

# **Advisory Council on National Records and Archives: 18th Annual Report 2020-21**

To the Right Honourable Oliver Dowden CBE MP Secretary of State for Digital, Culture, Media and Sport ('DCMS').

## **Part One – Introduction**

### **Background**

The Advisory Council on National Records and Archives (the 'Council') is an independent advisory body, created under the Public Records Act 1958 and exercising statutory functions under that Act. It advises the Secretary of State for Digital, Culture, Media and Sport (the 'Secretary of State') on issues relating to access to public records. It also carries out duties under the Freedom of Information Act 2000.

Through its sub-committee, the Forum on Historical Manuscripts and Academic Research (the 'Forum'), the Council also advises the Chief Executive of The National Archives and Keeper of Public Records on matters relating to independent (non-governmental) archives outside the public records system.

The Council's and the Forum's respective remits are described in more detail in Appendix A and membership details are included in Appendix B.

## **Part Two – The Advisory Council's work in 2020-21**

### **Membership**

The Council is Chaired by the Master of the Rolls, Sir Geoffrey Vos. Sir Geoffrey was appointed during the reporting period on 11 January 2021, following the retirement of Lord Etherton. Mr Trevor Woolley acts as Deputy Chair. Following successful reappointment submissions, two members were reappointed in February 2021: Dr Peter Gooderham and Mr John Wood. The total membership of the Council remains at 18, including the Chair.

### **Meetings**

The Council held four virtual meetings in May, July and November 2020 and in March 2021, together with an additional training meeting in September, at which a number of helpful and informative presentations were given, including on the transfer of digital records and on the implications of information already in the public domain when considering Freedom of Information cases.

Council meetings were attended by members, as well as by Jeff James, The National Archives' Chief Executive and Keeper of Public Records. Other representatives from The National Archives who possess particular expertise relating to the issues considered by the Council also participated, as necessary.

## **Remuneration**

Remuneration for Council members, excluding the Master of the Rolls, was approved and introduced on 1 April 2019 and is provided by the Department for Digital, Culture, Media and Sport. Members are remunerated at a rate of £386 per day to a maximum of £9,264 per year. Council remuneration for 2020-2021 totalled £106,150.

## **Closure of records under the Freedom of Information Act**

The core of the work of the Council is to:

- 1) act on behalf of the Secretary of State, in advising public record transferring bodies on the consideration of the public interest in relation to engaged qualified exemptions as defined in the Freedom of Information Act (FOIA 2000) when a record is at the point of transfer to The National Archives. The Council may respond to applications by such bodies for records (in whole or in part as appropriate) to be transferred closed by:
  - a) accepting that the information may be withheld for longer than 20 years and earmarking the records for release or re-review at the date identified by the authority
  - b) accepting that the information may be withheld for longer than 20 years but asking the authority to reconsider the proposed date for release or re-review
  - c) questioning the basis on which it is considered that the information may be withheld for longer than 20 years, asking the authority to reconsider the case, and, exceptionally, to request sight of the record
  - d) advising departmental ministers against the application of an Freedom of Information (FOI) exemption in a particular case when, following thorough examination of the department's rationale, it judges the balance of public interest to be against closure.
- 2) providing advice to the Secretary of State when a public record transferring body has made an application to retain records that are 20 years old, which would otherwise be transferred to The National Archives. The Secretary of State signals approval for retention for the specified period by signing a Retention Instrument.

Given the very large volume of applications placed before it, the Council works on the basis of summaries prepared by departments and scrutinised by The National Archives.

The Council will ask for more details and question apparent weaknesses in the arguments for closure until it is satisfied; or until the department withdraws or modifies the request. Occasionally, the Council may request that one of its members sees the full record (although this was not required in 2020-2021). Further information on how the Council scrutinises and challenges the applications it receives is available on the Council's website: [nationalarchives.gov.uk/about/our-role/advisory-council](https://nationalarchives.gov.uk/about/our-role/advisory-council).

In 2020-21, the Council considered 5,481 applications for closure from departments (a similar figure to 2019-20). The Council queried 36 per cent of applications for the transfer of records closed under qualified (i.e. not absolute) exemptions. This figure compares with 16 per cent in 2019-20. The increase is not due to any general deterioration in the quality of departmental explanations, but rather that the Council has continued to raise the bar on the amount of evidence it has asked of departments before reaching its conclusions. Departments have been constructive in their response to this. Of the records queried, departments withdrew their applications in response to the Council's challenge in 158 cases, compared with 23 in 2019-20.

