

Brief

**Evaluation of the social, environmental and
economic benefits of the historic environment in Fife
&
An Historic Environment Strategy for Fife**

September 2021



1. Client's Name

Fife Historic Buildings Trust on behalf of Fife Council.

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Fife Historic Buildings Trust is a Scottish Charity, No. SC026043, regulated by the Scottish Charity Regulator (OSCR) and a Company limited by guarantee, No. SC173262, registered in Scotland.

2. Principal Contacts

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3. Fife's Historic Environment Strategy

Fife Council Planning Services and Economy, Tourism & Town Centres team, in partnership with Fife Historic Buildings Trust (FHBT), are developing an Historic Environment Strategy for the protection, enhancement and management of Fife's historic environment, including an evaluation of its impact/benefits and a framework for making the most effective use of resources and the best use of our heritage.

The Strategy will offer a 'case for support' for the historic environment. It will support Fife Council's Inclusive Growth and Placemaking priorities. It will identify future historic environment investment and intervention priorities for Fife Council and Fife Historic Buildings Trust and other organisations and initiatives for building and area regeneration as relevant and it will support future funding bids for them. The Strategy will be aligned with Plan 4 Fife Local Outcome Improvement Plan 2017-2027, with the Local Development Plan, with Fife Council's suite of supplementary guidance on the principles of Place, Urban Design and Low Carbon, and it will align with FHBT's strategy. It will also align with Scottish Government policy, with the objectives of the Historic Environment Scotland Policy (2019) and the Historic Environment Strategy for Scotland (2019) and with the advice and guidance that underpins its objectives of key stakeholders and funders such as the National Lottery Heritage Fund.

The Strategy will set out:

- the social, environmental and economic benefits to Fife of its historic environment;
- the case for the protection and enhancement of Fife's historic environment;
- examples of successful historic environment projects that delivered tangible social, environmental and economic benefits to communities;
- stakeholders/beneficiaries and any opportunities for joint working/support;

- priority areas for future projects in terms of the type of heritage and the benefits that could be realised through community and stakeholder partnerships and initiatives and through further investment and fundraising;
- a programme/matrix of identified actions which cross reference the agreed strategic actions; and
- a framework for joint working and decision making to deliver these.

The final form of the Strategy is yet to be agreed but it will be shaped by a comprehensive understanding of the full range of social, environmental and economic benefits that accrue from Fife's historic environment.

4. Background

4.1 Fife and its Historic Environment

Fife is the third largest local authority area in Scotland, by population. The south and west is dominated by larger urban areas and an industrial economy, while the east is predominantly agricultural and the scenic east coast, including the town of St Andrews, is popular with tourists as a visitor destination. Fife Strategic Assessment 2017 notes that "Overall Fife is doing adequately well, rather than exceptional (...) we track with rather than buck national trends in community planning indicators. These average figures across Fife can hide very different stories at a local level. The typical experiences, expectations and life chances of someone living in one of our most challenged communities can be hugely different to those in well off communities. Fife is at a real crossroads in respect of this type of inequality." Many parts of Mid-Fife in particular are doing less well than they should, with some of the poorest outcomes in Scotland in areas like jobs, health and deprivation. While some of Fife's challenges stem from differences at a local level, others are linked to national or international circumstances, now including Covid-19.

Fife's historic environment is represented in the county's rich tapestry of archaeological sites, monuments, historic buildings, conservation areas, medieval burghs, designed landscapes, military remains, historic battlefield sites, world heritage sites, industrial and agricultural heritage, 20th century heritage (including Glenrothes new town) and by its coastal, inter-tidal and marine heritage assets. By area and population, Fife has more protected heritage than any local authority area in Scotland outside of the Edinburgh World Heritage site.

Cultural heritage is an expression of the ways of living developed by a community and passed on from generation to generation. It can include customs, practices, places, objects, artistic expressions and values, aesthetic, historic, scientific, social or spiritual aspects. (ICOMOS 2002). Fife's cultural heritage, much of it intangible heritage, is bound up in the kingdom's story; its history, its people, events, places, place-names, languages, customs and traditions.

