

**Minutes of the 86th meeting of the
Scottish Records Advisory Council
held in the Lord Clerk Register's
Room in General Register House,
Monday 31st October 2005**

Present: Professor Hector MacQueen, Chairman; Mr Hamish Hamill; Professor Roger Davidson, Sheriff David Smith, Mr Peter Daniels

In attendance: Mr George Mackenzie, Keeper of the Records of Scotland; Mr Stephen Bruce from the Public Records Branch of the Scottish Executive, Mr Duncan Macniven, Registrar General and Dr Alison Rosie, Secretary.

1. Apologies Apologies had been received from Professor Lynn Abrams, Dr Peter Anderson, Ms Lesley Richmond and Mr Kevin Wilbraham.

2. Minutes One minor amendment was noted.

3. Matters Arising

Issues arising from the previous meeting were all noted for discussion on the Agenda.

4. Membership: Mr Bruce reported that it had been anticipated that the three members up for renewal, Frank Rankin, Jim McGonigle and Mike Barfoot, would be reappointed for another year. However, the Minister had decided not to make any reappointments or new appointments until after the Performance and Financial Management Review of the SRAC. The Chairman recorded his thanks for their contributions to the Council and said that it would be difficult to replace them with people of similar quality. Mr Bruce also wished the Scottish Executive's appreciation of their services to be recorded.

Mr Bruce said that all Non-departmental Public Bodies had to go through a Performance and Financial Management Review (PMFR) every five years. The review would consider the statutory functions of the SRAC and whether it continued to fulfil these. The process would not be a complicated one and would probably only involve the Reviewer speaking to the Chairman, the Keeper and the Executive (as sponsors). The Scottish Executive was currently looking for a suitable and independent candidate to undertake the review. The terms of reference for the review had been sent to the Minister for approval and it was hoped work could begin shortly. The Reviewer would submit a report to the Minister who would make a decision on the basis of its recommendations. The Council expressed concern at the length of time it was taking to get the review off the ground and hoped that the person chosen to undertake the review would have some knowledge of the SRAC's area of responsibility.

The Chairman also expressed his disappointment at the lack of response from the Minister to the Council's Annual Report. He had sent her two letters, the first in July followed by a reminder at the beginning of October, but had received no reply. He felt

that the SRAC was being left in limbo as a result and because of this the Council was unable to move forward on key issues. Mr Bruce apologised. He had hoped to be able to bring a response from the Minister to the meeting but pressure of other work had prevented her from dealing with this.

It was decided that the next meeting of the Council would be an opportune moment to discuss the future of the SRAC and to construct a positive forward view about what it wanted to do.

5. Freedom of Information and the Public Records Strategy

Stephen Bruce summarised progress on FoI and the Public Records Strategy since the previous meeting.

Freedom of Information

The FoI Unit had been notified of about 1500 requests to the Scottish Executive – these were ‘non-routine’ requests and the actual total would be much higher. The rate at which requests were being received had dropped to about 18 a week. The number of requests from the media had dropped to 60% of the total. 60% of requests had resulted in previously unavailable information being released. 67 appeals had been made to the Scottish Information Commissioner against the Scottish Executive of which three had found against the Executive and 4 in favour. The remainder were under consideration by the Commissioner’s office. Overall, there had been twice as many appeals made to the Commissioner as had been anticipated. Appeals relating to the Scottish Executive were about 20% of the Commissioner’s business. All appeal decisions were published on the Commissioner’s website and a report of those relating to the Scottish Executive would also be posted on the Executive’s website. Ministers had recently announced a mini- review of some of the aspects of the FoI Act, particularly fees and Schedule 1.

