

**EXPLANATORY MEMORANDUM TO
THE PUBLIC RECORDS (TECHNOLOGY STRATEGY BOARD) ORDER 2007**

2007 No. 3466

1. This explanatory memorandum has been prepared by The National Archives and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This instrument will ensure that the administrative and departmental records of the Technology Strategy Board will be public records. The Technology Strategy Board (“the Board”) became operational as an executive Non Departmental Public Body on 1 July 2007 (this is stated on the BERR website).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 The Board was established as a research council by the Technology Strategy Board Order 2007 (S.I. 2007/280) on 1 April 2007. As a former advisory body sponsored by the Department for Business, Enterprise and Regulatory Reform the Board’s records fell within the provisions of the Public Records Act.

4.2 This Order is being made to add the Board to the Table in paragraph 3 of Schedule 1 to the Public Records Act 1958 (c. 51). This will have the effect of making the Board’s administrative and departmental records public records.

4.3 Before an Order such as this may be made one of two preconditions must be satisfied (as set out in paragraph 3A(1) of Schedule 1 to the 1958 Act). One is that the body in question is specified in Schedule 2 to the Parliamentary Commissioner Act 1967 (c. 13) (which sets out the bodies subject to investigation by the Parliamentary Commissioner for Administration). The Board was so specified by article 2(a) of the Parliamentary Commissioner Order 2006 (S.I. 2006/3328).

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

Michael Wills has made the following statement regarding Human Rights:

In my view the provisions of The Public Records (Technology Strategy Board) Order 2007 are compatible with the Convention rights.

7. Policy background

7.1 Under public records legislation government departments, agencies and non departmental public bodies are responsible for making arrangements for selecting those records which ought to be permanently preserved. These arrangements are carried out under the guidance of the Keeper of Public Records who is responsible for coordinating and supervising the work of selection and for setting standards and supporting innovation in information and records management. Records which are selected for permanent preservation are transferred to The National Archives.

7.2 This instrument will ensure that the Board has in place appropriate procedures for managing and appraising its records and information. The Board plays a key part in the Government's innovation plans and is instrumental in the development and exploitation of science. As a result it has a part in fulfilling The National Archives Acquisition Strategy and Acquisition Criteria by ensuring that those records of the Technology Strategy Board which document the principal deliberations, decisions and actions of UK government are permanently preserved. They will form a research resource for future generations.

7.3 The instrument will bring the Board into line with other non departmental public bodies whose records are public records.

7.4 There is unlikely to be a high level of public interest in the instrument.

7.5 The Director of the Technology Strategy Board Transition Team has formally consented to the Board being made a public record body and has agreed that the Board will meet its obligations under the public records legislation.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument, as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is The National Archives will guide and support the Board in the management of its records and information. The National Archives will preserve those records which meet its selection criteria. Researchers will be able to access the records at The National Archives.

9. Contact

Elaine Baldwin at The National Archives Tel: 020 9392 5330 x2304 or e-mail:elaine.baldwin@nationalarchives.gov.uk can answer any queries regarding the instrument.