In 2020-21, the Council considered 804 individual records which departments had applied to retain (a slight reduction from 878 in 2019-20). The Council queried 8 per cent of these (11.5 per cent in 2019-20), and departments withdrew 10 applications in response to the Council's challenge, compared with five in 2019-20. The Secretary of State has accepted the Council's advice on every application considered this year.

Detailed metrics are at Appendix C.

### **The Advisory Council's work on 'Born Digital' records**

An increasing proportion of the records considered by the Council are in digital format. Although the percentage is currently in single figures, this will increase significantly as records since the turn of the century are transferred. The Council has increased its focus on the challenges this will present to making historic records accessible in the future. This has included the use of informal media in decision-making, the increasing volume of material which will require reviewing because of the use of email, and the problems of brigading electronic records when the discipline of a physical file is absent. The Council's governance working group received a helpful briefing from the Foreign, Commonwealth and Development Office (FCDO) on the use of artificial intelligence in the sensitivity review of historic records, which is likely to increase across government in the years ahead. All these developments have potential implications for the work of the Council.

### **Engagement with departments**

From time-to-time, for updates relevant to the Council's work, or where the Council wishes to provide more support to departments in meeting the timescales for transfer of records, the Council invites representatives to brief it in person.

During 2020-21, the Council received such briefings from: The British Library; Competitions and Markets Authority; Ministry of Defence; Foreign and Commonwealth Development Office; Historic England; Ministry of Justice; Metropolitan Police; Office for National Statistics; HM Revenue and Customs; HM Treasury.

### **Review backlogs**

This year, the Council considered a larger than usual number of requests from departments relating to the management of review backlogs. In many cases, this has been due to the impact of COVID-19, which has prevented departments from accessing records to undertake selection for permanent transfer and sensitivity review.

The Council received such retention applications from the Advisory, Conciliation and Arbitration Service; Animal Plant and Health Authority; Attorney General's Office; British Library; Department for Business, Energy and Industrial Strategy; Cabinet Office; Companies House; Competitions and Markets Authority; Crown Prosecution Service; UK Debt Management Office; Ministry of Defence; Department for Digital, Culture, Media and Sport; Department for Education; Centre for Environment, Fisheries and Aquaculture Science; Department for Environment, Food & Rural Affairs; UK Export Finance; Food Standards Agency; Foreign, Commonwealth and Development Office; Forestry Commission; Permanent Committee on Geographical Names; Health and Safety Executive; Historic England; Home Office; Ministry for Housing Communities and Local Government; The Insolvency Service; Ministry of Justice; HM Land Registry; The Meteorological Office; National Audit Office; Office for National Statistics; Natural England; Natural Resources Wales; NHS Resolutions; Northern Ireland Office; Royal Mail Group Ltd and Post Office Ltd; Privy Council Office; HM Revenue and Customs; Royal Botanic Gardens Kew; Royal Parks; Science Museum Group; Serious Fraud Office; Office for Standards in Education and Children's Services and Skills; Tate; Department for Transport; HM Treasury; Water Services Regulation Authority; Welsh Government; and Department for Work and Pensions.

Some departments made more than one such application during the period. Generally, a period of one or two years was sought. In a small number of cases, three to seven years was requested.

The outcome of these applications was as follows:

- For 37 of these requests, the Council was content to recommend to the Secretary of State that permission be given to the relevant organisation to retain its legacy records for the period requested

- In five cases, the recommendation was that the department be granted a lesser retention period than requested
- In three cases, the organisations were asked to attend the relevant Council meeting in person to provide a more detailed justification and timetable before a recommendation to the Secretary of State could be made
- In the remaining cases, the Council was content to recommend to the Secretary of State that permission be given to the relevant organisation to retain its legacy records for the period requested, but asked for written updates to be provided, to ensure that departmental records management projects remained on track.

The Council also considered papers updating it on progress in reviewing records for transfer to The National Archives from the Home Office; Ministry of Defence; Ministry of Justice; Ministry of Housing, Communities and Local Government; Metropolitan Police; HM Treasury; HM Revenue and Customs; Department for Education; Animal & Plant Health Agency; Competition and Markets Authority; Historic England; British Library; Cabinet Office; Department for Transport; Foreign Commonwealth and Development Office; Crown Prosecution Service; Medicines and Healthcare products Regulatory Agency; Civil Aviation Authority; Tate; and the Office for National Statistics.

