Policy</i> was prepared by the Records Management/Data Protection Officer (<b>see element 2</b>).</p> <p>The <i>Policy</i> recognises records as a business asset for the authority (section 1.1) as does the <i>Information Systems Acceptable Use Policy</i> (<b>see element 8</b>). The Keeper welcomes this acknowledgement.</p> <p>The <i>Policy</i> specifically refers to compliance with the Public Records (Scotland) Act 2011 (section 2.4).</p> <p>A sample screen shot of the Records Management Policy on the VisitScotland intranet is provided as Item 001A.</p> <p>The Keeper agrees that VisitScotland has an approved and operational records management policy.</p>

<p>4. Business Classification</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>VisitScotland's <i>Records Management Policy</i> (<b>see element 3</b>) identifies the principle that "records must be stored within records keeping systems..."</p> <p>VisitScotland has an <i>Information Asset Register</i>. There is a commitment to impose the information contained therein into a SharePoint update which the authority is currently implementing:</p> <p>"VisitScotland is currently migrating from SharePoint 2010 to SharePoint 2013. In a pilot project, VisitScotland is using the Information Asset Register as a basis for SharePoint's records management component. The Information Asset Register's retention, disposal and vital record metadata is being incorporated into SharePoint 2013" (<i>Plan</i> page 13)</p> <p>VisitScotland has provided a sample page from their <i>Information Asset Register</i> (evidence 6) and a print out from the pilot project to show how the whole will appear when the migration is complete. The Keeper agrees that there is strong evidence of commitment to this project.</p> <p><b>The Keeper agrees this element of VisitScotland's records management plan under 'improvement model' terms. This means that he recognises that the authority has identified an area for improvement and has implemented processes that will effect that improvement. The Keeper has been provided with evidence that senior management in the authority have committed to pursuing a practical improvement project. His agreement is conditional on him being provided with updates as this project progresses.</b></p>
<p>5. Retention schedule</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p><b>See element 4 for the SharePoint migration.</b></p> <p>VisitScotland is currently migrating its records management system from SharePoint 2010 to SharePoint 2013. They are, correctly, taking this opportunity to integrate their <i>Information Asset Register</i>. The <i>Information Asset Register</i>, of course, includes retention decisions for the authority's record types and the Keeper accepts that once</p>

			<p>migration is complete the 'business classification scheme' and 'retention schedule' will be one combined document. This is to be commended as likely to lead to a stronger business tool for the authority.</p> <p>VisitScotland confirms that retention decisions in the Information Asset Register are being reviewed before populating the upgraded SharePoint 2013.</p> <p><b>The Keeper agrees this element of VisitScotland's records management plan under 'improvement model' terms. This means that he recognises that the authority has identified an area for improvement and has implemented processes that will effect that improvement. The Keeper has been provided with evidence that senior management in the authority have committed to pursuing a practical improvement project. His agreement is conditional on him being provided with updates as this project progresses.</b></p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The <i>Records Management Policy (see element 3)</i> commits VisitScotland to "The review and consolidation of destruction arrangements to detail the correct procedures to follow when disposing of business information".</p> <p>To this end VisitScotland has the following arrangements in place:</p> <p>Paper Records: VisitScotland use external confidential waste shredding companies. Sample certificates have been provided as evidence that these arrangements are operational (evidence 12 and 13).</p> <p>Hardware: VisitScotland operates a workflow for the destruction/overwriting of media (supplied as evidence 16) and has in place arrangements for secure destruction using a third party. Certificates have been supplied as evidence that these arrangements are in operation (evidence 19 and 20).</p> <p>Electronic: As part of the migration to SharePoint 2013, specific guidance pertaining to destruction of records at the end of their retention period will be developed.</p>

			<p>Back-Ups: VisitScotland use a third party (Re-Tek) as part of their business continuity back-up procedure. They have provided the Keeper with an explanation of the back-up process and the schedule for destruction of those back-ups. The Re-Tek backup tape destruction policies and procedures. Are due to be reviewed as part of the VisitScotland audit review process. The Keeper requests that he is informed if this review results in changes to the current procedure.</p> <p><b>The Keeper agrees this element of VisitScotland’s records management plan under ‘improvement model’ terms. This means that he recognises that the authority has identified an area for improvement and has implemented processes that will effect that improvement. The Keeper has been provided with evidence that senior management in the authority have committed to pursuing a practical improvement project. His agreement is conditional on him being provided with updates as this project progresses.</b></p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The <i>Records Management Policy (see element 3)</i> identifies a principle that records identified as of historical significance must be preserved (section 5).</p> <p>To this end VisitScotland has identified the National Records of Scotland as the repository to which they will transfer such records.</p> <p>VisitScotland has supplied a signed copy of the <i>Memorandum of Understanding</i> between the VisitScotland and NRS as evidence that these arrangements are in place.</p> <p>The Keeper agrees that VisitScotland has arrangements in place to transfer records to a permanent archive as required by the Act.</p>
<p>8. Information Security <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>VisitScotland has a <i>Data Security and Information Risk Policy</i> which has been supplied to the Keeper as evidence 8. This is the version updated by The Manager, Financial Accounting in August 2015.</p>