Together, these historic assets and their contextual story are the fabric of Fife's unique cultural identity. It's an inheritance of sites, monuments, buildings, archives, stories, traditions and events. It's what forges connections between Fife's people and the places they live and visit. It's what makes Fife distinctive and special, and it's what attracts visitors. Basically, it's what makes Fife, Fife, and importantly, it plays a pivotal role in delivering a range of wider desirable outcomes that are social, economic and environmental.

The historic environment has the potential to play a key role in helping to meet Fife's social and economic challenges, creating vibrant, distinctive and sustainable places where people can live safe, healthy and active lives. The historic environment is not just the buildings and structures around us, but to a large extent is also the repository of our culture and identity, contributing greatly to place-making. Its value is wide-ranging: beyond the architectural and aesthetic it contributes to the local and regional economy, provides skills and employment, supports health and wellbeing, and contributes to the environmental quality of place/s. Examples of benefits arising from past historic environment projects in Fife include:

- Improvement in the condition and appearance of Fife's town centres
- Contribution to Fife's historic environment and tourism appeal
- Addressing climate change through the preservation (repairs and maintenance) of traditional buildings and the protection of their embodied carbon
- Improving people's understanding and enjoyment of Fife's historic environment through learning and interpretation projects
- Creating traditional skills training and employability initiatives
- Securing investment to support jobs in the construction sector
- Improvements to housing in local communities
- Development of workspaces for offices and for artists/ creative industries
- Grant support for householders and businesses across Fife
- Building community capacity in towns and villages across Fife, supporting social enterprises and activities
- Development of new enterprises, e.g. tourist accommodation, generating annual income and contributing to Fife's economy

Good stewardship of the historic environment can help to address issues relating to energy conservation, sustainability and economic and social well-being. Tourism and the re-use of buildings makes a significant contribution to economic regeneration. The historic environment also offers many opportunities for education, recreation and active participation. However, there are also negative social and economic impacts when the historic environment is under-used and in poor condition – including examples of buildings being de-listed due to neglect - and where historic buildings are vacant and are felt to be at the end of their lives. Fife a disproportionately high number of buildings on the Buildings at Risk Register (200 buildings) and some conservation areas could also be said to be at risk. It is considered that the patronage or 'draw' of the historic environment has an unequal distribution across Fife, for example the healthy visitor economy in St Andrews and the East Neuk is in part attributed to the quality of the historic environment, while other areas, with equally strong historic characteristics, perform less well. Town centre vacancy rates vary across Fife. It is important to ensure that the historic environment is made more inclusive, so that it is accessible to and benefits everyone in our communities.

4.2 Fife Council and Fife Historic Buildings Trust Partnership

Fife Council and Fife Historic Buildings Trust (FHBT) have a long-standing partnership, working to establish a proactive approach to harness the potential of the historic environment, address the problems of historic

buildings at risk in Fife and deliver heritage-led regeneration in communities across Fife. This partnership is set out in a formal Collaboration Agreement, which aims to secure an effective strategic partnership approach, maximise the use of joint resources and expertise, and develop an appropriate delivery mechanism for the protection and enhancement of the historic environment in Fife.

Since 1997, Fife Council and FHBT have delivered a significant number of heritage-led regeneration projects, and it is estimated that over £40million of investment has been made to historic properties and streets in town centres across Fife.

This highlights Fife Council and FHBT's strong track record of working with a range of heritage funders, including Historic Environment Scotland (HES) and the National Lottery Heritage Fund (NLHF). For example, Fife Council and FHBT have delivered a number of Conservation Area Regeneration Schemes (a HES programme) and Townscape Heritage/ Initiatives (a NLHF programme), most recently in Kirkcaldy, Anstruther, Cupar and, currently, Inverkeithing. Other historic building and heritage engagement projects, delivered in partnership with community and third-sector organisations, include Ladybank, Lochgelly and Leven. Fife Council and FHBT are keen to continue to work constructively with funders on a wide range of heritage projects to achieve mutually beneficial outcomes.

