

Public Records (Scotland) Act 2011

Environmental Standards Scotland

The Keeper of the Records of Scotland

5th October 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 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 Environmental Standards Scotland by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 28th February 2022.

The assessment considered whether the RMP of Environmental Standards Scotland was developed with proper regard to the 15 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 Environmental Standards Scotland complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

Environmental Standards Scotland (ESS) was established on 1st October 2021 as an independent body set up to ensure the effectiveness of environmental law, and prevent enforcement gaps arising from the UK leaving the European Union.

ESS is a non-ministerial office, independent of Scottish Government, accountable to the Scottish Parliament.

ESS is led by a Chair and Board supported by a Chief Executive and specialised team. ESS Board Members have experience in leading independent scrutiny organisations and particular expertise in European environmental law. ESS main office is in Edinburgh.

[Home - Environmental Standards Scotland](#)

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 Environmental Standards Scotland'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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Environmental Standards Scotland (ESS)

Explanation: The records of the Environmental Standards Scotland are managed digitally on the Scottish Government's eRDM system and, as this is the case, ESS must adopt some of the records management provision of the Scottish Government, for example in areas such as information security. This is made clear in the *ESS Records Management Plan* (for example under elements 6 and 8):

"ESS uses the Scottish Government SCOTS Network. Scottish Government has implemented retention schedules on all electronic records and regularly review these." (*RMP* page 16). "As ESS uses the SG SCOTS network we are required to follow the SG policies associated with Information Security and Data" (page 20).

The Keeper has been provided with an e-mail from the Corporate Records Manager at the Scottish Government confirming this arrangement.

The Keeper agreed the *Records Management Plan (RMP)* of the Scottish Government in July 2022:

<https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/scottish-government-agreement-report.pdf>

5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer	G	G	<p>The Public Records (Scotland) Act 2011 (the Act) requires that an individual senior staff member is identified as holding corporate responsibility for records management in a public authority.</p> <p>Environmental Standards Scotland (ESS) have identified Rebecca Peppiette, Acting Head of Comms and Corporate Services, as the individual with overall responsibility for records management in the organisation.</p> <p>The identification of the Head of Comms and Corporate Services to this role is supported by a <i>Covering E-Mail</i> from the ESS Interim CEO; by the <i>Records Management Policy</i> (see element 3), for example in section 6 'Responsibilities' and by the <i>Data Protection Policy</i> (see element 9), for example in section 2 'Roles and Responsibilities'.</p> <p>"I confirm that the Acting Head of Comms and Corporate Services, Rebecca Peppiette, has senior responsibility for all aspects of records management, and is the corporate owner of the document. " (<i>E-Mail from CEO</i>)</p> <p>The Head of Comms and Corporate Services acts as the authority's Senior Information Risk Owner (SIRO). The Keeper has been provided with the <i>Data handling Roles and Responsibilities Senior Information Risk Owner</i>.</p>

			<p>Ms. Peppiette reviewed the <i>RMP</i> before submission.</p> <p>The <i>Records Management Policy</i> (see element 3) has been approved by the ESS SIRO.</p> <p>The Head of Comms and Corporate Services is the Document owner of the ESS <i>Business Continuity Plan</i> (see element 10).</p> <p>Alasdair Dewar, the ESS Business Support Manager (see element 2) reports directly to the Head of Comms and Corporate Services.</p> <p>The Keeper acknowledges that Ms. Peppiette is currently appointed as Head of Comms and Corporate Services on a temporary basis. He has previously indicated that a change of personnel does not invalidate the agreement of a records management plan as long as the post itself does not substantially change. However, the Keeper requests that ESS update him when an individual is appointed to the role on a permanent basis in order that he can keep the ESS submission up-to-date.</p> <p>The Keeper agrees that Environmental Standards Scotland have identified an appropriate individual to this role as required by the Act.</p>
2. Records Manager	G	G	<p>The Act requires that each authority identifies an individual staff member as holding operational responsibility for records management and that this staff member has appropriate corporate responsibility, access to resources, and skills.</p> <p>Environmental Standards Scotland (ESS) have identified Alasdair Dewar, Business Support Manager, as the individual with day-to-day responsibility for implementing the <i>RMP</i>.</p>

