

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

## **Crofting Commission Assessment Report**

**The Keeper of the Records of Scotland**

**4<sup>th</sup> September 2014**

**Contents**

1. Public Records (Scotland) Act 2011 ..... 3  
2. Executive Summary ..... **Error! Bookmark not defined.**  
3. Authority Background ..... 4  
4. Assessment Process ..... 5  
5. Model Plan Elements: Checklist ..... 6  
6. Keeper’s Summary .....20  
7. Keeper’s Determination .....20  
8. Keeper’s Endorsement.....21

## 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 the **Crofting Commission** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on **13<sup>th</sup> June 2014**.

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

## 2. Authority Background

The Crofting Commission's aim is to regulate crofting, to promote occupancy of crofts, active land use, and shared management by crofters as a means of sustaining and enhancing rural communities. The Crofting Commission also advises Scottish Government on crofting issues.

<http://www.crofting.scotland.gov.uk/index.asp>

## **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 the Crofting Commission'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:**

<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.
----------	--	--	----------	--	--	----------	--

**5. Model Plan Elements: Checklist**

Element	Present	Evidence	Notes

<p>1. Senior Officer <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>Donna Smith, the Crofting Commission’s Head of Information Systems has been identified as the senior staff member with overall responsibility for the Records Management Plan (RMP). Ms Smith’s appointment is confirmed by a covering statement from the Commission’s Chief Executive which forms part of the RMP (page 4). The Keeper has also seen minutes of a Commission meeting held in December 2013 (evidence 01) which confirm Ms Smith’s appointment.</p> <p>Ms Smith sits on the Senior Management Team of the authority and is also the SIRO.</p> <p>The Covering Statement from Crofting Commission Chief Executive, Catriona Maclean, indicates that Ms. Smith will be supported by a member of the Commission ‘who ensures that the Commission Board are engaged in the implementation of this plan’ (RMP page 4).</p> <p>The Head of Information Systems <i>Job Description</i> has been provided emphasising the appropriateness of the holder of that post to this PRSA role within the Commission (evidence 02).</p> <p>Ms Smith is the author of the <i>Records Management Policy (see element 3)</i>.</p> <p>The Keeper agrees that the Head of Information Systems is an appropriate individual to take responsibility for the management of the Crofting Commission’s public records as required by the Public Records (Scotland) Act 2011.</p>
<p>2. Records Manager <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>Gerry McGarry, The Crofting Commission’s Data Manager is identified as the individual who has responsibility for the operational implementation of the plan.</p> <p>This appointment is confirmed by a set of board minutes from 2013 (evidence 01). The Keeper accepts that these minutes have been redacted for business reasons</p>

			<p>and agrees that this is entirely appropriate. The minutes supplied demonstrate that the identification of Mr McGarry to the role was done in presence of the Commission Board and the Chief Executive. Likewise the identification of Ms Smith (<b>see element 1</b>).</p> <p>The Records Manager <i>Job Description</i> including required competencies has been supplied to the Keeper as evidence of the relevance of the post to PRSA (evidence 03). The Records Manager reports to the Head of Information Systems (<b>see element 1</b>).</p> <p>The Keeper agrees that Gerry McGarry is a suitable individual to be identified in this role.</p>
<p>3. Policy <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Crofting Commission has supplied the Keeper with a copy of their <i>Records Management Policy</i> (evidence 04). This policy is version 1.0 apparently approved by the Chief Executive and a member of the Commission Board in June 2014.</p> <p>There is a commitment in the Plan to make the Policy available to the Public (RMP page 7). The Keeper commends this decision.</p> <p>The <i>Records Management Policy</i> makes staff roles clear and indicates reporting structures.</p> <p>The <i>Records Management Policy</i> was written by the Crofting Commission’s Head of Information Systems (<b>see element 1</b>) who is the Responsible Officer for the policy.</p> <p>The Covering Statement from Crofting Commission Chief Executive, Catriona Maclean, indicates that the <i>Records Management Policy</i> is available to all staff (RMP page 4). Also ‘Current and future staff will be required to read this policy and sign that they have understood what is required from them.’ (RMP page 7)</p>



