

Public Records (Scotland) Act 2011

**Board of Trustees of the Royal Botanic Garden, Edinburgh
Assessment Report**

The Keeper of the Records of Scotland

08th September 2014

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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 the **Board of Trustees of the Royal Botanic Garden, Edinburgh** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on **1st July 2014**.

The assessment considered whether the RMP of the Board of Trustees of the Royal Botanic Garden, Edinburgh 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 Board of Trustees of the Royal Botanic Garden, Edinburgh complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

Description of Authority: The Royal Botanic Garden Edinburgh (RBGE) was founded in the 17th century as a physic garden. Now it extends over four Gardens boasting a rich living collection of plants, and is a world-renowned centre for plant science and education. Royal Botanic Garden Edinburgh is a Non Departmental Public Body sponsored and supported through Grant-in-Aid by the Scottish Government's Environment and Forestry Directorate. It is governed by a Board of Trustees appointed by Scottish Ministers. This Board is the scheduled authority under the Public Records (Scotland) Act 2011.

The organisation comprises over 200 staff drawn from a variety of occupations and disciplines, contributing in many different ways to its overall objectives and functions. The Garden is organised in four divisions: Science, Horticulture, Corporate Services and Enterprise with a directorate staff supporting a Regius Keeper.

RBGE is a registered charity.

<http://www.rbge.org.uk/>

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 Board of Trustees of the Royal Botanic Garden, Edinburgh'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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5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	G	G	<p>Dr Alasdair Macnab, Director of Corporate Services at RBGE has been identified as the individual with overall strategic responsibility for the management of the authority's public records.</p> <p>Dr Macnab is also SIRO for RBGE.</p> <p>Dr Macnab's appointment to the role is confirmed in the Covering Letter from himself that accompanied the plan and by the <i>Public Records (Scotland) Act 2011</i> RBGE Strategy document dated June 2013 and supplied to the Keeper as evidence 003.</p>

			<p>The Keeper agrees that the Director of Corporate Services is an appropriate individual to be identified in this role.</p>
<p>2. Records Manager <i>Compulsory element</i></p>	G	G	<p>Lorna Mitchell, Head of Library Services at RBGE has been identified as the individual with operational responsibility for implementing the submitted RMP.</p> <p>Ms. Mitchell is the author of the RMP and of the <i>Records Management Policy (See element 3 below)</i> the <i>Information Security Policy (See element 8)</i>, the <i>Records Management Competency Framework (See element 12)</i> and the <i>Statement on Information Sharing (See element 14)</i>.</p> <p>The appointment of the Head of Library Services to this role is confirmed in the <i>Strategy</i> document (Recommendation 4, approved June 2013).</p> <p>RBGE have provided the Keeper with the Head of Library Services' job description which shows the post: 'To have day-to-day operational responsibility for records management within RBGE as Chair of the Records Management Working Group'</p> <p>The Keeper agrees that the Head of Library Services is an appropriate individual to be identified in this role.</p>
<p>3. Policy <i>Compulsory element</i></p>	G	G	<p>RBGE has a <i>Records Management Policy</i> which has been supplied to the Keeper. This is version 1.1 dated 13th June 2014 created by Lorna Mitchell (See element 2) and approved (and owned) by Alasdair Macnab (See element 1).</p> <p>The <i>Policy</i> explains the importance of records management to the business of RBGE. It indicates its application to 'contractors or consultants employed to carry out those functions on behalf of the Royal Botanic Garden Edinburgh.'</p> <p>The <i>Policy</i> is implemented by Heads of Departments in RBGE.</p>

