



SUPPLEMENTARY GUIDANCE ON PROPER ARRANGEMENTS FOR ARCHIVING PUBLIC RECORDS

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National Records of Scotland

Supplementary Guidance on Proper Arrangements for Archiving an Authority's
Public Records - **Guidance**

To assist public authorities to meet their obligations under Element 7 of the Keeper's
Model Records Management Plan

<http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011>

This guidance should be consulted by authorities when archiving records, as
required under Element 7 of the Keeper's Records Management Model Plan

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Introduction

1. The Public Records (Scotland) Act 2011 (the “2011 Act”) requires that an authority’s record management plan includes particular provision about the archiving and destruction or other disposal of public records.¹ To achieve this, the Keeper of the Records of Scotland’s (‘the Keeper’) statutory guidance,² specifies that authorities listed under the Schedule to the 2011 Act must make ‘proper arrangements’³ for records of ‘enduring value’ to be transferred to an appropriate ‘archive repository’, specifying the timing of transfers and other terms and conditions. This document aims to help authorities understand what the Keeper regards as ‘an appropriate archive repository’ by laying down the proper arrangements that must be considered when identifying an appropriate archive for their records. These arrangements are:

- the constitution, finance and staffing of an archive
- security arrangements
- storage arrangements
- arrangements for collection care
- public access arrangements

2. The Keeper accepts that the proper arrangements in place for one authority’s archive may differ from those of another and for that reason, he is permitted to make different determinations for different authorities under section 4(9) of the 2011 Act. When deciding whether proper arrangements are in place for individual authorities, the Keeper will have regard to this guidance, the Model Records Management Plan and the Model Records Management Plan Guidance, the nature of the authority, its public records and any representations made by that authority.⁴

3. Authorities should note that this guidance is issued by the Keeper under section 9 of the 2011 Act, which states that authorities must have regard to any guidance issued by the Keeper under that section.⁵

4. This guidance should be read in conjunction with other legislation relating to information and records and the supporting guidance – in particular, the Data Protection Act 1998, the Freedom of Information (Scotland) Act 2002 (‘FOISA’), the Code of Practice on Records Management under section 61 of that Act, and the

¹ Section 1(2)(b)(iii) PRSA 2011

² <http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources> covering the Model Records Management Plan and Guidance to the Model Record Management Plan

³ Section 4 (3)(b) and (4) PRSA 2011 for ‘proper arrangements’ as a statutory concept

⁴ Section 4(5) PRSA 2011

⁵ Section 9(4) PRSA 2011

Environmental Information (Scotland) Regulations 2004 ('EIRs'). It is not intended to replace either such guidance or an authority's obligations under these Acts.

5. This Guidance extends to historic records created or acquired by an authority before the 2011 Act came into effect.

6. This guidance is mandatory. It is not intended to be prescriptive but rather to allow for the different needs and circumstances of different authorities.

7. This guidance will be reviewed and re-issued periodically to take account of changing circumstances, including any changes in legislation and professional standards and methodology.

8. The Keeper is committed to helping public authorities comply with the Act. If, having consulted this guidance, an authority is still unsure of what is required they should contact National Records of Scotland (NRS).

Evidence

9. As stated under Element 7 of the Keeper's Model Records Management Plan, authorities must submit evidence that proper arrangements are in place for the transfer of their records to an appropriate archive repository.

'Such evidence might include memoranda of understanding between an authority and an archive repository, an internal schedule of preservation or an explanation of how automated systems archive electronic records and details of how metadata transfers with those records.'

10. When submitting their Records Management Plan (RMP), an authority must state that it has arrangements in place to transfer its records of enduring value to an appropriate archive in accordance with the principles outlined in this guidance. If the Keeper considers that an authority's plan does not meet this requirement, he may request further evidence that proper arrangements are in place. If the evidence submitted by an authority suggests that it does not have proper archiving arrangements in place, the Keeper will advise the authority on how to improve these. If an authority fails to show commitment to improving their archive arrangements the Keeper will deem the authority to have failed in its statutory duty under the Act and consider issuing an "action notice" under section 7 of the 2011 Act.

General Guidance

11. Authorities should have regard to the guidance provided below when identifying or establishing an appropriate archive repository for their records.

