National Records of Scotland

Public Records (Scotland) Act 2011

Crown Estate Scotland (Interim Management)

The Keeper of the Records of Scotland

27th March 2019

Contents

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 Crown Estate Scotland (Interim Management) by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 31st August 2018**.**

The assessment considered whether the RMP of Crown Estate Scotland (Interim Management) 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 Crown Estate Scotland (Interim Management) complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

Crown Estate Scotland manages land and property owned by the Monarch in right of the Crown. They are required to work with people and organisations to ensure that the assets are managed in a sustainable way that creates prosperity for Scotland and its communities.

The business was set up following the Scotland Act 2016 and pays all revenue profit to the Scottish Consolidated Fund.

Crown Estate Scotland is responsible for managing a range of rural, coastal and marine assets, as well as some commercial property. It leases land and property to 2000 individuals and businesses. It supports aquaculture, farming, forestry, tourism and offshore renewables through leasing, research and other activities. It invests in marine leisure facilities to support coastal communities.

Crown Estate Scotland (Interim Management) is a public corporation which manages the assets on an interim basis until new legislation sets out permanent arrangements. It is led by a board and managed by a staff team of approximately 37 (FTE), supported by agents who provide specialist advice and local support.

http://www.crownestatescotland.com/

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 Crown Estate 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.

5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer *Compulsory element*	**G**	**G**	Crown Estate Scotland have identified Lynne Higgins, Head of Finance and Commercial, as the individual with overall responsibility for records management in the authority. This identification is supported by a letter from the Crown Estate Scotland Chief Executive **(see under General Comments below)**. Ms Higgins authorised the *Records Management Plan* (the *Plan*). Ms Higgins is a member of Crown Estate Scotland's IT/Data User Group. The Keeper agrees that Crown Estate Scotland have identified an appropriate individual to this role as required by the Public Records (Scotland) Act 2011 (the Act).
2. Records Manager *Compulsory element*	**G**	**G**	Crown Estate Scotland have identified Fraser Anderson, Business Information Coordinator, as the individual with the day-to-day responsibility for the implementation of the *Plan*. This identification is confirmed repeatedly within the *Plan*, in a *Covering Letter* from the authority's Chief Executive **(see under General Comments below)** and in the Records Management Policy **(see element 3)** for example at 5.1.

			Mr Anderson has "responsibility for the management and integrity of data/knowledge, whether held electronically or physically, for Crown Estate Scotland (interim management)" *Business Information Coordinator Job Description*. Mr Anderson is the author of the *Plan*. The Business Information Coordinator is specifically required to review all elements of the *Plan* on a regular basis **(see element 13)**. The Business Information Coordinator is responsible for defining retention periods and populating 'Wisdom' with these **(see elements 4 and 5)**. Mr Anderson is a member of Crown Estate Scotland's IT/Data User Group. The Keeper agrees that Crown Estate Scotland have identified an appropriate individual to this role as required by the Act.
3. Policy *Compulsory element*	**G**	**G**	Crown Estate Scotland have a *Records Management Policy* which has been provided to the Keeper. This is version 1.0 dated 13 February 2018. **The Keeper notes that Crown Estate Scotland are currently reviewing their *Records Management Policy*. He requests that any new version resulting from this review is forwarded to him in order that he may keep the authority's submission up-to-date.** Staff currently access all policies directly from the EDRMS. Crown Estate Scotland are developing an Intranet which will hold all policies and which all staff will have access to. Included within the attached evidence is a screen shot of current policies held in their EDRMS titled "EDRMS Policy Examples". This shows the Records management policy.

