



**ADVISORY COUNCIL ON
NATIONAL RECORDS AND ARCHIVES**

Date: 9 May 2022
Time: 11:00-16:30
Venue: The National Archives and Video Link

Chair: Sir Geoffrey Vos, Master of the Rolls

Members: Mr Trevor Woolley, Deputy Chair
Lady Moira Andrews
Ms Liz Copper
Dr Nigel Fletcher
Mr Peter Gooderham
Mr Stephen Hawker
Professor Phillip Johnson
Professor Leon Litvack, Deputy Chair of the Forum
Sir David Natzler
Ms Helene Pantelli
Mr David Rossington
Mr Jonathan Scherbel-Ball
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 (via VL)
Ms Sue Browne, Head of the FOI Centre
Mr James Clarke, Head of Government Services Strategic Compliance Lead (via VL)
Ms Lucy Fletcher, Director for Government and Information Rights
Mr Jeff James, Chief Executive and Keeper
Ms Elana Kudelka, Governance Coordinator
FOI Manager (via VL)
Access Manager (via VL)
Mr Sam Whaley, Head of Strategy and CEO's Office (via VL)

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

Departmental

Attendees: Metropolitan Police (via VL)
Food Standards Agency (via VL)
HMRC (via VL)

1. Welcome, introductions, apologies and declarations of interest

- 1.1. The Chair welcomed everyone to the meeting.
- 1.2. Dr Helen Forde and Mr Martin Howard 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 25 February 2022

- 2.1. Subject to amendments proposed by members, the minutes of the meeting held on 25 February 2022 were approved as a correct record.

ACTION: The Secretariat to update the minutes with the suggested amendments and upload the minutes to the website.

Actions Log

- 2.2. The Action Log was noted. The following actions were closed:

Items 1, 2, 5, 6, 7, 8, 9, 33 and 64.

ACTION: the Secretariat 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. Ms Fletcher also provided an update on records at The National Archives. She specifically highlighted to members the removal of records series FCO 141 from circulation. She noted this had been done due to concerns over the use of previously applied insecticide. The series had been sent for testing with the results of the analysis

expected in June. The National Archives had informed requesters that these records were being investigated. The National Archives would be able to increase this message through public communications now a timeline was in place.

- 3.2. Members asked about the impact of suspension with cooperation with Russia by the archiving sector. JJ noted that the Russian and Belarussian state archives had had their membership to the International Council of Archives suspended, however the greatest impact was on smaller Russian and Belarussian cultural institutions where cross-border working was more common. The impact to The National Archives directly as a result of this suspension was minimal. The National Archives had also been supporting Ukrainian colleagues where appropriate.
- 3.3. Members fed back that they had been pleased to see all the supporting events and stories available online as part of The National Archives census release and the 20s People exhibit. They also provided feedback on the way these appeared on the website.
- 3.4. Members asked about the wider reopening of the archives sector. JJ confirmed The National Archives was reviewing information on this and monitoring the situation including circulating surveys and engaging in discussion with the Archives and Records Association. Once the surveys were returned in the coming weeks The National Archives would have a clearer picture.
- 3.5. Members were pleased to note the release of the FindCaseLaw service and provided some feedback to The National Archives. JJ confirmed the service was in alpha phase and The National Archives was keen to learn from any feedback received.
- 3.6. Members asked about The National Archives current international projects. JJ noted that there was ongoing collaboration on the Prize Papers as this was a 20-year ongoing project. There had been some difficulties as a result of leaving the European Union (EU) as The National Archives was unable to engage directly with the main vehicle for engaging with EU archives. The National Archives was however continuing to explore other opportunities outside of Europe.
- 3.7. Members asked for an update on the Parliamentary Archives project. JJ noted the proposal for the archives and its staff had been agreed by Parliament and they and The National Archives were now planning more specific detail for the move. The National Archives needed to consider its own storage strategy and its own record ordering processes to ensure the partnership worked well.

3.8. The Council noted the report.

4. Production of the Annual Report 2021/2022

4.1. The Secretariat introduced the draft report to members. She noted some of the text was still awaiting the most up-to-date figures and these would be amended when received. She also noted she had received a number of minor comments from members which would also be amended.

4.2. The Secretariat informed members that she had also received a comment from members about refocusing the “Looking Ahead” paragraph. She confirmed she would work with the Deputy Chair to redraft this section.

4.3. Members discussed the addition of a short explanation focussing on file audits by the Advisory Council. The Deputy Chair confirmed he would liaise with the Secretariat on wording for this. Members reflected it would be appropriate to rename file audits to reflect that they were smaller sample checks. Members were also keen that future annual reports made more use of graphics.

ACTION: The Secretariat to liaise with the Deputy Chair and the Master of the Rolls on finalising the annual report, including the amendments noted at the meeting. The Secretariat to ensure the report is laid before Parliament.