			<p>The identification of the Business Support Manager to this role is supported by a <i>Covering E-Mail</i> from the ESS Interim CEO.</p> <p>"The ESS Business Support Manager [is] the Corporate Records Manager and has day to day operational responsibility for records management." (<i>E-Mail from CEO</i>)</p> <p>Mr Dewar is the author of the <i>RMP</i>.</p> <p>Alasdair Dewar is also the author of the <i>Records Management Policy</i> (see element 3), the <i>Information Asset Owners Handbook</i> (see element 4), the <i>Data Protection Policy</i> (see element 9), the <i>Data Handling Standard</i>, the <i>Clear Desk Policy</i> (for both see element 8), the <i>Business Continuity Plan</i> (see element 10) and the <i>Naming Conventions and Version Control for Electronic Records Guidance</i> (see element 11).</p> <p>The Business Support Manager is the authority's Data Protection Officer.</p> <p>It is clear from the above that Mr Dewar has a thorough knowledge of the records management provision in ESS.</p> <p>As Business Support Manager, Mr Dewar reports to Rebecca Peppiette, Acting Head of Comms and Corporate Services (see element 1).</p> <p>ESS is committed to providing relevant records management training for the Business Support Manager (see under element 12 below).</p> <p>The Keeper agrees that Environmental Standards Scotland have identified an appropriate individual to this role as required by the Act.</p>
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<p>3. Policy</p>	<p>G</p>	<p>G</p>	<p>The Act requires an authority to have an appropriate policy statement on records management.</p> <p>Environmental Standards Scotland have a <i>Records Management Policy</i>. The Keeper has been provided with a copy of this <i>Policy</i>. This is version 1, dated 17th February 2022.</p> <p>The Keeper has been provided with a screenshot of the ESS policies page on Pathways as evidence that staff have access to the <i>Records Management Policy</i>.</p> <p>The author of the <i>Records Management Policy</i> is the Business Support Manager (see element 2).</p> <p>The Records Management Policy lists the following general principles:</p> <p>ESS will</p> <ul style="list-style-type: none"> “• create and capture accurate, authentic and reliable records along with ensuring that we produce minutes for meetings including those involving ministers and external organisations/parties; • maintain records to meet the ESS’s business needs; • operate a “digital first” policy, maintaining only one corporate copy of a record in one location; • dispose of records that are no longer required in an appropriate manner; • protect vital records; • conform to any legal and statutory requirements relating to record keeping; • comply with rules on best evidence in Scottish law courts; • comply with government directives. <p>The Keeper agrees that the <i>RMP</i>, if implemented, will support these principles.</p>
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			<p>The <i>Policy</i> includes statements that specifically refer to public records not created in standard Office formats for example on apps such as Microsoft Teams (<i>Policy</i> section 8). The Keeper agrees that the <i>Policy</i> covers all records, in whatever format, created and held by ESS.</p> <p>The Keeper agrees that Environmental Standards Scotland have a formal records management policy statement as required by the Act.</p>
<p>4. Business Classification</p>	<p>G</p>	<p>G</p>	<p>The Keeper of the Records of Scotland (the Keeper) expects that the public records of an authority are known and are identified within a structure.</p> <p>ESS acknowledge this: “Our approach to records management is to ensure processes, systems and controls are in place which support the efficient and systematic control of the creation, receipt, maintenance, use, distribution, storage and disposal of records. (<i>Records Management Policy</i> – see element 3 – section 4) and “The CEO has overall responsibility for the effective management of records generated by ESS’s activities. They are responsible for ensuring that a complete record of the business undertaken by their area is captured, and that systems (electronic or otherwise) and procedures are used appropriately. This includes ensuring the use of the corporate eRDM system as the primary platform for managing records.” (<i>Policy</i> section 6)</p> <p><u>Digital:</u> The public records of ESS are held on the Scottish Government’s eRDM system (Objective). The Keeper is familiar with the functionality of this system (it is the one he uses) and agrees that it suitable for the proper management of public authority records. ERDM applies security classification to all files. Security classification can be used to appropriately restrict access (see element 8).</p> <p>The Keeper agrees that the arrangement of ESS records in the eRDM system,</p>

