

REPORT OF THE SCOTTISH RECORDS ADVISORY COUNCIL FOR 2001/02

The Council met on two occasions in this year. Although the Council meets formally only twice per year, the expertise of its members continues to be called upon regularly in correspondence. Its Secretary acts as a centre for electronic communications. This is very useful in enabling the Council to respond timeously where appropriate to consultations by the Scottish Executive, the Scottish Parliament and other bodies.

Membership

Members of the Council for 2001/02 were Dr L Abrams, Dr M Barfoot, Mr P Daniels, Dr R Davidson, Dr D Ditchburn, Mr J Hamill, the Rt Hon Lord Kingarth, Mr J McGonigle, Professor H MacQueen (Chairman), Mr F Rankin, and Sheriff D Smith. Invited members representing the Society of Archivists in Scotland were Ms M Stewart (archivist, Dumfries and Galloway Archives) and Ms V Wilkinson (archivist, Royal Bank of Scotland). There is still one vacancy on the Council. The new procedures for appointing to public bodies, under which person and role specifications for membership of the Council were finalised during the year, have yet to identify an appropriate representative of private archive holders, and work on this is ongoing at the time of writing. Traditionally the emphasis on court and legal records has led to a significant judicial representation on the council, but the Council will need to consider whether this remains appropriate. Further, the Council has agreed that it should also try and attract to the council, where possible, more women, members from a wider geographical area and a greater age range.

Administrative

Council meetings are attended by the Keeper of the Records of Scotland, the Registrar General for Scotland, and Dr Peter Anderson of the National Archives of Scotland. Dr Alison Rosie of the National Archives of Scotland [NAS] acts as Secretary to the Council. The Council would wish to express its thanks to these individuals for the assistance and advice which they provide. In the interests of transparency, accounts of the Council's own activities are available both via its annual report, published in the annual report of the Keeper, and via its minutes, which are on the website of the NAS.

Public Bodies

The Scottish Executive review of non-departmental public bodies, which included the Council within its remit, concluded that the Council continued to serve a useful function and should therefore remain in existence. The review did indicate that the question would be kept open for the future, but the Council holds the view that the increasing importance of public archives in the light of legislation such as the Freedom of Information Act makes its own role all the more important and relevant.

Freedom of Information

The Council was pleased to see that its comments made last year on the draft Freedom of Information (Scotland) Bill by and large found their way into the eventual Act, which was passed by the Scottish Parliament in April 2002. The functions of the Council have been extended under the Act to include advice to the Scottish Ministers on the application of the Act to information contained in records held by the Keeper. The Council raised the question of UK public records held in Scotland and was advised that

such records would most likely be considered held by the National Archives of Scotland on behalf of the Keeper of the Public Records.

The 2002 Act does not lay down specific obligations concerning preservation of and access to, public records, although there will be a code of practice, to be agreed by the Commissioner in consultation with the Keeper. The Council remains of the view, expressed in earlier reports, that a specifically Scottish Archives or Public Records Act, along the lines which it did itself suggest in 1999/2000, would be of considerable value in the modernisation and further development of public records policy. The current legislation, dating from 1937, is far behind present needs, practice and policy.

Data Protection

The Council expressed concern in its previous annual report about possible confusion concerning the implications of the Data Protection Act 1998 for the archives of public bodies, and possible contradiction between the principles of Data Protection and the principles of Freedom of Information. The Council in conjunction with NAS decided that the issues involved might best be addressed by a conference at which such issues might be addressed. The Justice Minister and the Information Commissioner accepted invitations to be the principal speakers, and a number of other speakers representing both archive holder and archive user interests also agreed to take part. The conference, which attracted a great deal of interest from archivists, was originally scheduled for 22 April 2002, but a postponement to 30 September 2002 was agreed after it became apparent that the Freedom of Information Bill would complete its parliamentary passage on 24 April. It is anticipated that this conference will throw helpful light on the interaction of data protection and freedom of information from the perspective of both archivists and archive users.

Accommodation

The Council has given its attention to the future development of Thomas Thomson House and the possibility of including user facilities there. It has noted that difficulties may arise should the development be funded by means of a public-private partnership arrangement, and that should user facilities be developed, then the availability of adequate public transport to the area will become a significant issue.

Other user issues

The Council continues to monitor and comment upon a number of issues of concern to users of Scottish archives. It has pressed the Keeper to engage in greater dialogue with users over the disposal and destruction of records, and has noted that this is also an issue with local authority archives (where these exist). It has also commented on the rather uncomfortable conditions for users working in West Register House. Opening hours have also been the subject of comment. The Council has welcomed a Readers Survey to be conducted at Register House from July 2002, and will look at the results with interest. It is recognised, from both the activities of the Registrar General and the Scottish Archives Network project, that digitisation of records has important implications with regard to policy in this area.

Professor H L MacQueen
On behalf of the Members.