5. Scope of Commission

This is a joint commission from Fife Council and FHBT. The scope of the commission is as follows:

1. A qualitative and quantitative evaluation of the social, environmental and economic benefits of the historic environment in Fife;
2. A qualitative assessment of the barriers to investment in Fife's historic environment;
3. A qualitative and quantitative assessment of the consequences of not investing in the historic environment in Fife; and
4. An Historic Environment Strategy including a long term vision and agreed priorities for the next 5 years for investment in the historic environment, including the evidence to support bids for funding in the same period. A 5 year timeframe, allowing for future review and update in-house, is envisaged to take account of the current transitional post-covid period.

Note, all references in this brief to consultants encompass lead consultants and any sub-contractors.

5.1 A qualitative and quantitative evaluation of the social, environmental and economic benefits of the historic environment in Fife

Consultants are required to prepare a social, environmental and economic evaluation of the historic environment in Fife, to inform the development of a business case for investment in Fife's historic environment. A programme of research is required that will be presented as a report that characterises and quantifies the contribution of the historic environment to the Council's, and to FHBT's, wider social, environmental and economic objectives.

The social, environmental and economic evaluation should:

- Briefly note current policy and best practice in the management of the historic environment;
- Outline the contribution of the historic environment to the wider socio-economic-environmental policy agenda through case studies (from Fife and elsewhere);
- Quantify and characterise the contribution of Fife’s historic environment to wider social, economic and environmental outcomes and ambitions, considering as part of this the value of existing assets in meeting carbon reduction targets;
- Appraise and quantify the direct and indirect economic benefits of successful projects involving the historic environment both in Fife and elsewhere;
 - The study should not be limited to a review of investment in Fife – it should consider applicable projects outside of Fife to develop an understanding of what could be achieved in Fife
 - The study should consider, but not be limited to, Conservation Area Regeneration and Townscape Heritage Schemes, as it is anticipated that the findings of the report will provide a future case for support in terms investment in the regeneration of Fife’s historic town-centres and conservation areas
 - Similarly, the opportunities for added benefit that might accrue from the mainstreaming of historic environment thinking in projects currently in development in Fife, such as the River Leven Sustainable Growth Agreement, the Heart of Dunfermline: Abbey Complex Regeneration Project and the Inner Forth Futures, should be explored
 - The study should review case studies of projects in aspects of the historic environment that have seen less investment in Fife including industrial and agricultural heritage, 20th Century heritage, cultural heritage and marine heritage.
- Apply the Natural Capital and Ecosystem Services approach to the historic environment setting out (and quantify) the nonmaterial benefits for people, places and communities of investment in the historic environment.

5.2 A qualitative assessment of the barriers to investment in Fife’s historic environment

A key aim of the Historic Environment Strategy will be to develop an updated and shared approach towards investing in Fife’s heritage. Whilst the value of Fife’s historic environment and its value is recognised in some areas because of its importance to Fife’s tourism industry and town centre regeneration, community wellbeing and cohesion; in other areas there is a perception that the value of heritage is not recognised. This can be seen in part through the high number of Fife buildings on the Buildings at Risk Register for Scotland.

Understanding other stakeholders’ views of heritage will be important element of developing the Historic Environment Strategy. Therefore, as part of the research underpinning the study, interviews with key stakeholders should be undertaken to develop an understanding of:

- The motivations for investing in Fife’s historic environment; and
- The reasons why investment does not take place including identifying both negative perceptions of the historic environment and actual barriers to investment.

5.3 A qualitative and quantitative assessment of the consequences of not investing in the historic environment in Fife

The Historic Environment Strategy will need to set out the effects of a 'do nothing' option. Therefore, it is important for Fife Council and FHBT to have a fuller understanding of the consequences of not investing in Fife's historic environment. In assessing this the study should:

- Consider the socio-economic impacts of reducing the number of heritage assets at risk (for example, the high number of Fife buildings on the Buildings at Risk Register for Scotland);
- Include quantitative and qualitative analysis of the disbenefits that arise from under-investment in Fife's historic environment, highlighting the key market failures (underperforming/underutilised assets) across the historic environment quantifying the economic impact/latent potential, referencing case studies from inside and outside of Fife.

5.4 An Historic Environment Strategy for the next 5 years for priorities and investment in the historic environment

The consultants will be expected to work with Fife Council and FHBT to develop a long-term vision for Fife's historic environment taking into account the context, challenges and opportunities arising from the research in 5.1 to 5.3.