			<p>The Keeper agrees that the Crofting Commission has an operational and approved records management policy as required by the Act.</p>
<p>4. Business Classification</p>	<p><b>A</b></p>	<p><b>A</b></p>	<p>The Crofting Commission has provided the Keeper with a <i>Business Classification Scheme</i> covering the functions of the authority (evidence 06). This scheme is arranged in a functional system. This arrangement must remain a business decision for the Commission, but the Keeper would like to acknowledge that a functional system is currently considered ‘best practice’.</p> <p>The Crofting Commission holds records in both electronic and hard copy. They do not operate an EDRMS at the moment.</p> <p>They have supplied the Keeper with a copy of their <i>Information Database</i> (evidence 05) which lists record types and indicates the format in which they are held and whether they are considered vital records or not by the organisation. This database appears to cover all the functions of the authority. The <i>Information Database</i> and <i>Business Classification Scheme</i> have combined to produce an Excel spreadsheet <i>Information Types Report</i> (evidence 07). This ‘report’ structures the records of the Commission to three levels (for example: Managing Information/Complying With Statutory Functions/Records Management Plan). The <i>Information Types Report</i> will be the core document of the scheme the structure of which will be imposed on the SharePoint system that will be rolled out through the authority in the next few years. The RMP states a design phase in this year, with roll-out completed by 2016.</p> <p><b>Please see <i>SharePoint</i> under <u>General Comments</u> Below.</b></p> <p>The <i>Records Management Plan</i> commits the Commission to producing a ‘high level information asset register’ as part of the implementation of the new Business Classification Scheme. <b>The Keeper requests that he is provided with a copy of</b></p>

			<p><b>this document when available.</b></p> <p>Although the responsible officer for the new scheme will be the Records Manager (<b>see element 2</b>), responsibility for rolling out the scheme locally will pass to Heads of Division. The Keeper acknowledges the importance of this local engagement.</p> <p>It is not thought that the Crofting Commission contracts out any of its <u>functions</u>.</p> <p><b>The Keeper agrees this element of the Crofting Commission’s RMP on ‘improvement model’ terms. This means that he is convinced of the authority’s commitment to implement the BCS over time. The ‘sign-off’ of the RMP, effected by the inclusion of the <i>Covering Statement</i> from the Chief Executive as part of the plan, can be taken by the Keeper as evidence that resources will be made available to enable the pursuance of the activities required.</b></p> <p><b>The Keeper requests that he is updated as this project progresses, particularly if a ‘pilot’ scheme is implemented in a particular service area.</b></p>
5. Retention schedule	<b>A</b>	<b>A</b>	<p>The Crofting Commission do not have a retention schedule, but the <i>Records Management Plan</i> commits them to create one based on the Business Classification Scheme that is being rolled-out (<b>see element 4</b>).</p> <p>The Keeper acknowledges that the retention schedule will be made accessible to all employees. He would like to suggest that the Commission considers combining the Retention Schedule and the Business Classification. For example entering a retention decision for each record type on the <i>Information Types Report</i> (evidence 07), at column 7. This must remain a business decision for the Crofting Commission, but it might be considered that a single point of reference would make a more robust tool for staff.</p>

