



**ADVISORY COUNCIL ON  
NATIONAL RECORDS AND ARCHIVES**

**Date:** 26 July 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 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  
Mr Michael Murphy, FOI Manager  
Mr Sam Whaley, Head of Strategy and CEO's Office

**MR's Office:** Mr Terry McGuinness, Office of the Master of the Rolls

## **Departmental**

**Attendees:** Cabinet Office (Item 5)  
HMRC (Item 8)  
FCDO (Item 9)  
Royal Parks (Item 10)  
MoJ (Item 12)

### **1. Welcome, introductions, apologies and declarations of interest**

- 1.1. The Chair welcomed everyone to the meeting.
- 1.2. Dr Jeannette Strickland submitted 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 21 May 2021**

- 2.1. Subject to amendments proposed by members, the minutes of the meeting held on 21 May 2021 were approved as a correct record.

**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**

- 2.2. The Action Log was noted, with the Deputy Chair reviewing the action log. Members discussed item 62 of the log, which remained open, and asked if file audits could resume given the relaxation of COVID restrictions. LF confirmed this could resume. The following actions were closed:

Items 25, 78, 6, 10, 11, 12, 15, 16, 17, 18 and 19.

**ACTION:** LF to liaise with the Senior Governance Coordinator to restart file audit exercises.

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

### **3. Chief Executive Officer's Report and Government Landscape Update**

- 3.1. The Chief Executive and Keeper introduced his update paper on current issues and ongoing matters. JJ highlighted the changes to public operations since the implementation of Step 4 of the Government's COVID recovery roadmap. LF also provided an update, including the laying of S46 code of practice in Parliament and the Ministry of Defence (MoD) Service Personnel transfers.
- 3.2. Members congratulated TNA on its online engagement projects.
- 3.3. Members asked for further detail on the progress of digital transfers. LF noted the first transfer had successfully taken place, with additional transfers scheduled for August and the project was moving to a public beta stage. She suggested it might be appropriate to do a full update on the Transfer Digital project at a future meeting.
- 3.4. Members discussed the All Ireland Project, they queried what proportion of the destroyed records could be recreated from fragments, transcripts and copies. JJ noted the work done by the records and collections care team to preserve burnt records. There were also a number of matching correspondence records. Whilst this would not form a large percentage of the records lost, the hope was what could be recovered would have a significant impact in other ways.
- 3.5. Members asked about the mood amongst members of the judicial system on the project to move court judgements to TNA. The MR noted there had been some initial apprehension regarding the move, but work to secure the future of the British and Irish Legal Information Institute (BAILII) and reassurances around the provisions of the new system had allayed this.

#### **4. Administrative Matters**

##### **Update on from the Forum on Historical Manuscripts and Academic Research**

- 4.1. Ms Hillary Bauer gave a brief update on the work of the Forum and highlighted its work on the plans to celebrate manorial documents in 2022 and its work considering acceptance in lieu cases.

#### **5. Born Digital Records – Cabinet Office**

- 5.1. A representative from the Cabinet Office, joined the meeting to provide a briefing on the future for born digital records and their impact on the work of the Advisory Council

- 5.2. The Council thanked the Cabinet Office for joining the meeting and providing the briefing.

**ACTION:** The Working Group to hold a further discussion on the best way to progress the Advisory Council's work on born digital records.

## **6. Foreign, Commonwealth and Development Office (FCDO) Checklist**

- 6.1. The Senior Access Manager introduced the paper and noted that at the previous meeting members had requested a discussion on whether to circulate the FCDO checklist with other government departments. Following this meeting TNA had liaised with the FCDO to seek their views and had incorporated these into the report.
- 6.2. Members noted they were content with the proposed amendments to the checklist, subject to some minor wording alterations.
- 6.3. Members discussed the benefits and disadvantages of sharing the checklists with other departments. They noted that the checklist had been agreed between the FCDO specifically and the Council, and that other government departments were not party to the agreement. On the other hand, there were potential benefits to be had from sharing, including creating a more uniform approach to work across departments and assisting departments in developing their own checklists. Members also discussed the chances of checklist items overlapping between different departments' work.

**DECISION:** The Council agreed to share the FCDO checklist with other government departments for information only.

**ACTION:** The Public Access and Government Services team to share the checklist to KIM colleagues.

## **7. Access to Records**

- 7.1. The Council formally approved the acceptance of schedules seen outside the meeting, with the exception of any queries which were brought to the meeting.
- 7.2. 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.

- 7.3. 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.
- 7.4. 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 (May 2021)**

#### **Queries on closure and retentions schedules (July 2021)**

- 7.5. 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.
- 7.6. The Council discussed the ICO guidance on S37 and its relationship to the public interest test. Members noted that they had already requested a paper on this from TNA.

**ACTION:** The Public Access and Government Services team to produce a paper on the application of the public interest test in S37 cases for the September meeting.

#### **Queries on absolutes, comments and typographical errors (July 2021)**

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

## **8. Her Majesty's Revenue and Customs (HMRC)**

- 8.1. Representatives from HMRC, joined the meeting to provide an update on the ongoing work at HMRC and summarised the work undertaken since HMRC's last report to the Council.

**DECISION:** The Council thanked HMRC for joining the meeting.

## **9. Foreign Commonwealth and Development Office (FCDO)**

- 9.1. A representative from the FCDO, joined the meeting to provide an update on the ongoing work at the FCDO, and summarised the work undertaken since the FCDO's last report to the Council on their Records Release Programme.

**DECISION:** The Council thanked FCDO for joining the meeting.

## **10. Royal Parks**

- 10.1. Representatives from Royal Parks, joined the meeting to provide an update on the ongoing work at Royal Parks and summarised the work undertaken since Royal Park's last report to the Council.

**DECISION:** The Council thanked Royal Parks for joining the meeting.

## **11. Departmental Retention Requests**

- 11.1. 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.
- 11.2. 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 of two to five years from the following departments:

- FCDO

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

- Information Commissioner's Office
- Natural England
- Privy Council Office
- Welsh Government

There were applications for retentions of one year from the following places of deposit:

- Royal Botanic Gardens Kew

Updates were received from the following departments:

- British Library
- MoJ

Updates were received from the following arm's length bodies:

- Animal and Plant Health Agency (APHA)
- Historic England
- NHS Resolutions

## **12. Ministry of Justice (MoJ)**

- 12.1. The MR introduced the item. He summarised the history of this item and his conversations with the President of the Family Division.
- 12.2. A representative from the MoJ, joined the meeting to provide an update on the plans to transfer the Malcolm Arnold papers.

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

## **13. Freedom of Information (FOI) Panel Update**

- 13.1. 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. The Council noted the report.

## **14. Any Other Business**

- 14.1. The Master of the Rolls thanked retiring members of the Council, Hillary Bauer, Lesley Ferguson and Michael Smyth for their work over the years. The retiring members thanked fellow Council members and The National Archives for their input and work.
- 14.2. The Chair thanked everyone and closed the meeting by wishing everyone well.

**There being no further business, the meeting was closed at 16.09pm.**