1. The Cross-Party Group on Children and Young People met on 18 November 2010 to discuss the Public Records (Scotland) Bill.

2. Members of the group raised a number of concerns regarding the implications of the Bill, which they felt should be brought to the Committee’s attention.

3. Our members welcomed the Bill’s intention, which is to regulate the generation and keeping of public records. There is no doubt that records management has been, and is, patchy and inconsistent, with the result that individuals have been unable to locate and gain access to their own records. This is unacceptable and the Group recognises the Bill’s importance in countering the failings of the past.

4. However, our members’ view is that the manner in which this Bill requires records to be managed is bureaucratic and disproportionate, in that it treats all records as equal. There are real concerns that this approach is prescriptive and over-managed. There is a need for a risk-based approach which is cognisant of the importance of the proper generation and maintenance of records, but nevertheless takes a proportionate view of what information an authority should be maintaining under its record management plan, particularly when there is no identifiable risk to vulnerable individuals.

5. Our members’ specific concerns are as follows:

- The definition of public records in the Bill:

  **12 Interpretation of Part 1**
  
  (1) In this Part—
  
  […] “record” means anything in which information is recorded in any form

  This is an extremely broad definition and has the potential to create a culture of confusion and over-compliance. There is a real danger that this definition will lead to an exponential rise in the records that voluntary organisations and public authorities generate and keep.

- The legislation applies to organisations that are contracted to undertake work on behalf of public authorities. Many third sector organisations fall under this category. The requirement on voluntary organisations to assess all information produced during the delivery of a service for a public authority (‘public records’ as defined in the Bill) against what could be a large number of different record management plans, has the potential to place an unprecedented bureaucratic burden on organisations at a time when the sector is already under pressure to deliver an increasing amount of services while at the same time coping with reduced resources.
Many organisations were unaware of the Bill and had therefore not considered its implications for the sector. The consultation period took place during the summer and lasted for six weeks, the timing and duration of which meant that many organisations missed the opportunity to respond.

The Bill represents a disproportionate response to the problem. The narrow focus of the original review from which the legislation developed has been extended nationally, with the result that what may be proportionate and entirely appropriate for organisations which work with vulnerable individuals has now been extended to all public bodies and organisations contracted by them.

6. The group also discussed the policy memorandum that accompanied the Bill. The memorandum suggests that the burden on the voluntary and public sector will not be undue, but this view was strongly challenged by the members of the group and was raised as a specific issue by SCVO who have been contacted by their members with regards to this issue.

7. Further information relating to the Cross Party Group’s meeting can be found on its web pages - http://www.scottish.parliament.uk/msp/crossPartyGroups/groups/cpg-child.htm

Sara Collier
Secretary
26 November 2010