



**ADVISORY COUNCIL ON
NATIONAL RECORDS AND ARCHIVES**

Date: 1 March 2021
Time: 10:00-16:00
Venue: Meeting by Video Link

Chair: Sir Geoffrey Vos, Master of the Rolls

Members: Mr Trevor Woolley, Deputy Chair
Lady Moira Andrews
Ms Hillary Bauer, (Deputy Chair of the Forum)
Ms Liz Copper
Ms Lesley Ferguson
Dr Helen Forde
Mr Peter Gooderham
Mr Stephen Hawker
Mr Martin Howard
Professor Phillip Johnson
Professor Leon Litvack
Ms Helene Pantelli
Mr David Rossington
Mr Michael Smyth
Dr Jeannette Strickland
Mr Martin Uden
Mr John Wood

Minutes: Isabel Saunders, Senior Governance Coordinator and Advisory Council Secretariat (TNA)

Non-members:

TNA: Ms Asha Bagayat, Head of Governance
Ms Susan Browne, Head of the Freedom of Information Centre
Ms Victoria Davis, Senior Access Manager
Mr Andrew Dyer, Strategic Compliance Lead
Ms Lucy Fletcher, Director for Government and Information Rights
Mr Jeff James, Chief Executive and Keeper
Ms Helen Potter, Head of Information Rights
Mr Sam Whaley, Head of Strategy and CEO's Office

MR's Office: Mr Sam Allen, Office of the Master of the Rolls

Departmental

Attendees: ONS (Item 8)
MoJ (Item 9)
HMRC (Item 10)
CMA (Item 11)
Tate (Item 12)

Observers: Mr Alex Forbes, Head of Government Services, Strategy & Engagement
Ms Lucy Hargrave, Government Relations Manager
Mr Terry McGuinness, Office of the Master of the Rolls

1. Welcome, introductions, apologies and declarations of interest

- 1.1. The Chair welcomed everyone to the meeting.
- 1.2. There were no apologies for absence.
- 1.3. There were no declarations of interest in relation to the business of the meeting.

2. Minutes and matters arising

Minutes of the meeting held on 9 November 2020

- 2.1. Members raised a question on the period of closure for the Service Personnel closure and received clarification, with further information to follow after the meeting.
- 2.2. Subject to amendments proposed by members, the minutes of the meeting held on 9 November 2020 were approved as a correct record.

ACTION: The Director for Government and Information Rights to supply members with further reasoning on the period of closure for the Service Personnel records.

ACTION: The Senior Governance Coordinator to update the minutes with the suggested amendments and upload the public set of minutes to the website.

Actions Log

- 2.3. The Action Log was noted, with the Senior Governance Coordinator confirming all actions except for Item 95, for the November meeting had been completed. The following actions were closed:

Items 96, 97, and 98.

ACTION: Mr John Wood to provide amended wording for item 25.

ACTION: the Senior Governance Coordinator to update the Actions Log with the items reported at the meeting.

3. Chief Executive Officer's Report

- 3.1. The Chief Executive and Keeper introduced his update paper on current issues and ongoing matters.
- 3.2. The Keeper provided updates to the report. Since the publication of the government's road map out of lockdown, TNA were seeking clarity on their classification within the roadmap as libraries and museums would open at different stages.
- 3.3. Members queried the implications for the Advisory Council's work, as a result of devolved responsibility for Welsh Public Records in the future. JJ responded devolution may mean the Welsh government created its own Advisory Council. If this were to be the case, the new Welsh group might deal with records from the point of creation onwards with pre-existing records continuing to come before the Advisory Council.
- 3.4. Members asked about the plans for a Welsh archive. JJ noted the current conversation focused around a digital, as opposed to a physical archive. TNA remained actively engaged in the preliminary discussion and continued to have good relationships with the Welsh government and archiving organisations in Wales.
- 3.5. Members asked about the COVID-19 grants fund. JJ noted that those awarded grants would be publicised in the coming month. The bids for funding had been oversubscribed and from these the panel had identified twenty recipients. The money would be allocated by the end of March.
- 3.6. Members asked about the Web Archive of European Law going forward. JJ confirmed that the site would not be capturing anything beyond the UK's exit from the European Union.

4. Administrative Matters

Update on the Governance Working Group

- 4.1. The Deputy Chair gave an update on the Working Group's focus since the November 2020 meeting. He drew attention to the new panel process which had been introduced as this meeting for considering departmental applications for retention instruments.

ACTION: Members to feedback to the Deputy Chair and Secretariat any views on the new panel process and templates used for departmental retention applications and updates.

Update on Government Information Management Landscape

- 4.2. Ms Lucy Fletcher gave a brief update on the current situation and its effect on departments.
- 4.3. She noted the practical threats to departmental compliance with the twenty year rule. Many departments were currently not on site, and for those that were social distancing regulations limited working capacity. Support was being focused on these organisations to aid recovery planning. As a result of this, over the coming meetings Council members could expect to see an increase in requests for retentions and extensions to existing retention instruments.
- 4.4. In spite of this, some departments were still able to transfer paper and digital records and it was hoped that this would increase over the coming months.

Update on from the Forum on Historical Manuscripts and Academic Research

- 4.5. Ms Hillary Bauer gave a brief update on the work of the Forum and asked for an opportunity to consider the Storage Strategy and report back to the Council. She also wished to thank TNA for their continued work during the challenges posed by the pandemic.

DECISION: The Council agreed to invite the Forum to consider the Storage Strategy and report back once this work had been completed.

