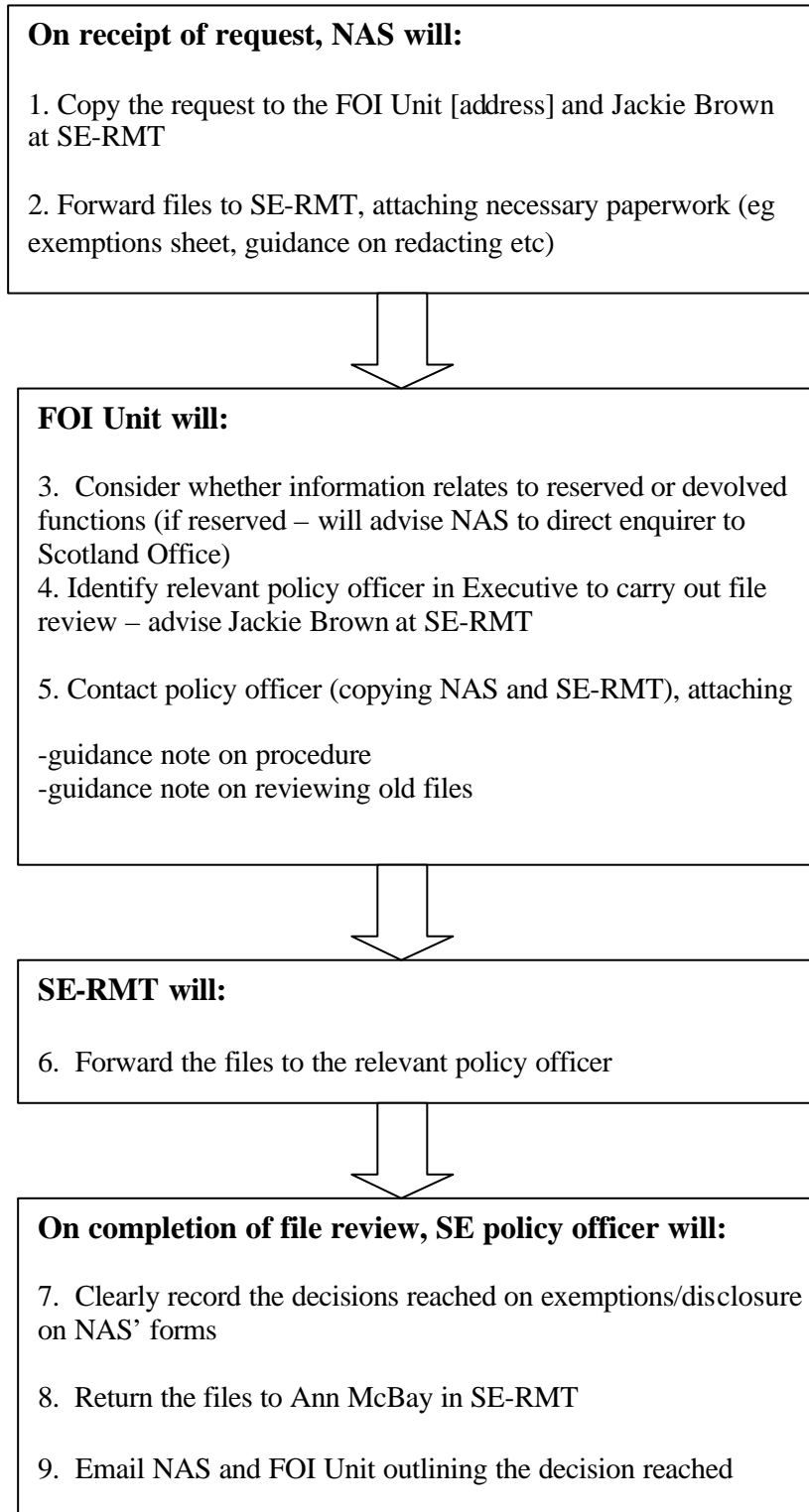
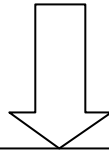