			<p>referred as the 'file plan', acts as a business classification scheme for the authority.</p> <p>All staff are required to be trained on the use of eRDM before accessing the system and have access to an <i>eRDM Browser Functionality Handbook</i>. The Keeper agrees that staff have access to this <i>Handbook</i> through the SG intranet ('eRDM and Information Management' page). ESS have provided a copy of the <i>Handbook</i> to the Keeper as part of the evidence pack supporting the <i>RMP</i>.</p> <p>The Keeper has also been provided with staff guidance on file types and retention periods both for ESS's administrative records and for their case work (see element 5).</p> <p>The Keeper has been provided with a range of screen-shots showing public records managed on the SG eRDM.</p> <p>The Keeper has also been provided with a naming convention guidance document that ESS supplies to staff explaining how records should be named in a consistent way to allow them to be located using the eRDM search facility (see element 11).</p> <p><u>E-mail:</u> "ESS has had an eRDM system since inception. It is the corporate repository for the majority of information created and received by officials in the course of their duties, <u>this includes e-mails that must be retained for business purposes as evidence of a decision or transaction carried out by or on behalf of ESS.</u>" (<i>Records Management Policy</i> – see element 3 – section 7).</p> <p>E-mail records, that are required for business purposes are to be transferred from Outlook to the relevant eRDM folder. ESS provide staff with appropriate guidance on this. E-mail not transferred to eRDM is managed through to permanent destruction in the SG's Enterprise Vault (see element 6 below)</p>
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			<p><u>Paper:</u> The public records of ESS are entirely held in digital format.</p> <p><u>Line of business systems:</u> There is no indication in the <i>RMP</i> that any of the public records of ESS are managed in a system that sits outside eRDM.</p> <p>The Keeper agrees that Environmental Standards Scotland retains all its public records in a controlled system which is structured in a clear manner and which can be used by staff to manage public records where appropriate.</p>
5. Retention schedule	G	G	<p>The Keeper expects an authority to have allocated retention periods to its public records and for those records to be retained and disposed of in accordance with a Retention Schedule.</p> <p>Acknowledging this ESS state: “ESS’s retention schedules are the key to effective management of our records, they set out the periods for which particular classes of records are retained in accordance with legal, audit and operational requirements. They provide a formalised, accountable system for the retention and disposal of records, and can help to save time, money and space by ensuring that information is not kept unnecessarily” (<i>Records Management Policy</i> – see element 3 – section 9)</p> <p>The Keeper has been provided with staff guidance on file types and retention periods both for ESS’s administrative records and for their case work. These provide file type, scope, access restrictions and disposal period for each individual record type created by the authority.</p> <p>The allocation of a record to a file type dictates the retention applied to that record.</p>

			<p>In the 'Further Development' column against this element ESS state: "We will continue to review our retention and disposal schedules to make sure they continue to meet business needs." This is a recognition that a retention schedule is a living document, liable to alteration as business needs or updated legislation demands. The Keeper commends this recognition.</p> <p>The involvement of local areas in the allocation of retention is important and happens automatically in eRDM when local IMSOs allocate records to file types. (see Local Records Management under General Comments below).</p> <p>The Keeper agrees that Environmental Standards Scotland have a schedule providing retention decisions for the record types created while pursuing its functions.</p>
6. Destruction Arrangements	G	G	<p>The Act requires that public records are destroyed in a timely, controlled and secure manner.</p> <p>ESS acknowledge this: "Our approach to records management is to ensure processes, systems and controls are in place which support the efficient and systematic control of the creation, receipt, maintenance, use, distribution, storage and <u>disposal of records</u>." (<i>Records Management Policy</i> – see element 3 – section 4). Also "Policy principles: We will...dispose of records that are no longer required in an appropriate manner" (section 5) Also "Information and records shall be retained only as long as they are required to support ESS in its business requirements and legal obligations. At the end of that time, the records will either be destroyed or transferred to the National Records of Scotland for permanent preservation." (section 9)</p> <p>ESS rely on the destruction process of the Scottish Government on whose record-</p>

