

**Freedom of Information Implementation Group**

**Records Management - Update**

**Purpose**

1. To provide a progress report on the section 61 Code of Practice on Records Management and the Model Action Plan which will support the Code. The Implementation Group is invited to adopt the recommendations made in this paper.

**Background**

2. Paper SFOI(2003)1, together with the SFOIIG Records Management Sub-Group Report, was presented to the Group at the meeting on 14 February 2003. Section 7 of the Report made four recommendations supporting the presentation of detailed operational guidance for records management. In particular, the sub-group recommended that the generic version of the Model Action Plan (MAP) be approved and made available by the Scottish Information Commissioner, and that sector-specific MAPs be subject to approval by the Scottish Information Commissioner (SIC) or, failing this, the Keeper of the Records of Scotland. These recommendations were agreed by the Implementation Group (a copy of the recommendations are in the attached annex).

**Section 61 Code of Practice**

3. Following formal consultation of the SIC and the Keeper, as required by section 61 of the Freedom of Information (Scotland) Act 2002, a final version of the Code of Practice on Records Management, incorporating some minor suggested clarifications, will be presented for Ministerial approval and publication in October.

**The Generic Model Action Plan (MAP)**

4. The SIC has also responded to the recommendation that he should publish the generic MAP and approve sector specific MAPs. In the light of his comments, and following discussion with the Keeper, it has been agreed that it would be more appropriate for the Keeper to publish the generic MAP. This would reflect the fact that the SIC had not been involved in the compilation of the MAP and that the Keeper has a statutory consultative role in the issue of practice recommendations by the SIC in relation to the s61 Code of Practice. It would also be in line with practice under the UK FOI Act where it is The National Archives, rather than the UK Information Commissioner, which published the MAP for UK public authorities.

## **Sector-specific MAPs**

**5.** While the Keeper has indicated he would be willing to publish the generic MAP, and that NAS would be happy to provide advice about their MAP to any sector requesting it, he does not feel it would be appropriate for him to endorse sectoral MAPs. Generally, NAS will not be involved in compiling them and the Keeper's approval might imply a guarantee of compliance with the Act and the Code that he is not able to provide. Publication or approval of a MAP is not, of course, a legal requirement under the FOI Act. Accordingly, **the Scottish Executive FOI Unit recommends that:**

- **the Keeper undertakes publication of the generic MAP;**
- **the development of sectoral MAPs be encouraged where appropriate, including with advice from NAS, but that such MAPs are not given formal approval or endorsement;**
- **the section 61 Code of Practice and the generic MAP are revised appropriately to reflect the above.**

## **Conclusion**

- 6. Members are invited to:**
- **note the progress on the section 61 Code of Practice: and**
  - **adopt the recommendations made in paragraph 5 above.**

Secretariat  
Scottish Freedom of Information Implementation Group  
September 2003

**Recommendations contained in section 7 of the SFOIG Records Management Sub-Group Report**

- the generic Model Action Plan, setting out common principles for achieving good records management practice, be made available to all Scottish public authorities as soon as possible to assist them in complying with the Code and the Act;
- the generic MAP is approved and made available to all public authorities by the Scottish Information Commissioner;
- sector specific MAPs be developed by appropriate representative groups as soon as possible after the SIC approves the generic MAP; and
- sector specific MAPs be subject to approval by the Scottish Information Commissioner.