



Freedom of Information (Scotland) Act 2002

2002 asp 13

PART 6

CODES OF PRACTICE

61 Code of practice as to the keeping, management and destruction of records

- (1) The Scottish Ministers are to issue, and may from time to time revise, a code of practice providing guidance to Scottish public authorities as to the practice which it would, in the opinion of the Ministers, be desirable for the authorities to follow in connection with the keeping, management and destruction of the authorities' records.
- (2) The code may also include guidance as to the practice—
 - (a) to be adopted in relation to the transfer of records to the Keeper of the Records of Scotland;
 - (b) of reviewing records before they are so transferred; and
 - (c) to be adopted where one Scottish public authority holds records on behalf of another such authority.
- (3) In exercising their functions under this section, the Scottish Ministers are to have regard to the public interest in allowing public access to information held by Scottish public authorities.
- (4) The code may make different provision for different Scottish public authorities.
- (5) Before issuing or revising the code the Scottish Ministers are to consult—
 - (a) the Commissioner; and
 - (b) the Keeper of the Records of Scotland.
- (6) The Scottish Ministers must lay the code, and any revised code made under this section, before the Parliament.

Changes to legislation:

Freedom of Information (Scotland) Act 2002, Section 61 is up to date with all changes known to be in force on or before 14 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 1 para. 74A inserted by [2023 asp 6 sch. 2 para. 2\(2\)](#)