			<p>keeping systems ESS public records are managed. “ESS uses the Scottish Government SCOTS Network. Scottish Government has implemented retention schedules on all electronic records and regularly review these (RMP page 16).”</p> <p><u>Digital (eRDM)</u>: Records are automatically deleted according to the retention applied (see element 5) and a ‘stub’ retained as evidence of destruction. This acts as a destruction log and is to be commended as best practice. The Keeper has been provided with a screen-shot from the SG eRDM showing a sample of destroyed file information.</p> <p><u>Paper</u>: The public records of ESS are entirely digital.</p> <p><u>Hardware</u>: Destruction of hardware is controlled through the Scottish Government whose hardware destruction procedures have been agreed by the Keeper (July 2022). ESS have provided the Keeper with an e-mail and a separate statement from the SG to confirm this arrangement.</p> <p><u>Back-Ups</u>: ESS, quite properly, keep back-ups of public records for business continuity purposes (see element 10). This is done automatically through the Scottish Government eRDM system. It is important that an authority understands the availability of back-up copies beyond the destruction of the original. ESS clearly understand this as they have provided the Keeper with the following statement: “The Scottish Government do daily incremental backups and then at the weekend full back ups are taken of the system. The backups are then kept for four weeks and are then destroyed and the information then becomes irretrievable.” He has also be provided with an explanation of the back-up process in eRDM.</p> <p>The Keeper agrees that Environmental Standards Scotland has processes in place to irretrievably destroy their records when appropriate.</p>
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<p>7. Archiving and Transfer</p>	<p>A</p>	<p>G</p>	<p>The Act requires that all Scottish public authorities identify a suitable repository for the permanent preservation of any records considered suitable for archiving. A formal arrangement for transfer to that repository must be in place.</p> <p>ESS acknowledge this: “We will ensure the effective transfer of ESS records to the National Records of Scotland (NRS) which are selected by them for permanent preservation” (<i>Records Management Policy</i> – see element 3 – section 4)</p> <p>ESS has therefore identified the National Records of Scotland (NRS) as the repository to which they will transfer the selection of their public records that have been categorised as suitable for permanent preservation.</p> <p>NRS is an accredited archive NRS’ Archive Service Accreditation Success National Records of Scotland (nrscotland.gov.uk) and fully adheres to the Keeper’s <i>Supplementary Guidance on Proper Arrangements for Archiving Public Records</i>: https://www.nrscotland.gov.uk/files/record-keeping/public-records-act/supplementary-guidance-on-proper-arrangements-for-archiving-public-records.pdf</p> <p>The ESS <i>Records Management Policy</i> (see element 3) supports this arrangement: “Information and records shall be retained only as long as they are required to support ESS in its business requirements and legal obligations. At the end of that time, the records will either be destroyed or <u>transferred to the National Records of Scotland for permanent preservation.</u>” (<i>Records Management Policy</i> section 9)</p> <p>However, at the time of submission a formal transfer agreement had not yet been concluded. The <i>RMP</i> states (page 18): “ESS are currently in the process of agreeing a formal Deposit Agreement between ESS and the National Records of Scotland which covers the transfer of all records.” This has been confirmed by the relevant client manager at NRS.</p>
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			<p>Following on from their original submission, ESS has re-confirmed that it will continue to work on setting up a formal agreement with NRS and that they expect this to be covered formally in the first PUR submitted three years after this RMP is agreed by the Keeper (see element 13).</p> <p>The <i>RMP</i> notes that “When an electronic file is destroyed or transferred to National Records of Scotland in line with its retention schedule stubs remain on the system confirming the name of the file and all documents that were held within it.” (<i>RMP</i> page 16).</p> <p>The Keeper agrees this element of the Environmental Standards Scotland <i>Records Management Plan</i> under ‘improvement model’ terms. This means that the authority has identified a gap in provision (a formal agreement with NRS has yet to be established), but have committed to closing that gap. The Keeper’s agreement is conditional on being updated on progress.</p>
8. Information Security	G	G	<p>The Act requires that public records are held in accordance with information security compliance requirements.</p> <p>"ESS utilises the Scottish Government SCOTS network and signs up to all relevant policies and guidance relating to this." (<i>RMP</i> page 21).</p> <p>All the public records of Environmental Standards Scotland (ESS) are held on the digital systems of the Scottish Government. The eRDM system is covered by the Scottish Government Information Security framework which the Keeper has recently reviewed and agreed is suitable for the protection of public records (July 2022).</p> <p>The staff of ESS are based in a Scottish Government building. The Keeper has also agreed that the physical security afforded to records by the Scottish Government is appropriate.</p>

			<p>ESS acknowledge these arrangements. The <i>RMP</i> states (page 20): “As ESS uses the SG SCOTS network we are required to follow the SG policies associated with Information Security and Data.”</p> <p>ESS have supplied the Keeper with a copy of the authority’s <i>Risk Register</i>, which is reviewed by the Audit and Risk Committee, and supporting staff guidance on the population of the <i>Register</i>. The Keeper thanks ESS for supplying these. The <i>Information Asset Owner Handbook</i> (see Local Records Management under General Comments below) provides further guidance on how risk should be considered with regard to records, for example at section 4. ESS have also provided the Keeper with samples of security documents relating to staff including their <i>Clear Desk Policy</i>, the <i>Data Handling Standard</i>, <i>The Information Asset Owner’s Handbook</i> (which includes a section on Secure Handling of Information and Security Incidents), the <i>Scottish Government IT Code of Conduct</i> and mandatory training examples (see element 12).</p> <p>The Keeper agrees that Environmental Standards Scotland have procedures in place to appropriately ensure the security of their records as required by the Act.</p>
<p>9. Data Protection</p>	<p>G</p>	<p>G</p>	<p>The Keeper expects a Scottish public authority to manage records involving personal data in compliance with data protection law.</p> <p>Environmental Standards Scotland is registered as a data controller with the Information Commissioner’s Office (ICO): ZB213951 Information Commissioners - Data protection register - entry details (ico.org.uk)</p> <p>ESS have a <i>Data Protection Policy</i>. The Keeper has been provided with a copy of this <i>Policy</i>. This is version 1, 17 February 2022.</p>

