

# Annex A: Advisory Council on National Records and Archives: 22nd Annual Report 2024-25

## Foreword by Sir Geoffrey Vos, Master of the Rolls

**To the Right Honourable Lisa Nandy MP,  
Secretary of State for Culture, Media  
and Sport**

I am pleased to present the 22nd Annual Report of the Advisory Council on National Records and Archives.

The Council has had a busy and varied year. Its workload has increased in a number of areas. In particular, the transfer of large numbers of Ministry of Defence service personnel records to The National Archives has presented challenges to both The National Archives and the Council, which advises The National Archives on issues affecting public access.

There has also been increasing demand on the Council to provide panels to apply the public interest test to requests made for the disclosure of records under the Freedom of Information Act (FOIA) 2000. The National Archives has worked incredibly hard to deliver these panels. The panels made up of Council members routinely respond to the requests within one working day. This has been a significant achievement.

The Council started the year with a visit to the Foreign, Commonwealth and Development



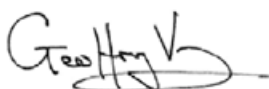
Office (FCDO) in Milton Keynes. During the visit, Council members discussed how they could work more effectively with the FCDO in relation to its vast number of records. New issues are arising every year as more and more born-digital records come to be considered for transfer to The National Archives. Council members also discussed how new technologies could be used more effectively to assist both departments and the archive sector alike.

The Council's subcommittee, the Forum on Historical Manuscripts and Academic Research (the Forum), has provided expert advice on important archives offered to national museums and institutions under the

Acceptance in Lieu of tax scheme. The Forum has enabled several collections of historic archives to remain accessible to both the public and to the research community. In addition, the Council was delighted to receive, via the Forum, the first report from the Manorial and Tithe Documents Panel (chaired by Professor Mark Bailey). This report provides most valuable assistance on the assessment of manorial documents and records

During the year, six of the Council's most active members retired. They were Dr Helen Forde, Dr Peter Gooderham CMG, Mr Stephen Hawker CB, Mr Phillip Johnson, Mr Martin Uden CB and Mr John Wood. I want to pay tribute to the magnificent contribution to the work of the Council that each of these members made. We also bade farewell to two of our Independent Forum members, Dr Adele Redhead and Ms Jenny Shaw, whose considerable knowledge of the academic and archival sectors will be missed. The Council is hugely grateful to its retiring and current members for their dedicated services.

Finally, I am delighted to report that seven highly qualified new members of Council and two equally well-qualified new independent members of the Forum are now joining us. We look forward to getting their fresh perspectives on all areas of the Council's work. I am looking forward to working with them in the years to come.



**The Right Honourable Sir Geoffrey Vos**  
**The Master of the Rolls**  
**19 May 2025**

## Introduction

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 Culture, Media and Sport (the 'Secretary of State') on issues relating to public records that are over 20 years old (historical public records), including public access to them, at the point of transfer to The National Archives. It also advises the Secretary of State in deciding on requests from Government Departments for historical public records to remain closed under certain FOIA exemptions and challenges them to provide evidence to justify such requests.

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

The Manorial and Tithe Documents Panel (the 'Panel') is a further sub-committee of the Forum, comprised of subject-matter experts. It advises the Master of the Rolls and the Historical Manuscripts Commissioner on matters relating to Manorial and Tithe documents.

The Council's, the Forum's, and the Panel's respective remits, as well as their Terms of Reference, are described in more detail on The National Archives' website [www.nationalarchives.gov.uk/about/our-role/advisory-council](http://www.nationalarchives.gov.uk/about/our-role/advisory-council).

## The Advisory Council's work in 2024-25

The Council has continued to work with departments across government to develop good working practices and standards. In 2023, we began to focus on the application of Section 37, which includes exemptions from Freedom of Information (FOI) disclosure for communications with members of the Royal Family and Household. We have been keen to see improvements in the timeliness of departmental consideration of some such cases. We continued this conversation in 2024-25, including with our sponsoring department, DCMS. We also began looking at the application of Section 41 (information provided in confidence) to Royal Family and Household cases. We will continue this work in 2025-26.

