

Public Records Act Stakeholder Forum: June 2011

1. Introduction

The NRS invited a group of stakeholders to discuss the implementation of the new Public Records Act for Scotland in Edinburgh on 30/06/2011.

These informal notes are intended to give DPC members an informal briefing. They are not intended as an official record.

2. George MacKenzie

New Public Records Act has received royal assent and NRS wants to ensure enduring improvement in records keeping and the initiative comes from the Shaw Report and scandals relating to records about children in care. The mix of big and small organisations covered by the act makes it hard to develop tools and services which will be generic enough to fit all of them but specific enough to be useful. The act impacts on all public authorities and a range of contracting authorities and the voluntary sector and therefore there is little chance of a one-size-fits-all approach. The core is defining reasonable terms through the model records management plan. The Keeper has new responsibilities to provide a model plan and associated guidance and to consult on this. For example there is a range of existing expertise and it might be sensible to point to these rather than to try to re-write it. Dialogue is essential at this stage. This group will meet approximately twice and will do a lot of work remotely. By the end of 2011 the drafts of the model plan should be complete, with formal consultation for 12 weeks starting in Jan 2012. Hopefully this preliminary process will mean that consultation does not create many changes. The act would then be fully implemented by Jan 2013. There will be costs associated with the implementation of the Act – but less cost than mismanagement which results in crisis and inefficiencies. Long term benefits are sought in order to protect rights through time. Reliable information is essential for good governance. The passing of the Act is a ‘corner turned’.

3. Bruno Longmore, Government Records Branch of NRS

Bruno introduced the act by reviewing the responsibilities of the keeper. This includes providing guidance including a model record management plan which must be published based on consultation. These 2 elements work together. A draft model records management plan has been prepared which has 14 broad areas.

Authorities must ...

- identify a person at a senior level with responsibility for records management
- identify an individual with operational responsibility for records management
- have a records management policy or strategy document
- have a classification or file plan which explicates the functions of an organisation
- have a retention and disposal schedule to ensure that the right records are maintained.
- have appropriate destruction arrangements
- have a transfer and archiving policy for long term records
- have an information security policy
- have a data protection policy
- have a business continuity plan pertaining to vital records
- have retrieval and tracking procedures (but not necessarily an EDRMS)
- have a competency framework for records management staff
- have assessment and review procedures
- have a strategy for procurement and implementation of an EDRMS – this one is optional

4. Hugh Hagan, NRS

The records management plan will also need guidance to support different elements of the plan and also clarify issues for different sectors and situations. There is already a range of guidance – FOISA Model Action Plan, Data Protection Code of Practice for example - and it seems sensible to include this. It may be necessary to create new and entry level guidance on the nature and scope of records management, though this may well be packaged from existing publications from IRMS, TNA and JISC for example which may need to be glossed for this context. There is quite specialist advice and content from groups like the Scottish Council on Archives Records Retention Schedule which are freely available and which can be repackaged for the purposes of

developing a records management plan for compliance with the act. Most of this will need some sort of review or gloss before it can formally be recommended, and the expertise within the forum will be able to help too. Archives and records management services in Scotland have been reviewed recently by the Scottish Council of Archives and provides a toolkit for quality improvement in the sector. Such tools are important because the act is a developmental process which will improve the nature and organisation of records.

5. Comments after this session

- Already a lot of regulation around the private and voluntary agencies involved in provision of services to central and local government. Need to bring these into the consultation process and need to see enhancement in these sectors too. May be opportunities to reduce or make more efficient the records keeping in agencies, especially duplication between public authorities and contracting authorities
- Quite easy to draw up a plan for one agency: much harder when we need to share information between agencies when there is duplication and/or differences in retention and deletion. Partnership working ought to bring efficiencies but that has been hard to achieve.
- **WK: what about outsourced data management IE cloud computing, backup and replication?**
- GIRFEC? A guidance note on better sharing of data for children in care. Relevant to this work.
- public authorities that contract out their work to the independent sector. The development and delivery of a file plan will be very different and this needs to be worked through.
- Also need to look at other guidance, legislation and advice to ensure the competence and convergence. Care of vulnerable adults, criminal investigations etc etc etc
- There is a silo model within the act and actually the organisations work together much more closely and there is information sharing. Joint information management is possible. The act allows for the development of common plans but actually data sharing
- Records management plans will be open documents and will be constantly updated as the needs and organisations change
- Let's not have 30 different records management plans for 30 different authorities. Compliance with too many plans reduces the practical possibility of delivery of services for independent agencies.
- There is scope for bringing some of the guidance together – like FOISA etc. Information Commissioner's office are interested in this work and remain in dialogue. But there is some divergence in the scope of FOISA and the new Act to apply to different agencies.
- Too much 'additional advice' which is demanding and at times intimidating. Scrutiny and reporting need to be sensible and better as a result of compliance.
- Needs more clarity around the idea of contracting authorities. Tendency will be for local authorities to extend their requirements in order to protect themselves. In fact the Keeper can turn down a plan that is completely wrong in imposing burdens on others. The keepers' advice will be essential for this.

6. About this document

Version 1	Document initiated	30/06/2011	WK
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Version 3	Distributed to DPC informal group	01/07/2011	AB, AH, AS, DM, KL, MT, NG, TG, DM