			<p>The Commission intends to consult the SCA SCAARS system when creating the retention schedule. The Keeper acknowledges this system as appropriate for Scottish public authorities.</p> <p>The Commission commits itself to ensure that the Keeper is updated regarding significant changes to the retention schedule (RMP page 9).</p> <p><b>The Keeper agrees this element of the Crofting Commission’s RMP on ‘improvement model’ terms. This means that he is convinced of the authority’s commitment to create a full retention schedule, based on the BCS, over time. The ‘sign-off’ of the RMP, effected by the inclusion of the Covering Statement from the Chief Executive as part of the plan, can be taken by the Keeper as evidence that resources will be made available to do this.</b></p> <p><b>The Keeper requests that he is updated as the project progresses, particularly if a ‘pilot’ scheme is implemented in a particular service area.</b></p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p><b>A</b></p>	<p><b>A</b></p>	<p>Being a relatively new body, the Commission has yet to destroy any paper records but is currently reviewing the different types of paper records held in storage, with a view to taking a decision on retention and disposal. The Commission is currently creating a retention and disposal schedule (<b>see element 5</b>). Destruction of records will occur at the end of retention periods and this will be set out in the schedule, unless the record is marked for permanent preservation or archive (<b>see element 7</b>). <b>The Keeper should be informed when this review is completed.</b></p> <p>However, the Keeper notes that the Commission has already made arrangements for destruction when the appointed retention periods expire:</p> <p>Paper Records Internal: Paper records held in the Commission are securely</p>

			<p>destroyed by Northern Recycling. This service is shared with Scottish Natural Heritage who operates the building, Great Glen House, in which the Crofting Commission is situated. Scottish Natural Heritage is also a scheduled public authority and the Keeper has agreed the arrangements for destroying their paper records.</p> <p>Paper Records External: The Crofting Commission also use a third party records store (fileVault) a contract and sample disposal certificate relating to the destruction of off-site records has been supplied as evidence that proper arrangements are in place.</p> <p>The Keeper can agree that the Crofting Commission has appropriate arrangements in place to irretrievably destroy paper records even if these arrangements have yet to be implemented in practice.</p> <p>Similarly the destruction of electronic records will also be included in the retention and disposal schedule.</p> <p>When staff leave the Commission, the IT officer deletes their email account within 24 hours and the contents of any personal drives will also be deleted.</p> <p>The Commission has not yet had a need to destroy any hardware but if this occurs in the future, the items will be dealt with as per the Scottish Government IT and hardware recycling guide (supplied to Keeper as evidence 29).</p> <p>Back-Ups: Records stored on network file servers or within database systems are backed up regularly onto tapes and these tapes are stored for an agreed period of time before being overwritten. The Keeper has been provided with a document "Storage of Server Back-Up Tapes" (evidence 27) which explains the procedure used to destroy copies of electronic records kept for business continuity purposes</p>
--	--	--	--

			<p>(see element 10).</p> <p>While the Commission has some arrangements in place for the appropriate destruction of records, it is an area that the organisation is actively working on to ensure policies are implemented for all record types. The Keeper has been supplied with the Commission’s Records Management Improvement Plan headed “Actions Required To Achieve Compliance with the RMP”. He agrees that destruction of records is appropriately accounted for in this document (section 4).</p> <p><b>The Keeper agrees this element of the Crofting Commission’s RMP on ‘improvement model’ terms. This means that he is convinced of the authority’s understanding of the importance of the managed destruction of records and that they have put processes in place to ensure that this will be properly developed for records in all media. The Keeper requests that he is updated as this project progresses. He is particularly interested in viewing staff instructions for the management of electronic record destruction.</b></p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Crofting Commission uses the Highland Council Archive for the permanent preservation of its records. Because the work of the Commission is geographically specific, this is an appropriate repository. A sample from the Highland Council online catalogue showing Crofting Commission records has been supplied as evidence that a collection exists as has a Memorandum of Understanding between the two authorities.</p> <p>Although the Crofting Commission is a national body, the geographically limited nature of its business means that the choice of a local authority archive is appropriate.</p> <p>The Covering Statement from Crofting Commission Chief Executive, Catriona Maclean, refers specifically to the long term social history value of their records.</p>