### **FOI panels**

The Council acts on behalf of the Secretary of State, to consider the balance of the public interest in the release or non-disclosure of information contained in transferred historical records that engage qualified exemptions (only), when an application has been made to The National Archives under section 66 of FOIA for the disclosure of information held by it. The Council exercises this responsibility through the convening of panels of three members to consider up to 20 requests at a time.

### **Metrics**

During the financial year 2020-21, 26 panels were convened, with 277 cases being considered. Panels substantively challenged 33 of these, or 11.9 per cent of the total. This compared to 514 cases in 2019-20, where 62 cases were substantively challenged, equivalent to 12 per cent of the total. This reduction in cases considered in the last year has principally been due to the impact of COVID-19 on FOI requests.

Having been provided with more detail, in most cases the panels were able to accept departments' arguments for continuing to apply public interest based exemptions. As a result of this, three records were opened in full.

- Overall, sections 27 (international relations) and 38 of FOIA (health and safety) were both the most challenged exemptions, and the most frequently applied for.

- There were a number of questions from Council members on the passage of time and its impact on the applicability of exemptions.
- Last year Council regularly reiterated the importance of quality assurance to applications for clarity to ensure cases are progressed as swiftly as possible, and improvements have been seen this year.

## **Process**

The FOI panel process is explained in more detail in Appendix D. As in previous years, the majority of FOI requests for closed records sought access to criminal case files, usually relating to historic murder cases. In these instances, the Council is typically called upon to balance the public interest in release against the potential distress which might be caused to victims or their relatives, or (in the case of unsolved crimes) to the risk to the successful prosecution of perpetrators in the future.

## **Other issues**

As part of the Council's broader advisory remit with regard to The National Archives, the Council has received a regular quarterly report from the Chief Executive and Keeper with regard to issues facing The National Archives and about its activities. These reports have been reviewed by the Council at its quarterly meetings.

This year, the Council has also received regularly quarterly updates on the impact of COVID-19 on departments' ability to comply with the 20-year rule and continues to monitor the impact of this.

## **Part Three – The Forum on Historical Manuscripts and Academic Research**

### **Background**

The Forum, in its capacity as a sub-committee of the Council, provides a means through which the Chief Executive of The National Archives, in his capacity as Historical Manuscripts Commissioner, can seek advice on historical manuscripts in independent (i.e. non-governmental) archives. It also facilitates discussion of academic research issues and programmes managed by The National Archives.

### **Membership**

The Forum is chaired by the Master of the Rolls. Ms Hillary Bauer, OBE currently acts as Deputy Chair.

Four other members of the Council, all of whom have expertise in academic research and/or knowledge and experience of private archives, and two independent members currently serve as members of the Forum.

## **Meetings**

Meetings of the Forum are attended by members and by the Chief Executive and other staff from The National Archives.

The Forum met four times during the period covered by this report, in July, September and December 2020 and in March 2021. It expects to hold at least three further meetings during 2021-22.

During the period the Forum, has focussed on:

- discussing and advising on The National Archives research funding landscape, particularly on measuring success and working with the research community
- discussing and advising The National Archives on its Archives Unlocked Action Plan
- discussing and advising on the work of the Research and Academic Engagement and the Archive Sector Development teams at The National Archives.
- considering the issue of valuation of digital archives for the Government's Acceptance in Lieu scheme
- assessing members' current skill level through a skills audit and highlighting areas for future focus in membership
- advising and assisting The National Archives regarding the events surrounding the 2022 Manorial Documents Centenary Programme
- investigating the relationship between the Forum, the Advisory Council, The National Archives and public record keeping by Arm's Length Bodies and Places of Deposit.

Most importantly, Forum members have continued to support sector leadership throughout the COVID-19 pandemic, in what has been a challenging year for many archives. Nominated members of the Forum sat on the Archives at Risk Fund to advise and results of the Fund were reported back to the Forum. This has been alongside general engagement on this matter throughout the year with The National Archives.

## **Other business**

In addition, the Forum has considered three cases dealing with the acceptance by the Government of private archives in lieu of the payment of a tax liability under the provisions of the Inheritance Tax Act 1984.

