

**Subject:** Government files not opened in 2016 and 2017

**FOI reference:** FOI/18/00008

**Date received:** 29 December 2017

**Date responded:** 31 January 2018

**Information requested:**

- 1) File references and titles of all 15 year old files (covering 2002) that have not been opened for public inspection this year (2017).
- 2) File references and titles of all files from 2001 that were not opened for public inspection in 2016.
- 3) File references and titles of all files from the 1970s-1990s that were a) opened for public inspection this year (2017) and b) partially opened for public inspection this year (2017)

**NRS Response:**

Scope of our response

Our response relates to the records which are included in the annual file release exercise at National Records of Scotland (NRS). This exercise covers certain categories of files which are proactively released to public access after 15 years, as well as other files which are released after longer closures have expired. Files are available from the first working day of January in each release year, with a press preview generally being held in late December of the previous year. The most recent file release (January 2018) saw files dating from 2002 released after 15 years.

The annual file release covers the following categories of files:

- Scottish Cabinet files – released after 15 years
- Scottish Government files originally closed for 30 years – now released after 15 years. This category only includes files which were transferred to NRS before FOI legislation came into force in 2005. (For files transferred after 2005, please see below.) At time of transfer the standard 30 year closure period for government records applied, but this was reduced to 15 years in 2009.
- Scottish Government files under extended closure periods – released after 40 to 100 years. These files, which were also transferred to NRS before FOI came into force, continue to be released according to their original closure periods unless these dates are affected by FOI review.

For each category, information in files may not be released if it is found to be exempt under FOI, EIR or Data Protection legislation.

Information about records which are not included in the annual file release can be found on our online catalogue. These can be divided into two categories: records from public authorities apart from the Scottish Government transferred prior to 2005, which remain under their original closure periods; and all government records (including Scottish Government files) transferred since 1 January 2005. The latter category of records undergo a sensitivity review, carried out by the transferring

authority, before transfer to determine whether they can be opened immediately or whether FOI, EIR or Data Protection legislation prevents information being released. Our catalogue gives details of both categories of records including descriptions and dates, whether records are open or closed, and access restrictions which apply. Both categories can be requested under Freedom of Information legislation, and FOI reviews may change original open or closed dates. Please let us know if you have any further questions about the government records which are not included in the annual file release as we would be happy to provide more information.

In your first question you asked us for details of '15 year' files from 2002 which were not opened in 2017. Files from 2002 were made available to journalists (under a publication embargo) in December 2017, but the official release date was January 2018. We have therefore interpreted your first question to refer to the most recent file release exercise (January 2018). Similarly, in your second question we have interpreted this to mean the previous file release (January 2017).

Response to your request

**1) Details of 15 year old files (covering 2002) not opened for public inspection**

Ten files dating from 2002 were either not released or only partially released because they were found to contain: information which dated after 2002; information which is exempt under FOISA; or because further review for potentially sensitive information, such as personal data, is required. Details of these files are found below:

Ref No	Title	Description	Date
HH102/1957	Regulation of Care (Scotland) Bill: Regulations	Departmental consideration of successive drafts of the Scottish Statutory Instrument on the Scottish Commission for the Regulation of Care (Appointments and Procedure) Regulations 2001. File part released: HH102/1957/1 contains open papers, HH102/1957/2 contains papers which are exempt from release under s.36(1) of the Freedom of	2001-2002

		Information (Scotland) Act 2002.	
HH102/1964	Regulation of Care (Scotland) Bill, 2000	Drafting of the commencement orders. File fully exempt from release under s.36(1) of the Freedom of Information (Scotland) Act 2002.	2002
HH102/1967	Regulation of Care (Scotland) Bill: Commencement.	Consideration of commencement dates for different provisions of the Regulation of Care (S) Bill, with draft Commencement Orders. File part released: HH102/1967/1 contains open papers, HH102/1967/2 contains papers which are exempt from release under s.36(1) of the Freedom of Information (Scotland) Act 2002.	2001-2002
HH102/1970	Regulation of Care Project	Development of regulations on registration applications. File fully exempt from release under s.36(1) of the Freedom of Information (Scotland) Act 2002.	2001-2002

HH102/1994	Regulation of Care (Scotland) Act, 2001	Policy instructions and the drafting of commencement orders concerning social care. File part released: HH102/1994/1 contains open papers, HH102/1994/2 contains papers which are exempt from release under s.36(1) of the Freedom of Information (Scotland) Act 2002.	2002
SCR2/2/1/3	Meetings of the Ministerial Committee on Rural Development (MCRD)/Cabinet Sub-Committee on Rural Development (CSCRD): Agendas, Numbered Meeting Papers and Minutes	[Papers dating from 2001 were released in January 2017.]	1 Feb 2001-6 Feb 2002
SCR2/2/2/4	Ministerial Committee on Rural Development (MCRD): General Papers	[Papers dating from 2001 were released in January 2017.]	23 Jul 2001-21
SCR3/5/5	Cabinet Meetings: Forthcoming Business Papers	Forward planning of Scottish Cabinet business.	24 Oct 2002-9 Sep 2003
SCR12/2/3	Scottish Cabinet Correspondence: Finance Department	The file contains the Finance Department's copies of correspondence between Ministers and officials on	15 May 2001-14 Mar 2003

		Scottish Cabinet issues.	
SCR12/6/3	Scottish Cabinet Correspondence: Environment and Rural Affairs Department	The file contains the Environment and Rural Affairs Department's copies of correspondence between Ministers and officials on Scottish Cabinet issues.	1 Mar 2002-10 Mar 2003

In line with the Scottish Government's proactive release policy, the Scottish Cabinet files containing papers ending in 2002 (SCR2/2/1/3 & SCR2/2/2/4) have been prioritised for further review, and we will advise you when these papers become available.