The strategy should:

- Summarise the context, challenges and opportunities arising from the research in 5.1 to 5.3
- Set out a strategic vision for Fife's Historic Environment, identifying appropriate strategic aims;
- Identify the means to help protect and enhance heritage assets and realising the benefits of Fife's heritage;
- Help to prioritise interventions and projects protecting and making use of the Fife's heritage;
- Identify priorities for bids for future funding and support to protect and enhance the historic environment;
- Include policy priorities and asset promotion;
- Highlight themes, assets/places or initiatives with the potential to have significant future social, economic and environmental impact;
- Consider the role of the historic environment in post-Covid regional economic recovery;
- Set out a programme of costed actions covering the five years from the date of the final report;
- Recommend a framework for joint working and decision making to deliver these.

6. Methodology

Tenders are required to set out the methodology for undertaking the commission. It is expected that the methodology will:

- Analyse a range of socio-economic impacts analysed referencing the most up to date objectives and outcomes frameworks of Fife Council, national bodies and major heritage funders, and take into account economic, social (e.g. wellbeing), and environmental (e.g. sustainability and climate change) impacts;
- Provide added-value to existing knowledge and understanding by considering the benefits and impacts of investment in the historic environment at scales local to the historic assets reviewed –

generic data on the benefits of the historic environment is already published by bodies such as Historic Environment Scotland and Historic England; and

- Include engaging with key stakeholders including national historic environment bodies and funders, local interest groups and heritage/historic environment organisations, and organisations responsible for heritage assets across Fife (including other services within Fife Council), in particular to develop understanding of the perceptions of Fife's historic environment and the barriers to investment.

The findings of the research should be presented to the council and FHBT. It is expected that:

- The contractor will present a summary of the key findings of their research in a presentation to key Council and FHBT stakeholders (this could be in person or delivered remotely);
- A written report will be provided, produced in a format which will be of interest and use to both specialists and non-specialists alike;
 - Incorporating an executive summary of findings
 - Including a standalone short, visual summary with images/infographics or similar to illustrate the key findings in an engaging and accessible way for all
 - Present the findings in a way that can be easily applied to quantifying the benefits of investing in Fife's historic environment

7. Timetable

Anticipated start date: 2 weeks from appointment.

Fee proposals should include a suggested programme and timescale for the works. The final report should be completed by March 2022, with dates to be agreed for completion of drafts of the social, environmental and economic study, and the Historic Environment Strategy.

8. Consultant Specification

- Demonstrable experience of similar socio-economic analysis of the historic environment and historic environment strategy development
- Experience of working with local authorities and third sector organisations
- Good client relationship building skills
- Good communication skills including the ability to engage with a wide range of stakeholders

9. Fee Proposals

Details of submissions should be treated as private and confidential. The form of the submission should be as follows:

- Firm's name, address and contact details
- Name of Director/Partner in charge and contact details
- Name and address of any sub-contractors
- Details of approach to the project (methodology) including an outline Project Plan with timescales and milestones

- A budget breakdown – **to be provided in a separate, clearly marked email**
- Project management structure and CVs of key personnel including details of the experience of the individual(s) who will directly undertake the work, and examples of previously completed projects for which he or she was responsible. If any part of the work is to be sub-contracted, this should be clearly specified and full details of sub-contractor's relevant experience provided
- Copy of current Public Liability / Professional Indemnity documents
- List of similar projects designed and completed by firm (and sub-contractors)
- Contact details for three references from similar projects completed by firm
- Any other project specific information in support of the firm's submission

A lump sum fee is envisaged – there is a budget of £20,000 excl. VAT for this work. Any additional work/costs excluded from the fee should be clearly noted.

A fee payment timetable will be agreed upon appointment based around key milestones in the commission. The fee payments should include allowance for 10% of the fee retained for up to two months following completion of the final draft to allow for any minor corrections to be addressed upon completion.

10. Assessment of Submissions

The submission is to be sent electronically to the Principal Contacts by 5pm on 8th October 2021.

We are not bound to accept the lowest or any offer of Tender. Tender submissions will be assessed on an 80% Quality/ 20% Price weighting.

