



**THE NATIONAL
ARCHIVES OF SCOTLAND**

DEFINING MOMENTS IN HISTORY

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DEFINING MOMENTS IN HISTORY

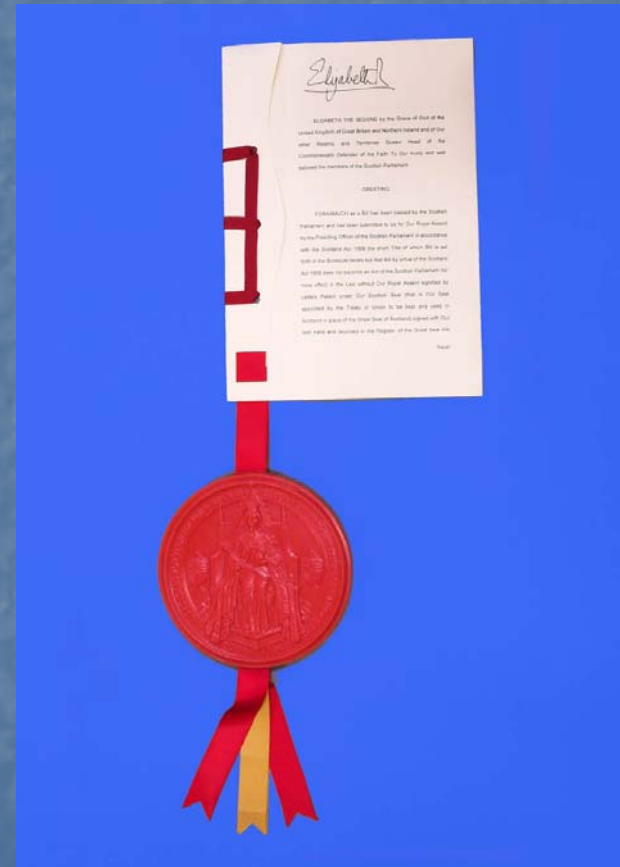
Freedom of Information and Archival Records

Background

- More records available now than ever before
- 30 Year Rule restrictions
- Extended closures (50, 75 & 100 years)
 - Sensitive papers
 - Papers supplied in confidence
 - Papers about individuals
- Privileged access for select few
- New Year releases – equated with ‘secrecy’
- ‘Open Government’ (Cm2290)
- Pressure, lobbying and Devolution - FoI

Freedom of Information (Scotland) Act 2002

- Operates separately from UK Act
- Right of access to public information with exemptions
- Issues with exempt information in NAS records



Impact of FOISA

- Abolition of '30 year rule'
- Assumes that all information is releasable
 - Impact on records – defines exemption
 - NAS cannot accept 'closed' files
- Government pro-active at release
 - Review of formerly closed legacy files
 - Only 2% carried exemptions
- Information requests
- 'Historical' releases after 30 years

FoI Concepts?

- Individual privacy versus public need?
- Organisations protecting themselves?
- Resisting the illegitimate secret?



***Research Information Network
Freedom of Information: What's in it for
Researchers?***

***Freedom of Information and
Archival Material***

Hugh Hagan
Senior Inspecting Officer
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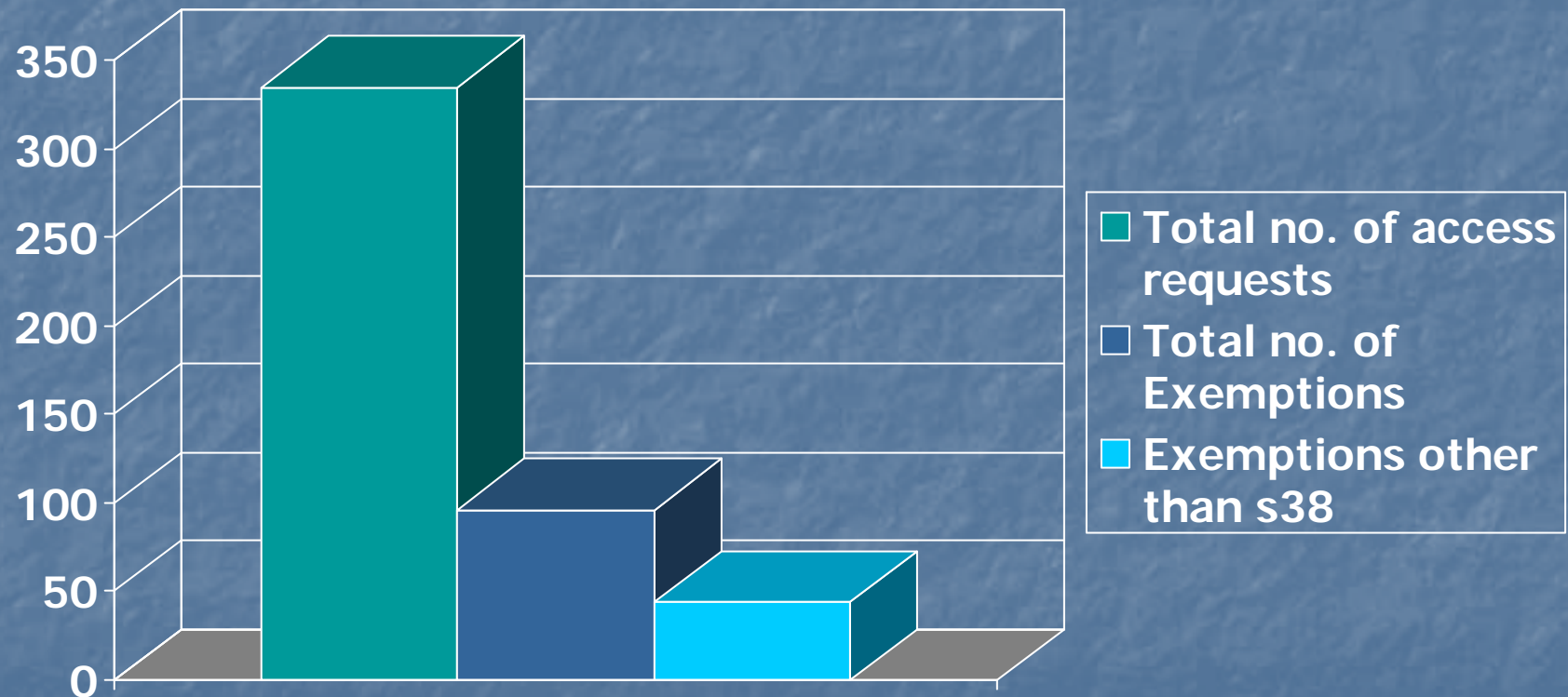
Scottish Government (SG) Response to FOI Legislation pre- implementation 2005