The Council has heard from several departments in attendance at their quarterly meetings and has offered support and

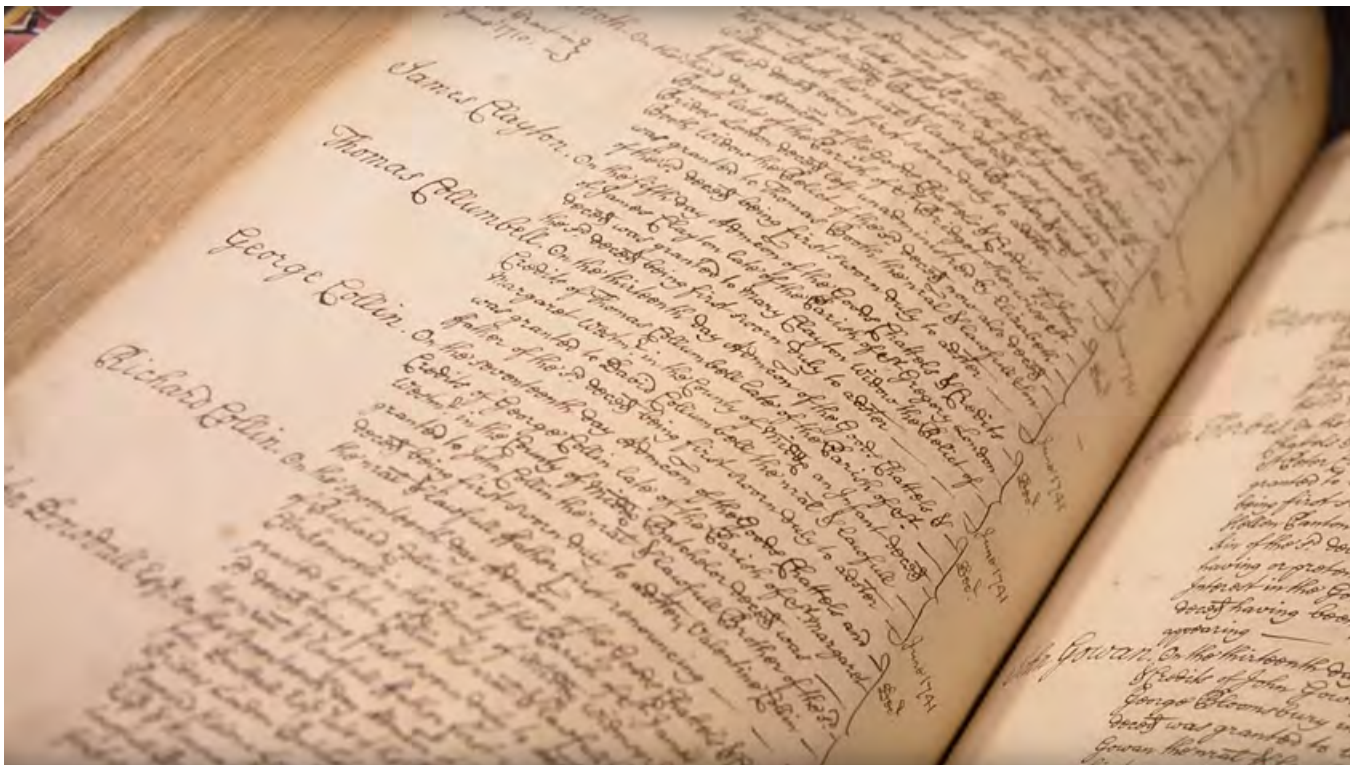
scrutiny of records management plans where appropriate. Similarly, the Council has continued to work with departments to streamline processes with the use of checklists, usually revised on an annual basis, to enable a quick reference system for members when considering applications.

In the spring of 2024, the Council continued its file 'spot checks' which allow an opportunity for assurance regarding the application of departmental exemptions to records. Council was pleased to note the report drafted by members who viewed the records and obtained reassurance that, based on this selection, exemptions were being applied in a considered and appropriate way.