			<p>The <i>Data Protection Policy</i> is publically available at Environmental Standards Scotland's Data Protection Policy - Environmental Standards Scotland</p> <p>The <i>Data Protection Policy</i> confirms that “The UK General Data Protection Regulation (UKGDPR) and the Data Protection Act (DPA) 2018 impose obligations on the use of all personal data held by Environmental Standards Scotland, whether it relates to people and their families, employees, complainants, contractors or any other individual who comes into contact with the organisation, defined as data subjects.” (<i>Data Protection Policy</i> section 1)</p> <p>The <i>Data Protection Policy</i> goes on to properly explain the 6 principles of data protection (section 3).</p> <p>ESS have appointed a Data Protection Officer as required by the Data Protection Act 2018. This is the Business Support Manager (see element 2).</p> <p>The use of personal information and the procedure for making a subject access request is published at Environmental Standards Scotland Privacy Notice - Environmental Standards Scotland</p> <p>All ESS staff are required to complete the data protection e-learning module annually (see element 12). The Keeper's own staff follow the same procedure and he therefore agrees that ESS provide appropriate data protection training.</p> <p>The Keeper agrees that Environmental Standards Scotland have arrangements in place that allow them to properly comply with data protection legislation.</p>
10. Business Continuity and Vital	A	G	The Keeper expects that record recovery, prioritising vital records, is an integral part of the authority’s business continuity planning.

<p>Records</p>			<p>Environmental Standards Scotland have a <i>Business Continuity Plan</i> which has been provided to the Keeper. This is currently in draft format. The Keeper requests that he is provided with an authorised version and evidence that staff can access this plan (a screen shot perhaps) as soon as available. Following on from their original submission ESS have confirmed that once the Business Continuity Plan is complete and signed off, a copy will be provided to the assessment team, along with a screenshot showing it's visibility to staff via our Pathways site. This commitment is welcomed by the Keeper.</p> <p>That said, even when approved, the practical operation of the <i>Business Continuity Plan</i> must bear in mind the fact that ESS staff work within a Scottish Government building and the records management provision utilises Scottish Government IT systems.</p> <p>From the perspective of how the Act applies to business continuity: as the public records of ESS are managed entirely in digital format on the Scottish Government's eRDM system the authority must depend on the record recovery procedures of the SG. The Scottish Government's <i>Back Up Procedures</i> have been provided (see element 6).</p> <p>ESS acknowledge that recovery of records in the case of an emergency is a matter for the Scottish Government and the draft <i>Business Continuity Plan</i> notes liaison with the Scottish Government as a key action in the implementation of the ESS <i>Continuity Plan</i>.</p> <p>The Keeper has already agreed that the Scottish Government has appropriate business continuity procedures in place that will allow for the recovery of records in the case of an emergency. The Keeper agrees the value of having a bespoke ESS <i>Business Continuity Plan</i>, but is satisfied that appropriate record recovery procedures are already in place.</p>
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			<p>As all the ESS' public records are held in digital format, and the Scottish Government recovery system should return all records at once, there is no need for ESS to prioritise the recovery of 'vital' records as part of their <i>Business Continuity Plan</i>.</p> <p>The Keeper agrees that the Environmental Standards Scotland has procedures in place to ensure the recovery of records in an 'emergency' situation. However, this element remains at an 'amber' RAG status until an approved version of the <i>Business Continuity Plan</i> is made available to staff.</p>
11. Audit trail	G	G	<p>The Keeper expects an authority to have processes in place to track public records in such a way that their location is known and changes recorded.</p> <p>The public records of ESS are managed on the Scottish Government's eDRM system (Objective) which, as noted above, is the same system used by the Keeper. He is therefore familiar with the functionality of the system and agrees that it allows location and identification of records when required:</p> <p>The Objective system has a powerful search facility that allows a user to track all records using a variety of search criteria including metadata. The efficiency of the search facility relies on consistent naming of documents as they are saved as records on the system.</p> <p>Each change to a record in eRDM is recorded automatically by the system. Staff are also encouraged to use version control v0.1, v0.2, v1.0 etc. to create different documents to, at least temporarily, allow previous draft versions to be consulted to help understand the development of a document. In theory locating the most recent version of a record should be straightforward in eDRM.</p>

