



**ADVISORY COUNCIL ON
NATIONAL RECORDS AND ARCHIVES**

Date: 29 July 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 Helen Forde
Dr Nigel Fletcher
Mr Peter Gooderham
Mr Stephen Hawker
Mr Martin Howard
Professor Phillip Johnson
Professor Leon Litvack, Deputy Chair of the Forum
Sir David Natzler
Ms Helene Pantelli
Mr David Rossington
Dr Jeannette Strickland (via VL)
Mr Martin Uden
Mr John Wood

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

Non-members:

TNA: Senior Access Manager
Ms Asha Bagayat, Head of Governance
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 FOI Manager (via VL)
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:**

Department for Business, Energy & Industrial Strategy (via VL) (Item 8)
Department for Levelling Up, Housing and Communities (via VL) (Item 9)
Defence Geographic Centre (Item 10)
Foreign, Commonwealth and Development Office (via VL) (Item 11)

1. Welcome, introductions, apologies and declarations of interest

- 1.1. The Chair welcomed everyone to the meeting.
- 1.2. Mr Jonathan Scherbel-Ball submitted apologies for absence.
- 1.3. The Chair declared that he had sat on a Court of Appeal case regarding royal wills, as referenced in Item 7, but noted this was not a conflict of interest.

2. Minutes and matters arising

Minutes of the meeting held on 9 May 2022

- 2.1. Subject to amendments proposed by members, the minutes of the meeting held on 9 May 2022 were approved as a correct record.

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

Actions Log

- 2.2. The Deputy Chair provided an update on the letter the Advisory Council had written to the Department for Digital, Culture, Media and Sport. Members discussed options for a resolution to S65 and S66 of the Freedom of Information (FOI) exemption. The Chair noted the Council would continue to receive updates on this matter.
- 2.3. The Action Log was noted. The following actions were closed:

Items 3, 10, 11, 12, 13, 14, 15, 22 and 34.

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. Mr James provided an update on items included in the report. He noted since papers had been circulated the annual report had been laid in Parliament. He also provided an update on FCO 141. He updated members on the testing of the documents and confirmed The National Archives was considering a range of options based on the results of those tests, to ensure safety was maintained whilst reinstating access.
- 3.2. Members asked about the use of TikTok to encourage younger demographics to engage with the public record. Mr James noted the results were encouraging and that TikTok also allowed The National Archives to engage with the public record in a less traditional manner.
- 3.3. Members asked about the implications for The National Archives of Civil Service 2025 (CS25). Mr James responded that The National Archives had made a submission to HM Treasury as required, however given the current conservative leadership challenge The National Archives was unsure when it would hear back from government on its targets. The understanding was that 20% reduction would have a significant impact on the organisation. Ms Fletcher added that there would also be implications for other government departments and their records management teams.
- 3.4. Members asked about the accession of paper copies of the service personnel records. Ms Fletcher confirmed that The National Archives was procuring a partner to start the work on the project and she would be able to provide a further update at the November meeting.
- 3.5. Members asked about the updates to the Find Case Law system. Mr James confirmed the Transfer Digital Records system was being used to allow for the transfer of judgments to The National Archives and it was necessary to make numerous small variations to accommodate the different templates the judgments arrived on, so far this had ensured they had been able to accommodate all judgments.
- 3.6. Members asked if the Parliamentary Archives partnership was affected by the current renovation of the Parliamentary estate. Mr James noted that this project was separate to the partnership, but that there would be some crossover between the two projects at points. Members asked if there was a plan to avoid confusion for users over the differences between government records and parliamentary records once both were housed at The National Archives. Mr James highlighted that in agreeing to partner

with the Parliamentary Archives agreement had been reached that the processes for ordering records from either collection would be seamless and unified for the user, but that the physical collection would be kept discretely.

- 3.7. The Council noted the report.

