

**Scottish Records Advisory Council
Sub Group on Retention and Disposal of Records**

Government Records Branch: Business Report 2006

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1 Freedom of Information

Since it was implemented in January 2005, the Freedom of Information Scotland Act 2002 (FOISA) has imposed a major burden on the resources of NAS Government Records Branch (GRB). GRB receives only a small number of requests for access to information created by the NAS, but as custodian of Scottish Office/Scottish Executive records, and those of Scottish Executive Agencies and NDPBs, there have been times, particularly during the first year of operation, when we struggled with the number of FOI requests received. In line with the experience of other public authorities, we have witnessed peaks and troughs in demand.

1.1 General Operation of Procedures

The teething problems reported last year with regard to deciding upon a division of responsibilities between NAS, Scottish Executive Information Management Unit, and Scottish Executive Freedom of Information Unit have been resolved and a clearer understanding of procedure now exists. The sometimes thorny issue of whether information is devolved or reserved, and therefore where exactly responsibility for specific information ultimately rests within the Scottish Executive (SE), continues to cause some difficulty for us.

1.2 Requests Handled by GRB

In 2006 we processed 38 FOI enquiries. Some of these were single file requests while others involved large numbers of files, including one which sought access to 18 separate files. We failed to respond within the statutory 30 day time limit on 6 occasions. This was mostly down to files being returned late from the SE Departments responsible for carrying out the review. One enquiry was answered late after the initial inquiry got lost in our email system and only arrived with GRB some 4 weeks after it had been logged onto the NAS central enquiry system. The problem was a specifically technical issue, which has now been resolved, and fortunately has not re-occurred.

1.3 Access requests to GRB information

GRB processed one FOI request for access to information created by the NAS, and archived in our own policy files. The request was therefore dealt with under the 20 working day response rule and was answered on time. It resulted in a follow-up request for an internal review by the applicant which was heard by a panel consisting of the NAS Senior Management Group. The original decision was upheld by the panel, and to our knowledge, there has been no follow-up appeal to the Information Commissioner.

1.4 Scottish Office/Scottish Executive review of "Closed" files.

Under the terms of a Memorandum of Understanding between the Office of the Information Commissioner and the Scottish Executive Communications and Information Services Division a programme to pro-actively review "closed" files held by the NAS, (i.e. files which still carried the redundant 30 year closures, and which require to be reviewed under FOISA before their contents can be made available for public inspection). The programme was instituted in 2004 in anticipation of the FOI legislation being implemented in January 2005. Approximately 27,000 files were identified by NAS as falling within this category, and between November 2004 and April 2006 a total of 11,234 files were reviewed. Of that total, 269 files (a little over 2%) attracted FOISA exemptions. The burden placed on IMU resources by the review exercise was found to be excessive and with the agreement of the Information Commissioner the exercise was abandoned in May 2006.

This has left many thousands of older "closed" files still requiring review, which are now dealt with on a case by case basis when FOI applications are received, or as former closures fall away at the turn of each new calendar year. SE-IMU continue to review newly appraised files prior to their transfer to the NAS, a process which has been agreed and incorporated into our joint service level agreement. This ensures that no new files are passed to the NAS without appropriate FOISA review having been completed.

1.5 FOI 'Good News' story?

In October 2006, we abandoned an attempt to publicise the success of the SE FOI review with a 'good news' publication programme about reviewed files. Detailed preparations to publish various articles on the NAS website, including publicity for a 1978 Football World Cup file to coincide with the World Cup tournament in Germany, came to nothing. The SE remains reluctant to pursue such a positive publicity programme, mainly because of the perceived negative spin placed upon FOI by the media. The SE FOI Unit has indicated that it still intends to raise matters with the Minister, but the shift of NAS to the Culture portfolio has not assisted us in this task.

For the immediate future therefore, we have concentrated on highlighting exclusively 'historical' files, i.e. those already in the public domain. Publicity items on the NAS website using government files have included articles on prisoners' files about the safe-breaker Johnny Ramensky, linked to the making of a film about his life, the Suffragettes, linked to an exhibition at the Scottish Parliament in December 2006, and in January 2007, the 50th anniversary of the wreck of the Fishery Cruiser 'Vaila', which ran as a New Year story.

2 Client Management

“To assist Scottish public authorities in creating and managing authentic, reliable records and ensuring access to them over time, in order to promote good governance and support Freedom of Information”

(NAS Corporate Plan 2007)

Our ambition to be proactive in our dealings with stakeholder bodies again proved difficult to achieve. We hoped that as we gained more experience in dealing with FOI enquiries we would be in a better position to devote time and resources to the important work of advising and guiding Scottish Executive Agencies and NDPBs on their RM and FOI obligations. We remain convinced of the importance of promoting best records management practice to stakeholder bodies. Indeed, it forms an important part of the NAS corporate plan. The benefits to researchers and historians of good records management in government are obvious.

