

# **National Records of Scotland: Consultation on Proper Arrangements for Archiving Public Records**

## **1. Introduction**

The Public Records (Scotland) Act, 2011 (PRSA, 2011) requires public authorities to set out proper arrangements for the management of their records (S4 (3) (b)). These are to be defined by the Keeper (S4(4)). The purpose of the consultation was to gather views from stakeholders and the general public as to the appropriateness of draft Guidance that the Keeper of the Records of Scotland proposed to publish regarding the proper arrangements necessary for archiving the records created by public bodies in Scotland.

## **2. The Consultation**

The consultation was published on the Scottish Government's Citizen Space portal and ran from 18 December 2015 to 14 March 2016. It posed seven questions to ascertain respondents' views on whether the Keeper should issue such Guidance and whether what was proposed was fit for purpose.

## **3. Responses**

There were 35 responses to the survey, as listed at **Annex A**. Two of these were off-line and were edited into the system. Of the total, six came from individuals, four came from professional bodies, one from a private archive and 24 from public bodies. Of these 24, fourteen were from Scottish local authorities or their archives.

One respondent did not wish their response made public, three asked that their views be made public but that their personal details be withheld.

The 34 public responses can be viewed at <https://consult.scotland.gov.uk/national-records-of-scotland/archiving-public-records>.

## **4. Summary findings by question and the Keeper's responses**

What follows is an outline précis of the answers to the seven questions asked in the Consultation, together with the Keeper's responses to the most significant of the observations provided by respondents.

### **Question 1. Do you agree that proposed supplementary guidance is necessary?**

All but one respondent agreed that the guidance was necessary. The sole dissenter took the view that there were already sufficient standards and guidance available.

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

Of the respondents, twenty seven agreed that the guidance would assist their authority, three thought it would not, three did not know, and two gave no answer. Of the three who thought not, two stated that they already intended to pass their records to the Keeper in any case.

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

Thirty three respondents agreed with the arrangements, two gave no answer.

Although agreeing, two respondents pointed out that the guidelines appeared not to cover existing historical records, or at least not explicitly and only by inference. Under Question 2, a third respondent had made a similar point, that the non-public records in local authority care were not mentioned. The Keeper's view is that the Guidance is certainly intended to cover existing records selected for archiving and already preserved in public authority archives before PRSA 2011 came into force. The Guidance will be amended to reflect this.

One respondent, in agreeing with the five arrangements, proposed a regular review of each body's archive facilities to ensure their continuing fitness for purpose. On current resources, the Keeper cannot institute a comprehensive review programme of this sort but his staff will provide advice and guidance to authorities where new services are developing or existing services are facing challenges. In practice his staff, both under the authority of PRSA 2011 and in their role supporting the UK Archives Accreditation programme, are well placed to keep him informed of ongoing developments in Scottish public authority archives.

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

Twenty one respondents thought that the guidance did give a clear explanation of the standards, ten thought that they did not. One did not know, three gave no answer.

Two topics, staffing and digital preservation attracted more critical comments than any others.

Under 'Constitution, Finance and Staffing', and 'Public Access', several respondents wanted the phrases 'properly staffed' and 'appropriately qualified staff' to be clarified. In particular, seven stated, in different ways, that this should mean 'professionally qualified' staff, with diplomas in archives or records management and that the guidelines should not imply that the presence of such staff is optional. The Keeper recognises the need for some clarification on this point and will amend the Guidance

to state that there should be some element of professional staffing in a public authority archive, with individuals holding qualifications in archives and/or records management. Staff directly supervising the public inspection of records need appropriate training but do not need to be professionally qualified provided that they can call on professional support. Two respondents wanted clarity on staffing levels, one pointing to the UK Archives Accreditation standard as providing a model. On this point, the Keeper feels that the current wording in the Guidance at 'Constitution, Finance and Staffing' is already satisfactory and in line with Accreditation requirements.

