



The National Records of Scotland
Preserving the past Recording the present Informing the future

The Public Records (Scotland) Act,
2011

Section 61 Code of Practice on Records Management (FOISA 2002)

“Any freedom of information legislation is only as good as the quality of the records to which it provides a right of access. Such rights are of limited use if reliable records are not created in the first place, if they cannot be found when needed, or if the arrangements for their eventual archiving or destruction are inadequate.” *(s61 Code of Practice)*



Historical Abuse Systemic Review

Residential Schools and Children's
Homes in Scotland 1950 to 1995

An independent review led by **TOM SHAW**

Why the Need?

- Keeper's Review
- Problems across other sectors
- Strong moral argument
- Good governance
- Information depends on records
- How will it help FOI?

What Will the Act Do?

- Manage better what exists
- Apply to named public authorities
- Private and voluntary sector
- Function versus service
- PR(S)A schedule differs from FOISA
- Not keeping everything

The Keeper's Duties

- Prepare:-
 - Model Records Management Plan
 - Guidance
- Consult:-
 - Stakeholders
 - Develop Forum
- May provide wider information

Public Records (Scotland) Act 2011

S.8 Model records management plan

- (1) The Keeper must prepare and publish a model records management plan.*
- (2) Before publishing the model records management plan under subsection (1), the Keeper must—*
 - (a) consult the following on a draft of the plan, namely—*
 - (i) each authority, and*
 - (ii) such other persons (if any) as the Keeper considers appropriate,*
 - and*
 - b) have regard to any views expressed in response to the consultation.*
- (3) Authorities must, in preparing and revising their records management plans for the Keeper's agreement, have regard to the model records management plan published under this section.*

Model Records Management Plan (RMP)

- Identify person at senior level who has overall strategic responsibility for records management
- Identify individual within the organisation, answerable to senior management, to have operational responsibility for records management within the organisation

Model Records Management Plan (RMP)

- Records Management Policy/ Strategy document.
- Business Classification or File plan
- Retention and disposal schedules
- Destruction arrangements

Model Records Management Plan (RMP)

- Archiving policy and transfer arrangements
- Information security policy
- Data protection policy
- Business continuity plan, including vital records policy

Model Records Management Plan (RMP)

- Retrieval and tracking procedures
- Competency framework for records management staff
- Assessment and review procedures – self-assessment, peer assessment, sectoral assessment

Model Records Management Plan (RMP)

- [Optional] Strategy for development, procurement and implementation of an EDRMS

Guidance on the Content of the RMP

Part 1 Section 9 GUIDANCE

(1) THE KEEPER MAY ISSUE GUIDANCE TO AUTHORITIES ABOUT THEIR DUTIES UNDER THIS PART.

(2) THE KEEPER MAY ISSUE DIFFERENT GUIDANCE UNDER SUBSECTION (1) IN RELATION TO DIFFERENT AUTHORITIES.

(3) BEFORE ISSUING GUIDANCE UNDER SUBSECTION (1), THE KEEPER MUST—

(A) CONSULT THE FOLLOWING ON A DRAFT OF THE GUIDANCE,

NAMELY—

***(I) SUCH AUTHORITIES AS THE KEEPER CONSIDERS
WILL BE AFFECTED BY THE GUIDANCE, AND***

***(II) SUCH OTHER PERSONS (IF ANY) AS THE KEEPER
CONSIDERS APPROPRIATE, AND***

***(B) HAVE REGARD TO ANY VIEWS EXPRESSED IN RESPONSE TO THE
CONSULTATION.***

***(4) AUTHORITIES MUST HAVE REGARD TO ANY GUIDANCE ISSUED BY THE KEEPER UNDER
SUBSECTION (1).***

Guidance on the Content of the RMP

- **Section 61 Code of Practice on Records Management (*FOISA*)**
- **Archives and Records Management Services (*ARMS*) – Self Evaluation guidance**
- **Scottish Retention Schedule Project (*SCARRS*)**
- **The Model Action Plan (*MAP*) (*FOISA*)**

What Impact on the roles of the Keeper and the Commissioner?

- Model Publication Scheme (*FOISA*) / Model Records Management Plan (*PR(S)A*)
- Memorandum of Understanding (*FOISA section 44 – Practice Recommendation*)

Timetable

- Forum (6 months)
- Drafts of Model RMP etc. (end 2011)
- Formal Consultation (2012)
- Commencement (Jan 2013)

Public Records (Scotland) Act 2011

“The bill seems to have a real strength, in that it is truly enabling. It is written in such a way as to allow a developmental process, which involves the providers, the local authorities and anyone else who is in the business of making records to be part of the development... Over time, that allows the prospect of continuing practice improvement.” (Tom Shaw, 19 Jan 2011)