			<p>The Keeper agrees that the Commission has proper arrangements in place for the transfer of records to an appropriate archive repository for permanent preservation.</p>
<p>8. Information Security <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Crofting Commission has adopted the Scottish Government Framework Security Policy. The Keeper agrees this is a suitable basis for information security is an authority of the size and complexity of the Commission. Furthermore, the Commission commits to personalise the SDG Framework in 2014. <b>The Keeper request that he is supplied with a copy of the new policy document when available.</b></p> <p>Hard copy records are protected by a secure pass-card entry system to offices.</p> <p>The submitted Records Management Plan commits the Commission to ensure that their staff read and understand the <i>Records Management Policy</i> (see element 3) and sign that they have done so (RMP page 7).</p> <p>Page 10 of the RMP refers to a workflow process to delete the accounts of staff once they have left the organisation. This should be in place alongside the SharePoint implementation (<b>see element 4</b>)</p> <p>A statement of assurance regarding the security of information held by the Crofting Commission is supplied to the internal Audit and Finance Committee annually. The statement of assurance for 2012-13 has been provided to the Keeper (evidence 16).</p> <p>The Commission recognises the security risks associated with mobile working (RMP page 13 and evidence 14).</p> <p>Training on information security is provided for staff.</p>

			<p>A new <i>Acceptable Use Policy</i> for the IT systems will be developed shortly, alongside the rolling out of the SharePoint solution (<b>see element 4</b>). <b>When this is available the Keeper requests sight of a copy for his records.</b></p> <p>When staff leave the Commission, the IT officer deletes their email account within 24 hours and the contents of any personal drives will also be deleted.</p> <p>The Keeper agrees that the Crofting Commission have properly considered the security of their records.</p>
9. Data Protection	<b>G</b>	<b>G</b>	<p>The Crofting Commission is registered with the Information Commissioner at Z4930406.</p> <p>An instruction for making subject access requests will shortly be available on the Commission’s website. The Keeper welcomes this commitment.</p> <p>All members of staff at the Commission undergo mandatory information security training.</p> <p>The Keeper agrees that the Crofting Commission properly recognise their responsibilities under the Data Protection Act 1998.</p>
10. Business Continuity and Vital Records	<b>G</b>	<b>G</b>	<p>The Commission have a <i>Business Continuity Policy Pack</i> created by a third party. It has been provided to the Keeper as a PowerPoint presentation, which seems an unusual choice, but it clearly contains a business continuity policy and staff guidance. This is version 1, dated March 2013.</p> <p>Vital Records are identified in the <i>Information Database</i> (evidence 05) and <i>Information Types Report</i> (evidence 07).</p>

			<p>Responsibility for the <i>Business Continuity Plan</i> lies with the Chief Executive of the Crofting Commission.</p> <p>The Keeper agrees that the Crofting Commission has an operational business continuity plan that properly considers the recovery of records in an emergency. He also agrees that consideration has been given to the identification of 'vital records'.</p>
11. Audit trail	<b>A</b>	<b>A</b>	<p>The imposition of the Commission's BCS on the new SharePoint system (<b>see element 4</b>) should automatically improve the tracking of records. This is acknowledged in the RMP (page 17) (<b>However, see <i>SharePoint</i> under General Comments below</b>). The Commission is investigating including an inventory of paper records on the SharePoint system for ease of control. The Keeper would encourage this if practical, but this must remain a business decision for the Commission.</p> <p>Staff instructions regarding the movement of paper files has been provided to the Keeper (evidence 20).</p> <p><b>The Keeper is able to agree this element of the Crofting Commission's submitted plan under 'Improvement Model' terms. This means that the Commission has identified and acknowledged a weakness in provision and committed themselves to a course of action that will close this gap. The Keeper requires the Commission to keep him informed of progress in this area.</b></p>
12. Competency Framework	<b>G</b>	<b>G</b>	<p>The RMP, authorised by the Chief Executive of the Commission states: 'The Commission recognises that records management is an entirely separate function from general office duties and acknowledges that this has to be addressed as part</p>



