

PUBLIC RECORDS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

SUMMARY OF THE ACT

Part 1 – Records Management Plans

Section 1 – Records management plans

6. Subsection (1) requires certain authorities to produce a records management plan in relation to their public records and to submit this to the Keeper for agreement. Once the Keeper has agreed a plan, the authority must ensure its records are managed in accordance with the plan. Section 2 and the schedule define the public authorities to whom the duty applies. Section 3 defines public records. Section 4 deals with the submission and agreement process for plans. Section 13 contains definitions, including the meaning of “management” of public records.
7. Subsection (2) sets basic requirements about what a records management plan must contain. A plan may also make different provision for different kinds of public records, reflecting, for example, the authority’s assessment of the different levels of risk associated with the management of different kinds of public records (subsection (3)).
8. The Keeper must also issue guidance about the form and content of plans and authorities must have regard to that guidance (subsections (4) and (7)). The Keeper may issue different guidance in relation to different authorities (subsection (5)), for instance taking into account the nature of the functions they perform. Before issuing guidance, the Keeper must consult authorities affected by the guidance and any other persons the Keeper considers appropriate and must have regard to any views they express (subsection (6)).
9. Subsection (8) allows authorities to produce more than one plan where the Keeper requires or agrees this should happen. This could be used to require authorities, such as the Scottish Ministers, who exercise a large number of diverse functions to have different plans in relation to different functions.
10. Subsection (9) allows a group of authorities to have a single common plan where the Keeper requires or agrees that this should happen. This could be used to allow groups of authorities of the same description (e.g. procurators fiscal) or groups of different authorities which exercise related functions to have a common plan.
11. Together, subsections (8) and (9) could be relied on to allow a group of authorities to share one common plan for a particular function while each having separate plans for the rest of their functions. For example a group of local authorities may have one common plan for records relating to the care of looked after children.