			The Keeper agrees that Crown Estate Scotland have a records management policy statement as required by the Act.
4. Business Classification	**G**	**G**	Crown Estate Scotland operate a Hybrid records system. The majority of public records are held on an electronic records management system (Wisdom), but they also keep hard-copy records in-house and in a third-party outstore (Cube). There are also electronic records on a shared 'home' drive. It is however the intention of Crown Estate Scotland to limit the number of records being held in this drive. Crown Estate Scotland plan to engage with all teams who hold records on the drive to begin a cleansing exercise of all files identified which can be destroyed. Following this they will complete a migration of records from the home drive to the EDRMS system. However it is expected that the drive will remain in use for certain records, in particular financial and accounting related data. Their expectation would be to have most of the migration completed by 2020. **The Keeper looks forward to an update on this work over the next year or so.** Crown Estate Scotland also utilise a number of "line of business systems". Specifically, a Finance, HR and Asset management system. These systems have applied securities and permissions and all data is accessible directly by crown estate Scotland who are the data owners. The *Records Management Policy* **(see element 3)** states that "Wisdom provides adequate security of access, implements Protective Marking and provides an audit trail and version control for documents." **(see element 11)**. Public records held in paper format are limited to legacy material (held offsite and tracked) and to some "exceptions such as title deeds, contracts and signed agreements" (*Records Management Policy* section 6.1). The Keeper agrees that

paper records are appropriately considered in the *Plan*.

Crown Estate Scotland has submitted its *Information Asset Register* (*IAR*). The Keeper considers this an entirely appropriate business tool for the authority and commends its layout and depth. The *IAR* details function; document type; activity ("purpose of processing"); the system records are held in (including hard-copy files); contact details of asset owner and a great deal of supplementary information about the security of personal information in line with the requirements of GDPR **(see element 9)**. The IAR features a column for the population of retention decisions, but this remains a work in progress **(see element 5)**.

Maintaining an IAR fulfils a requirement in the *Records Management Policy* **(see element 3)** to ensure that "records are maintained in a systematic and orderly fashion" (policy statement 4.1).

It must remain a business decision for the authority, but the Keeper has acknowledged that a functional system, as proposed in the *IAR*, is currently considered best practice.

The *Plan* recognises that an *Information Asset Register* is a 'living document' and will be amended as business dictates. It is a specific requirement that updates are made when appropriate. The Keeper agrees this.

For third parties see under General Comments below.

The Keeper agrees that the Board has a 'business classification scheme', in the form of a detailed information asset register, that appropriately reflects the functions of the authority.

| 5. Retention schedule | A | G | Crown Estate Scotland have a *Retention & Disposal Policy* (and flow chart) which has been provided to the Keeper. This is version 1.0. This explains the purpose of retention, but does not provide specific retention periods against individual records type.

Recognising this, Crown Estate Scotland have identified that this version of the *Retention Schedule* is no longer appropriately detailed and have not been able to use it to populate the IAR (see element 4). Instead they are reviewing the Retention Schedule and will then use the improved version to support the IAR and firm-up the destruction processes in the organisation (see element 6).

The current *Retention & Disposal Policy* also notes that not all public records are covered (section 4).

Regarding a new version of the *Retention Schedule* Crown Estate Scotland state in their *Plan*: "Crown Estate Scotland's current retention policy is no longer appropriate for business need and is being updated." (*Plan* section 6.2(1)); "Data within Crown Estate Scotland does currently hold retention periods but as stated above these are not appropriate…and are being updated" (6.2(2)); "The information asset register coupled with the records retention policy will allow Crown Estate Scotland to begin implementing specific retention dates to data held both on and off site" (6.2(3)); "The records retention policy will be completed and implemented. We are currently working on implementing the full functionality of our EDRMS system and will engage in formal training with our system provider to do this." The Keeper accepts this as a formal commitment by Crown Estate Scotland to pursue this work and agrees these actions as a suitable response to the gap in provision.

The Keeper notes that retention decisions are being created with input from various different business areas and he commends the engagement of local records |

| | | | creators as liable to lead to a stronger business tool and enhance staff buy-in.

The Keeper also notes and commends that there is a proposal to include 'information asset owner' and 'legal basis' for retention against each record type in the new schedule.

The Keeper agrees this element of Crown Estate Scotland's Plan on improvement model terms. This means that the authority has identified a gap in provision and has undertaken to close that gap. The Keeper agrees that the proposed improvement work is practical and appropriate. The Keeper's agreement is conditional on his being updated on the progress of this work when required. This condition has been accepted by Crown Estate Scotland. |
|---|---|---|---|
| 6. Destruction Arrangements *Compulsory element* | **A** | **G** | Crown Estate Scotland have as a key statement in the introduction to their *Records Management Policy* **(see element 3)** that "all records need to be…disposed of in a timely fashion…" (*Records Management Policy* page 5). This is supported by the *Retention & Disposal Policy* **(see element 5)** section 3.1.