Regrettably, our rather fluid staffing situation had a negative impact on our ambitions and we remained largely reactive to the needs of the SE Agencies and NDPBs throughout the year. We were able to fill one vacant post with a new member of staff from Reader Services Branch, but very soon afterwards we lost a very experienced Inspecting Officer following a managed transfer to the vacant post of NAS Records Manager. We also lost a casual cataloguing post around the same time, which has significantly reduced our main cataloguing effort in the area of SE files. Our priority this year therefore again had to be our core business objective of managing the selection and cataloguing of SE files.

3 Scottish Executive Electronic Document and Records Management System (EDRMs)

The Scottish Executive completed the roll-out exercise of its EDRMs by June 2006. All Departments of the Scottish Executive are now creating and saving information electronically. Information attracting a higher security rating than “confidential” will however continue to be created in paper form and committed to a paper file. The EDRMs records the existence of this paper information and tracks its whereabouts.

We continue to liaise with our colleagues in the SE Communications and Information Services Division over their EDRMs and we feed this information into our plans for future appraisal and selection of information for permanent preservation. In turn, this also feeds into the GRB-sponsored project to progress and develop the NAS Digital Data Archive (DDA), a project that has a proposed ‘go-live’ date of 2007. The SE expects to be in a position to deliver e-records from the EDRMs to us by 2009.

GRB officers have been trained in using the SE EDRMs and we have recently been given access to the live system at Saughton House to allow us use of the system. We have agreed to undertake an assessment of the SE ERDMs File Plan to identify those areas of the Plan which could be set in advance to ‘permanent preservation’ and at what level. It was also agreed that we would aim to produce a draft proposal document for further discussion with SE IMU by the end of March 2007. Following further discussion of the draft plan we aim to finalise proposals by late spring/early summer.

4 ONGOING GRB BUSINESS OBJECTIVES

4.1 Accessions

4.1.1 Scottish Office/Scottish Executive Departmental Records.

The Branch accessioned 33.6m (approx. 870 files) of Scottish Office/Scottish Executive records during the year. This included records from all the main Departments including Agriculture and Fisheries Department (now Scottish Executive Environment and Rural Affairs Department), Development Department (now Scottish Executive Development Department), Education Department (now Scottish Executive Education Department), Scottish Office Home and Health Department (now Scottish Executive Justice Department and Scottish Executive Health Department), Scottish Office Industry Department (now Scottish Executive Enterprise and Lifelong Learning Department), and Scottish Office Central Services (now Scottish Executive Finance and Central Services Department).

This year’s accession figure shows an increase on last, (22.5m), but it is still lower than accessions from previous years (2005 = 52m). This is largely due to a downturn in Scottish Executive Information Management Unit throughput. Unlike 2005, when an embargo on reviewing, instigated by the First Minister, brought the SE review programme to a complete halt from February to June 2005, the current fall is due to structural reorganisation of the SE’s Change and Corporate Services Information Systems and Information Services Division. As priorities changed, staff numbers were also cut. By the last

quarter of the year the SE's own appraisal programme was significantly cut back and a great deal less material came to us for review. It is significant to note that the SE appraisal target for 2007 has been reduced by 50% from 100,000 to 50,000 files.

GRB Inspecting Officers have consequently been concentrating on reviewing information from the reserve of 'preserve' files stored at Saughton House. These files do not accrue at the same rate as files earmarked for destruction, but they do require a great deal more time and effort to inspect.

It is unlikely that there will be a return to the appraisal targets of previous years in the short-term, but we remain in regular contact with our Information Management Unit colleagues, and anticipate that we will be informed of any proposed changes which might impact upon our own targets and resources.

4.1.2 Non-Scottish Executive Departmental Records.

During 2006, GRB accessioned approximately 57.86m (2005:49.08m, 2004:51m) of records. These included records of the Scottish Parliament, Companies House, HMI Education, Holyrood Enquiry, Queens and Lord Treasurer's Remembrancer, Highlands & Islands Enterprise Board, Valuation Rolls, Historic Scotland, Maritime and Coastguard Agency, Crofters Commission, Scottish Higher Education Funding Council, Edinburgh Cemetery Company (BT2), Historic Buildings Council, Property Services Agency, Sentencing Commission, Parole Board for Scotland and the Public Inquiry into the Dunblane tragedy.

4.2 2006 Catalogue Entries:

The Branch added 21,759 (2005:3351, 2004:3030) catalogue entries to our electronic catalogue (CALM) this year (See table below). Much of this work was legacy back-cataloguing.

The 2006 figure is made up of all the SO/SE files which are catalogued almost immediately after they are accessioned, including Exchequer records (1178), and some of the year's other non-Scottish Executive accessions. The total figure is, of course, significantly larger than in previous years. This is due to two large cataloguing exercises undertaken with the help of reception staff in West Register House. The collections targeted were Dissolved Company files held on microfiche (BT2) and signed Statutory Instruments from the Office of the Solicitor to the Scottish Executive (SOE26). Both these collections have been part of our legacy backlog for some time, and both are regularly asked for by members of the public or SE staff. Given the amount of staff time spent trying to identify information from these collections on demand, it made sense to catalogue the papers in their entirety and streamline the searching and retrieval process.

