SUBMISSION FROM THE SCOTTISH ENVIRONMENTAL PROTECTION AGENCY

1. The Scottish Environmental Protection Agency (SEPA) supports the principles of defining a records management plan (RMP) and identifying the individuals responsible for the quality of SEPA’s records. We would point out that we have legislative requirements to maintain public registers for some of the legislation we administer, and we would expect the framework to ensure that this requirement does not come into conflict with the requirements of the Public Records (Scotland) Bill. We would also suggest that any self-assessment duties, under the Bill, in respect of the RMP be aligned to other analogous requirements for public authority compliance, such as the Cabinet Office security framework. Where such compliance requirements include similar issues of record compliance, these should be taken into account to avoid duplicate reporting for public authorities.

2. SEPA considers that until the contextual guidance is issued, it will be very difficult to assess the impact of the Bill. The fact that the Bill’s supporting documentation seem to indicate that costs to authorities to administer and implement the Bill will be minimal suggest that both the Keeper and the Scottish Government do not want to create anything which is unduly burdensome for public authorities. It may be, however, that the guidance to be issued by the Keeper may at least suggest otherwise. The guidance can only relate to the “form and content” of plans. To consider the impact of the Public Records (Scotland) Bill in isolation, however, may give a misleading impression as to a public authorities’ duties. For instance, an authority has a general equalities duty (under the Equalities Act 2010) and it has a duty in relation to production of publication schemes (under the Freedom of Information (Scotland) Act 2002). It may be, therefore, that the guidance will make reference to these other duties.

How helpful do you find the Policy Memorandum and Financial Memorandum accompanying the Bill?

3. SEPA has reviewed the Policy Memorandum and considers that it provides useful background to the drafting of the Bill. It also provides additional context, as far as it exists at present, on the wider framework underpinning the Bill’s provisions.

4. The Financial Memorandum also provided more useful and targeted information on the indicative financial costs and impact on public authorities of the proposed regime, for those authorities that are not already implementing formal records management procedures and processes.
Do you have any comments on the consultation the Scottish Government carried out prior to the introduction of the Bill?

5. The Scottish Government consultation carried out prior to the introduction of the Bill posed specific and targeted questions. The Bill necessarily contains the regulatory framework output from the consultation.

John Ford
Director of Finance and Corporate Services
26 November 2010