Reporting on the NAS, the Keeper stated that the level of enquiries remained moderate, with a total of 50 by the end of September, the majority of which involved Scottish Office and Scottish Executive files. A Scottish Executive team continued to work on opening Scottish Office files previously closed for 30 years. Between November 2004 and September 2005, 5634 ‘closed’ Scottish Executive files were reviewed: 5504 have been opened while 130 have attracted exemptions. In June 2005, the Scottish Information Commissioner had published a report on the Scottish Executive search for records relating to institutional children’s homes. This study was undertaken in response to a request by the Minister for Education and Young People, to verify that all reasonable steps had been taken to open the Executive’s records and so to provide reassurance to Parliament and the survivors of abuse. The study had involved scrutiny of preserved files in NAS. The report, which can be seen on the Commissioner’s website at: <http://www.itspublicknowledge.info>, while noting that the files did not contain structured information about individual pupils, concluded that they were open to public view and there were systems in place for individuals concerned to get access to information.

Files of evidence to the Dunblane Inquiry, originally closed for 100 years, which have been “redacted” to blank out the names of individuals, were released at West Register House on 3 October and resulted in a short but intense media storm, with Deputy Keeper Peter Anderson giving several TV interviews.

Prof Davidson agreed with the principle of people having more access to information, but contemporary historians were having less access as a result of FoI. He stressed that he had no issue with the NAS, where staff were very understanding and co-operative, but where previously the Executive had given him access to all the files he had requested, now some were open under FoI, some exempted and for others he had to re-negotiate access. Prof. Davidson wondered whether the Information Commissioner would consider a rule whereby when access had been negotiated prior to FoI, access would continue? The Keeper sympathised and saw no reason why this issue could not be taken up with the Commissioner but added that he knew that the Commissioner was against 'privileged access'.

Prof. Davidson also queried the issue of quality control of the redaction of controversial files. The Keeper replied that the biggest example of redaction being done in Scotland was the Dunblane enquiry files. The redaction process was enormously labour intensive but he was satisfied with the quality control.

Mr Daniels added that he was currently a member of an independent review committee looking at local government taxation. The committee had recently held a meeting with Treasury officials to quiz them on the practicalities of a local income tax. Nicola Sturgeon, the SNP leader, had asked to see the notes of this meeting. The view taken was that she was not entitled to see the notes as the Committee sat outside the Executive and this was supported by the Information Commissioner.

The Council thought it would be useful to invite the Information Commissioner to meet the SRAC again to discuss these issues.

Public Records Strategy Mr Bruce reported that there was now no likelihood of any legislation before 2007. The Minister did not want to place additional statutory burdens on Local Authorities too soon after the FoI Act. However, she was keen to look at what could be achieved on a non statutory basis. Mr Bruce would be meeting with the Keeper shortly to discuss this. The Chairman's letters to the Minister had set out what the Council perceived to be the wider issues which made archive legislation necessary and some examples might be thought to arise in other issues to be discussed later on the Council's agenda.

6. The Cultural Commission Report

The report of the Culture Commission chaired by James Boyle, had been published in June. It had made a number of recommendations affecting archives in general and NAS in particular, including that the NAS should be moved to the Culture Portfolio and should sit on the National Board of Collections; a national centre for Conservation should be investigated; and that a national standard for direction and guidance in the provision of publicly funded services in each cultural area should be prepared.

The Council was unclear as to the state of play regarding the report. Mr Bruce did not know when an official response would be published. Council discussed whether a move to the culture portfolio was appropriate or whether archives would get more attention under another portfolio. The Keeper thought there would be benefits in the creation of a National Collections Board, but pointed out that all the other cultural

bodies were Non-departmental Public Bodies. He thought that it might be an idea to raise these issues with the Reviewer.

The Chairman felt there was no useful comment to be made by the Council on the report at this stage, although some of the issues raised could be brought forward for further discussion at the next meeting.

7. Edinburgh City Archives

Concerns about the situation at the City Archives had been raised at the Council's previous meeting and in the reports of ASLAWG and SOA,S. The Chairman also voiced general concerns about a vacancy arising in Dumfries and Galloway Archives after Marion Stewart's retirement. The Keeper responded that the Dumfries and Galloway post had been advertised at the beginning of October.

Prof Davidson expressed concern at the conditions in the City Archives. He had been a researcher in the archives for 15 years and had been horrified to learn recently that the archive was only open on two days a week. Documents had to be ordered 2-3 days in advance. A colleague in the University of Liverpool had written to Donald Anderson setting out how poor the service was in comparison with other archives. His response, blaming the situation on competition for funding in the council, made clear that there was no commitment to changing matters. The city archivist's position was also very vulnerable.