### Meetings

The Council held four formal meetings in May, July and November 2024 and in February 2025. Members held an additional strategy session online in September 2024 where they

### An Administration Act Book from 1740 (PROB 6/116)



discussed the application of the criteria for departments retaining historical documents rather than transferring them to The National Archives, artificial intelligence use in archival practice and The National Archives' progress on accessioning military personnel records.

The Council's meetings were attended by members, as well as by Dr Jeff James CBE, The National Archives' Chief Executive and Keeper of Public Records until July 2024. In November, the Council welcomed Mr Saul Nassé to his first meeting as the new Chief Executive and Keeper of Public Records at The National Archives. Other representatives from The National Archives who possess expertise relating to the issues considered by the Council also participated as necessary.

The Advisory Council's Working Group met four times in 2024-25 to devote more time to discussion on specific issues. Such topics included the Council's Annual Report, succession planning, and the spot check of files conducted by Council members in the spring.

In addition to the Council meetings, members took part in Freedom of Information Panels. Though not meetings as such, they represent a significant amount of dedication from members who share the demand equally between them. In 2024-25, members completed 37 panels.

### **Engagement with departments**

Under the Public Records Act, government departments, arms-length bodies and places of deposit have a statutory duty to transfer their public records to The National Archives. From time-to-time, this cannot be completed before the statutory deadline and the relevant body must apply to the Council to retain their records. Typically, public bodies apply for between one and five years of retention, and the Council only grants long periods

by exception after significant scrutiny. The Council then makes its recommendation to the Secretary of State, who makes a decision on whether to grant the application based on this advice.

During 2024-25, the Council considered 1,076 applications for retention from public bodies. The Secretary of State accepted the Council's advice on the applications for retention they received.

As part of the Council's work to support departments in transferring records, it will request relevant updates from departments. This can either be through a written update, or an update where the department appears before the Council to discuss their records and processing plans in greater detail. Updates can include information on the support a department has in place, timescales and methods for processing these records, and details on the types of records. Throughout 2024-25, Council received a total of 32 updates from across government departments, arms-length bodies and Places of Deposit.

### **Freedom of Information Panels**

Freedom of Information Panels are comprised of three members of the Advisory Council, assigned on rotation. During the financial year 2024-25, 37 panels were convened, with 740 cases being considered. Panels substantively challenged 68 of these, or 9% of the total. This compared to 820 cases in 2023-24, where 117 cases were substantively challenged (13%).

The most commonly challenged exemption was Section 38(1)(a) (health and safety) (32 times) while section 27(1) (international relations) was second-most challenged (18 times). These challenges are consistent with those of 2023-24. A further breakdown of Freedom of Information Panel statistics can be seen in Appendix C.

## The Forum on Historical Manuscripts and Academic Research

In 2023, Forum members had received the annual Sales Monitoring Report which is prepared annually by The National Archives' Archive Sector Leadership team. Forum members have chosen to make it a standing item on their schedule and so received the 2023-24 report at their June 2024 meeting. The report again provided an excellent source of discussion for members and is a valuable resource for archives and archive professionals.

The Forum visited the M&S Archives in Leeds in October 2024 which was an excellent experience, and an opportunity for members to understand a unique business model for a private archive. The staff provided a tour of the collections which Forum members greatly appreciated, as well as facilitating the Forum business meeting. At this meeting the Forum discussed its priorities for 2025-26 which were agreed, and first two addressed, at its March 2025 meeting. The agreed priorities were as follows: volunteer/community activity in archives, new ways of collecting/forming archives, sales monitoring and new acquisitions, engaging with and supporting private archives, ethical and practical considerations concerning archives and collecting, and access to (private) archives, models of access, and ways of engaging with the public. The Forum members and National Archives staff would like to reiterate their thanks to the M&S Archives team for hosting them so expertly.

The Forum has again been proactive in asking guest speakers to attend their meetings. This year, members have heard guests discuss the Our Heritage, Our Stories project, The National Archives' annual archive sector survey, and risks to charity archives. Hearing directly from the archive sector enables Forum members to continue to develop their understanding across

the spectrum of issues affecting archives nationally, and they will continue to invite sector colleagues to meetings throughout 2025-26. The Forum would like to convey their gratitude to all those who have spoken at their meetings over the past year.