To this end, the authority has the following procedures in place:

Paper internal: The limited amount of hard-copy records held internally are destroyed, when required, by a commercial disposal firm. Evidence of these arrangements has been provided to the Keeper.

Paper external: Crown Estate hold paper records (principally legacy) in a third-party storage facility. These are destroyed by the third-party (*Plan* page 14). The Keeper has been provided with details of the contact with the third-party and agrees that it considers off-site confidential destruction of records when appropriate. He has also been provided with a destruction certificate as evidence that this arrangement is operational. |

			Electronic: **In common with many Scottish public authorities, Crown Estate Scotland is not satisfied that the controlled deletion of those records held electronically is being universally carried out efficiently. With this in mind, they state in the *Plan* (page 12) "Crown Estate Scotland is aware that the destruction of records is an area which requires attention. Retention schedules are still to be implemented and when this has been completed we will look at the destruction of records." (see element 5 for the project). This is further emphasised in the *Plan* (also page 12): "the implementation of a retention policy is a business priority, following this a destruction schedule will be created. Our EDRMS system allows us to set up retention periods to documents which will in turn allow us to create a destruction policy." The Keeper agrees this is appropriate.**
			Crown Estate Scotland have engaged with their EDRMS provider on this issue (evidence supplied).
			The Keeper agrees that the work described should greatly enhance the authority's ability to control the systematic deletion of electronic records.
			Hardware: Redundant hardware is stripped of records by an external contractor. A disposal certificate and other documentation has been provided as evidence that this procedure is approved and operational.
			Back-Ups: Crown Estate Scotland confirms that electronic records are backed up for 14 days. This back up is held on an onsite server however is also mirrored on an offsite server. After 14 days the electronic records in question are deleted. They have provided evidence from their IT service provider to support this titled "Back up and destruction".

			The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified a gap in provision (work being undertaken to standardise the destruction of electronic records) and have identified measures to close this gap. As part of this agreement the Keeper requests that he is kept informed of progress in closing this gap.
7. Archiving and Transfer *Compulsory element*	**G**	**A**	Crown Estate Scotland have identified the National Records of Scotland (NRS) as the appropriate repository for records identified as suitable for permanent preservation. A Memorandum of Understanding (MoU) regarding the transfer of records from Crown Estate Scotland to NRS is being negotiated at the time of this assessment. This is confirmed by the NRS Client Management Team. Presently, there is a delay in making MoUs with NRS available to public authorities. The Keeper therefore acknowledges that Crown Estate Scotland are as compliant regarding 'archiving' as is currently possible. The Keeper would like to remind Crown Estate Scotland that the selection of records for permanent preservation should be pursued in conjunction with NRS Client Management. The Keeper agrees these arrangements are supportive of the authority's statement in the introduction to the *Records Management Policy* (see element 3) that "all records need to be managed in line with…heritage obligations…" (*Records Management Policy* page 5). **The Keeper agrees this element of Crown Estate Scotland's *Records**

			Management Plan **under 'improvement model' terms. This means that the authority has identified a gap in provision (in this case that there is no formal agreement with the archive) and is working to close that gap. The Keeper's agreement is conditional on an MoU being concluded and a copy being provided.**
8. Information Security *Compulsory element*	**G**	**G**	Crown Estate Scotland have an *Information Security Policy* which has been provided to the Keeper. This is version 1.0. The *Information Security Policy* explains objectives and responsibilities regarding information security in the authority. Crown Estate Scotland operates the Scottish Government Protective Marking Scheme. Crown Estate Scotland has achieved Cyber Essentials certification (certificate supplied in evidence). The *Information Security Policy* is issued directly by the Chief Executive who assumes overall responsibility and is the SIRO. The Keeper agrees that information security is considered at the highest level in the organisation. The *Information Security Policy* explains the process for reporting potential or actual security breaches in Crown Estate Scotland. The authority also has an *Information Security Incident Process* guidance document specifically aimed at the reporting of personal data breaches – with handy flowchart. This document is currently draft (version 0.1). **The Keeper requests that he is provided with an authorised and operational version when appropriate.** The *Information Security Policy* supports a requirement in the *Records Management*