National Records of Scotland (NRS)

12. NRS provides guidance and advice on a range of records management and archive issues. This can be accessed through the website which also provides a range of contact points for various specialisms, including the conservation.

Link: <http://www.nrscotland.gov.uk/>

The National Archives – Archive Service Accreditation

13. Archive Service Accreditation is the new UK wide standard for archives service which has been developed through a process of co-creation and consultation with the archives sector and its stakeholders. The standard defines good practice and agreed standards, thereby encouraging and supporting development. It is aimed at organisations that hold publicly accessible archive collections, whatever their constitution, and covers both private and public sector archives.

Link: <http://www.nationalarchives.gov.uk/archives-sector/archive-service-accreditation.htm>:

ARMS

14. Archives and Records Management Services (ARMS) provides a framework which aims to encourage self-improvement with regard to archive management.

Link: <http://www.scottisharchives.org.uk/projects/toolsstandards/arms/what>

Scottish Council on Archives

15. The Scottish Council on Archives website contains a variety of useful tools and guidance for records managers and archivists.

Link: <http://www.scottisharchives.org.uk/projects>

Constitution, Finance and Staffing

Constitution

16. A public authority's records are transferred to an archive in recognition of their enduring value and need to be kept for permanent preservation. It is therefore important that an authority's archive has clear objectives in place regarding collections policies, standards of care and the services it will provide, including public access.

17. Some authorities may wish to operate a joint archiving service, engage in an agency agreement with another authority or opt to administer their archive service via a public trust. The Keeper will agree to these arrangements as long as the public authority is satisfied that the archive meets the principles set out in this guidance. Authorities establishing archive facilities are particularly encouraged to investigate the possibilities for joint working, where these can meet audience needs, as being an efficient use of limited public resources. The specialised needs of archive accommodation and the archive service as a whole must be observed by the authority.

Finance

18. Authorities who run their own service should ensure that sufficient funding is made available. When joint, trust, or agency arrangements are in place an appropriate financial contribution should be made. Some of an authority's budget should be available for conservation purposes.

Staffing

19. In terms of the transfer and archiving of records, archivists provide expertise in selecting, appraising, cataloguing and interpreting records and making them or information about them available. They can also assist a public authority to meet its obligations under the Data Protection Act 1998, Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.

20. An appropriate archive will employ one or more staff who are professionally qualified as archivists or records managers to manage the records in its care and carry out any services it offers. The number of staff an archive employs must be appropriate to the operational need.

Security

21. Accommodation should be secure, meet health and safety requirements and provide protection against damage and loss. This is in accordance with section 1(2)(b)(ii) of the 2011 Act, which provides that any RMP should make specific provision for how the security of the information will be maintained.

22. An appropriate archive should have an information security policy that is available to all staff involved in the archiving of records. The policy should put in place measures to ensure records are secure and retain their integrity. Server protection should be in place for the physical security of electronic documents.

23. Theft prevention measures should also be in operation. Measures should include a tracking and ordering system to monitor the location of records and a vetting process when employing new staff or volunteers.

24. As part of its risk management strategy, a public authority should have an incident control plan in place, with access to appropriate equipment and materials to enable it to cope with the risks associated with man-made or natural disasters. This applies to digital information and equipment just as much as to paper and other media. Practical training and exercises in disaster prevention and recovery will help to minimise these risks.

Storage

25. Proper accommodation for archives is fundamental to ensure that irreplaceable records selected for permanent preservation are not put at risk. Section 1(2)(b)(i) of the 2011 Act provides that any RMP should make specific provision for the procedures to be followed in managing the authority's public records, which will include how these are stored and organised.

26. Accommodation and storage should be based on industry best practice standards. In particular they should aim to meet the recommendations of PD 5454, 'Recommendations for the Storage and Exhibition of Archival Documents' (2012). All archive accommodation should offer adequate protection against flood, fire, dust, chemicals, vermin, insects and excessive variations in temperature and humidity.

27. An archive repository should have enough space to accommodate regular accessions of records on an annual basis. The adoption of a disposal schedule as part of an authority's RMP will help to indicate the likely rate of accruals.

28. Archive accommodation should include suitable shelving and records should be properly packaged in order to avoid damage. Separate storage should also be provided for records in specialised formats such as electronic records and film.