In 2024 the Manorial and Tithe Documents Panel (the Panel), a sub-committee of the Forum, held its first meeting. A subsequent meeting in January 2025 took place at Lambeth Palace Archives which provided an opportunity for Panel members to advise the Palace archivist on whether a range of nineteenth-century documents in their collection fell within the Manorial Documents Rules. This process highlighted the need for the creation of a checklist to help archivists throughout England and Wales to make basic assessments of whether documents were manorial or tithe. The Panel aims to assist the sector in this area by drafting a checklist in 2025.

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## Administration and governance

### Membership

The Council is chaired by the Master of the Rolls, Sir Geoffrey Vos, and Mr David Rossington CB is the Deputy Chair. Members generally serve two four-year terms on the Council and are appointed through the Public Appointments process. The total membership of the Council is currently seventeen, including the Chair. Biographies can be found for the members on our pages on The National Archives' website: [www.nationalarchives.gov.uk/about/our-role/advisory-council/membership/](http://www.nationalarchives.gov.uk/about/our-role/advisory-council/membership/).

The Forum is also chaired by the Master of the Rolls, Sir Geoffrey Vos, and Professor Leon Litvack is the Deputy Chair. The Forum must contain at least three Advisory Council members, as well as three Independent

members. Over 2024-25, a recruitment exercise was undertaken for two new Independent members as Dr Adele Redhead and Ms Jenny Shaw approached the end of their terms. Two of the Forum's Advisory Council members, Dr Helen Forde and Mr Stephen Hawker CB, also stepped down as they came to the end of their terms on the Council. These four vacancies will be filled early in 2025-26.

All members are required to keep the Advisory Council Secretariat advised of any declarations of interest. If applicable, members that have a declared interest in items on the Council meeting agendas are required to recuse themselves from taking part in the discussion. A list of members' declarations can be found on The National Archives' website: [www.nationalarchives.gov.uk/about/our-role/advisory-council/membership/register-of-interests/](http://www.nationalarchives.gov.uk/about/our-role/advisory-council/membership/register-of-interests/).

### Remuneration

Remuneration for the Council members, excluding the Master of the Rolls, was approved and introduced on 1 April 2019 and is provided by the Department for Culture, Media and Sport. Members are remunerated at a rate of £386 per day to a maximum of £9,264 per year. The Council remuneration for 2024-2025 totalled £101,808.

### Freedom of Information requests

As a public body, the Council is subject to the FOIA itself. In 2024-25, the Council received fourteen FOI requests, twelve of which were responded to within the statutory timeframe as required by the FOIA. Two of the requests were responded to outside of the statutory timeframe as they required extensive consultation with third parties.

### Sustainability

The Council as a body is reliant on larger bodies to provide most of its support services but

seeks to increase its sustainability wherever possible. The Council continues to operate with a paperless system for its work and deals with all information digitally. The transition to hybrid meetings also has sustainability implications as it facilitates easier attendance from Government Departments.

## Looking ahead

The year 2025-26 looks likely to produce a continuation of current work levels, as we predicted in 2024-25. We expect the number of 'born-digital' records being transferred to The National Archives will continue to present challenges for departments and will work with them to manage these. We shall continue to monitor technological developments and adaptations that could assist in this area of work, particularly around artificial intelligence.

Members of the Forum will consider their priorities across their 2025-26 meetings and look forward to hearing directly from sector colleagues. They also look forward to a further offsite visit in the autumn of 2025, allowing for valuable insight into practical archival practice.

One particularly important area of work over the coming year will be to welcome and integrate our seven new Advisory Council members and our two new Independent Forum members into their roles. We have enjoyed meeting them and welcoming them to their first meeting and will continue to support them as they develop their understanding of the work of the Advisory Council and the Forum.



**The Right Honourable Sir Geoffrey Vos**  
**The Master of the Rolls**  
**19 May 2025**

# Appendix A - The Remit of the Council, the Forum and the Panel

## The Council

### Background

The Advisory Council on National Records and Archives was established by the Public Records Act 1958 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 FOIA 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.

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:
  - whether records are transferred to The National Archives closed (i.e. not available for public access), 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 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 as this falls under the remit of the Keeper of Public Records.

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## 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.