- SG aware of 'Legacy' collection of Government files with NAS.
- Memorandum of Understanding with Scottish Commissioner.
- SG Information Management Unit assessment programme.

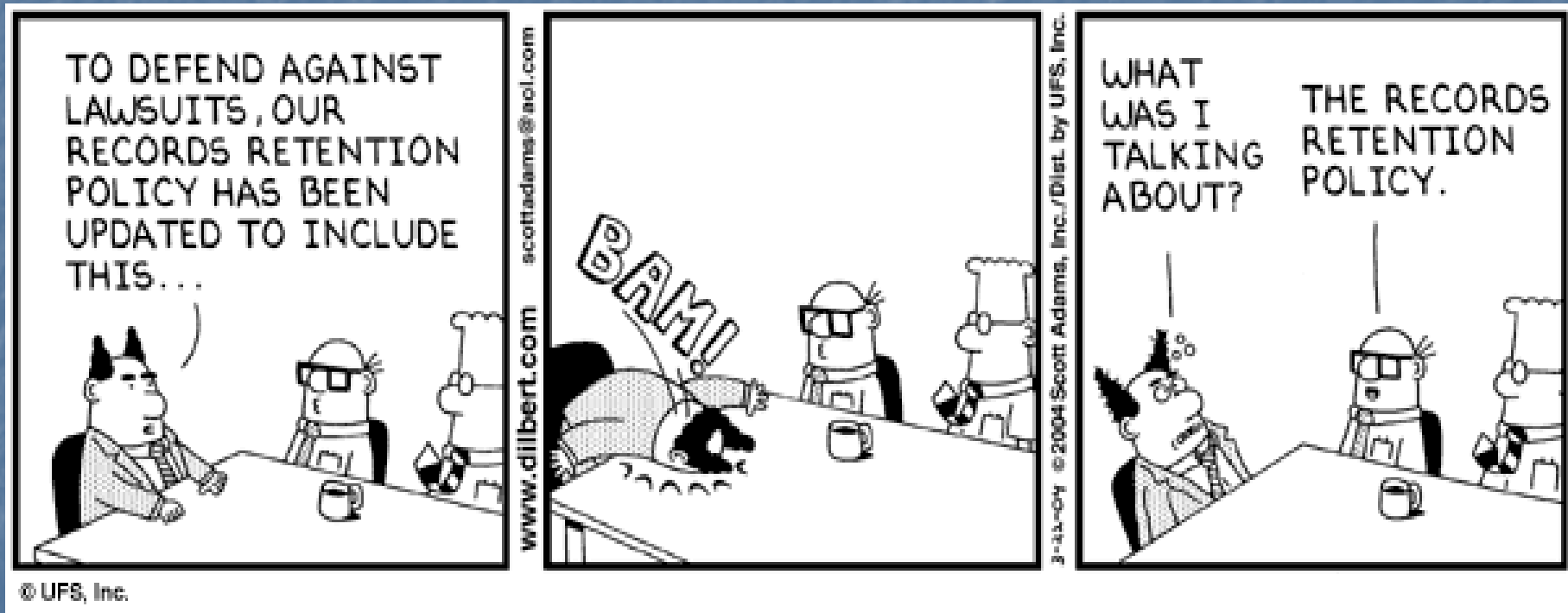
What happened after Implementation?