Quality Assessment Criteria (80%):

- Relevant experience: To evaluate this criterion, consideration will be given to the evidence shown of previous relevant experience of delivering similar projects, which should be described.
- Project team: To evaluate this criterion, consideration will be given to the evidence shown of the skills and suitability of the firm/project team to deliver a project of this type.
- Methodology: To evaluate this criterion, consideration will be given to the details provided in your methodology statement including, but not limited to, awareness of issues and source materials, method of working, data review and collection, stakeholder engagement, programme and timescales etc.

11. Liaison

The consultant appointed will be required to liaise with the Principal Contacts on a day to day basis. The consultant will engage with project stakeholders including Fife Council and FHBT staff, National bodies, local interest groups and built heritage organisations etc. as required.

Input from Council professionals covering heritage, place, regeneration, economic development and town-centres will be available. However, delivery of the required product, on time, and to a standard acceptable to the Council, will be the responsibility of the contractor

12. Presentation of Reports and Documents and Copyright

Copies of all reports are to be submitted to the Principal Contacts in electronic format via email or similar.

All rights including copyright to reports, images, specifications and interpretation whether in writing or electric form must be assigned to Fife Council. Intellectual copyright will remain with the original author.

13. GDPR

13.1 Fife Council, FHBT and the Consultant are independent Data Controllers and therefore must ensure that any Personal Data collected or processed as part of this commission complies with the General Data Protection Regulation/the Data Protection Act 2018 (“Data Protection Legislation”).

13.2 In the event that the Consultant is a Data Processor of the Personal Data processed as part of this commission then, on appointment, they will be deemed to be a Data Processor for Fife Council and the Data Processing Schedule (Appendix A) shall be completed and deemed to be applicable.

13.3 “Personal Data”, “Data Controller”, “Data Processor”, “processing”, “Data Subject”, and “Supervisory Authority” shall have the meanings ascribed to them by the Data Protection Legislation as in force (and related terms such as “process” shall have corresponding meanings).

13.4 How we use your information: Fife Council and Fife Historic Buildings Trust will use your information to manage this commission and may share your information with our delivery partners and grant funders for administration purposes. Further information on how your information is used and why can be found here:

[Privacy Policy | Fife Council](#)

[Privacy Notice for those interested in and working with FHBT - Fife Historic Buildings Trust](#)

14. Further Information

Relevant documents and reference material (this is not an exhaustive list):

- FIFEplan 2017 (www.fife.gov.uk/kb/docs/articles/planning-and-building2/planning/development-plan-and-planning-guidance/local-development-plan-fifeplan)
- Fife Strategic Assessment 2017 (publications.fifedirect.org.uk/c64_StrategicAssessment2017final.pdf)
- Plan 4 Fife Local Outcome Improvement Plan 2017-2027 (our.fife.scot/wp-content/uploads/sites/8/2019/10/Plan_for_Fife_2017_2027_June19-1.pdf)
- The Place Standard Tool (www.healthscotland.scot/health-inequalities/impact-of-social-and-physical-environments/place/the-place-standard-tool)
- Scottish House Condition Survey (www.gov.scot/collections/scottish-house-condition-survey/)
- Review of Estimates of the Economic Impact of Scotland’s Historic Environment (www.historicenvironment.scot/media/3916/economic-impact-ecorys.pdf)
- Our Place in Time, Scotland’s strategy for the historic environment (www.historicenvironment.scot/about-us/who-we-are/our-place-in-time/)