			Policy **(see element 3)** that Crown Estate records should be "Protected against accidental or malicious destruction, damage, modification or disclosure" (policy statement 4.1). The majority of the authority's hard-copy public records are held by a third-party storage provider. Security of these records is part of the contract with this supplier (provided). Staff currently access all policies directly from our EDRMS. Crown Estate Scotland are developing an Intranet which will hold all policies and which all staff will have access to. Included within the attached evidence is a screen shot of their current policies held in the EDRMS titled "EDRMS Policy Examples". This shows the information security policy. The Keeper agrees that there are appropriate measures in place to protect the information that Crown Estate Scotland creates and manages.
9. Data Protection	**G**	**G**	Crown Estate Scotland have a *Data Protection Policy* which has been provided to the Keeper. This is version 1.2 dated October 2018. The *Policy* is available on the Crown Estate website: http://www.crownestatescotland.com/bundles/app/downloads/5bcf23bdd47a4_Data%20Protection%20Policy%20-%20October%202018.pdf The *Data Protection Policy* explains the 6 principles of Data Protection and how the authority addresses those principles. In compliance with GDPR the authority has established an information asset register, incident reporting processes and privacy notices on its website: http://www.crownestatescotland.com/privacy Privacy notices explain subject access

			procedure. Crown Estate Scotland are registered with the Information Commissioner at ZA242552 and have appointed a Data Protection Officer (as required). The Data Protection Officer is neither of the individuals identified at elements 1 or 2. The authority also has an *Information Security Incident Process* guidance document specifically aimed at the reporting of personal data breaches. This guidance includes a reporting form. This document is version 1.0 May 2018. Reporting instructions in the *Data Protection Policy* support those in the *Information Security Policy* **(see element 8)**. The Keeper agrees that Crown Estate Scotland properly recognise their responsibilities under GDPR and the Data Protection Act 2018.
10. Business Continuity and Vital Records	**G**	**G**	Crown Estate Scotland have a Business Continuity Plan extracts from which have been shared with the Keeper. This is version 001 dated October 2017. He agrees that this plan includes the recovery of public records in an emergency. The Business Continuity Plan details the priority of system recovery. The authority's electronic records management system **(see element 4)** is included in this. The availability of a *Business Continuity* Plan is a requirement of the authority's *Information Security Policy* **(see element 8)** clause 15. Staff currently access all policies directly from the authority's EDRMS. Crown Estate Scotland are developing an Intranet which will hold all policies and which all staff will have access to. Included within the attached evidence is a screen shot of the current policies held in their EDRMS titled "EDRMS Policy Examples". This shows

			the Business Continuity Plan. The Keeper agrees that Crown Estate Scotland has an operational business continuity plan that properly considers the recovery of records in an emergency.
11. Audit trail	**G**	**G**	Crown Estate Scotland have as a key statement in the introduction to their *Records Management Policy* **(see element 3)** that "all records need to be…accessible…" (*Records Management Policy* page 5). The *Plan* states that "Crown Estate Scotland ensures that the location of records is known always. Movement of these records around either an electronic system or between physical storage can be monitored…" Wisdom **(see element 4)** automatically imposes an audit trail on records held in that system. The Keeper accept this. The Keeper also acknowledges that line-of-business systems (such as those employed to manage HR records) are liable to have their own in-built document tracking systems. The 'Home' drive is accessed by a number of teams across the business in order to access legacy and live records. The drive has a public and a restricted section which is enforced through security settings dependent on the user permissions. The drive can be interrogated for FOISA requests or other data searches. It can be searched on document title, owner, creation date, modified date, type and size. Version control and specific naming conventions are not applied to this drive currently due to it being made redundant due to the migration project **(see element 4)**. Paper files held off-site are catalogued in a tracker which can be accessed by the Business Information Coordinator **(see element 2)** using a 'master tracker'.