The Keeper reported that the NAS had undertaken a friendly audit of the archive and the results had just been submitted to the City Council. The report had recommended that the City Council put in place a business recovery plan and recruit staff. There was, however, a need for the SRAC and others to draw attention to this crisis at a political level. The NAS was doing what it could but the legislation was not there to force the issue.

The Chairman said that the Council should be reassured by what NAS was doing but should engage the interest of the city's MSPs. Mr Daniels suggested that the Council invite Jim Inch, Edinburgh City's Director of Corporate Services and the Director of Culture and Leisure to meet to discuss the Council's concerns. This was more likely to produce an effective response than attempts to engage the interest of political representation.

8. Dublin visit

The Chairman, Secretary, Keeper and Frank Rankin had visited Dublin at the beginning of May at the invitation of the NAAC. They had had a very interesting tour of the Irish National Archives, followed by a morning seminar and a meeting with the NAAC where they discussed a number of issues including FoI. The Secretary had previously circulated a summary of the discussions.

The Chairman proposed seeking a similar meeting with the SRAC's counterpart in London.

9. News from the NAS

The Keeper updated the Council on recent developments in the NAS.

Accommodation

Work on the final phase of General Register House, to create the new family history centre, had started in July, after a further delay caused by the G8 summit. The project was around 6 weeks behind schedule. The centre was expected to open at the end of 2006 for initial public use and testing, with a full scale opening early in 2007. The legal search room would be relocated from the main Dome early in 2006, once the new electronic index to sasines has been compiled. The newly refurbished and equipped Digital Imaging Unit had opened in June, and the majority of copying for legal and historical purposes was now done by digital camera, with a copy of the document being stored for future use.

At West Register House, plans for upgrading seating and other facilities in the search room had been completed and the contract was out to tender. Prof Davidson welcomed this development.

At Thomas Thomson House, a contract for shelving the second floor storage rooms had been awarded. Planning work for the extension to TTH continued.

ScotlandsPeople (Scottish Family History Service)

The new joint website was launched by Margaret Curran MSP, minister for Parliamentary Business, on 29 June and had received good media attention, including an editorial comment in *The Herald*. Wills were now available through www.scotlandspeople.gov.uk with searching free, and downloads of images charged as before at £5. In the month after launch, wills downloads were running at double the level they had been on the Scottishdocuments website, and though they subsequently dropped back, remain higher.

As a spin off from the service, NAS and GROS staff co-operated in providing answers to the Genealogy Clinic run by *The Scotsman* in its weekend supplement. The paper had been pleased at public reaction and the feature would run at least until the end of October.

Registers Archive Conversion (Digitisation of Sasines)

Work on the new electronic index, which has been contracted out to the Registers of Scotland ICT partner, BT Syntegra, was on target for completion by the end of 2005. Conversion of the sasine volumes would be done by NAS staff at Thomas Thomson House, with a second shift using the existing digital cameras.

NAS Website

The new redesigned NAS website had gone live on 3 October 2005. A major aim had been to make the new site usable and accessible, particularly to people with visual disabilities and it had achieved an AAA rating using the World Wide Web Consortium classification.

Exhibitions

The major NAS exhibition for 2005, "For Freedom Alone" marking the anniversary of the death of William Wallace, ran in the new Scottish Parliament Building at Holyrood from 15 August to 9 September. It was seen by over 40,000 people, and featured as part of the Parliament's Festival of Politics. Press coverage had been good, and the exhibiting of the Declaration of Arbroath in its new, oxygen free case,

was widely welcomed, as was the appearance (possibly the last) of the 1297 Wallace letter to Lübeck.

A smaller exhibition, *Leaving it All Behind*, based on 30,000 wills of soldiers and airmen from the First and Second World Wars, arranged and indexed for the first time, would open in the front hall of GRH on Armistice Day, 11 November. Margaret Curran MSP would launch the exhibition the day before. The wills have been linked to the database held by the Scottish National War Memorial.