- Scotland's Historic Environment Audit (www.historicenvironment.scot/advice-and-support/planning-and-guidance/scotland-s-historic-environment-audit/)
- Historic Environment Policy for Scotland (HEPS) and the underpinning guidance notes including the Managing Change guidance (<https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/historic-environment-policy-for-scotland-heps/>)
- Historic Environment Scotland Heritage For All: Corporate Plan 2019 Onwards (<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=1f65f457-a602-4ddc-af61-aa2500933d61>)
- Historic Environment Scotland, Traditional Building Skills Strategy 2011 <https://www.historicenvironment.scot/media/3359/traditionalbuildingskills.pdf>
- National Lottery Heritage Fund Strategic Funding Framework 2019-2024 (www.heritagefund.org.uk/about/strategic-funding-framework-2019-2024)
- Heritage, Health and Wellbeing – A Heritage Alliance Report (www.theheritagealliance.org.uk/wp-content/uploads/2020/09/Heritage-Alliance-AnnualReport_2020_Online.pdf)
- Cultural Heritage Counts for Europe (<http://blogs.encatc.org/culturalheritagecountsforeurope/outcomes/>)
- The economic, social and environmental benefits of stimulating repairs and improvements to the Scottish built environment to aid a green recovery from Covid-19 (February 2021, Fraser of Allander Institute University of Strathclyde Business School) <https://fraserofallander.org/wp-content/uploads/2021/02/2021-02-The-economic-social-and-environmental-benefits-of-stimulating-repairs-and-improvements-to-the-Scottish-built-environment-to-aid-a-green-recovery-from-Covid-19-1.pdf>
- Heritage and the Economy (Historic England) <https://historicengland.org.uk/research/heritage-counts/heritage-and-economy/>
- Heritage and Society (Historic England) <https://historicengland.org.uk/research/heritage-counts/heritage-and-society/>
- Heritage and the Environment (Historic England) <https://historicengland.org.uk/research/heritage-counts/heritage-and-environment/>
- Carbon in the Built Historic Environment (Historic England)
 - (1) <https://historicengland.org.uk/research/heritage-counts/2019-carbon-in-built-environment/carbon-in-built-historic-environment/> &
 - (2) <https://historicengland.org.uk/research/heritage-counts/2020-know-your-carbon/reducing-carbon-emissions-in-traditional-homes/>
- Heritage in commercial use (Historic England) <https://historicengland.org.uk/research/heritage-counts/2018-heritage-in-commercial-use/>

Appendix A

Template Data Processing Schedule (please note that this is included for information only at this stage. Once appointed, the successful tenderer may be required by Fife Council to complete this in line with Section 13 above.)

DATA PROCESSING SCHEDULE

Statement of Personal Data to be processed by the Contractor under this contract.

DATA PROCESSING SCHEDULE

****DELETE ALL THE FOLLOWING IF NOT APPLICABLE TO THE REQUIREMENT****

Statement of Personal Data to be processed by the Contractor under this contract.

The data processing activities carried out by the Contractor under this Contract are as follows:
1. Subject matter
[Insert subject matter for example, to carry out a payroll service on behalf of the Council]
2. Duration:
[Insert specific duration, or for duration of the contract between the Council and the Contractor dated [insert date]
3. Nature and purpose:
[Insert description of the nature and purpose of the processing, for example, to administer and host the payroll service]
4. Types of Personal Data
[Insert details of all the types of personal data the contractor will be required to process.]
5. Data subjects
[Insert information about the person/people regarding whom the data is held (and therefore have rights to know what data about them is held), e.g. using the payroll example the data subjects would be Fife Council employees / anyone who is to be paid by the payroll.]
6. Outputs:
[Insert what will be achieved as a result of the data being processed, e.g. using the payroll example the output is that employees will be paid the right amount, to the right place at the right time.]

Processing conditions

The following conditions shall apply to the said data processing:

1. DATA PROTECTION

1.1 The parties acknowledge that Fife Council (“the Council”) is the Data Controller and the Contractor is the Data Processor in respect of any Personal Data which is either provided to the Contractor by the Council, is accessed by the Contractor on the authority of the Council or is otherwise received by the Contractor on the Council’s behalf, in connection with the performance of the Services.

1.2 In construing this Clause (as defined below) the following expressions shall have the meaning set out opposite:

“Data Protection Legislation” means any applicable law relating to the processing, privacy and use of Personal Data applicable to the Council and/or the Contractor including the Regulation of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, the General Data Protection Regulation (2016/279) and/or any corresponding or equivalent national laws or regulations, once in force and applicable including the Data Protection Act 2018 and includes any judicial or administrative interpretation of them, any guidance, guidelines, codes of practice, approved codes of conduct or approved certification mechanisms issued by any relevant Supervisory Authority including the UK Information Commissioner;

“Personal Data”, “Data Controller”, “Data Processor”, “processing”, “Data Subject”, and “Supervisory Authority” shall have the meanings ascribed to them by the Data Protection Legislation as in force (and related terms such as “process” shall have corresponding meanings).