Nine respondents either here or elsewhere in the consultation commented on the need for more clarity, advice, or a strengthened emphasis on digital preservation and storage. The Keeper is satisfied that the Guidance already accords a proper importance to digital records as an area within records management. The whole subject of digital preservation is currently in such flux, with new issues, methodologies and proposed solutions appearing so frequently, that it is impossible to lay out any one set of prescriptions that would not become rapidly out of date. In this fluid situation, the Keeper has decided to continue the principle of directing readers to the National Records of Scotland website pages on electronic records management. This is meant to provide stakeholders with a reliable first port of call for up-to-date advice and information. He recognises, however, that it would be helpful to make a statement of basic principles governing digital preservation in the Guidance and this will be added to the final version.

Under 'Public Access', four respondents were critical of the ambiguous concept of 'convenient' public access, pointing instead to ideas of consistent, practical and appropriate access. Two respondents argued that the text should state that any copying of records should not override their preservation needs. The Keeper accepts both points and will amend the Guidance accordingly.

Two respondents wanted a tightening of the phrasing on 'Finance' to ensure that 'sufficient' funding was provided. The Keeper accepts this point and will amend the Guidance.

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

Ten respondents thought that there would be unintended consequences, fourteen thought that there would not. Eight did not know, three did not answer.

Nine respondents either on this question or elsewhere, pointed explicitly or implicitly to potential financial or resource implications arising from the Guidance. The Keeper's view is that the Guidance is not intended to put additional burdens on public authorities. In practice, most will be sending their archive records to his

custody. Other bodies, for instance the Scottish local authorities, should already have adequate provision in place for their archives under previous legislation.

One respondent thought that authorities would permanently preserve records when there was no need to do so. The Keeper's view is that this will not happen, provided that they devise and follow a proper Records Management Plan, as required under the Public Records (Scotland) Act, 2011.

#### **Question 6. Do you have any other comments on the Proposed guidance?**

Of the respondents, sixteen had comments, eighteen did not and one did not answer.

The bulk of comments made here were very positive, signalling a general approval of the principles set out in the Guidance.

One respondent made a very detailed and coherent plea for the guidance to require public authorities to consider working together to provide joint facilities, and asking for more emphasis to be placed on collaboration. The Keeper's view was that while he cannot require authorities to do this, the idea is an important one. He will amend the guidance to suggest that authorities should consider such opportunities when establishing facilities but that they should also take into account the needs of their respective audiences.

Another respondent wanted development of guidance on destinations for legacy records of bodies where there is potential for confusion. The Keeper agrees that this is already an issue in the local authority sector and may become a problem elsewhere but considers that it is best addressed by quite separate protocols, to be brokered across the Scottish archives sector. He will be happy to facilitate such discussions.

#### **Question 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?**

All the respondents felt that any equality impacts would be positive. One wondered about issues of location for public access. A brief Equality Impact Assessment (EQIA) had already been drafted before the Guidance was put to consultation and posited no negative impacts. This tentative conclusion has been confirmed by the Consultation responses and these have influenced the final version of the EQIA.

### **5. The Keeper's response to the consultation**

Respondents were overwhelmingly in favour of the Keeper's issuing such Guidance and were generally in favour of the draft proposed. Some of the comments were very generous in their support. A number of additions were proposed and clarifications

sought, however. These have all been considered and several, as discussed in section 4 above, will now be taken into the final version of the Guidance.

## **6. The next steps**

The Keeper would like to thank all those who took the time to reply to this consultation. The guidance, with the amendments arising from suggestions made in this consultation will be published in September 2016.

## **Appendix A –Respondents**

### **Individuals**

Mrs Pam McNicoll

Mark Nixon

(and four anonymous responses)

### **Organisations**

The Records Management Society

Inverclyde Libraries

All Killearn Archive

Stirling Council

Scottish Fire and Rescue Service

NHS Greater Glasgow & Clyde

Creative Scotland

Scottish Borders Council

Ayrshire Archives

Perth and Kinross Council

The Scottish Information Commissioner

Falkirk Council

Skills Development Scotland

Scottish Council on Archives

Inverclyde Information Governance Steering Group

East Lothian Council

The Archives and Records Association

Dumfries and Galloway Council

Archivists of Scottish Local Authorities Working Group

South Lanarkshire Council

North Lanarkshire Council

NHS National Services Scotland

General Teaching Council Scotland

West Lothian Council

Loch Lomond and Trossachs National Park Authority

National Museums Scotland

North East of Scotland Transport Partnership

Scottish Futures Trust

Argyll and Bute Council