			The Keeper agrees that any line-of-business systems used by Crown Estate Scotland may impose suitable naming convention/version control at time of record-creation to adequately track records subsequently. For example, see *Records Management Policy* section 5.5 **(see element 3)**. The Keeper notes that the development of a reporting mechanism for audit trail is being investigated and commends this. The Keeper agrees that Crown Estate Scotland has mechanisms in place to locate and identify records when necessary.
12. Competency Framework for records management staff	**G**	**G**	Crown Estate Scotland have supplied the Keeper with the roles and responsibilities for the Business Information Coordinator **(see element 2)** which clearly shows that Mr Anderson **(see element 2)** has the appropriate responsibility for implementing the *Plan* once agreed. The Keeper has been provided with Mr Anderson's *Job Description* which clear shows his responsibility "To manage records, developing a good knowledge of the business's document management systems and archiving facilities." He has also been provided with the Job Profile which shows Mr Anderson has the relevant skills to implement the *Plan*. Mr Anderson is a member of the Information and Records Management Society. Crown Estate Scotland have committed to awareness raising regarding the new Retention Schedule, when complete **(see element 5)**. This will be the responsibility of the Business Information Coordinator. More generally they have committed to roll out training on the new *Records*

			Management Policy when the review is complete and a new version authorised **(see element 3)**. Crown Estates Scotland make a specific commitment to training staff on information management in their *Data Protection Policy* which is publically available **(see element 9)**. Online data protection training is mandatory for all staff. Staff training is a requirement of the *Records Management Policy* (for example 4.3). The *Information Security Policy* is made available to all staff. directly from the EDRMS (evidence supplied). Specifically, training is being currently undertaken regarding the expansion of the EDRMS functionality to encompass record destruction **(see element 6)**. The Keeper has seen evidence of this work. There is a commitment in the Plan (section 9.4) for Crown Estate Scotland to develop information security training as part of the induction process (and delivered retrospectively). Crown Estate Scotland have informed the Keeper that general records management training is being developed in line with the above mentioned training. The Keeper commends this approach. The Keeper agrees that the individual identified at element 2 has the relevant skills, support and position in the authority to undertake the role assigned. Furthermore, the Keeper acknowledges that Crown Estate Scotland have properly considered information governance training for other staff as appropriate.
13. Assessment	**G**	**G**	The Act requires a scheduled public authority to "keep its records management plan under review" (part 1 5.1 (a)). The Plan commits Crown Estate Scotland as follows:

| and Review | | | "Following final submission of the Records Management Plan it would be Crown Estate Scotland's intention to review the plan at regular quarterly intervals."

They note that as new policies and guidance develop ad-hoc reviews will be required to ensure that these are accounted for in the *Plan*. They also state against each element "A review will also be undertaken in the event of any material, structural or other change which might directly impact Crown Estate Scotland's records management." The Keeper commends the recognition that the Plan must remain a living document and therefore should retain the ability to be amended in response to other developments. This is particularly important in a relatively new Scottish public authority.

The Business Information Coordinator **(see element 2)** is responsible for undertaking any review of the *Plan* and this will be carried out at least annually. Any issues identified at review would be escalated directly from the Business Information Coordinator to the overall responsible individual (see element 1) and to the Crown Estate Scotland Governance Manager.

Documents submitted in evidence generally carry a review clause such as "[this policy] will be reviewed regularly throughout 2018 and then at least annually in order to take account of any new or changed legislation, regulations or practices." (from the *Data Protection Policy*).

More specifically:

The *Records Management Policy* **(see element 3)** and the Retention & Disposal Policy **(see element 5)** are due for review by April 2019.

The *Information Security Policy* **(see element 8)** is due for review by July 2019. |

			The *Data Protection Policy* **(see element 9)** is due for review by May 2019. Compliance with data protection legislation will be reviewed by the Data Protection Officer in consultation with the Executive Management Team. Crown Estates Scotland make a specific commitment to reviewing records holding personal information in their *Data Protection Policy* which is publically available **(see element 9)**. The Keeper agrees that Crown Estate Scotland have made arrangements for the review of the implementation of their *Records Management Plan* as required by the Public Records (Scotland) Act 2011. The Keeper has seen evidence of responsibilities, reporting system, timescale and methodology of this review.
14. Shared Information	**A**	**G**	Crown Estate Scotland is developing an *Information Sharing Policy*. **The Keeper requests that this is provided when available.** They state in the *Plan* (page 22): "Crown Estate Scotland is looking to develop open data principles within our information sharing policy to give guidance, when applicable, on sharing open data as well as the potential risks and challenges." And "We understand the importance of the development of an information sharing policy to ensure safe and secure information sharing." The Keeper agrees the statements. He also notes that in they intend to establish *Data Sharing Agreements* (*Data Protection Policy* page 5) and that under the *Records Management Policy* (section 9.1) information sharing protocols should be included in 'Typical Contract Requirements'. With this in mind Crown Estate

