



Consultation response

Proper arrangements for archiving public records

Submitted 10 March 2016

Below is the Commissioner's response to a consultation by National Records of Scotland on proposals for new guidance. The consultation can be viewed at the following link:

<https://consult.scotland.gov.uk/national-records-of-scotland/archiving-public-records>

The Commissioner's response was submitted via Citizen Space.

Information about you

Organisation/Group name*: Scottish Information Commissioner

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Organisation/Group postcode**: KY16 9DS

Organisation/Group contact name*: Margaret Keyse

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Publish this response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise? Yes

Consultation Questions

1. Do you agree that the proposed supplementary guidance is necessary?

Yes

Please set out your reasons:

The Scottish Information Commissioner is responsible for enforcing access to public information through the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (EIRs) (collectively referred to as FOI). Given the overlap between the bodies which are subject to FOI and to the Public Records (Scotland) Act 2011 (PRSA), she supports any initiative which helps bodies which are subject to the PRSA manage their archival records and make information available to the public.

The importance of record keeping to meeting FOI duties is recognised by FOISA. Section 61 requires the Scottish Ministers to issue a Code of Practice on Records Management by Scottish public authorities under FOI (the “Section 61 Code”). The Section 61 Code recognises, “good records management is essential for the effective and efficient answering of FOI requests. Indeed, the cost of answering a request under FOI in terms of time and resources will often be determined by the quality of the information management within an authority.”

FOI applies to information held by a Scottish public authority regardless of the age of the information. While most information requests are for “current” information, some requesters are more interested in older information which may well form part of the authority’s archive. The information must still be located and, unless exempt from disclosure, disclosed within 20 working days. (The 30 working days for responding to requests held by the Keeper on behalf of another body does not apply to the types of archives this guidance is aimed at.) The better the archive, the easier it will be to comply with FOI. The Commissioner therefore welcomes the new guidance proposed by the Keeper.

2. Will the proposed supplementary guidance assist your authority in archiving records?

Not Answered

Please set out your reasons:

3. Do you agree with the five arrangements an authority should consider when identifying a system for archiving their records?

Not Answered

Please set out your reasons:

4. Does the guidance provide a clear explanation of the standards public authorities are required to meet when archiving records?

Not Answered

Please set out your reasons:

5. Do you think the guidance will have any unintended consequences for public authorities subject to the 2011 Act?

Not Answered

Please set out your reasons:

6. Do you have any other comments on the proposed guidance?

Not Answered

Further Comments:

7. In relation to Equality Impact Assessment, please tell us about any potential impacts, either positive or negative, that you feel this guidance may have on any particular groups of people.

Contact us

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