Update on the Production of the Annual Report 2020/2021

- 4.6. The Senior Governance Coordinator reminded Council members that their annual report would need approval at the May meeting to be ready to be presented to Parliament. She invited members to give any comments on the drafting of this report.

- 4.7. Members noted Lord Etherton's term as Master of the Rolls had ended during this year and his views should be sought on the report.

ACTION: The Senior Governance Coordinator to liaise with the MR's office to seek Lord Etherton's views for the annual report. Members to submit to the Deputy Chair and Secretariat any ideas for the coverage of the annual report.

5. Born Digital Report

- 5.1. The Deputy Chair introduced his report on the impact of born digital records on the working of the Council.
- 5.2. The Chair noted the use of digital technology had changed significantly since its inception and it was imperative that the Council was prepared for a much broader range of born digital records.
- 5.3. Members stated it would be useful for the Cabinet Office to inform the Council on the use of informal media for decision making in government, and also their approach to a 'one-size-fits-all' policy for digital record management.
- 5.4. Members also noted that TNA's new Code of Practice had been created with this digital transition in mind. LF noted the Code of Practice presented an opportunity to work on this area of policy and that TNA would support the work of the Council in investigating a unified policy.
- 5.5. The Deputy Chair said the Governance Working Group had invited the FCDO to brief them on their use of Artificial Intelligence in selecting records for preservation, and in sensitivity reviews.
- 5.6. Members asked if there was any information on what other organisations across the world were doing to create unity. JJ stated different national institutions were attempting a unified policy, but were approaching the issue differently. TNA was at the forefront for machine learning and artificial intelligence. He noted attempts had been made to create a cross-government policy before, but this had not been successful and there were significant challenges to implementing one.
- 5.7. Members highlighted concerns on digital preservation for born digital records. LF noted the creation of networks across the world to look at digital preservation. This included work to improve software to increase the functionality for record management.

ACTION: To invite the Cabinet Office to brief the Council on the issues raised by the report at its next meeting.

6. Access to Records

- 6.1. The Council formally approved the acceptance of schedules seen outside the meeting, with the exception of any queries which were brought to the meeting.
- 6.2. A schedule of closure applications, together with a schedule of retention applications, was sent to members prior to the meeting. Members had been asked to raise any queries within 10 days.
- 6.3. The Senior Access Manager collated the queries and a list of them was circulated with the papers for this meeting, with responses being provided where possible.
- 6.4. At the meeting, members were asked if they were content with the responses provided, whether in written form or orally. Where a response had not been provided, or members remained unhappy, the queries were carried forward.

Outstanding Queries

Queries on closure and retentions schedules (November 2020)

Queries on closure and retentions schedules (March 2021)

- 6.5. The Council was content to approve the applications on the basis of the clarification or additional information provided by the departments, subject to certain exceptions, which were either queried, withdrawn or carried over, as the relevant department had yet to respond.

Queries on absolutes, comments and typographical errors (March 2021)

- 6.6. The Council noted the amendments made, clarification or additional information provided.

7. 1921 Census Update

- 7.1. LF updated members on the plans for the digital release of the 1921 census. She summarised the ongoing work with the Office for National Statistics and Find My Past, however noted the impact the pandemic had had on the project.

8. Office for National Statistics (ONS)

8.1. ONS joined the meeting to provide an update on the work for the 2021 census.

DECISION: The Council agreed to formally note the agreement between ONS and TNA and thanked for joining the meeting and providing the update.

9. Ministry of Justice (MoJ)

9.1. MoJ joined the meeting to provide an update on the plans to transfer the Malcolm Arnold papers. They set out the history of the papers and the judicial direction to transfer the papers to TNA, and the media interest surrounding the papers.

DECISION: The Council thanked MoJ for joining the meeting and providing the update.

ACTION: The Senior Governance Coordinator to write to MoJ.

10. Her Majesty's Revenue and Customs (HMRC)

10.1. HMRC joined the meeting to provide an update on the ongoing work at HMRC. They summarised the work undertaken since HMRC's previous appearance at Council.

DECISION: The Council thanked HMRC for joining the meeting.

11. Competition and Markets Authority (CMA)

11.1. CMA joined the meeting to provide an update and submit a retention request.

DECISION: The Council thanked CMA for joining the meeting.

12. Tate

12.1. Tate joined the meeting to provide an update on two existing retention instruments.

DECISION: The Council thanked Tate for joining the meeting.

13. Departmental Retention Requests

13.1. The Council considered papers from departments relating to the retention of records and updates on current retention instruments, further to requests from members made at previous meetings.

13.2. The Council's decisions made in respect of each paper has been noted below. Any resulting approval recommendations will then go forward to the Secretary of State.

ACTION: The Senior Governance Coordinator will write to departments to notify them of the Council's recommendations, including any which will go forward to the Secretary of State with regard to their retention requests.

There were applications for retentions one from the following arm's length bodies:

- ACAS
- APHA
- CEFAS
- HMLR
- Met Office
- NHS Resolutions

Updates were received from the following places of deposit:

- Historic England

14. Freedom of Information (FOI) Panel Update

14.1. The Council received a paper providing an overview of the issues and work undertaken by Panels, which included the most recent service statistics, and responded to a number of matters raised by Panel members.

14.2. Members discussed the application of Sections 31 and 37 of the FOI Act based on discussions held in previous meetings.

15. Any Other Business

15.1. The Senior Governance Coordinator highlighted membership changes in the coming months, including the retirement of a number of members in summer, following the completion of their second terms. She informed members of the recruitment process for new members and invited members' expressions of interest in deputy chairing positions.

15.2. The Chair thanked everyone and closed the meeting by wishing everyone well.

There being no further business, the meeting was closed at 15.58pm.