### The Manorial and Tithe Documents Panel

Since 2003, when the Public Record Office and the Historical Manuscripts Commission came together to form The National Archives, the Council has also had a remit to advise the Historical Manuscripts Commissioner (as appointed under the terms of the 2003 revision of a Royal Warrant of 1869, which first established the Historical Manuscript Commission) on all matters relating to records and archives outside the public records system. The subcommittee fulfilling this remit is the Forum on Historical Manuscripts and Academic Research.

The Master of the Rolls, Chair of the Forum, has responsibilities for manorial and tithe documents and to advise the Historical Manuscripts Commissioner on matters relevant to these records. The Master of the Rolls is advised in this capacity by the Manorial and Tithe Documents Panel (the Panel), which sits as a sub-committee of the Forum.

# Appendix B – Freedom of Information panels and processes

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.

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 members of the Council 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 disclosure 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.

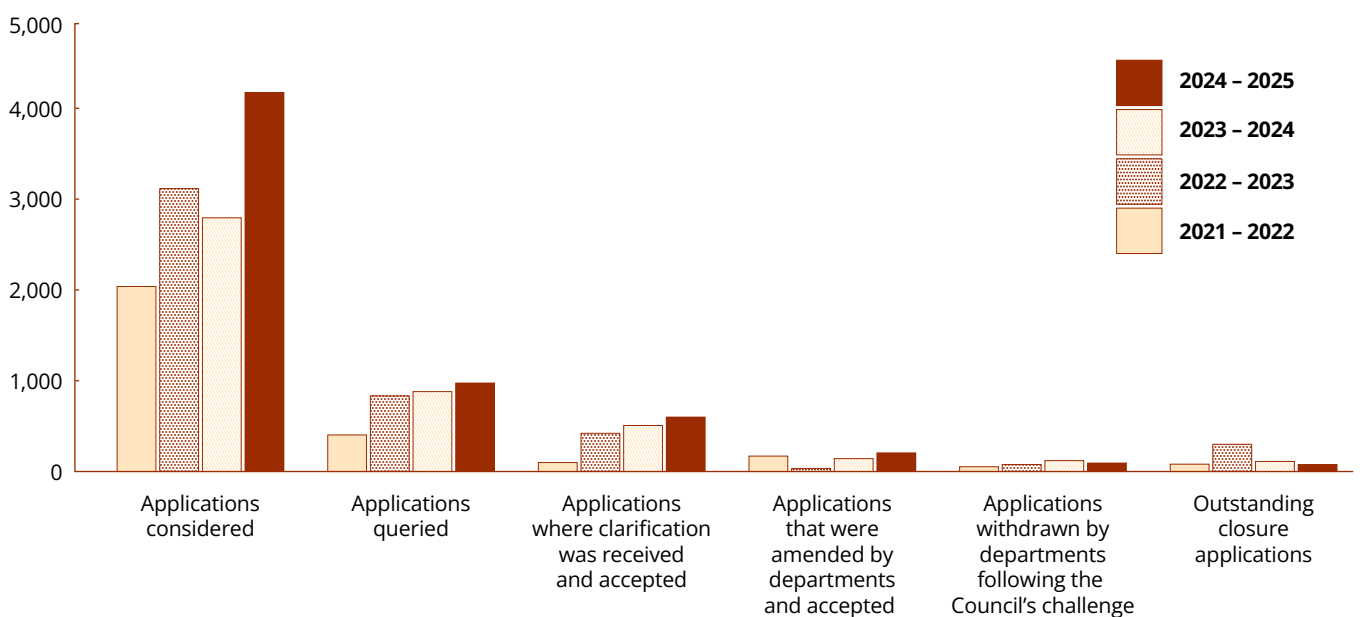
# Appendix C - Metrics

## Closure and retention

When departments intend to transfer their public records to The National Archives under condition that some sections and/or the whole record are redacted or withheld from public access, this comes to the Advisory Council’s consideration by way of a Qualified Closure Application. Further information on these is provided in the table below.

