

**SRAC Sub-group on retention and disposal of government records
General Register House, 22 February 2006**

Attended by:

SRAC: Professor Hector MacQueen (Chairman), Professor Roger Davidson, Professor Lynn Abrams and Dr Alison Rosie (Secretary)

NAS: Mr George Mackenzie (Keeper of the Records of Scotland), Dr Peter Anderson (Deputy Keeper), Ms Laura Mitchell and Dr Hugh Hagan (both of Government Records Branch).

Also attending: Professor Ian Levitt, Department of Social Work, University of Central Lancashire and Ms Jenny McDermott of Lothian Health Board Archives

1. Minutes and matters arising

The minutes of the previous meeting were approved with one minor amendment. There were two matters arising:

a. *Freedom of Information*. Queried about the proposed information sheet, Dr Hagan pointed out that there was guidance on the NAS website in various sections and it would be possible to draw this together.

- NAS agreed to look into developing this guidance further.

b. *Dover House files*.

Dr Hagan reported that Government Records Branch (GRB) had visited Dover House in late 2004 but this had been to look at 19th century files relating to private legislation rather than modern material.

- GRB would investigate the status of Scotland Office files stored at Leith.
- Professor Levitt agreed to compose a briefing note which could be used to focus discussion with Dover House on their more recent files. TNA would also have to be involved as Dover House and Scotland Office were UK Departments.

2. Government Records Branch Report, 2005

Dr Hagan took the meeting through his report.

a. *Freedom of Information*

Government Records Branch had been disappointed that, because of staffing difficulties and work generated by Freedom of Information, it had not been able to put into practice the proposed client management programme. The Branch had not received a huge volume of enquiries but a significant number had involved a search of a large number of files. These types of enquiries proved particularly problematic. In cases where information had to be referred back to the Scottish Executive, there had been teething problems with how departments had understood the legislation but this was now moving more smoothly. NAS had, on occasion, been late in responding but

this had been mainly due to hold ups within the Scottish Executive over which the NAS had no control. For example the review of files requested by one of Professor Davidson's own postgraduate students had, he noted, taken several months. Prof. Davidson added that this had been further complicated because the theme under question – haemophilia – had been an item of current interest in the press. He expressed appreciation of the service being provided by NAS in response to FoI enquiries despite such delays and hoped that the personal approach currently being adopted would continue.

Professor Davidson pointed out that historians did not consider themselves to be FoI enquirers but were being forced down this road. He feared that if the system became too rigid, it would act as a break on historical research using post 1960 records. Professor Abrams added that students could not afford to wait too long for the process to be completed.

Scottish Executive staff continued to go through files in the NAS under 30 year closure. To date they had looked at 8000 out of the 27 000 on the list and only a few had attracted exemptions. Files under extended closure were not included in this review: these would be dealt with separately. The team did not have the expertise to make specific judgements, but would flag up information which they thought might attract exemptions. The same principles applied to departments as to NDPBs.

Prof MacQueen queried the phrase 'robust retransmission programme in place' and Dr Hagan explained that the NAS was happy with the system currently in place. It was more bureaucratic but much safer and enabled the NAS to track the process more effectively. When NAS received an enquiry, the Scottish Executive Records Management Branch (RMB) and the FoI Unit were alerted and would liaise over which department should deal with it. RMB had their own tracking system which they monitored. The FoI Unit was the fall back should no department take responsibility for the enquiry.

Professor MacQueen noted that the Information Commissioner had reported receiving more appeals than anticipated in the first year of the legislation but about one third of these had stemmed from refusals, most of which had proven unjustified. Dr Hagan added that about one fifth of appeals were against authorities who had not responded to enquiries.

b. Electronic Data Records Management

It was anticipated that the Scottish Executive would be fully electronic by July 2006 and would be sending electronic records to the NAS by 2010. The NAS was currently involved in getting sample information from the Executive to put a modular system in place to deal with these records. The NAS needed to be confident that the Executive had got their systems in place and that the records were being kept and used properly.

The lack of demand from the commercial sector for systems dealing with the preservation of electronic records meant that there were few available on the market. TNA and the Australian and New Zealand Archives were taking the lead and were happy to share information. The principles of selection of the electronic record would be the same as for paper. At the moment the NAS was concentrating on the functions of the creators rather than the contents of the files in the selection process.