<p>for records management staff</p>			<p>of the 2014-15 training plan, in particular for the Records Manager and Senior Management Team.’ The Keeper commends this statement. <b>However, as it is specifically mentioned in the RMP, and when it is available, the Keeper requires sight of the training plan to confirm that records management training is included.</b></p> <p>The Records Manager <i>Job Description</i> including required competencies has been supplied to the Keeper as evidence of the relevance of the post to PRSA (evidence 03).</p> <p>The Head of Information Systems (<b>see element 1</b>) job description has also been provided (evidence 02) demonstrating to the Keeper’s satisfaction that the Records Manager is supported by management that understands the implementation of the <i>Records Management Plan</i>.</p> <p>The Records Manager is responsible for providing training to Crofting Commission staff on records management issues (evidence 03: main duty 4). There is a commitment in the RMP (page 7) to insist on yearly information and records management training for all staff. Annual compulsory training on information management is a major commitment from this authority and the Keeper acknowledges this thorough approach.</p> <p>Specifically, training will be provided as the new business classification scheme is implemented (<b>see element 4</b>). <b>The Keeper would be interested in seeing the training modules as they are developed.</b></p> <p>The Keeper agrees that the individual identified as having day-to-day responsibility for implementing the RMP has appropriate skills for the role. Furthermore, the Keeper acknowledges that the Crofting Commission considers 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 submitted <i>Records Management Plan</i> is scheduled to be reviewed one year after the Keeper's agreement.</p> <p>The <i>Records Management Policy</i> (<b>see element 3</b>) is reviewed annually and updates approved by the Board.</p> <p>Once created the retention schedule will undergo six-monthly review with high-level oversight of changes. The Records Manager (<b>see element 2</b>) has responsibility for this document.</p> <p>Arrangements with fileVault are tested annually.</p> <p>A review of the Business Continuity Plan (see element 10) is scheduled for 2015. <b>If that review results in any significant changes, the Keeper would like to be updated.</b></p> <p>A statement of assurance regarding the security of information held by the Crofting Commission is supplied to the internal Audit and Finance Committee annually (<b>see element 8</b>)</p> <p>The Head of Finance and Governance is responsible for the review of the RMP and associated documents.</p> <p>The RMP commits the Commission to providing details of any significant changes to the Keeper.</p> <p>The Keeper agrees that the Crofting Commission have arrangements in place to properly review their RMP and other key records management policies.</p>
--	-----------------	-----------------	---

14. Shared Information	<b>G</b>	<b>A</b>	<p>The Crofting Commission shares records with other bodies as part of its routine business; for example with the Land Court (mentioned in the minute at evidence 1).</p> <p>It carries out these information sharing projects under formal arrangements a sample of which have been supplied to the Keeper as evidence. <b>Unfortunately, the sample MOU with Registers of Scotland is marked 'draft' (version 0.4 August 2014) and therefore cannot be taken as representative of what is actually happening in the Commission. Could the Keeper please be provided with the approved version when available?</b></p> <p>There will be a review of all information sharing protocols in 2014-15. The Keeper requests that he is kept informed of the results of this review.</p> <p>The Keeper can agree that the Crofting Commission has considered the records management implications of information sharing as is appropriate.</p>
------------------------	----------	----------	--

General Comments:

SharePoint

Many Scottish public authorities have opted for the SharePoint solution. The Keeper would remind the Commission that SharePoint is not in itself a records management system and for full functionality, particularly relating to ensuring that metadata travels with the record when extracted from the system – for the purposes archiving for example – a records management bolt-on may be required. He notes that the Commission specifically refers to the development of metadata alongside the SharePoint system (RMP page 8) and would be interested to know more details of this.

## 6. Keeper's Summary

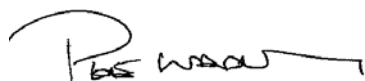
Elements 1 - 14 that the Keeper considers should be in a public authority records management plan have been properly considered by *[named public authority]*. Policies and governance structures are in place to implement the actions required by the plan.

## 7. Keeper's Determination

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

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



.....

Assessment Report

**Tim Ellis**

Keeper of the Records of Scotland