## **Part Four – Looking Ahead**

Looking ahead to 2021-22, the biggest challenge will be the continuing impact of the COVID-19 pandemic on the end-to-end process of selecting, reviewing, and transferring records to The National Archives. Whilst the Government's roadmap out of lockdown continues to progress, the longer-term impacts of the pandemic continue to affect and constrain departments. The Council stands ready to play its part through being flexible and innovative in enabling this important activity to continue as far as possible.

**The Right Honourable Sir Geoffrey Vos,  
The Master of the Rolls  
8 July 2021**



# Appendix A – The Remit of the Council and the Forum

## Part One – The Council

### Background

The Advisory Council on National Records and Archives was established by the Public Records Act 1958 ('PRA') and is a non-departmental public body. It is chaired by the Master of the Rolls, The Right Honourable Sir Geoffrey Vos, who was appointed with effect from 11 January 2020.

### The role of the Council

The Council is to consider and advise on matters including:

- applications from departments for the retention within those departments of public records beyond the age of 20 years, when those selected for permanent preservation are normally transferred to The National Archives
- the balance of the public interest in relation to applications from departments for the extended closure of historical public records and other "matters relating to the application of the Freedom of Information Act 2000 ('FOI Act') to information contained in public records that are historical records within the meaning of Part VI of that Act"
- the balance of the public interest in the release or non-disclosure of historical records, an application for the disclosure of which has been made under the FOIA.
- the preservation of public records in places of deposit and facilities for public access to them

Requests under FOIA in accordance with the third bullet point are dealt with through the FOI panel process, which is described in Appendix D below.

In addition, the Council may be required to advise on:

- major objectives, programmes and policy changes for The National Archives
- proposed legislation affecting The National Archives
- the implications for records and public services of any proposed change to the status of The National Archives; and/or
- any subject brought to its attention by the Secretary of State.

As its name suggests, the Council's role is advisory. Accordingly, the Council does **not**:

- make the final decision as to:
  - when they become historical, records are transferred to The National Archives closed; nor
  - when a closed record is reviewed after transfer, it should remain closed

as these decisions lie with the department whose records they are

- make the final decision on whether a record can be retained by a department. This decision is made by the Secretary of State for Digital, Culture, Media and Sport
- advise on departments' retention of records under the Security and Retention Instrument 2011; nor
- review departments' decisions on the selection of their records for permanent preservation

This falls under the remit of the Keeper of Public Records.

## **Part Two – The Forum**

The Council's responsibility relating to historical manuscripts (private archives) is discharged through the work of its sub-committee, the Forum on Historical Manuscripts and Academic Research. The Forum advises the Keeper of Public Records in his capacity as Historical Manuscripts Commissioner. The Forum considers and provides advice to the Secretary of State through the Council on matters relating to manuscripts, records and archives, other than public records, and particularly:

- the location, collection, care, custody, preservation, acquisition, sale, and use in all formats of such documents
- the compilation and dissemination of information about them
- any questions affecting such documents as may be referred for its consideration, including issues relating to the statutory duties of the Master of the Rolls in respect of manorial and tithe documents, and the making of recommendations to Arts Council England on the allocation of archives and manuscripts accepted for the nation in lieu of tax; and
- other issues that would formerly have come within the terms of reference of the Royal Commission on Historical Manuscripts.

In addition, on behalf of the Council, the Forum is to:

- act as a vehicle for the development of constructive and collaborative engagement between The National Archives and its academic stakeholders, sharing knowledge and developing trust and understanding; and
- provide an open, independent and authoritative advisory voice to The National Archives, to support its research and academic liaison.

## Appendix B – Membership

### Part One – The Council

The Master of the Rolls chairs the Advisory Council. The Master of the Rolls was originally responsible for the safe keeping of charters, patents and records of important court judgments. Today they are President of the Court of Appeal (Civil Division) and Head of Civil Justice. The current Master of the Rolls is the **Right Honourable Sir Geoffrey Vos**.

