

PUBLIC RECORDS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

SUMMARY OF THE ACT

Part 1 – Records Management Plans

Section 4 – Agreement of plans

18. This section sets out the procedures for obtaining the Keeper’s agreement to plans. The procedures apply to an authority’s initial submission of a records management plan and to the submission of any revised plans.
19. Subsection (1) obliges public authorities to submit a proposed records management plan by a date set by the Keeper. Subsection (2) allows the Keeper to set requirements as to the form and manner in which a plan must be submitted. The Keeper may set different dates and different requirements for different authorities (subsection (9)).
20. The Keeper must agree a proposed plan or return if it does not set out “proper arrangements” for managing the authority’s records (subsection (3)). “Proper arrangements” may vary according to the authority concerned and it is for the Keeper to decide if the test is met in each case (subsections (4) and (9)). When deciding whether to agree or return a plan, subsection (5) also requires the Keeper to have regard to the model records management plan produced under section 8, the guidance issued under section 1(4), the nature of the authority and its public records and any representations made by the authority.
21. The Keeper must notify an authority before returning its proposed plan, give the authority an opportunity to make representations and have regard to these representations before making a final decision (subsection (6)). Subsection (7) makes provision about what is to happen where the Keeper returns a proposed plan.