			<p>The Keeper has been provided with a naming convention guidance document that ESS supplies to staff explaining how records should be named in a consistent way to allow them to be located using the Objective search functionality.</p> <p>The Keeper agrees that the guidance gives clear and appropriate instructions to staff to ensure that records are named on the eRDM in such a way as will allow tracking.</p> <p>Therefore, the Keeper agrees Environmental Standards Scotland have procedures in place that will allow them to locate their records and assure themselves that the located record is the correct version.</p>
<p>12. Competency Framework for records management staff</p>	<p>G</p>	<p>G</p>	<p>The Keeper expects staff creating, or otherwise processing records, to be appropriately trained and supported.</p> <p>“Core competencies, key knowledge and skills required by staff with responsibilities for Records Management have been clearly defined within the Records Management Competency Framework” (<i>RMP</i> page 28). The Keeper has been provided with this <i>Framework</i>. The Keeper agrees that the competencies making up the <i>Framework</i> are appropriate for the individual identified at element 2 and that they show a formal commitment by the authority to properly support the Business Support Manager in his Corporate Records Manager role.</p> <p>The Keeper is pleased to acknowledge that the ESS Business Support Manager has attended several PRSA training events and has fully engaged with his Assessment Team.</p> <p>The Business Support Manager undertook the Practitioner Certificate in Scottish Public Sector Records Management during 2021 (certificate supplied). The Keeper recognises that this is indicative of the authority allocating resources to appropriate information governance training for its staff.</p>

			<p>As well as providing the training required by the Business Support Manager, ESS are also responsible for ensuring that all staff engaging with public records are sufficiently trained to allow the <i>RMP</i> to be implemented.</p> <p>“Under the oversight of the Head of Comms and Corporate Services [see element 1], the Comms and Corporate Services team is responsible for the ... development and provision of guidance for good records management practice.” (<i>Records Management Policy</i> – see element 3 – section 6) and “All ESS staff receive training so they are aware of their responsibilities as individuals with respect to record keeping and management and to ensure they are competent to carry out their designated duties. This includes online training in the use of the eRDM system which is then complemented by organisational policies and procedures and guidance documentation.” (section 10)</p> <p>As quoted all staff are required to complete training on the use of eRDM before they are able to access the system and going forward have access to an <i>eRDM Browser Functionality Handbook</i>. A copy of this has been supplied by ESS. The <i>Handbook</i> is vital guidance for all aspects of using eRDM from managing e-mails to changing the colour scheme. The Keeper agrees that staff have access to this handbook through the SG intranet (eRDM and Information Management page).</p> <p>ESS have adopted a mandatory induction training programme through the SG training platform ‘Pathways’. A screen-shot has been supplied showing relevant training such as on data protection requirements. The Keeper is familiar with the Pathways system and the modules relating to information governance. As well as at induction, staff are required to complete “Responsible for Information – General User” and “Data Protection” e-learning training annually going forward.</p> <p>The Keeper has been provided with screen-shots of some other Pathways training</p>
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			<p>modules used by ESS, including overarching topics such as 'Information Management Principles' and specific topics such as 'eDRM Browser Email Housekeeping'.</p> <p>All staff are provided with guidance concerning the procedures and considerations on data sharing (see element 14).</p> <p>The Information Asset Owner (see Local Records Management under General Comments below) "is not only responsible for managing his/her assets but has a highly important role to play in fostering a culture that properly values, protects and uses data. They are responsible for ensuring that the rest of the team within their unit (and particularly personal data users) are adequately trained and comply with the guidance and processes required." (<i>Information Asset Owner Handbook</i> section 8).</p> <p>The Keeper agrees that the individual identified at element 2 has the appropriate responsibilities, resources and skills to implement the records management plan. Furthermore, he also agrees that Environmental Standards Scotland consider information governance training for other staff as required.</p>
<p>13. Assessment and Review</p>	<p>G</p>	<p>G</p>	<p>Section 1(5)(i)(a) of the Act says that an authority must keep its <i>RMP</i> under review.</p> <p>"The <i>RMP</i> will be reviewed every 3 years (or sooner if new legislation, codes of practices or national standards are to be introduced)" (<i>RMP</i> page 1, confirmed on page 7)</p> <p>Responsibility for review falls to the Business Support Manager (see element 2) using a self-assessment mechanism and involving a review of records management procedures in local business areas. The involvement of local information asset owners is commended. The result of any review will be reported using the Keeper's</p>