			<p>The <i>Policy</i> specifically mentions the RMP (5.1)</p> <p>The <i>Policy</i> will be reviewed annually.</p> <p>The Keeper agrees that RBGE has an operational and approved records management policy as required by the Act.</p>
<p>4. Business Classification</p>	<p>A</p>	<p>A</p>	<p>RBGE has created a draft business classification scheme (evidence 007) covering the functions of the authority. It utilises a functional arrangement. Although this must remain a business decision for RBGE, the Keeper acknowledges a functional arrangement is currently considered to be best practice.</p> <p>There is a commitment to further populate and roll-out this scheme as part of the <i>Action Plan</i>. This will be done by auditing the records held be departments throughout RBGE. The work has already started and a target for completion of December 2014 has been set. RBGE have sent the Keeper staff instructions and a template audit document to demonstrate how this information will be collated (evidence 010 and 011). The Keeper commends the involvement of local service areas in the creation of the business classification scheme.</p> <p>RBGE intends to use the SCARRS system when creating the business classification scheme. The Keeper acknowledges this system as appropriate for Scottish public authorities. The teaching function of the authority will be mapped to the JISC Higher Education BCS: http://bcs.jiscinfonet.ac.uk/he/default.asp</p> <p>The draft business classification scheme is already available for the use of RBGE staff through Green Pages (the staff intranet) (see <i>Green Pages</i> under 'General Comments' below).</p> <p>The business classification scheme and retention schedule (See element 5) have</p>

			<p>been presented to RBGE senior management team (February 2014) and a minute showing SMT approval has been supplied (evidence 008). This is strong evidence of commitment.</p> <p>There is a commitment in the RMP (page 7) to keep the Keeper informed of progress.</p> <p>The Keeper agrees this element of RBGE’s RMP on ‘improvement model’ terms. This means that he is convinced of the authority’s commitment to implement the BCS fully over time, but would request that he is updated as this project progresses.</p>
<p>5. Retention schedule</p>	<p>A</p>	<p>A</p>	<p>RBGE has created a draft retention schedule (evidence 013) covering the functions of the authority as explained in the business classification scheme (See element 4).</p> <p>RBGE intends to use the SCARRS system when creating the retention schedule. The Keeper acknowledges this system as appropriate for Scottish public authorities. The teaching function of the authority will be mapped to the JISC Higher Education BCS: http://bcs.jiscinfonet.ac.uk/he/default.asp</p> <p>There is a commitment to further populate and roll-out this scheme as part of the <i>Action Plan</i>. This will be done by auditing the records held by departments throughout RBGE. The work has already started and a target for completion of December 2014 has been set. RBGE have sent the Keeper staff instructions and a template audit document to demonstrate how this information will be collated (evidence 010 and 011). The Keeper commends the involvement of local service areas in the creation of the retention schedule.</p> <p>The draft retention schedule is already available for the use of RBGE staff through Green Pages (the staff intranet) (see Green Pages under ‘General Comments’)</p>

			<p>below).</p> <p>The business classification scheme and retention schedule (See element 5) have been presented to RBGE senior management team (February 2014) and a minute showing SMT approval has been supplied (evidence 008). This is strong evidence of commitment.</p> <p>There is a commitment that vital records will be identified and added to the retention schedule during the creation of the business continuity plan (RMP page 13) (See element 10).</p> <p>There is a commitment in the RMP (page 8) to keep the Keeper informed of progress.</p> <p>The Keeper agrees this element of RBGE’s RMP on ‘improvement model’ terms. This means that he is convinced of the authority’s commitment to implement the retention schedule fully over time, but would request that he is updated as this project progresses.</p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>Paper records: Destroyed by contractor Changeworks Recycling. Evidence that this arrangement is in place has been supplied to the Keeper (evidence 014, 017 – 019).</p> <p>Hardware: Destroyed by contractor WasteCare. Evidence that this arrangement is in place has been supplied to the Keeper (evidence 020).</p> <p>Back-ups: There is a statement in the RMP (page 9) that confirms continuity back-ups are overwritten within 1 year. A submitted <i>Protecting User Data</i> document has been supplied from RBGE ICT to confirm this (evidence 015).</p> <p>Electronic Records: RBGE operates a devolved record management system.</p>

