General feedback

1. We broadly support the need for effective management of records within the public sector and measures that would enable that, as well as increased efficiency and accountability to all our stakeholders now and in the future. Our key concern is that the Bill would place an additional and unnecessary burden on National Museums Scotland at a time of budget reductions and resource constraints. Our key points are as follows:

Proportionality

2. The requirements in the Bill for the named organisations to develop, have approval of, implement, monitor, and continually review records management plans will have significant resource implications. The bodies listed are very different in size and in the scope of their functions, giving rise to very different records gathering requirements and indeed levels of impact in terms of records management practice.

3. We would suggest that there is an opportunity to categorise the bodies into high/low impact and risk, and for the requirements of the Bill to focus on those organisations where the highest risk exists. We find it difficult to see why National Museums Scotland should be included on the list of named organisations and be expected to follow the same regulatory regime as organisations which are responsible for very sensitive personal records relating to people.

Costs

4. Whilst it is stated that the Keeper will incur no additional costs due to the diversion of internal savings from elsewhere, we are concerned that there will be additional costs to organisations in implementing this new regime. At a time of national financial stringency we are concerned about the inevitable additional burden which will be placed upon National Museums Scotland to manage the reviews, audits and other activities which will be a part of the ongoing process.

Bureaucracy

5. The Bill presents significant new requirements on both the Keeper and the bodies required to comply. There are increased levels of monitoring, reviewing and compliance checking. We are concerned that this will result in the further stretching of our increasingly limited resources, meaning a redirection of resource from other priorities.
Specific feedback

6. The development of the model Records Management Plan is a welcome initiative and the ability for authorities to share a plan where appropriate is helpful.

7. We believe that it is important to have further clarity with regard to defining the scope of contractor records that would be relevant to the Bill, and any provisions that the authority might make on the contractor to enable and encourage compliance with the Bill.

8. In section 3 (1) of the Bill, the definition of a ‘record’ could be improved - for example, by explaining that a record is information that is recorded in a physical form. It becomes a record based on a judgement about its content.

9. We are also concerned about the action to “name and shame” non-compliant organisations, and do not see how this will enable greater compliance or support those organisations to improve their practice. This can only lead to media sensationalism rather than the considered and effective improvement of weaknesses.

10. We would welcome further best practice guidance on the ongoing preservation of records and recommendations of best value approaches to digital preservation in particular. Any further opportunities to invest in sector-wide generic tools and best practice is also useful providing the potential for a shared services approach and better access to public sector information.