Electronic Records

29. As stated under Section 13 (1) of the 2011 Act, "record" means anything in which information is recorded in any form'. It follows that electronic records are as much a part of records management as paper records. The authority must ensure that they remain secure and accessible over time. Arrangements should be:

- Suitable: arrangements should expressly evaluate and mitigate the risks to the permanent preservation of electronic records. These include management and governance of the records (cataloguing etc.), damage or destruction of underlying data (bit preservation), and risks to future access (media or format obsolescence).
- Scalable: the authority should establish an estimate of the volumes and types of electronic records to be stored and processed over time, and consider the capacity and performance of proposed arrangements against this estimate.
- Secure: arrangements should evaluate and mitigate long-term risks to the confidentiality, integrity, and availability of electronic records. Emphasis should be placed on the lawful and appropriate handling of personal/sensitive data. Arrangements should follow good disaster management practices,

including keeping multiple copies of electronic records on multiple storage solutions in multiple secure locations. Storage systems should be assured against appropriate standards, e.g. ISO27001 or equivalent government standards.

- Sustainable: arrangements should balance the need for storage and growth of electronic records with protecting the environment, specifically addressing the energy consumption, physical space and provisioning required. Funding for contractual arrangements for ICT services to store and manage electronic records should be sustainable over the long-term.
- Supportable: arrangements should demonstrate how technologies deployed will be supported through their lifecycle, addressing the longevity of any IT systems, planned or predicted obsolescence, and total cost of ownership.

Specific guidance on arrangements for electronic records can be found on the NRS website.

Link: <http://www.nrscotland.gov.uk/record-keeping/electronic-records-management>

Collection Care

30. Collection care is necessary to safeguard records against loss and damage and ensure they are available to future generations. This also falls within the scope of section 1(2)(b)(i) of the 2011 Act regarding the management of public records. It encompasses the cleaning, preservation, maintenance, handling, environmental monitoring and control and conservation of records.

31. An appropriate archive should have a preservation plan in place to monitor the physical condition of records in its care. Access to a conservation service either directly or through an external supplier should be available to ensure the physical care of documents.

32. Training should be given to archive staff in the proper handling of records and should be supported by safe and secure transport arrangements whenever records are in transit.

33. Guidance Specific to Conservation:

- National Records of Scotland

NRS does not undertake private conservation work but it can advise on all aspects of collection care. Information on private conservation services can be found at the Conservation Register website.

- The Conservation Register

The Conservation Register is an online source for finding approved professionally qualified conservator-restorers. Run by the registered charity, the Institute of Conservation (Icon) for the benefit of the public, the Conservation Register provides up-to-date information on who to go to for advice and expertise on the repair, restoration and care of valuable records.

Link: <http://www.conservationregister.com>

Public Access

34. As part of an authority's archiving duties under the Act, records selected for permanent preservation should be made available for public use at convenient times and in the presence of appropriately qualified staff. To fulfil this responsibility, records should be transferred to an archive which has public access facilities, except in circumstances where alternative arrangements have been agreed by the Keeper as part of a public authority's RMP.

35. It is the Keeper's view that a public authority archive should:

- advertise the presence of the archive service on the authority's website with information about its services and holdings
- allow access at convenient hours for the public, where records can be inspected under the supervision of appropriately qualified staff in secure conditions, complying with the Equality Act 2010
- have a published policy on access to archived records which includes a statement detailing any access restrictions
- maintain an accessions register and produce catalogues and indexes to enable researchers to consult its collections
- provide equipment for viewing any records held in specialised formats
- have facilities to make copies of records in different formats available to researchers, where the physical condition of the documents permits copying.

36. Authorities are encouraged to develop outreach and education policies, to contribute to heritage activities within their communities, to advertise their holdings to non-users and to enable archives to be developed for educational use.

37. Nothing in this guidance should undermine the obligations of public authorities to provide public access under the Freedom of Information (Scotland) Act 2002, the Environmental Information (Scotland) Regulations 2004 and the Data Protection Act 1998.