**2) Details of 15 year old files (covering 2001) not opened for public inspection**

Fifteen files dating from 2001 were either not released or only partially released in January 2017 because they were found to contain: information which dated after 2001; information which is exempt under FOISA; or because further review for potentially sensitive information, such as personal data, is required. Details of these files are found below. Please note that three of these files were subsequently released in January 2018.

Ref No	Title	Description	Date
DD6/5140	Housing Management	Allocation and transfer policies concerning ex-servicemen and women: departmental consideration of individual cases and the general policy of local authorities and housing associations; drafting of a revised circular and ministerial correspondence.	1986-2001
DD12/4046	Service Land Requirements: Protection of Service Explosive	Papers regarding the protection of service explosive depots in	1952-2001

	Depots.	Eastriggs, Dumfries. Includes departmental minutes and correspondence, particularly with Dumfries County Council, relating to proposals for housing developments in Eastriggs, and Ministry of Defence papers relating to the introduction of new safeguarding arrangements for the area.	
DD17/1997	Civil Aviation	Correspondence and papers concerning Edinburgh Airport.	2001
HH57/2118	Adult Offenders: Throughcare	Provision of prison social work services: departmental consideration of new contracting out arrangements for local authority social work services within the Scottish Prison Service (SPS), including the drafting of tender contracts; Includes correspondence with the SPS, local authorities and the Convention of Scottish Local Authorities (CoSLA) and minutes of the Social Work	2000-2001

		Services Implementation Group (SWSIG); drafting of a departmental research specification seeking to evaluate new social work contacts in the SPS.	
HH102/1953	Solicitors Instructions, Regulation of Care (Scotland) Bill	Departmental consideration of solicitors instructions regarding the powers and mandate of the Scottish Commission for the Regulation of Care as provided through the Regulation of Care (Scotland) Bill and other aspects of the legislation.	2000-2001
HH102/1954	Solicitors Instructions: Regulation of Care (Scotland) Bill	Departmental consideration of instructions to draftsmen regarding the Regulation of Care (S) Bill.	2000-2001
HH102/1962	Regulation of Care (Scotland) Bill, 2000	Drafting of the bill, including amendments and instructions	2000-2001
HH102/1965	Regulation of Care (Scotland) Bill, 2000	Drafting of the bill, including preparation of memoranda to the Legislation Committee and on policy. HH102/1965/1 contains open	2000-2001

		papers, HH102/1965/2 contains papers which are exempt from release under s.36(1) of the Freedom of Information (Scotland) Act 2002.	
HH102/1968	Regulation of Care (Scotland) Bill: Regulations	Drafting of instructions to solicitors regarding the regulations for the Commission on the Regulation of Care under the relevant legislation and preparation for consultation. Includes copies of papers relating to similar English regulations and regulations for the Scottish Social Services Council.	2001
HH102/1989	Regulation of Care (Scotland) Act, 2001	Departmental consideration of draft regulations for the Scottish Commission for the Regulation of Care and for the Scottish Social Services Council concerning function, composition and remuneration. HH102/1989/1 contains open papers, HH102/1989/2 contains papers which are exempt from release under s.36(1) of the	2001

		Freedom of Information (Scotland) Act 2002.	
HH102/1992	Regulation of Care (Scotland) Bill	Drafting and consideration of amendments to the bill at stage 3, including notes on amendments and ministerial briefings and speaking notes.	2001
SCR2/15/5/1	Wild Mammals: Ad-Hoc Ministerial Meetings	Papers on Ministerial meetings to discuss the Wild Mammals Bill [passed as the Protection of Wild Mammals (Scotland) Act 2002], which sought to ban traditional fox hunting and hare coursing. [This file was released in January 2018.]	16 Jan-8 Feb
SCR2/19/1/2	Review of Scottish Cabinet Ministerial Committees	Papers on a review of the operation of all Ministerial Committees, Working Groups and Ad-Hoc Groups. Papers include submissions to ministers, internal Scottish Government minutes and emails, and papers detailing the outcome of the	10 Jan-27 Mar 2002

		review. [This file was released in January 2018.]	
SCR11/5/3	Management Group Meetings: Miscellaneous	Papers relating to Management Group Meetings. [Papers dating from 2001 were released in January 2017, and papers dating from 2002 were released in January 2018.]	5 Mar 2001-7 Oct 2002
SE/CS/5/1/1	Correspondence Handling	Guidelines for dealing with persistent correspondents.	2001

**3) Details of all files from the 1970s-1990s that were a) opened for public inspection this year (2017) and b) partially opened for public inspection this year (2017)**

Our website news story about the most recent file release (January 2018) contains a link to a list showing all files which were fully or partially released at this date. This includes files dating from the 1970s-1990s. Similarly, our story about the previous file release contains a link to the list of files fully or partially released in January 2017. Under section 25(1) of FOISA we do not have to provide you with information which is already reasonably accessible to you.