

National Archives of Scotland
Public Records Legislation Review Group

**Inaugural meeting of NAS Public Records Legislation
Review Group**

8.5.08

Present: Peter Anderson, Bruno Longmore, Hugh Hagan, Susan Corrigan, Jenny McDermott, Laura Mitchell, Jane Brown, David Brown

Apologies: Jenny Cutts

1. Terms of Reference

1.1. The group decided that it would be best to deal with the review in two parts: first looking at the concerns raised by the Shaw report, which would be the driver for setting out authorities' obligations with regard to records, and secondly addressing wider public records issues.

1.2. It was felt by the group that there was a need to address the issue of records held by publicly-funded private organisations/private bodies carrying out public functions, which the Shaw report had highlighted as a particular problem. The group felt that it would be useful to know what approach the Scottish Information Commissioner will be taking with regard to information held by publicly-funded private organisations in freedom of information legislation.

1.3. The group agreed that the consultation questionnaire needs to be structured in order to obtain the necessary evidence to demonstrate any shortcomings in existing legislation and to elicit responses from respondents on the best means of rectifying these. The shortcomings identified by Shaw should be the starting point.

1.4. The group agreed that the terms of reference should be reworded and circulated to the group for comments, then send to the Keeper of the Records of Scotland.

2. Review Overview

2.1. It was agreed that the terms of reference must be very clear on how the review will be undertaken, as it is important to establish that at this stage it is not about drafting new archive legislation. Rather the review will seek to gather evidence about the effectiveness of current legislation.

3. Timeframe and Products

3.1. In reviewing current record-keeping legislation the group should look in detail at those relating to the care of children as illustrative of complexity and extent.

3.2. The Shaw report mentions some overseas public records legislation, and it would be useful to consider these. The group agreed to concentrate on New Zealand, Australia and Canada.

3.3. The Keeper's report must be available in draft form by Christmas. There must be three months allowed for the consultation. The group agreed to keep to the timetable as currently set down, with the consultation period from July to September.

4. Date of next meeting

Wednesday 28th May at 10am in the Robertson Wing meeting room.