38. Specific to local authorities is section 54 (1) of the Local Government etc. (Scotland) Act 1994 which authorises local authorities to do anything which appears to them to be appropriate for the purpose of enabling proper use to be made of their records including:

- make records available for inspection/consultation under supervision
- provide copies of records
- prepare finding-aids for records
- exhibit and publish records

Appendix 1

Glossary of terms used in this document

Authority/Public Authority – For the purpose of the Public Records (Scotland) Act 2011, a body that appears in the schedule to the Act: <http://www.legislation.gov.uk/asp/2011/12/schedule/enacted>. This schedule can be amended under the terms of section 2 (2) of the Act.

Collections care - Range of activities intended to safeguard a collection. These activities can include organizational policies, security, storage, cleaning, maintenance, handling, scientific investigation, environmental monitoring and control, exhibitions and loans, conservation, provision of surrogates and emergency planning.

Conservation - Interventive techniques applied to a physical item to achieve chemical and physical stabilisation for the purpose of extending the useful life of items to ensure their continued availability.

Data Protection – Issues around the Data Protection Act 1998, the main purpose of which is the protection of private information about living people and to confirm that an individual has the right to know what information is held about them. N.B. The Data Protection Act does not give members of the public the right to access the actual records held by a public authority.

Document – Information or data fixed in some medium, which may or may not be considered in whole or in part an official record.

Freedom of Information – Issues around the Freedom of Information (Scotland) Act 2002 – known as FOI(S)A – this Act introduced a statutory right of access to all types of recorded information of any age held by Scottish public authorities, subject to certain conditions and exemptions. The Act is promoted and enforced by a fully independent Scottish Information Commissioner.

Guidance to the Model Records Management Plan – Guidance issued by the Keeper of the Records of Scotland (the Keeper) to assist public authorities to create a records management plan that is sufficiently robust to receive the agreement of the Keeper.

Keeper of the Records of Scotland - NRS is headed by the Keeper of the Records of Scotland, who is responsible to the Scottish Ministers for the management of NRS. The separate office of Keeper of the Records of Scotland was created in 1949, although its antecedents date back to the 13th century.

Management of Records – For the purposes of the Public Records (Scotland) Act 2011, management of records includes the keeping, storage, securing, archiving, preservation, destruction or other disposal of an authority's records as defined in section 13 (1) of the Act.

Model Records Management Plan – Document produced by the Keeper of the Records of Scotland that shows the elements he considers should be addressed in the records management plans of all public authorities.

National Records of Scotland – Performs the registration and statistical functions of the Registrar General for Scotland, including responsibility for demographic statistics and census, and the archival functions of the Keeper of the Records of Scotland including maintaining the archives as one of Scotland's five National Collections, and providing a leadership role for Scottish archive and record professionals

Permanent Preservation – The principle that some material created by an authority will be of enduring value and will be preserved beyond its business use.

Public Records – For the purpose of this document, this refers only to records that are subject to the Public Records (Scotland) Acts 1937 and 2011.

Public Records (Scotland) Act 2011 -

<http://www.legislation.gov.uk/asp/2011/12/contents/enacted>

Record – Information created, received, and maintained in any form as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business.

Records Management - The practice of formally managing records within a system (electronic and/or paper) including classifying, capturing, storing and disposal.

Records Management Plan – A formal statement by which an organisation explains the procedures it has in place to ensure the proper management of its records. A public authority, if it appears in the schedule to the Public Records (Scotland) Act 2011, will be required to have its records management plan agreed by the Keeper of the Records of Scotland.

Retrieval/Tracking – The mechanism by which an organisation notes record movement.

Storage – The housing of a collection of records whether or not on display or publicly accessible, if designated, to be temporarily or permanently retained.

Appendix 2

Examples of formal archive standards

PD 5454, Recommendations for the Storage and Exhibition of Archival Documents (2012: ISBN 13: 9780580716003) [Management Library & Information Services](#)

'Archive Service Accreditation', the new UK wide quality standard which defines good practice and agreed standards for archives:
<http://www.nationalarchives.gov.uk/archives/standards-framework.htm>

PAS 197:2009, Code of practice for cultural collections management (ISBN 9780 613524)

PAS198:2012, Specification for managing environmental conditions for cultural collections (ISBN 978 0 580 71315 6)

Standards and requirements for electronic records management:
<http://www.nrscotland.gov.uk/record-keeping/electronic-records-management>