- Scottish Government “Rump” collection with National Archives
- Freedom of Information enacted with no extra resources!
- Keeper of the Records of Scotland – Section 22 “special provisions” ... *more time!*

Access Requests to Government files in NAS since 2005

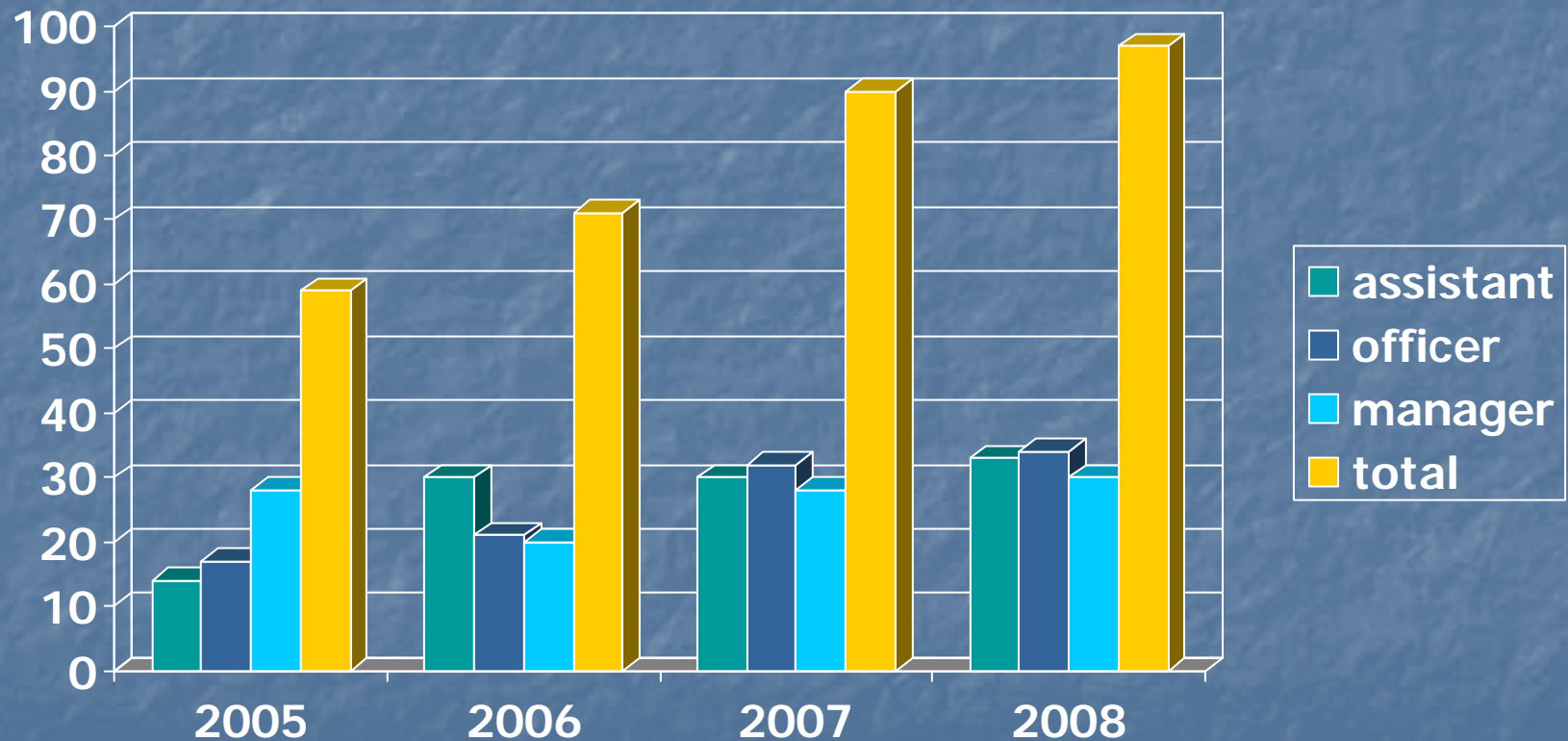


Government Records Branch: Going the extra mile ... !!



Records Managers in Jobs!

Bulletin: Records Management Society Sept 2009



Any freedom of information legislation is only as good as the quality of the records to which it provides access.

Such rights are of little use if reliable records are not created in the first place, if they cannot be found when needed or if the arrangements for their eventual archiving or destruction are inadequate.

*(White Paper, Your Right to Know,
1997)*

The End!

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..or is it?

- Scottish Ministerial announcement (June 2009)
 - Release of over 13,000 files in NAS
 - 'historical' criterion reduced to 15 years
- Issue of Consultation paper recommending amendment of FOISA
 - Improve public right of access
 - Review the lifespan of 'exemptions' rec.
- Clear difference between Scotland and the UK