			<p>The <i>Data Security Policy</i> identifies the Director of Corporate Services (<b>see element 1</b>) as lead on information security.</p> <p>A sample screen shot of the Data Security and Information Risk Policy on the VisitScotland intranet has been provided.</p> <p>These <i>Policies</i> are supported by a suite of staff guidance (supplied as evidence 9, 11, 22 - 27).</p> <p>The Keeper agrees that VisitScotland has approved and operational information security policies as required by the Act.</p>
9. Data Protection	<b>G</b>	<b>G</b>	<p>VisitScotland has a <i>Data Security and Information Risk Policy</i> and a <i>Systems Acceptable Use Policy</i> which have been supplied to the Keeper as evidence 8 and 10 (<b>see element 8</b>).</p> <p>Both of these <i>Policies</i> include a section on the protection of personal information.</p> <p>The authority is registered with the Information Commissioner: <b>Z7571112</b></p> <p>Subject access request processes are touched on at <a href="http://www.visitscotland.com/privacy/policy">http://www.visitscotland.com/privacy/policy</a></p> <p>VisitScotland has provided the Keeper with its <i>Data Governance Security Group</i> guidance on sharing personal information (evidence 32).</p> <p>The <i>Information Systems Acceptable Use Policy</i> (<b>see element 8</b>) specifically mentions the Data Protection Act.</p> <p>Under 'Future Developments' for this element VisitScotland suggest that they may adopt a standalone <i>Data Protection Policy</i> (currently draft). VisitScotland have stated that a copy of the final version will be provided when available.</p>

			The Keeper agrees that VisitScotland has properly considered their responsibilities under the Data Protection Act 2015.
10. Business Continuity and Vital Records	<b>G</b>	<b>G</b>	<p>VisitScotland has a <i>Business Continuity Policy</i> that has been provided to the Keeper as evidence 34. This is version 1.2 dated June 2015.</p> <p>This <i>Policy</i> sets out a framework for service areas and information centres to follow when creating their local continuity plan. A sample of a 'local' plan has been provided as evidence 35.</p> <p>The overall <i>Policy</i> references "IT systems and services" and "documentation and records in the form of hardcopy".</p> <p>A sample screen shot of the Business Continuity Management Policy on the VisitScotland intranet has been provided.</p> <p>The <i>Business Continuity</i> sample itemises the records considered 'vital' to that local business area.</p> <p>The Keeper agrees that VisitScotland has approved and operational business continuity arrangements and that these properly consider the recovery of records.</p>
11. Audit trail	<b>G</b>	<b>G</b>	<p>VisitScotland primarily uses SharePoint as its records storage system. SharePoint imposes record tracking as part of its implementation.</p> <p>VisitScotland have provided a sample audit trail records from the system as evidence 37.</p> <p>VisitScotland also holds records in hard-copy. These are tracked using a 'Archive Contents Master List' spreadsheet.</p>

			<p>VisitScotland have provided an extract from this spreadsheet as evidence that this system is operational(evidence 30).</p> <p>As explained in element 4 above, VisitScotland are currently migrating to a new version of SharePoint and, at the same time, adding information from their <i>Information Asset Register</i> and reviewing retention decisions. However, the Keeper sees no reason to suspect that this will fundamentally alter the operation of the current document tracking systems.</p> <p>The Keeper agrees that VisitScotland have systems in place to properly track and identify their public records.</p>
<p>12. Competency Framework for records management staff</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The <i>Records Management/Data Protection Officer Job Description</i> (evidence 5) shows that one of Ms. Mackay’s (<b>see element 2</b>) main duties is to oversee VisitScotland’s records management systems and to provide support and guidance during the implementation and development of these systems. The Records Manager/Data Protection Officer is authorised to implement the <i>Records Management Plan</i> under the terms of the <i>Records Management Policy</i> and by the <i>Covering Letter</i> from the authority’s CEO (<b>see elements 3 and 1</b>).</p> <p>Human Resources are responsible for Business Continuity Training for all staff (<i>Business Continuity Plan</i> page 10 and 14).</p> <p>In ‘Future Developments’ for this element VisitScotland have made the following commitment: “Records Management Training <u>will</u> be developed and provided to all staff” (my underline). This is to be welcomed. VisitScotland have stated that they will provide the Keeper with access to the training materials when available.</p> <p>The Keeper agrees that the individual identified at element 2 has the appropriate skills and authority to implement the <i>Records Management Plan</i> and furthermore he acknowledges that the authority recognises the importance of records management training for appropriate staff.</p>