The current members of the Council are:

**Mr Trevor Woolley CB**, Deputy Chair of the Council. Non-executive director, the Oil and Pipeline Agency, former Director General of Finance, Ministry of Defence

**Lady Moira Andrews**, Director, Praetor Legal Ltd, ADS Group Ltd and Digi2al Ltd; Visiting Professor, King's College London; former Government Legal Adviser

**Ms Hillary Bauer, OBE**, adviser on culture and heritage issues; Board Member of Towner Gallery Eastbourne and of Ben Uri Museum and Gallery; Trustee of the Worshipful Company of Arts Scholars

**Ms Liz Copper**, BBC Senior Broadcast Journalist

**Ms Lesley Ferguson**, Head of Archives and Engagement, Historic Environment Scotland

**Dr Helen Forde**, historian and archivist; formerly board member of the Museums and Libraries Association.

**Dr Peter Gooderham, CMG**, former Ambassador to the UN and WTO in Geneva

**Mr Michael Smyth CBE QC (Hon)**, Senior Independent Director Legal Services Board and Chairman Gastronomy Advisory Partners; former Head of Government Practice, Clifford Chance

**Dr Jeannette Strickland**, independent archive and records consultant; formerly Head of Art, Archives and Records Management, Unilever; Research Fellow, University of Liverpool

**Mr John Wood**, solicitor; formerly Advisory Committee on Business Appointments (ACOBA) Independent Member; formerly Charity Commission for England and Wales Legal Board Member and Board Consultant; formerly Herbert Smith Freehills, Partner, then Consultant

**Mr Stephen Hawker**, a former senior security and intelligence official; independent member of the Audit Committee of Manchester Metropolitan University

**Mr Martin Howard CB**, retired senior security official specialising in cyber and intelligence security policy and operations. Appointed Companion of the Bath

**Professor Phillip Johnson**, barrister; Professor of Commercial Law at Cardiff University; published numerous books and articles on law and legal political history

**Professor Leon Litvack**, Professor of Victorian Studies at the Queen's University of Belfast; specialist on Charles Dickens; board member of the Charles Dickens Museum; board member of National Museums Northern Ireland; freelance broadcaster for the BBC

**Ms Helene Pantelli**, solicitor specialising in commercial law; ombudsman at the Financial Ombudsman

**Mr David Rossington CB**, former civil servant; Vice Chair and Treasurer of Stoll; Treasurer of the Oxfordshire Community Foundation; Treasurer of Arts at the Old Fire Station; Trustee of UK Community Foundation

**Mr Martin Uden**, former Ambassador in Seoul; International Partnerships Adviser at Queen Mary University of London; Trustee of a Christian mission charity; Chairman of the British Korean Society; President of the British Korean War Veterans' Society; published author

The Secretary to the Council is Isabel Saunders.

## **Part Two – The Forum**

The Master of the Rolls chairs the Forum.

Council members Ms Hillary Bauer, OBE (the current Deputy Chair), Ms Lesley Ferguson, Dr Helen Forde, Dr Jeannette Strickland and Professor Leon Litvack sit on the Forum, together with the following independent members:

**Ms Adele Redhead**, a lecturer at the University of Glasgow, where she leads the MSc in Information Management and Preservation. She is a qualified archivist and has extensive experience in archives and records information management in a variety of sectors. She is a member of the Scottish Catholic Heritage Commission

**Ms Jenny Shaw**, the Collections Development Manager for the Wellcome Collection, where she is responsible for setting the collecting direction across formats, including archives. She previously worked as an archivist at the British Red Cross and BT Heritage

The Chief Executive of The National Archives is also a member of the Forum, on an ex officio basis, as the Historical Manuscripts Commissioner

## Appendix C – Metrics

Key statistics relating to applications considered by the Council are set out below:

### Closure and Retention of Records

- In 2020-21, 91,286 (2019-20: 72,899) government records were accessioned at The National Archives
- 82,504 or 90.4% (2019-20: 60,707 or 83.3%) of these records were transferred open in full or partially closed and can be viewed at The National Archives by any member of the public who has a reader's ticket
- 2,472 or 2.7% (2019-20: 6,923 or 9.5%) of these records were transferred closed, after departmental applications to do so had been scrutinised by the Council
- 1,820 or 2% (2019-20: 5,197 or 7.1%) of these records were retained in full by the relevant department
- The remaining 31 were transferred as 'number not used'. (NB: This tag is used where a gap is identified in The National Archives' sequential catalogue numbering system. This might occur if, for example, a duplicate record is discovered. To avoid a laborious renumbering process, the relevant record number is shown in the catalogue as 'unused'.)
- The number of closure applications submitted to the Council decreased this year to 5,481, compared with 5,778 in 2019-20 (and 5,843 in 2018-19). Around 47 per cent of these applications engaged only absolute exemptions and so were not subject to a public interest test. Of these, the vast majority involved personal information about private individuals; personal information may be protected from release by data protection legislation. In considering applications to close records to the public, the Council focuses on those that invoke exemptions subject to a public interest test. The most common exemptions claimed concern of damage to international relations and risks to the health or safety of individuals
- This year, the Council considered 804 retention applications, compared with 878 in 2019-20.