			<p>Individuals are responsible for managing and deleting electronic records (including e-mails) in accordance with the RBGE Registered Files / Record Retention Schedule.</p> <p>Existing guidance on managing electronic records (attached as Appendix RBGE_016a.pdf) has been supplied to the Keeper and, although this is currently being revised, he is convinced that it demonstrates that RBGE understand the importance of controlling the creation, retention and destruction of electronic records. The Keeper would like to kept up-to-date regarding the review of the management of electronic records.</p> <p>The RMP commits RBGE to keep the Keeper informed of the results of a review of destruction procedures and this is welcomed. Also there is a commitment to a programme of staff training. The Keeper would be interested in seeing this training when available.</p> <p>Destruction of records in RBGE is the responsibility of the Director of Corporate Services (See element 1).</p> <p>The Keeper agrees that RBGE have properly considered the irretrievable destruction of records in all formats.</p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>RBGE archives records selected for permanent preservation in its own in-house archive.</p> <p>The appraisal policy and transfer forms which allow this have been shared with the Keeper and he agrees there is evidence that arrangements are in place to transfer records of long-term value to the archive. The Archive Collection Appraisal Policy is available to all staff via RBGE's intranet (see Green Pages under 'General Comments' below).</p>

			<p>There is a commitment in the RMP to develop a policy around the archiving of electronic records. The Keeper accepts that this is currently a developing topic throughout the sector and can agree this element without such a policy being finalised.</p> <p>Information on the RBGE Archives standard has been supplied as Appendix RBGE_022a.</p> <p>The RBGE archivist Leonie Paterson will sit on the Records Management Working Group (See <i>Records Management Working Group</i> under <i>General Comments</i> below).</p> <p>The Keeper agrees that arrangements exist in RBGE for the archiving of its public records.</p>
<p>8. Information Security <i>Compulsory element</i></p>	<p>G</p>	<p>G</p>	<p>RBGE has an information security policy <i>Records Management: Security of Records</i> available for its staff. This policy version 1.0 25th June 2014, approved by the Director of Corporate Services (See element 1) has been submitted to the Keeper (evidence 025). It supports/is supported by the <i>Information and Communications Systems Policy</i> submitted as evidence 023.</p> <p>The author of the <i>Information Security Policy</i> is the individual identified in element 2. The security classification utilised by RBGE is the latest system developed by the Cabinet Office.</p> <p>The <i>Information Security Policy</i> is available to all staff on Green Pages (Intranet) (see <i>Green Pages</i> under '<i>General Comments</i>' below).</p> <p>Sample pages from the RBGE risk register are attached as document RBGE_022b.</p>

			<p>The RMP states (page 11) that the responsible officer for Information Security is the Head of ICT. The Head of ICT reports directly to the Director of Corporate Services (see element 1).</p> <p>The Keeper agrees that RBGE have properly considered the security of their records.</p>
<p>9. Data Protection</p>	<p>G</p>	<p>G</p>	<p>RBGE have a <i>Privacy Policy</i> which is available to the public through a link from their website http://www.rbge.org.uk/privacy-policy?searched=data+protection&advsearch=exactphrase&highlight=ajaxSearch_highlight+ajaxSearch_highlight1</p> <p>This site also includes information regarding subject access requests. There is also a separate Data Protection Policy on the RBGE website setting out its corporate approach to Data Protection.</p> <p>RBGE is registered on the Information Commissioner’s list of Data Controllers (registration number Z5723674).</p> <p>RBGE’s data protection provision is managed by their Human Resources department. The responsible officer for this part of the RMP is the Human Resources Projects Manager. The Human Resources Projects Manager reports to the Head of Human Resources who, in turn, reports to the Director of Corporate Services (see element 1).</p> <p>The Keeper agrees that RBGE properly recognise their responsibilities under the Data Protection Act 1998.</p>

