



**ADVISORY COUNCIL ON
NATIONAL RECORDS AND ARCHIVES**

Date: 19 November 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 Liz Copper
Dr Helen Forde
Mr Peter Gooderham
Mr Stephen Hawker
Mr Martin Howard
Professor Phillip Johnson
Professor Leon Litvack, Deputy Chair of the Forum
Ms Helene Pantelli
Mr David Rossington
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 Sue Browne, Head of the FOI Centre
Ms Victoria Davis, Senior Access Manager
Strategic Compliance Lead
Ms Lucy Fletcher, Director for Government and Information Rights
Mr Jeff James, Chief Executive and Keeper
Ms Elana Kudelka, Governance Coordinator
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 9)

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 27 September 2021

- 2.1. Subject to amendments proposed by members, the minutes of the meeting held on 27 September 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. The following actions were closed:

Items 62, 26, 27, 28 and 29.

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. LF also provided an update, on the Malcolm Arnold papers, the AB/ES records, the Ministry of Defence (MoD) service personnel records, and the annual release of records at the end of 2021.
- 3.2. Members asked The National Archives about the results of the spending review. JJ confirmed The National Archives was content with the settlement it had received and felt this reflected its ongoing projects and commitments. It also reflected a strong level of confidence in the organisation.

- 3.3. Members asked about the additional MoD service personnel records which had been discovered and what impact this had on the current process. LF noted that The National Archives had been aware that further records might be discovered. Now that further records had been discovered they were liaising with MoD for how these records should be treated; further investigation was required.
- 3.4. Members asked about the additional storage space at the Kew site. JJ noted TNA was reorganising the first basement level and would use the space created for an additional ten linear kilometres. This would be effective from late spring 2022. It was safe to do this as The National Archives has an additional basement below this.
- 3.5. Members asked about the ministerial visit to the Kew site. JJ noted the visit had gone well, Lord Parkinson had been provided with a tour and document display. He was briefed on The National Archives major projects, including the 1921 census, MoD service personnel records and plans for 2022 including the commonwealth and Queen's jubilee. JJ noted the minister was engaged and interested in The National Archives' work.

4. Update from the Forum on Historical Manuscripts and Academic Research

- 4.1. Prof Leon Litvack 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 strategic priorities work for 2022.
- 4.2. The Council noted the report.

5. File Audit Report

- 5.1. Members of the autumn 2021 file audit panel, Mr Martin Howard, Prof Leon Litvack and Mr Martin Uden introduced their paper on the results of the file audit. They highlighted the individual results of files, and raised S31 and S37 as general matters for further discussion.
- 5.2. Members queried what should be done with the results of any given file audit, and whether there should be a formal mechanism for reporting results back to a department. LF noted there was currently no point where Council could alter the decisions made by a department, but that current processes could be reviewed by the Governance Working Group. Members also noted that by focussing on improving processes for new items they would be more productive and effective.

- 5.3. Members agreed that on S31 and S37 it would be useful for the Governance Working Group to examine these areas in more detail and to report back.
- 5.4. Members also noted the creation of a process document would be very useful for future file audits.

ACTION: The Working Group to hold a further discuss the process for providing feedback following a file audit and to also consider the applications of S31 and S37.

ACTION: IS to produce a process document for future file audits.

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

- 6.1. Representatives from HMRC, joined the meeting to submit a retention request and 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.

7. Governance Working Group Update

- 7.1. The Chair of the Governance Working Group provided a brief oral update on the recent meeting of the group. He noted the group had met on 16 November 2021. They had discussed a number of matters, including meetings, departmental retention templates, third party referrals, S24/S26, and the Code of Conduct. He noted the working group was expected to meet again in January 2022.
- 7.2. The Chair of the Governance Working Group also noted that Prof Leon Litvack had been appointed as a member of the Council's media sub-committee.
- 7.3. Members noted the update.

8. Access to Records

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

- 8.2. 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.
- 8.3. 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.
- 8.4. 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 (September 2021)

Queries on closure and retentions schedules (November 2021)

- 8.5. 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 (September and November 2021)

- 8.6. The Council noted the amendments made, clarification or additional information provided.
- 8.7. Members queried if breach of confidence exemptions continued to be applied after death.

ACTION: VD to investigate and report back on the Information Commissioner's Office guidance on the applicability of breach of confidence after death.

9. Cabinet Office

- 9.1. Representatives from Cabinet Office, joined the meeting to present a paper on the application for a renewal of the Security Instrument.

DECISION: The Council thanked Cabinet Office for joining the meeting and noted the draft instrument.

10. Departmental Retention Requests

- 10.1. 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.
- 10.2. 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 one to six years from the following departments:

- Attorney General's Office (AGO)
- Business, Energy & Industrial Strategy (BEIS)
- Cabinet Office
- Department for Environment, Food & Rural Affairs (DEFRA)
- Department for Education (DfE)
- Department for Levelling Up, Housing & Communities (DLUHC)
- Department of Health and Social Care (DHSC)
- Department for Transport (DfT)
- Department for Work and Pensions (DWP)
- Foreign, Commonwealth and Development Office (FCDO)
- Her Majesty's Treasury (HMT)
- Home Office
- Ministry of Defence (MoD)
- Ministry of Justice (MoJ)
- Northern Ireland Office (NIO)

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

- Advisory, Conciliation and Arbitration Service (ACAS)
- Animal and Plant Health Agency (APHA)
- Companies House
- Competition and Markets Authority (CMA)
- Crown Commercial Services (CCS)
- Crown Prosecution Service (CPS)
- Defence Geographic Society
- Forestry Commission

- Food Standards Agency (FSA)
- Highways England
- Health and Safety Executive (HSE)
- Her Majesty's Land Registry (HMLR)
- Insolvency Service
- Medicines and Healthcare products Regulatory Agency (MHRA)
- Natural England
- Nuclear Decommissioning Authority (NDA)
- The National Institute for Health and Care Excellence (NICE)
- Natural Resource Wales (NRW)
- Office of the Advocate General for Scotland
- Office of Gas and Electricity Markets (Ofgem)
- Office for Standard in Education, Children's Services and Skills (Ofsted)
- The Water Services Regulation Authority (Ofwat)
- Office for National Statistics (ONS)
- Serious Fraud Office (SFO)
- The National Archives
- UK Export Finance (UKEF)
- Welsh Government

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

- British Library
- Historic England
- Postal Museum
- Royal Parks
- Tate

Updates were received from the following departments:

- Cabinet Office
- DfT
- Home Office

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

- Science Museum Group
- Welsh Government

Updates were received from the following places of deposit:

- Postal Museum
- Tate

11. Freedom of Information (FOI) Panel Update

- 11.1. 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.
- 11.2. Members expressed their thoughts on the balance of justifications for FOI requests.
- 11.3. Members commented on S31.
- 11.4. The Council noted the report.

12. Any Other Business

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

There being no further business, the meeting was closed at 15.35pm.