<p>13. Assessment and Review</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Public Records Act 2011 requires scheduled public authorities to “keep its records management plan under review” (part 1 5.1 (a)).</p> <p>VisitScotland recognise this in the introduction to their <i>Plan</i> (page 9) and make a commitment to review in the <i>Records Management Policy</i> (section 6.1) (<b>see element 3</b>) and in a <i>Report to the Audit &amp; Risk Committee</i> (evidence 3). The responsible officer for review is the Director of Corporate Services (<b>see element 1</b>).</p> <p>The control sheet of the <i>Plan</i> indicates that it will be reviewed approximately six-monthly for the first year and then annually. A follow-up assessment date of December 2016 has also be indicated (Plan page 26).</p> <p>The Records Management/Data Protection Officer is responsible for conducting reviews. These will be done using a ‘key performance indicator’ system. These indicators have yet to be developed. She will report her findings to the Director of Corporate Services and the Audit and Risk Committee. This procedure has been approved by the Audit and Risk Committee (evidence 4).</p> <p>VisitScotland is planning to adopt the Archives and Records Management Service Quality Improvement Tool (ARMS) as a means to assess and measure its recordkeeping practices.</p> <p>The <i>Records Management Policy</i> (see element 3) and the <i>Smartphone Usage Policy</i> (evidence 25) are due for review in November 2015.</p> <p>The <i>Information Systems Acceptable Use Policy</i> (evidence 10) is due for review in March 2017.</p> <p>The MOU with the Keeper (see element 7) indicates a review within the next 5 years.</p>
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			<p>VisitScotland's registration with the Information Commissioner is due for renewal in October 2015.</p> <p>The Keeper agrees that VisitScotland has installed a formal review procedure as part of their records management plan as required by the Act, and that clear review dates have been allocated to policy documents supplied in evidence.</p>
<p>14. Shared Information</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>VisitScotland shares information with third parties while pursuing its functions.</p> <p>All information sharing agreements are initiated under the scrutiny of the Data Governance and Security Group (terms of reference provided as evidence 33). Both the SIRO (<b>see element 1</b>) and the RM/DPO (<b>see element 2</b>) sit on this group.</p> <p>VisitScotland have provided the Keeper with an agreement template (evidence 38) although this refers in the main to 'confidential' information it demonstrates that issues around information governance are considered at the outset of an data sharing project.</p> <p>The Keeper agrees that VisitScotland considers the governance of records as part of its data sharing procedures.</p>

## VisitScotland

### General Notes on RMP, Including Concerns:

Version: This assessment is on the *Records Management Plan* of Visit Scotland version 1.0. The *Plan* was prepared by the Records Manager and Data Protection Officer (**see element 2**) and approved by the Audit and Risk Committee on 27<sup>th</sup> August 2015.

The control sheet indicates that the *Plan* will be reviewed approximately six-monthly for the first year and then annually (**see element 13**).

The *Plan* is accompanied by a *Covering Letter* from Malcolm Roughead, Visit Scotland's CEO, in which he fully supports the Plan and endorses the aims of the *Records Management Policy* (**see element 3**).

The *Plan* mentions the Act and 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>.

### Third Parties

The *Plan* states on page 13 "VisitScotland does not outsource any of its prime business and administrative functions".

## 6. Keeper's Summary

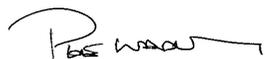
Elements **1 - 14** that the Keeper considers should be in a public authority records management plan have been properly considered by VisitScotland. Policies and governance structures are in place to implement the actions required by the plan.

## 7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of **VisitScotland**.

- The Keeper recommends that VisitScotland 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 VisitScotland. In agreeing this RMP, the Keeper expects VisitScotland to fully implement the agreed RMP and meet its obligations under the Act.



.....  
**Tim Ellis**  
Keeper of the Records of Scotland