<p>10. Business Continuity and Vital Records</p>	<p>A</p>	<p>A</p>	<p>Under the supervision of the Regius Keeper and the Senior Management Team, RBGE are in the process of creating a business continuity plan for the authority. This is being done by collating information from local divisions. The creation of the Continuity Plan will identify vital records; information about which will then be transferred to the retention schedule (See element 5). The Keeper commends local involvement in the creation of a business continuity plan as being likely to create a more robust document.</p> <p>When complete, the business continuity plan will be available for all staff on Green Pages (See Green Pages under General Comments below) and the RMP commits RBGE to roll-out staff training on this issue (page 13).</p> <p>The steps to be taken during this project are clearly explained in the <i>Action Plan</i> which accompanies the RMP and in a guidance page provided as evidence 028.</p> <p>Improvement of the recovery of critical business systems is a target for the ICT work plan 2012 – 2016 (evidence 029)</p> <p>Vital records are mentioned specifically in the <i>Records Management Policy</i> (2.4 and 5.14).</p> <p>The Keeper agrees this element of RBGE’s RMP on ‘improvement model’ terms. This means that he is convinced of the authority’s commitment to implement a business continuity plan and to identify vital records over time, but would request that he is updated as this project progresses.</p>
<p>11. Audit trail</p>	<p>A</p>	<p>A</p>	<p>RBGE recognise that there is a serious gap in provision regarding the tracking of records in the authority (However, see below for what is actually required). The RMP states ‘The Garden’s Senior Management Team is committed to developing and implementing an audit trail for the records management system by the end of the 2014/15 financial year’.</p>

			<p>This statement is confirmed by the approved <i>Action Plan</i>, which clearly explains the steps to be taken and by the initial <i>Public Records (Scotland) Act 2011 RBGE Strategy</i> approved by the Directors of RBGE in June 2013. (See <i>Action Plan and Strategy</i> under General Comments below)</p> <p>The Keeper accepts this as a strong commitment by RBGE to close a gap they have themselves recognised.</p> <p>The RMP states on page 14 ‘<i>The Keeper will expect the Garden’s RMP to provide evidence that the Garden maintains a complete and accurate representation of all changes that occur in relation to a particular record.</i>’ That is a worthy aspiration and a healthy target to aim for.</p> <p>The importance of the efficient retrieval of records is specifically mentioned in the <i>Records Management Policy</i> (5.3).</p> <p>The Keeper agrees this element of RBGE’s RMP on ‘improvement model’ terms. This means that he is convinced of the authority’s commitment to implement an audit trail over time, but would request that he is updated as this project progresses. As there will be a natural break in the project after the ‘desk-based research exercise’ the Keeper would be pleased to offer any guidance that RBGE might find useful at that point.</p>
<p>12. Competency Framework for records management staff</p>	<p>G</p>	<p>G</p>	<p>RBGE have provided the Keeper with the Head of Library Services’ job description which shows the post: ‘To have day-to-day operational responsibility for records management within RBGE as Chair of the Records Management Working Group’ (evidence 005)</p> <p>They have also supplied their Records Management Competency Framework</p>

			<p>version 1.1 prepared by the Head of Library Services (See element 2) and dated 27th June 2014 (evidence 030). This framework specifically mentions RBGE's responsibilities under PRSA and commits the authority to a training programme. The RMP (page 15) has end 2015 as a target date for a records management 'stream' to appear in the main training portfolio. Specifically, there is a commitment to a programme of staff training around the retention and disposal policy when it has been created and approved.</p> <p>The Keeper would be interested in seeing any training programmes when available.</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 RBGE considers records management training for appropriate staff.</p>
<p>13. Assessment and Review</p>	<p>G</p>	<p>G</p>	<p>The control sheet of the RMP commits RBGE to review the RMP annually for the first two years and biennially thereafter.</p> <p>RBGE Internal Audit have agreed to audit sections of the plan annually, this will be carried out in conjunction with the Head of Library Services (See element 2). The RMP will therefore feature on the annual work plan for the Internal Audit team.</p> <p>The RMP commits RBGE to run part of the ARMS self-assessment tool after the implementation of the RMP. The Keeper has recognised the ARMS system as a suitable mechanism for the assessment of a Scottish public authority's records management provision. If a new Action Plan is created after running the ARMS tool it should be provided to the Keeper to keep his records up-to-date.</p> <p>The <i>Records Management Policy</i> will be reviewed annually. Once created and approved the business classification and retention schedule will also be reviewed</p>