			Scotland have provided the Keeper with th a template data sharing agreement for reference **The Keeper agrees that Crown Estate Scotland are working towards ensuring that information governance is formally considered when pursuing information sharing projects. He agrees this element of the *Plan* on improvement model terms awaiting the adoption of the relevant processes and documentation mentioned in the *Plan* and other evidential documents.**

Crown Estate Scotland (Interim Management)

General Notes on RMP, Including Concerns:

Version: This assessment is on the *Records Management Plan* (the *Plan*) of Crown Estate Scotland (Interim Management) submitted to the Keeper of the Records of Scotland for his agreement on 31st August 2018. This is identified as version 1.0 of the *Plan* authorised on 31st August 2018. The author of the *Plan* is the Crown Estates Business Information Coordinator **(see element 2)**. The *Plan* was authorised by the Crown Estates Head of Finance and Commercial **(see element 1)**. A signed version of the *Plan's* control sheet has been supplied.

The *Plan* is accompanied by a *Covering Letter* from Simon Hodge, Chief Executive of Crown Estate Scotland, dated 22nd August 2018 in which he confirms the authority recognises that "Records management is an important corporate responsibility and it will be given the appropriate level of priority and authority." The Keeper thanks Mr Hodge for this acknowledgement. The Letter goes on to confirm the delegation of records management responsibilities to the individuals noted under elements 1 and 2.

Crown Estate Scotland acknowledges records as a business asset (for example *Records Management Policy* page 6 and *Retention & Disposal Policy* **(see element 5)** page 2. The Keeper commends this recognition.

The Keeper agrees that the Records Management Plan will contribute to the Crown Estate Scotland Strategic Objectives to "Build confidence and trust in the organisation" (*Crown Estate Scotland Business Plan 2018/19* page 7)

The *Plan* is based on the Keeper's, 14 element, Model Plan http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources/model-records-management-plan

Third Parties: The Act makes it clear that records created by a contractor in carrying out a scheduled authority's functions are public records (Part 1 section 3.1 (b)).

Recognising this issue Crown Estate Scotland have provided the Keeper with the following statement (separate from the *Plan*):

"Crown Estate Scotland use external agents to manage some of the coastal and rural assets within the Scottish Crown Estate portfolio. The records created by the managing agents are the property of Crown Estate Scotland and the contracts with the agents acknowledges that the records they create are public records. These records are created and stored in a line of business system known as Propman.

Included within our evidence are the extracted pages from one of the managing agent contracts which evidences the information sharing clauses. This evidence is titled "Managing agent contract". The contract was signed in March 2017 prior to the devolution of management of the Scottish Crown Estate and that the contract was novated to Crown Estate Scotland."

IT & Data Users Group

Recently Crown Estate Scotland have established a group who will meet monthly to "review, discuss and develop business issues relating to IT and data". The Keeper has been provided with the remit for this group and notes that it will have a view on the implementation of the *Plan*. He welcomes the inclusion of staff training considerations in the remit of this group. Both the officers identified at element 1 and at element 2 sit on this group.

This group is clearly of fundamental importance to records management in the authority and the Keeper thanks Crown Estate Scotland for including information about their work in the submission.

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 Crown Estate Scotland (Interim Management). 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 **Crown Estate Scotland (Interim Management)**.

- The Keeper recommends that Crown Estate Scotland (Interim Management) 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 Crown Estate Scotland (Interim Management). In agreeing this RMP, the Keeper expects Crown Estate Scotland (Interim Management) to fully implement the agreed RMP and meet its obligations under the Act.

……………………………………………

Paul Lowe
Keeper of the Records of Scotland