2. In respect of any Personal Data which the Contractor processes on behalf of the Council, the Contractor hereby warrants –

2.1 That the processing will be subject to reasonable and appropriate technical and organisational measures in relation to the Council’s Personal Data i) such that the processing will meet the requirements of the Data Protection Legislation and ensure the protection of the rights of Data Subjects and ii) so as to ensure a level of security in respect of the Personal Data processed by it appropriate to the harm which might result from any processing (and having regard to the nature of the Personal Data which is to be protected), in particular from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to the Personal Data transmitted, stored or otherwise processed;

2.2 That it will only process such Personal Data solely for the purposes of carrying out the Contract and in accordance with documented instructions from the Council and for no other purpose or manner except with the express written consent of the Council;

2.3 To obtain the prior written consent of the Council in order to transfer the Personal Data to any sub-contractors for processing and, if written consent is granted, ensure that the sub-contractors are made aware of its obligations in terms of this Clause and require that they enter into a similar written contract with the Contractor;

2.4 To notify the Council immediately and within 48 hours of becoming aware of any breach of the Data Protection Legislation including, but not limited to, an actual, potential or attempted breach and to provide all reasonable assistance to the Council in relation to this matter;

- 2.5 To ensure that:
 - 2.5.1 all staff who are involved in processing Personal Data on behalf of the Council receive the appropriate training in Data Protection Legislation and procedures relating thereto and the Contractor keeps appropriate records of such training received by staff and contents of all courses;
 - 2.5.2 no other agents or employees of the Contractor are given access to the Council's Personal Data;
 - 2.5.3 all staff who fall within clause 2.5.1 are informed of the confidential nature of the Council's Personal Data and comply with the obligations set out in this clause and are bound by appropriate obligations of confidentiality;
 - 2.5.4 none of their personnel publish, disclose or divulge whether directly or indirectly any of the Council's Personal Data to any third party unless directed to do so in writing by the Council;
- 2.6 To provide a written description of the technical and organisation methods employed by them for processing Personal Data (within the reasonable timescales required by the Council);
- 2.7 To provide reasonable assistance, information and co-operation to the Council in complying with its obligations relating to data security, breach notifications, data protection impact assessments and related prior consultation procedures taking into account the nature of processing and the information available to the Contractor;
- 2.8 To not transfer or disclose any of the Council's Personal Data outside the European Economic Area or to an international organisation without the express prior written consent of the Council, unless required to do so by Union or Member State law to which the Contractor is subject; in such a case, the Contractor shall inform the Council of that legal requirement before processing, unless that law prohibits such information on important grounds of public interest;
- 2.9 To notify the Council within five business days (and assist the Council in relation to these matters) if it receives a request from a Data Subject to have access to that person's Personal Data or a complaint or other request relating to the Council's obligations under the Data Protection Legislation;
 - 2.10 Immediately inform the Council if, in the Contractor's opinion, a documented instruction from the Council infringes the Data Protection Legislation.
3. Personal Data which the Contractor processes on behalf of the Council will at all times remain the property of the Council.
4. The Contractor shall securely delete or return to the Council, at the Council's written request, all the Council's Personal Data in its possession or under its control upon termination of the Contract within such reasonable timescales as may be prescribed by the Council and securely delete existing copies unless the Contractor is required by law to retain it (and to only retain it for that specific timeframe and for that purpose). All processing by the Contractor will end except for any processing required by law or which is necessary to bring the contract to an end.

5. The Council may, subject to giving reasonable prior notice and ensuring the minimal disruption to the Contractor's business, undertake an audit of the Contractor's data processing facilities, procedures and policies in order to ascertain compliance with the terms of this Clause.
6. In the event of receiving a request for any information pursuant to the Freedom of Information (Scotland) Act 2002; the Freedom of Information Act 2000 or the Environmental Information (Scotland) Regulations 2004, not to respond to the person making such request but to inform the Council within two (2) working days, and assist the Council with all such requests for information which may be received from any person within such timescales as may be prescribed by the Council.
7. The Contractor shall indemnify the Council against all losses, liabilities, damages costs, expenses, claims and others actions arising directly or indirectly out of a breach of this clause by the Contractor.