

Subject: Currently lost, misplaced or recalled files

FOI reference: FOI/18/00009

Date received: 30 December 2017

Date responded: 01 February 2018

Information requested:

- 1) Titles and reference numbers of all files currently misplaced/lost while out on loan or recalled by public bodies, with the name of the public body in each instance
- 2) Titles and reference numbers of all files currently out on loan or recalled by public bodies, with the name of the public body in each instance, and the dates for when each item was put out on loan or recalled.

NRS Response:

Scope of our response

The Keeper of the Records of Scotland is required to retransmit records, including government files, to public authorities on request under the terms of Section 5(3) of the [Public Records Scotland Act 1937](#). Our response covers all files and other records retransmitted by NRS to public bodies under the terms of Section 5(3) of the 1937 Act.

The 1937 Act also covers court records. Part I of the Act requires the Keeper to retransmit court records to the High Court, Court of Session, Sheriff Courts and Justice of the Peace Courts if such records are required for the purpose of any proceedings in those courts. We have not included details of Court records retransmitted by NRS under the terms of Part I of the 1937 Act in our response, but would be happy to answer any further questions you may have about these.

Furthermore, under certain conditions NRS deposits public records with local archives, mainly under the terms of Charge and Superintendence Agreements. You can find more information about these transfers in our [Policy on the Transfer of Records of Local Interest to Local Custody](#). You will also find details of transferred records in our online catalogue. We have not included these records in our response, but again would be happy to answer any questions you have. Finally, NRS also lends items, mainly for exhibition purposes. At present we have no records on loan for exhibition.

Response to your request

1) Details of all files currently misplaced/lost

No files (or any other records) on retransmission under the terms of Section 5(3) of the Public Records (Scotland) Act 1937, or on loan, have been reported to NRS as currently misplaced or lost by the public bodies they were retransmitted to.

2) Details of all files on loan or retransmitted

Please find attached a spreadsheet containing details of all files (and other records) currently on retransmission under the terms of Section 5(3) of the Public Records (Scotland) Act 1937. The spreadsheet provides details of all records which were on retransmission at the date of your request and which have not subsequently been

returned to NRS. We have not included details of one further file which has been temporarily transferred to Police Scotland. We are unable to provide details of this file until we can confirm with Police Scotland that releasing this information would not prejudice any potential prosecution.

Please note that we have been unable to provide full descriptions of some records on retransmission: specifically, we have not included the names of individuals facing criminal charges which are found in papers retransmitted to the Crown Office and Procurator Fiscal Service. These names, which are not available on our website catalogue, constitute sensitive personal information which is exempt from release under s.38(1)(b) of FOISA.