

## **‘20-year rule’ frequently asked questions**

### **Q. What’s happening?**

The government has confirmed it will reduce the point at which historical records are made available at The National Archives and other places of deposit from 30 to 20 years. The move to a ‘20-year rule’ represents a major change for the entire public records network and must be managed in an affordable way. As such, a phased approach will be adopted:

- The transition beginning in 2013, will apply to the majority of public records transferred to The National Archives and 70 institutions that act as their own place of deposit.
- The intention is to commence a second ten-year transitional period for 116 local authority places of deposit from 2015, where the impact of introducing the change now could outweigh any benefit. This is subject to the findings of a full impact and cost assessment.
- In parallel, a number of exemptions in the Freedom of Information Act will reduce in accordance with the first ten-year transition period.
- The process will be transparent and The National Archives will report annually to the Lord Chancellor on the government’s progress and will publish data by department on its website.

### **Q. Who is affected by the new rule?**

**A.** The entire public records network in England and Wales:

- 250 government departments
- over 1000 branches of central government (such as magistrates courts, NHS organisations and local prisons)
- The National Archives, the government’s official repository for public records
- 70 institutions that are either places of deposit for their own records, such as museums or specialist collecting institutions appointed to receive government records (such as the Imperial War Museum), and
- 116 local authority places of deposit primarily concerned with preserving records of local relevance.

### **Q. What is a place of deposit?**

**A.** A place of deposit is an organisation appointed to hold public records outside The National Archives because they offer appropriate access and preservation facilities. They can be a number of different types of organisations, including universities, record offices, museums, local authority archives etc.

**Q. Why couldn't this be introduced for records transferred to local authority archives at the same time as those sent to The National Archives?**

**A.** Local government is facing additional budgetary constraints and we want to ensure the balance of burden and benefit to local authority places of deposit and their local communities is maintained despite challenging circumstances. An accurate assessment of the impact the 20-year rule will have on these organisation is not yet complete. Ministers have agreed that impact and costs must be established before they begin transition. This will ensure implementation is managed in an affordable and transparent way.

**Q. How is The National Archives working with local authority archives to minimise impact of introducing a '20-year rule'?**

Local government is facing additional budgetary constraints and we want to ensure the balance of burden and benefit to local authority places of deposit and their local communities is maintained despite challenging circumstances. As a result, ministers have agreed that impact and costs of introducing a '20-year rule' must be established before these archives begin transition to ensure implementation is managed in an affordable and transparent way.

We are working to help ensure that the transition to a '20-year rule' has minimal impact by:

- liaising with local authority archives on the impact and cost assessment
- identifying efficiencies in record preparation and transfer process and providing updated guidance, and
- ensuring any benefits resulting from the first transition are shared with local authority archives.

**Q. How many records are affected by the change?**

3.3m records will need to be reviewed by government earlier as part of the first transition, of which only a small proportion will be selected for permanent preservation. This could result in an additional, 45,000 records (90,000 records per annum) transferred to The National Archives each year of the 10-year transition, requiring 10 kilometres extra of shelving to store them.

**Q. How much is it costing?**

We can only estimate costs. From 2013 the first transition, which excludes Local Authorities, could cost in the range of £34.7m to £38.5m. A full impact and cost assessment will establish the cost for second transition.

**Q. What data will you report to the Lord Chancellor and publish on your website?**

Government departments will be required to report to The National Archives on volumes of records due for processing each year, numbers transferred, and progress against declared transfer plans, although the exact data to be published is still to be determined.

The National Archives will collect this data and intends to publish a baseline report on its website later this year (2012).

**Q. What is the '20/30-year rule'?**

The phrase '30-year rule' (20-year rule from January 2013) currently describes the point at which records created by government will be transferred to The National Archives and other places of deposit and when most are released to the public. In fact there is no single 'rule', but two rules that work together:

1. The Public Records Act, which requires government departments to transfer records to The National Archives by the time they are 30-years old
2. The Freedom of Information Act, which requires most records to be released to the public by the time they are 30-years old

**Q. What is The National Archives' role in this?**

The National Archives along with the Ministry of Justice was charged with developing a plan to implement a transition to a 20-year rule efficiently and effectively. The National Archives led on changes relating to the Public Records Act.