

Section 61 Code of Practice on Records Management – consultation response



November 2011

I welcome this opportunity to submit my views to the Scottish Ministers on the proposed revised Section 61 Code of Practice on Records Management.

As Scottish Information Commissioner, I have the statutory duty to ensure compliance by Scottish public authorities with the provisions of the Freedom of Information (Scotland) Act 2002 (FOISA). As part of this, I am charged to promote the following of good practice by those authorities with this Code of Practice on Records Management.

The Freedom of Information (Scotland) Act 2002 (FOISA) imposes a requirement (at section 61) upon Scottish Ministers to issue such a Code of Practice:

“...providing guidance to Scottish public authorities as to the practice which it would, in the opinion of the Scottish Ministers, be desirable for the authorities to follow in connection with the keeping, management and destruction of the authorities’ records.”

I am supportive of the revisions to the Section 61 Code of Practice. I note that account has been taken of the changes brought about by the Public Records (Scotland) Act 2011 and that the revised Code reflects the good practice developed in the review of the Section 46 Code of Practice for the Freedom of Information Act 2000.

The explicit references to electronic records in the Section 61 Code should bring to an end any dubiety about its scope.

I am pleased to commend this revised Code of Practice.

Kevin Dunion
Scottish Information Commissioner

For more information contact:

The Scottish Information Commissioner
Kinburn Castle, Doubledykes Road, St Andrews KY16 9DS
T: 01334 464610
F: 01334 464611

enquiries@itspublicknowledge.info
www.itspublicknowledge.info