## Applications considered

Overall, there was a decrease of 6 per cent in the number of closure applications compared with 2019-20, but this still represents an increase of 28 per cent on 2014-15

The following table sets out key metrics for 2019-2020, as compared with previous years:

		2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21*
Closure applications	<b>Applications considered</b>	4,250	4,435	4,290	5,974	5,843	5,778	5,481
	<b>Applications queried</b>	181	480	465** (510**)	410**	387	487	952
	<b>Applications where clarification was received and accepted</b>	105	340	173 (232)	122	162	194	433
	<b>Applications that were amended by departments and accepted</b>	67	126	247 (218)	209.5***	208	173	298
	<b>Applications withdrawn by departments following challenge by the Council</b>	9	14	44 (34)	32½ (31 ½ + 1 <u>outstanding query withdrawn</u> )	17	23	158
<b>Outstanding closure applications at March 2021*</b>				0 (1 <u>resolved</u> )	0	97	63	



Retention applications	<b>Applications considered</b>	793	952	986	1,432	970	878	804
	<b>Applications queried</b>	28	44	108 (116)	125	52	76	68
	<b>Applications where clarification was received and accepted</b>	21	28	39 (41)	32	20	25	27
	<b>Applications that were amended by departments and accepted</b>	4	12	57½ (39)	79	25	18	16
	<b>Applications withdrawn by departments following challenge by the Council</b>	3	4	11½ (26)	14	6	5	10
<b>Outstanding retention applications at March 2021*</b>						1	28	15

\*A number of queried cases remained unresolved at the end of the period covered by this report and will be carried forward. At the same time, the unresolved queries from the previous period have been included in this report

\*\*One application for 2016-17 was resolved by the minister for the department, following an unresolved disagreement between the Council and the department. There were 46 closure applications queried in 2017-18 that were not resolved through the query process but resubmitted on a new schedule

\*\*\*The figure of ½ referred to reflects the fact that the relevant application covered two records and the application in respect of one of these was withdrawn

[Note: Responses to the resolves outstanding in 2017-18 and 2018-19 are in brackets and underlined. The first number in the bracket refers to that shown last year. 2016-17 and 2018-19 figures have been recalculated as some discrepancies had occurred.]

## Appendix D – the FOI panel process

The Council's FOI panel process

The Council is responsible for advising the Secretary of State on the application of the Freedom of Information Act 2000 ('FOIA') to historical public records

Records retained by departments and those closed at transfer to The National Archives remain subject to the FOIA and individuals can make a request under FOIA (an 'FOI request') to have access to them

When The National Archives receives a FOI request for access to closed information held by it, it follows the procedure set out in Part VI of FOIA. Under these provisions, before a request can be refused on the grounds of a qualified exemption, the Secretary of State must be consulted. The Council will assess the public interest test, which is necessary before such an exemption can be applied. This test is applied to determine, whether, in all the circumstances of the case, the public interest in disclosure is outweighed by the public interest in refusing access to the information in the record

For this purpose, panels of three Council members are convened to consider the public interest in the release or non-disclosure of the requested information. (The Council has no advisory role when a request is to be refused citing only absolute exemptions.)

In most cases, the FOI request concerns information closed at transfer on the grounds that it was information:

- that, if released, would endanger the safety or physical or mental health of an individual
- that, if released, would damage international relations; or
- relating to law enforcement.

Cases are carefully scrutinised and debated by panels on the basis of a fresh assessment by the department of the arguments for and against disclosure, taking account of any change in circumstances since the access status of the record was last considered

If they consider it necessary, panel members will request further detail or clarification from the relevant department or The National Archives. Even where they are in agreement that the public interest in closure outweighs the public interest in applying the exemption, members of the panel may also raise concerns about departmental practices and draw attention to inconsistencies between departments in their handling of FOI requests