			<p>Progress Update Review process: Progress Update Reviews National Records of Scotland (nrscotland.gov.uk). The outcome of the review will be reported to the SIRO (see element 1).</p> <p>The Keeper has been provided with the <i>ESS Procedure for Review of the Records Management Plan</i> document which explains the self-assessment methodology and reporting process in the authority.</p> <p>For certain elements of this plan the Business Support Manager will also rely on input from the Corporate Records Manager at the Scottish Government on whose eRDM system the ESS are managed. With this in mind, ESS are kept up to date about SG policies relating to iTECS via regular calls with the ITECS business manager. Updates are also provided via the Yammer group ‘SCOTS strategy and delivery news – community’. The Keeper has been supplied with a screen-shot of one of these iTECS meetings as evidence that this arrangement is operational.</p> <p>ESS make a commitment to keep the evidential documents under review. For example the <i>Data Protection Policy</i> is to be reviewed annually (<i>Data Protection Policy</i> section 1). The <i>Business Continuity Plan</i> (see element 10) is also to be reviewed annually.</p> <p>The Keeper agrees that Environmental Standards Scotland have made a firm commitment to review their <i>RMP</i> as required by the Act and have explained who will carry out this review and by what methodology. Furthermore he agrees that supporting policy and guidance documents have appropriate review periods allocated.</p>
14. Shared Information	G	G	<p>The Keeper expects a Scottish public authority to ensure that information sharing, both within the Authority and with other bodies or individuals, is necessary, lawful and controlled.</p>

			<p>Environmental Standards Scotland shares information with third parties and does so using data sharing templates. One template is for sharing personal information (the <i>RMP</i> – page 32 – specifically states that data sharing is compliant with data protection guidance – see element 9) and another template for the sharing of data that does not include personal information. Both these templates have been provided to the Keeper in evidence. The Keeper agrees that these templates include appropriate guidance for staff against each section. Furthermore, the Keeper agrees that the templates properly consider information governance issues around data sharing, for example <i>Data Sharing Agreement For the Necessary Sharing of Non-Personal Data</i> section 6.</p> <p>The <i>RMP</i> confirms that all ESS staff are provided with guidance concerning the procedures and considerations for electronic and hard copy distribution of information.</p> <p>The Keeper has been provided with a screenshot of the ESS policies page on Pathways as evidence that staff have access to the data sharing guidance and templates.</p> <p>The Keeper agrees that Environmental Standards Scotland properly considers records governance when undertaking information sharing programmes.</p>
<p>15. Public records created or held by third parties</p>	<p>G</p>	<p>G</p>	<p>The Public Records (Scotland) Act 2011 (PRSA) makes it clear that records created by third parties when carrying out the functions of a scheduled authority should be considered ‘public records’ - PRSA Part 1 3 (1)(b).</p> <p>ESS contracts out some of their functions to third parties.</p> <p>In the introduction to the <i>RMP</i> ESS make the following commitment: “ESS will</p>

			<p>therefore follow procedures that aim to ensure that all employees, <u>contractors</u>, agents, consultants and other trusted third parties who have access to any information held within ESS, are fully aware of and abide by their duties under the Act.” This is confirmed in the <i>Records Management Policy</i> (see element 3) “All employees of ESS (permanent and temporary), <u>contractors</u>, consultants and secondees have a responsibility to effectively manage information and records in accordance with specified legislation and policy guidelines.” (<i>Records Management Policy</i> section 2)</p> <p>ESS make it clear that they follow the contracting out procedures of the Scottish Government. They state in the <i>RMP</i> (page 33): “ESS contract some of their functions to third parties. ESS follow exactly the SG Model Framework and T and Cs for the associated contracting.”</p> <p>In evidence ESS have provided the Keeper with the <i>Scottish Government Model Framework Agreement Terms and Conditions</i>. The Keeper agrees that that the template framework document includes information governance clauses such as data protection (section 14); freedom of information and transparency (section 15); Audit and Records Management (section 18) and exit management (section 44).</p> <p>An example that shows records management is properly considered when contracting out functions to third parties is: “At the end of the Framework Agreement, the Contractor shall transfer the records in question to the Authority, such transfer to include full ownership of the records including all Intellectual Property Rights in relation thereto. The transfer shall be at no cost to the Authority. The Contractor shall ensure that all relevant information reasonably required to locate individual items within the records, including metadata and database schema, are also offered to the Authority on the same terms.” (<i>Model Framework Agreement Terms and Conditions</i> section 18.5).</p>
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			<p>The <i>Model</i> specifically mentions responsibilities under the Public Records (Scotland) Act 2011.</p> <p>ESS have also provided the Keeper with a copy of a ESS tender award letter showing annexes on cyber security and personal data.</p> <p>The Keeper agrees that the Environmental Standards Scotland has properly considered the management of records created by third parties while they undertake activities in pursuance of functions of the SG under contract.</p>
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Environmental Standards Scotland (ESS)

Explanation: The records of the Environmental Standards Scotland are managed digitally on the Scottish Government's eRDM system and, as this is the case, ESS must adopt some of the records management provision of the Scottish Government, for example in areas such as information security. This is made clear in the ESS *Records Management Plan* (for example under elements 6 and 8):

"ESS uses the Scottish Government SCOTS Network. Scottish Government has implemented retention schedules on all electronic records and regularly review these." (RMP page 16). "As ESS uses the SG SCOTS network we are required to follow the SG policies associated with Information Security and Data" (page 20).