Staffing

Some minor restructuring of NAS had taken place in April, with the creation of a single branch, Outreach Services, bringing together the previous External Relations and Outreach and Education branches. The new branch had also taken responsibility for marketing, and reports on the results of a major study into marketing opportunities would be given at the next Council meeting.

10. Scottish Council on Archives

The Chairman had been unable to attend the last two meetings of the SCA and would have to miss the next one in December. He asked for a volunteer from the Council.

11. Registrar General's report

Since the last meeting, a great deal of progress has been made in adding to the content of the genealogical website (www.scotlandspeople.gov.uk). The most important augmentation, in June, had been the addition of the Wills and Testaments images. The digitised Census records for 1871 and 1861 were now available on the ScotlandsPeople website. 1851 and 1841 would follow over the next few months, completing the set of Census data. The Old Parish Registers would follow in the Spring. At that point, all GROS's data would be available through the website, except for modern material excluded for reasons of privacy.

Use of the website continued to grow by degrees, fed by the availability of new data and by positive publicity (particularly the BBC 2 "Who do you think you are" series last autumn). The number of paid accesses in financial year 2004-05 was almost 40% more than the previous year, and in the summer months of 2005 paid accesses were over 15% more than the equivalent months in 2004.

The third component of the Scottish Family History Service is the heraldry records of the Court of the Lord Lyon. The images had been digitised but the index was proving problematic. Nonetheless, it should be complete by the end of the year, ready for the website and in due course for the Centre.

12. ASLAWG

Kevin Wilbraham was unable to attend but had submitted a written report.

ASLAWG had met on 23 September at Orkney Library and Archive, Kirkwall. A number of issues had been raised under matters arising, including the need to meet with Scottish Water to discuss future archival arrangements for their historical records, Freedom of Information, Edinburgh City and Dumfries and Galloway Archives and The Cultural Commission Report. The meeting had expressed concern that the latter report saw archives purely in cultural terms, and that this might

undermine attempts to ensure that archive services remained part of the core administrative function of local authorities. It was noted that in some authorities the links between archives and culture did work well, with a higher profile and more opportunities for funding for the archive service. Concerns were also expressed that the report would replace the continued need for archival legislation.

Extracts from a Department for Constitutional Affairs consultation paper on proposed changes to the Representation of the People Regulations had been circulated. The paper proposed changes to the regulations to ensure the supply of full electoral registers to public libraries and local archive services, subject to some restrictions relating to access and copying of registers less than 10 years old. ASLAWG would respond on its behalf, basing the response on previous correspondence with Scottish Assessors Association which had suggested access restrictions on registers less than 5 years old.

It was also agreed that ASLAWG would write to the Scottish Information Commissioner to query if the S60 Code of Practice on Records Management was taken into consideration during the investigation of FOI appeals, and to ask whether OSIC considered the Code was working in practice to support FOI.

It was reported that the Scottish Library and Information Council (SLIC) was conducting an options appraisal for the Council over the possibility of storing Dumfries archives on site at Crichton College, possible as a joint venture with the University of Glasgow. ASLAWG intended to write to the Scottish Council on Archives to point out that they had not been consulted. .

13. Society of Archivists, Scotland

Lesley Richmond was unable to attend but had submitted a written report.

The Society had held a meeting on 24th September 2005 in the new Orkney Library and Archive, Kirkwall. Among areas of concern discussed at the meeting were the situations at Edinburgh City and Dumfries and Galloway Archives, and the lack of a developmental officer for Scottish archives.

SoA,S was carrying out empirical research into the effects of Freedom of Information legislation on archives in Scotland and also on the current employment market for records and archive managers. Both would be completed in 2006

A remit for regional careers officer had been created and the voluntary post filled. The postholder would develop awareness of “record-keeping” as a career with career teachers and offices and in career literature at both secondary and tertiary levels of education.

14. AOB

It was noted that Mr Ken Thomson had replaced Mr Michael Lugton as Head of the Constitution and Legal Services Group. It was suggested that he could be invited to attend a future meeting of the Council.

15. Dates of next meetings

The next Council meetings would be on the 10th April and 30th October 2006.