Storage was currently a more pressing problem than access. As electronic storage became cheaper there was a tendency to store more. But as records became easier to store they were more difficult to appraise. Mr Mackenzie agreed that the NAS needed to engage with how the record would be used in the future and feed this back into appraisal. The meeting discussed the use of search engines and how to present the information so that it could be found by the researcher.

Professor Davidson queried whether storing all data electronically was a high risk option in case of technology failure. Dr Anderson thought that technology would progress sufficiently to protect the system and keep viruses at bay. The storage being developed by NAS for electronic archival material would be off-line and protected from viruses in order to prevent loss of information

c. Accessions.

NAS had stopped appraising records for a period of four months after it was discovered that a file, whose theme and title had been about Holyrood and to which a journalist had requested access, had been destroyed. As a result, the First Minister had put an embargo on any review of files until investigations had been completed. This had had a significant impact on GRB statistics.

d. Appraisal

Professor Levitt queried whether information on some of the principles developed in the NAS for retention of records could be made available on the website. Ms Mitchell responded that there was already some information on the NAS website and guidance was also available elsewhere. A Generic Model Action Plan to assist authorities to comply with the Records Management Code issued under section 61 of the FOI (Scotland) Act had been drawn up by the Sub-group of the FoI Implementation Group and the Police and Higher Education had produced Model Action Plans specific to their areas. ASLAWG was preparing guidance for local authority records. Dr Hagan added that the NAS hoped to implement a programme of records management training for government agencies, public authorities and public bodies.

- NAS agreed to expand the record keeping section of the NAS website to include information on selection criteria.

3. NHS Guidance

Ms McDermott, a member of the Scottish Executive Health Department Working Group, was invited to update the meeting on developments regarding clinical records. The remit of the Working Group had been to produce complete records retention/disposal guidelines. New guidance was required to address developments since guidance had last been issued (NHS Management Executive Letter 1993). It had been realised quite quickly, however, that this would be a major and contentious task. Instead, in September 2005 the Group had sent out a consultation document focussing on general personal health records: eg. adults' hospital records and mental health records. The consultation period had ended on 30 November. The comments received would be fed into the guidance document.

In the interim, the Working Group had discussed the English Records Management Code of Practice with Paul Eveson from the Department of Health Records Management Group. This was an impressive document and the Working Group had decided to try and produce a Scottish version. Members of the Health Archives Group had been closely involved in its production. Members of the Scottish Working Group were less receptive to the involvement of health archivists and wanted archives to be relegated to the appendices. Ultimately, it proved to be quite a challenge to alter the document for Scottish needs as the Scottish system was different: for example, the activities of the NAS were very different from those of TNA. In England full retention schedules had been drawn up and the Group was considering whether it would be worth tying up the Scottish and English retention periods. Again, this was complicated by the different legal system in Scotland: eg prescription and limitation periods for compensation were different in Scotland.

The next meeting of the Group would take place at the end of March and it was hoped that the new guidance would be ready for circulation shortly thereafter. As regards administrative records, a schedule had been produced many years previously and it was hoped it could be released at the same time.

4. AOB

a. Prof Davidson raised the issue of the use of digital cameras in NAS search rooms. Both he and Professor Levitt used digital cameras extensively for their research in The National Archives in London. Mr Mackenzie said that Reader Services Branch was considering this issue but two main concerns militated against permitting their use: the impact on preservation and the question of copyright. Professor Levitt thought that, because he was allowed to use his digital camera in TNA, he actually handled files there less than in the NAS. He also queried whether the NAS would in future offer a self-service photocopying service. Professor Davidson felt the NAS was out of tune with other archives by imposing constraints on the number of pages which could be photocopied and that there would be less pressure on spaces in the West Search Room if more photocopying were allowed.

- Mr Mackenzie agreed to look into these issues.

b. Professor Davidson asked for an update on the refurbishment of the West Search Room. He was informed that the precise dates had not been fixed but were thought to be the first three weeks of April.

c. Dr Hagan said that as a result of the review of closed files, a small number of files had been discovered which were, under current retention policy, not worthy of permanent preservation and should be destroyed. A list of the files under consideration would be circulated to the Sub-group with a view to its sanctioning their disposal.

Professor MacQueen thanked the members of the Council and others for attending the meeting.