

# **PUBLIC RECORDS (SCOTLAND) ACT 2011**

---

## **EXPLANATORY NOTES**

### **SUMMARY OF THE ACT**

#### **Part 1 – Records Management Plans**

##### ***Section 3 – Meaning of “public records”***

15. This section defines “public records” for the purpose of Part 1 of the Act. Public records are the records which must be covered by the records management plan for an authority (see section 1).
16. Subsection (1)(b) provides that records which are created by contractors in carrying out functions of an authority are public records of the authority. This means that the records management plan for the authority must set out the arrangements for managing its contractors’ records as well as records created by the authority. “Contractor” is defined in subsection (2). The definition covers persons who carry out functions on behalf of an authority. It does not cover persons who provide goods or services (such as supplying stationery) to an authority but do not deliver functions on its behalf.
17. Subsection (1)(c) provides that records which come into the possession of authorities or contractors in carrying out the authority’s functions are also public records. Examples might include correspondence, reports, evidence or statistics which relate to the functions. The authority must ensure that these records are managed in accordance with its records management plan. This subsection also covers historical records of a predecessor authority (e.g. a former local authority’s archive).