## FOI REQUEST PROCEDURE, CLOSED FILES HELD BY NAS

### Where request received by NAS for access to CLOSED files:

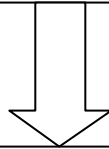
(NB: statutory time limit for responding to FOI request is extended to 30 working days)





**On receipt of the files, SE-RMT will:**

10. Ensure NAS forms re exemptions/disclosure etc fully completed. Return to policy officer if necessary for completion.
11. Check that any redactions required have been fully completed by policy officer, in accordance with NAS guidance
12. Return files to NAS

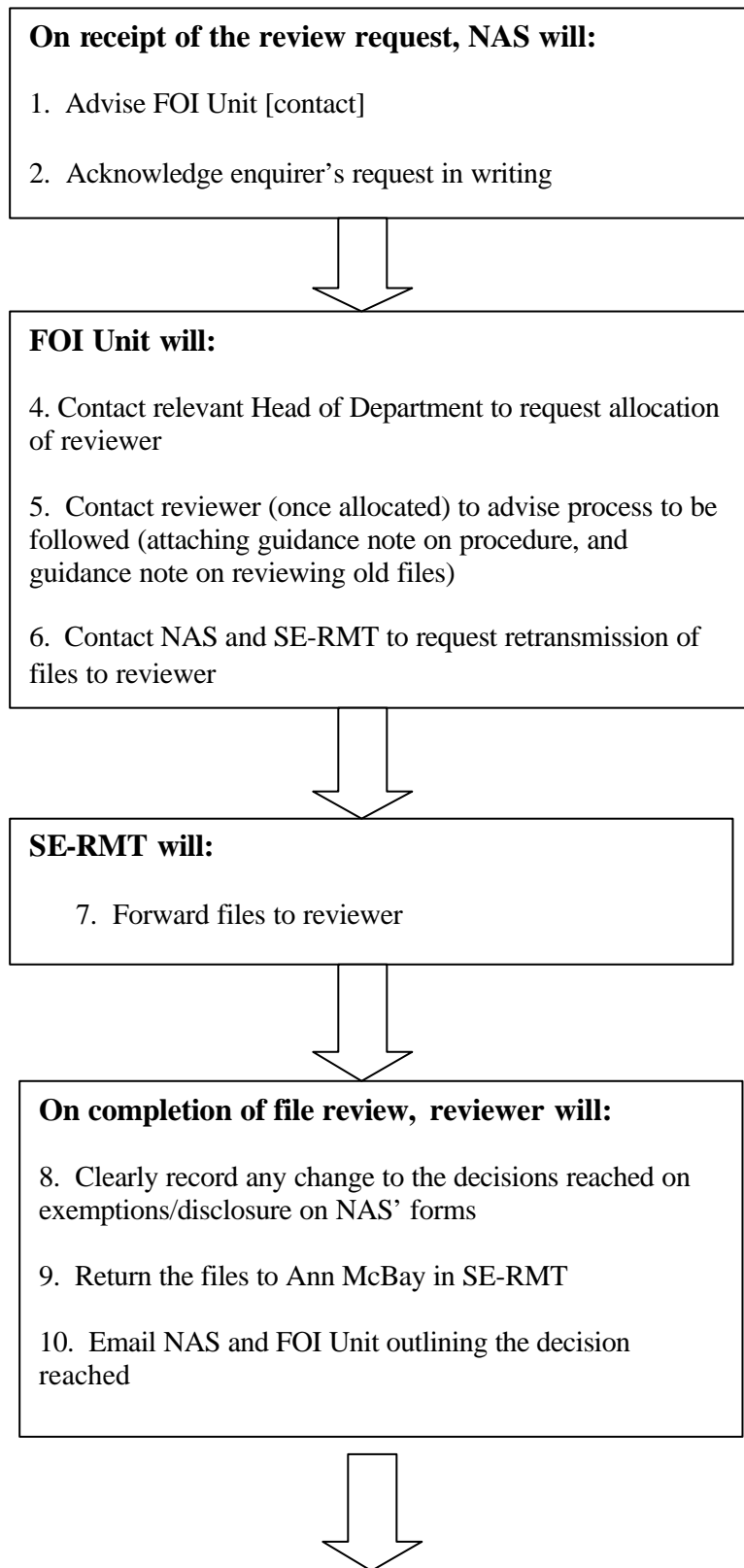


**On return of the files to them, NAS will:**

13. Issue the FOI response letter to the enquirer, copying in FOI Unit.

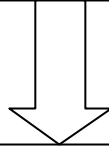
**If the enquirer requests a review of the decision:**

**(NB: statutory time limit for responding to review is extended to 30 working days)**



**On receipt of the files from the reviewer, SE-RMT will:**

11. Re-transmit the files to NAS



**On return of the files, NAS will:**

12. Issue the review decision letter to the enquirer, copying in the reviewer and FOI Unit

## **FOI REQUESTS FOR ‘CLOSED’ FILES HELD BY NATIONAL ARCHIVES OF SCOTLAND (NAS)**

### **PROCEDURE TO BE FOLLOWED BY POLICY OFFICER AT REQUEST AND REVIEW STAGE**

**(NB - For guidance on reviewing old files, see intranet at <http://intranet/content/departments/lps/cps/foi.htm>)**

#### Introduction

- The National Archives of Scotland (NAS) retains all Scottish Executive files which have been chosen to be permanently preserved. Traditionally, these were not open to public access for 30 years, however Freedom of Information now overrides this and unless they contain information which is subject to one or more of the FOI exemptions they are made available to view. Until they are assessed for exemptions the files remain ‘closed’.
- When NAS receives an FOI request to view a ‘closed’ file under 30 years old which has not already been assessed for exemptions, it is for the Scottish Executive to take a decision on whether it should be made available for public access. Such files are sent to the most appropriate policy area within the Executive for them to be reviewed.