4. Information Management Report 2021 Update

- 4.1. Ms Fletcher introduced the report summarising the results of the Information Management Survey. She noted that The National Archives would be talking to the Advisory Council more about the end of the transition period towards the end of the current calendar year.
- 4.2. Members asked about the implications of classification changes to departments' compliance levels. Ms Fletcher responded that occasionally departments had sets of records which they understood to be outside the scope of the Public Record Act; but following reappraisal this had been shown not to be the case. Where this occurred it could impact departments' compliance levels.
- 4.3. Members expressed concern about increasing departmental backlogs. Ms Fletcher noted The National Archives was supporting departments to ensure they had robust methodologies in place and was actively involved with departments.

5. Governance Working Group Update

- 5.1. The Deputy Chair provided an update on recent working group matters.
- 5.2. He highlighted recent discussions with the Cabinet Office on S37 of the FOIA. He also highlighted the discussion by members on File Audits which had been commissioned by the Chair at the Council's May meeting. He noted the recommendations made by the Working Group to the Council.
- 5.3. Members discussed an updated name for the file audit process but did not agree on a suitable name and referred the matter back to the Working Group.
- 5.4. Members also discussed the possibility that the conclusions of an audit review on a particular record could be made available to an FOI panel, were the record ever to be subject to an FOI request. The National Archives was unable to provide a mechanism for this at the meeting, but undertook to consider this further.

DECISION: The Council agreed the recommendation in the report that following the conclusion of a review, the panel would present their report to the next Council meeting. Included in this report would be a recommendation on if, and on what terms, any departments should be written to.

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

- 6.1. Professor Litvack gave an update on the work of the Forum and highlighted its most recent work which involved the advising The National Archives on its strategic priorities as sector leader. He also highlighted the recent Manorial Documents Centenary Celebration hosted at the Royal Courts of Justice on 29 June. Professor Litvack thanked The National Archives for their efforts in organising the celebration.
- 6.2. Members noted the report.

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 queried the joint application of S30 and S31 exemptions where files were retained. Ms Browne confirmed the exemptions could be jointly applied in these cases.
- 7.3. The Council noted the report.

8. Department for Business, Energy and Industrial Strategy (BEIS)

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

DECISION: The Council thanked BEIS for joining the meeting.

9. Department for Levelling Up, Housing and Communities (DLUHC)

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

DECISION: The Council thanked DLUHC for joining the meeting.

10. Defence Geographic Centre (DGC)

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

DECISION: The Council thanked DGC for joining the meeting.

11. Foreign, Commonwealth and Development Office (FCDO)

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

DECISION: The Council thanked FCDO 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 two years from the following arm's length bodies:

- Civil Aviation Authority (CAA)
- Welsh Government

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

- Nuclear Decommissioning Authority (NDA)

Updates were received from the following departments:

- DCMS
- Department for Transport (DfT)

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

- Natural England
- Office of Gas and Electricity Markets (Ofgem)
- Privy Council Office
- Serious Fraud Office (SFO)
- Welsh Government

13. Access to Records

- 13.1. The Council formally approved the acceptance of schedules seen outside the meeting, with the exception of any queries which were brought to the meeting.
- 13.2. 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.
- 13.3. 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.
- 13.4. 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 2022)

Queries on closure and retentions schedules (July 2022)

- 13.5. 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 (July 2022)

13.6. The Council noted the comments made.

14. Any Other Business

- 14.1. The Master of the Rolls noted Mr Trevor Woolley would be retiring after the September training session and formally recorded his thanks and that of the whole Council to Mr Woolley for his work as Deputy Chair and Chair of the Governance Working Group.
- 14.2. The Master of the Rolls announced that Mr David Rossington would be appointed as the Advisory Council's new Deputy Chair following Mr Trevor Woolley's retirement.
- 14.3. The Chair thanked everyone and closed the meeting by wishing everyone well.

There being no further business, the meeting was closed at 16.30pm.