5. Governance Working Group Update

5.1. The Deputy Chair provided an update on recent working group matters.

5.2. He highlighted the letter sent to the Directors General at the Department for Digital, Culture, Media and Sport (DCMS). This letter focussed on two key issues raised by the Working Group. The first was an ongoing matter on S65 and S66 to which the Council was seeking a solution from DCMS. The second was the recent query the Council had raised regarding the consideration of exemptions under S23 and S24. The Deputy Chair confirmed an initial acknowledgement of receipt had been received and the Directors General confirmed they were investigating these matters.

5.3. The Deputy Chair noted there had also been a file audit this quarter. As a result of this the Working Group had invited the Foreign Commonwealth and Development Office (FCDO) to address them to discuss the topics raised during the audit. He highlighted the discussion which had been had with the FCDO on S37(1)(ac). The application of this exemption was likely to be the subject of further discussion between the Advisory Council and departments.

- 5.4. The Deputy Chair finished his updates by noting some general good practice points for members when completing the schedules.
- 5.5. The Council noted the update.

6. File Audit Report

- 6.1. Mr David Rossington, a member of the spring 2022 file audit panel, introduced the paper on the results of the file audit. He highlighted that they had undertaken the exercise thematically. As part of this a number of key exemptions had been considered, primarily S37(1)(ac), S27(1) and S31.
- 6.2. The conclusion of this was that S37(1)(ac) was the exemption which provided the biggest challenge to Council and that it was key that Council continued to seek reassurances on this so they could be satisfied a public interest test had been carried out.
- 6.3. Members noted they wished to further investigate how feedback with departments operated. The MR noted it would be most appropriate for an investigation on this matter to be delegated to the Working Group for their consideration and they could report back to Council once they had investigated with The National Archives.
- 6.4. Members noted the report.

ACTION: The Working Group to investigate the current feedback process to departments and to report back to Council with the results of their investigation.

7. Freedom of Information (FOI) Panel Update

- 7.1. 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.
- 7.2. Members emphasised the importance of bespoke justifications for individual cases. SB confirmed she would continue to work on this with departments to reinforce this message.
- 7.3. Members also emphasised the importance of accuracy in case information to ensure the process for considering cases remained smooth.
- 7.4. The Council noted the report.

8. S31 Metropolitan Police

- 8.1. A representative from the Metropolitan Police, joined the meeting to discuss current thinking on S31 exemptions, particularly as these relate to historic murder cases.

DECISION: The Council thanked the Met Police for joining the meeting. The Council agreed to circulate the minutes of the discussion to the Met Police for their consideration.

ACTION: The Secretariat to circulate the minutes of the discussion with the Met Police.

9. Access to Records

- 9.1. The Council formally approved the acceptance of schedules seen outside the meeting, with the exception of any queries which were brought to the meeting.
- 9.2. 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.
- 9.3. The Head of Government Services collated the queries and a list of them was circulated with the papers for this meeting, with responses being provided where possible.
- 9.4. 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 (February 2022)

Queries on closure and retentions schedules (May 2022)

- 9.5. 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 comments and typographical errors (May 2022)

9.6. The Council noted the comments made.

10. Food Standards Agency (FSA)

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

DECISION: The Council thanked FSA for joining the meeting.

11. HMRC

11.1. Representatives from HMRC, joined the meeting to provide an update on the ongoing work at the HMRC and summarised the work undertaken since their last report to the Council.

DECISION: The Council thanked HMRC for joining the meeting.

12. Departmental Retention Requests

12.1. 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.

12.2. 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 Secretariat 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 three years from the following departments:

- Cabinet Office
- DCMS
- Department for Environment, Food and Rural Affairs (DEFRA)
- Department of Health and Social Care (DHSC)
- Foreign Commonwealth and Development Office (FCDO)
- Her Majesty's Treasury (HMT)

- Ministry of Justice (MoJ)

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

- Competition and Markets Authority (CMA)
- Crown Estate
- Health and Safety Executive
- National Crime Agency (NCA)
- Office for Standards in Education, Children's Services and Skills (Ofsted)
- Pension Regulator

There were applications for retentions of one to three years from the following places of deposit:

- Kew Gardens
- Postal Museum
- Science Museum Group
- Tate

Updates were received from the following departments:

- FCDO
- Department for Work and Pensions (DWP)
- Home Office

Updates were received from the place of deposit:

- Kew Gardens

13. Any Other Business

- 13.1. The Master of the Rolls announced that Dr Nigel Fletcher had been appointed to the Forum on Historical Manuscripts and Academic Research.
- 13.2. The Chair thanked everyone and closed the meeting by wishing everyone well.

There being no further business, the meeting was closed at 16.37pm.