### Qualified Closure Applications

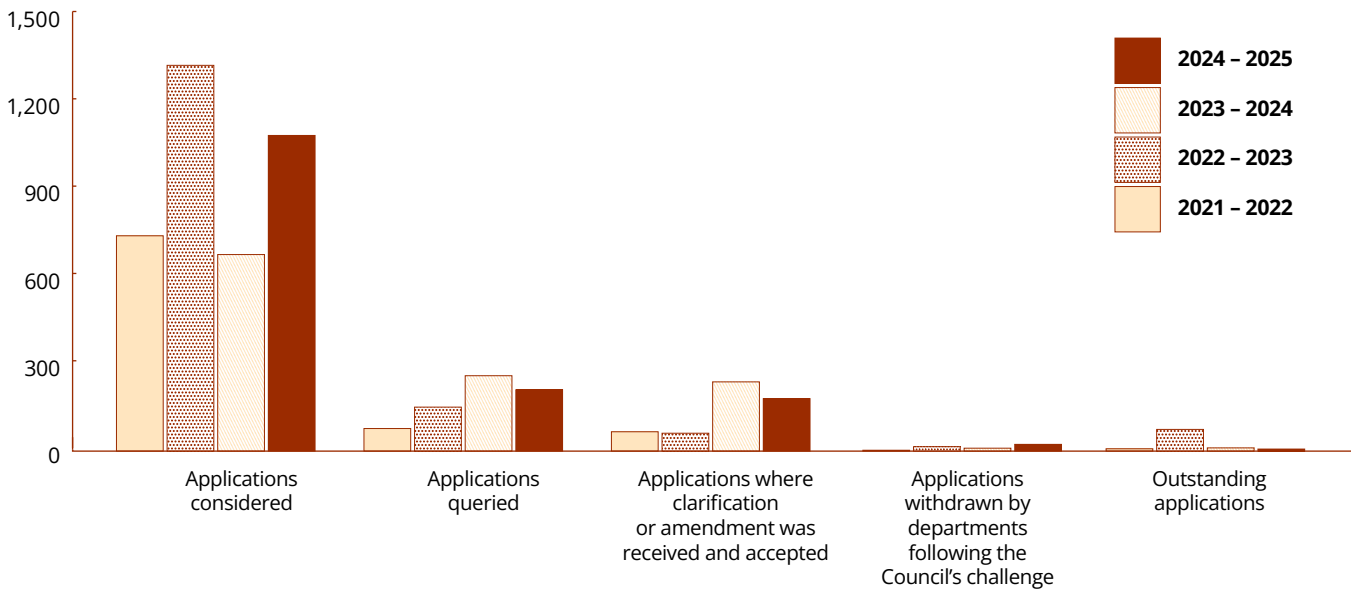
Year	Applications considered	Applications queried	Applications where clarification was received and accepted	Applications that were amended by departments and accepted	Applications withdrawn by departments following the Council’s challenge	Outstanding closure applications
2021 - 2022	2,038	403	99	170	53	81
2022 - 2023	3,116	832	421	34	77	300
2023 - 2024	2,794	880	507	142	120	111
2024 - 2025	4,174	974	599	205	93	77



When departments apply to retain historical public records (records over twenty years old), this comes to Advisory Council’s consideration by way of a Retention Application. Further information on those considered is provided in the table below.

**Retention Applications**

Year	Applications considered	Applications queried	Applications where clarification or amendment was received and accepted	Applications withdrawn by departments following the Council's challenge	Outstanding applications
2021 - 2022	734	77	66	3	8
2022 - 2023	1,315	150	61	15	74
2023 - 2024	670	257	236	10	11
2024 - 2025	1,076	209	179	23	7



**Freedom of Information Panels**

Total number of cases considered: 740 cases across 37 Panels.

Total number of substantive challenges to applications of the FOIA: 68 challenges.

These challenges resulted in three cases being opened in full and four being opened in part. The most commonly challenged exemption was Section 38(1)(a) (health and safety) (32 times) while section 27(1) (international relations) was second-most challenged

(18 times). The challenges engaged the sections of the FOIA as follows:

- S27(1): 18 times
- S27(2): 4 times
- S31(1): 9 times
- S37(1)(b): 1 time
- S38(1)(a): 32 times
- S38(1)(b): 4 times