The Keeper has been provided with an e-mail from the Corporate Records Manager at the Scottish Government confirming this arrangement.

The Keeper agreed the *Records Management Plan (RMP)* of the Scottish Government in July 2022:

<https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/scottish-government-agreement-report.pdf>

General Notes on submission:

This assessment is on the *Records Management Plan (RMP)* submitted by Environmental Standards Scotland (ESS) for the agreement of the Keeper of the Records of Scotland (the Keeper) on 25th February 2022. The version assessed is v1.0, as reviewed by Rebecca Peppiette, Acting Head of Comms and Corporate Services, for ESS (see element 1). The Keeper has been provided with a separate e-mail (February 2022) confirming that ESS Acting CEO approved the RMP.

The ESS website notes that “Our Records Management Plan is available on request.”: [Freedom of Information - Environmental Standards Scotland](#)

The *RMP* mentions the Public Records (Scotland) Act 2011 (the Act) and is set out in the structure of the Keeper’s, 15 element, Model Plan: [Model Records Management Plan | National Records of Scotland \(nrscotland.gov.uk\)](#)

ESS recognise records as a business asset, for example in the *Records Management Policy* (see element 3) section 1. The Keeper commends this recognition.

The *RMP* states that: “ESS is committed to a systematic and planned approach to the management of records within the organisation, from their creation to their ultimate disposal or archive. This approach ensures that ESS can:

- control the quality, quantity and security of the information that it generates;
- maintain the information in an effective manner whilst ensuring compliance with our legislative requirements.”

The Keeper commends this statement.

The ESS *Corporate Risk Register* (see element 8) includes a requirement to “Help ensure the quality of internal and external reporting. This requires the development and maintenance of proper records and processes that generate the flow of timely, relevant and reliable information and evidence.” The Keeper agrees that robust records management, as provided for in the *RMP*, will assist ESS in meeting this requirement.

Local Records Management:

ESS have set up Information Asset Owners (IAOs) in local business areas. The Keeper has been provided with the *Information Asset Owner Handbook* which is endorsed by the authority’s SIRO (see element 1). This explains the responsibilities of the IAO and provides guidance, and training links. The Keeper agrees this guidance should allow IAOs to effectively take responsibility for the public records in their local business area. “The Information Asset Owner is not only responsible for managing his/her assets but has a highly important role to play in fostering a culture that properly values, protects and uses data.” (*Information Asset Owner Handbook* section 8).

Information Asset Owners are “responsible for maintaining, registering and safeguarding information assets. IAOs also have a responsibility to ensure compliance with data protection law within their business area.” (*Data Protection Policy* – see element 9 - section 2)

In order to further manage records effectively ESS has also appointed Information Management Support Officers (IMSOs). Each business area in ESS has one of these local records management champions who are specially trained on the use of eRDM and have extra administrative permissions on the system. They are also responsible for providing advice to their local business teams and to promote good record keeping in their areas.

The *Records Management Policy* (see element 3) states: “...local Information Management Support Officers (IMSOs), ... are nominated by the business area, and provide a key point. IMSOs have a vital role in ensuring that records are maintained and disposed of in accordance with ESS’s published retention policies. They also advise local business teams and promote good record keeping in their areas.” (*Records Management Policy* section 6).

6. Keeper's Summary

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

Elements that require development by Environmental Standards Scotland are as follows:

7. Archiving and Transfer

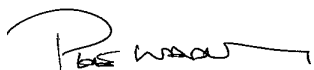
10. Business Continuity and Vital Records

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of **Environmental Standards Scotland**.

- The Keeper recommends that Environmental Standards Scotland should publish its agreed RMP as an example of good practice within the authority and the sector.

This report follows the Keeper's assessment carried out by,



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Pete Wadley
Public Records Officer

.....
Liz Course
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 Environmental Standards Scotland. In agreeing this RMP, the Keeper expects Environmental Standards Scotland to fully implement the agreed RMP and meet its obligations under the Act.



.....
Paul Lowe
Keeper of the Records of Scotland