			<p>annually. These reviews will be carried out by the Records Management Working Group (See <i>Records Management Working Group</i> under General Comments below)</p> <p>There is a statement in the RMP (page 11) that the <i>Corporate Risk Register</i> is updated six-monthly.</p> <p>RBGE's data protection provision is reviewed by their Human Resources department. The <i>Business Continuity Plan</i> when created will be reviewed by RBGE's senior management.</p> <p>The Keeper agrees that RBGE has arrangements in place to properly review their RMP and other key records management policies.</p>
<p>14. Shared Information</p>	<p>A</p>	<p>A</p>	<p>RBGE does not currently have an operational information sharing protocol. However, the <i>Statement on Information Sharing</i> (evidence 030) and the text of the RMP (page 17) clearly demonstrate that RBGE understands the importance of records governance when undertaking information sharing projects.</p> <p>The lack of provision for records governance in information sharing at RBGE is recognised in the <i>Public Records (Scotland) Act 2011 RBGE Strategy</i> approved by the Directors of RBGE in June 2013.</p> <p>In order to close this gap in provision, RBGE have committed to creating a template information sharing protocol which will '<i>include guidance as to what information can be shared, who should retain the data, what level of security are to be applied, who should have access, and what disposal arrangements are.</i>' The Keeper commends this intention and requests that he is provided with a sample when the ISP is created.</p> <p>The work on this project will be carried out by the Head of Library Services (See</p>

			<p>element 2) and the Head of ICT (See element 8). The <i>Action Plan</i> sets a target date of January 2015.</p> <p>The text of the RMP mentions a standard data access agreement template (page 17). Could the Keeper please be provided with a copy of this? Alternatively, if this is a template available on-line, please provide the URL.</p> <p>The Keeper agrees this element of RBGE’s RMP on ‘improvement model’ terms. This means that he is convinced of the authority’s commitment to implement a protocol for information sharing over time, but would request that he is updated as this project progresses.</p>
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General Notes on RMP, Including Concerns:

Updates to the RMP

There is a statement on the control sheet of the RMP committing RBGE to alert the Keeper to any changes to the plan. The Keeper welcomes this commitment.

Records Management Working Group

The Head of Library Services will form a Records Management Working Group to monitor the effectiveness of the RMP. The *Action Plan* (**See below**) sets a target date of December 2014 for this group to be established. The Keeper would be interested in further information on the progress of this group. The working group has been approved by the Directors of RBGE (evidence 002 and 004).

The Action Plan and Strategy

The RMP was created following the actions identified in the *Public Records (Scotland) Act 2011 RBGE Strategy* approved by the Directors of RBGE in June 2013. The gap analysis carried out as part of this strategy has led to the creation of an *Action Plan* for future improvements. Both the *Strategy* and the *Action Plan* have been provided to the Keeper, which he welcomes.

Green Pages

Several of the RBGE's records management policies and schemes are available through the Green Pages intranet. This includes the proposed business classification and retention schedule. A screen shot of the records management page from Green Pages has been provided.

6. Keeper's Summary

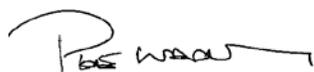
Elements **1 - 14** that the Keeper considers should be in a public authority records management plan have been properly considered by the Board of Trustees of the Royal Botanic Garden, Edinburgh. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of the **Board of Trustees of the Royal Botanic Garden, Edinburgh**.

- The Keeper recommends that the Board of Trustees of the Royal Botanic Garden, Edinburgh 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 Board of Trustees of the Royal Botanic Garden, Edinburgh. In agreeing this RMP, the Keeper expects the Board of Trustees of the Royal Botanic Garden, Edinburgh to fully implement the agreed RMP and meet its obligations under the Act.



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