GRB catalogue entries for 2006		

Series Reference	Description	Nos. of files
AD56	Lord Advocates Dept	133
B	Burgh Records	150
BT1,2 & 3	Companies House	12328 (53, 11501 & 774 respectively)
CAB	Cabinet papers	12
CCC	Crafts Consultative Committee	1
CE	Customs & Excise	13
COM 21	Dunblane Public Inquiry	37
CR11	Crown Estate Commissioners	38
CRO	Crofters Commission	4
CTA	Council Tax Assessors	44
DC4	District Council	1
E	Exchequer	1178
HIE	Highlands and Islands Enterprise	43
HMI	HM Inspector of Education	1719
IRS	Inland Revenue Service	156
OS Mfilm/fiche	Ordnance Survey	42
SCA	Scottish Courts Administration	72
SDA	Scottish Development Agency	213
SHEFC	Scottish Higher Education Funding Council	121
SRO	Scottish Record Office series	3
TA	Transport Statutory Instruments	99
TS	Treasury Solicitor	172
VR	Valuation Rolls	66
AF; DD; ED; HH; SEP SOE.	Scottish Office/Scottish Executive files	936
SOE26	Statutory Instruments	4178
	Total	21759

4.3 Appraisal:

The Branch appraised 1617.7m (2005:997.60m, 2004:1645.5m) of records over the year. Records from the Scottish Office/Scottish Executive account for the largest part, with a small but significant amount of government agency records contributing to the total figure. Overall, we appraised 1562.5m of SO/SE records and 55.2m of agency records. This figure includes bodies such as Historic Scotland, the former Property Services Agency, the Scottish Court Service and the General Register Office for Scotland.

4.4 Liaison and Records Management Advice:

Over the year GRB Inspecting Officers visited a number of Scottish Executive Agencies, Departments and other public bodies offering advice and guidance on best records management practice and negotiating possible accessions. While The Scottish Executive's Information Management Unit is well established and handles the bulk of all Departmental requests for advice on records management, nevertheless, GRB officers are sometimes required to

visit Departments to advise on legacy records which have not been registered on the SE NET IMPReS file registration system. In 2006 we reacted to such requests with regard to the papers of the Parole Board for Scotland, while we also liaised with the Sentencing Commission for Scotland. This was an independent, judicially-led body which was set up by the Scottish Executive under its policy statement "A Partnership For A Better Scotland". The Commission, which was launched in November 2003, had been given the remit to review and make recommendations to the Scottish Executive on sentencing, bail procedures, fining systems and early release regulations. The Sentencing Commission completed its remit and was dissolved on 1 November 2006. As a body which was independent of the Executive, and which was not listed within the schedule 1 bodies subject to FOISA, the Commission's records were deposited in NAS under a closure period of 20 years.

Other Non-Scottish Executive bodies with whom we liaised in 2006 included the Scottish Courts Administration, the General Register Office for Scotland, Historic Scotland, the former Property Services Agency, NHS Education for Scotland, NHS Quality Improvement Scotland, Scottish Water and the Scottish Arts Council.

5 Records Management Code Evaluation Workbook

Early in 2006, GRB was approached by the Scottish Executive to assess their compliance with the Code of Practice issued by Scottish Ministers under section 61 of the Freedom of Information (Scotland) Act, 2002. The SE have invested a lot of time and resources in their records management procedures, particularly with the move to an electronic document records management system (EDRMs). They were therefore keen to establish how well their records management systems worked and to learn about any areas in which it was felt they might improve. The assessment tool used was '*Complying with the Records Management Code: Evaluation Workbook*' which had been authored by the National Archives of Scotland Government Records Branch, based upon a previous model as devised by the National Archives at Kew. The workbook was then used by the Scottish Executive Information Management Unit to evaluate their procedures. The '*Workbook*' is a questionnaire-based self assessment tool, requiring authorities to provide answers with supporting documentation to very specific questions on 6 key areas of good records management practice covering both paper and electronic information. The key areas include:

- Records management function
- Records management policy statement
- Roles, responsibilities, training and awareness
- Active records management-record creation and record keeping
- Records maintenance
- Records disposal.

The workbook was supplied to the SE Information Management Unit (IMU) by the end of June 2006. It was then completed and returned to the NAS for audit, and a final audit assessment report was sent to IMU by December 2006. As well as mapping the SE's performance against the 'Code', GRB mapped the Executive's responses to the questions to the British Standard *BS ISO 15489-1 Information and documentation. Records Management. Part 1: General*.

Assessment of the SE records management system by NAS demonstrated a high level of conformance with best practice records management. Overall, 91% compliance with the Records Management Code was achieved. To improve upon this it was recommended that the Scottish Executive includes records management within its risk management strategies, further disaster preparedness measures are established and that ongoing monitoring and review procedures are incorporated within the records management programme.

The workbook was made available on the NAS website in August. It was also formally presented to the Scotland Group of the Records Management Society conference held at Glasgow University on 15 September 2006 where it was well received. The presentation prompted much discussion of its potential use by the wider RM community.

Government Records Branch
The National Archives of Scotland
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