- In these circumstances the time limit for responding to the FOI request is 30 working days instead of the usual 20. (NB this only applies where it is NAS itself which receives the initial FOI request – if it is the Executive which receives the request for a NAS file the usual 20 working days applies.)

#### Procedure

1. NAS will contact the FOI Unit about the FOI request (or review request)
2. FOI Unit will identify the most suitable policy officer to assess the files and contact them, providing this guidance note, and the guidance on reviewing old files. (In the case of a review, the Unit will request the relevant Head of Department identifies an appropriate reviewer.)
3. Records Management Branch will ensure the files are sent on to the policy officer. Attached to the file will be guidance from NAS on how to handle such files, and forms for completion –
  - NAS Exemptions Schedule
  - File Opening Schedule

4. The **policy officer** should consult the FOI Practical Guidance Notes on the intranet, the guidance on reviewing old files, and if they require further assistance contact the FOI Unit. (NB - In general, whereas exemptions may continue to apply to older information, the sensitivities are likely to have diminished with time and the public interest is more likely to lie in their opening, rather than their continued closure. Many of the exemptions have a time limit of 30 years.)
5. The appropriate NAS schedule must be completed by the **policy officer**, either confirming that no exemptions apply and therefore the file may be 'opened', or advising that exemptions do apply and providing details on the Exemptions Schedule.
6. The files must be returned without delay by the **policy officer** to Records Management Branch, who will ensure they are returned to NAS.
7. The **policy officer** will email NAS [contact] and FOI Unit [contact] outlining the decision reached and providing a draft response to the enquirer.
8. On receipt of the files, NAS will issue the response letter to the enquirer.

Whether the subject is devolved or not there is also the issue of when the files arrived with us, i.e. pre or post July 1999 to consider as this will effect who is responsible, but we are always open to advice.