



**ADVISORY COUNCIL ON
NATIONAL RECORDS AND ARCHIVES**

Date: 21 November 2022
Time: 11:00-16:30
Venue: The National Archives and Video Link

Chair: Mr David Rossington, Deputy Chair

Members: Mr David Rossington, Deputy Chair
Lady Moira Andrews
Ms Liz Copper
Dr Helen Forde
Dr Nigel Fletcher
Mr Peter Gooderham
Dr Kate Grimley-Evans (via VL)
Mr Stephen Hawker
Mr Martin Howard
Professor Leon Litvack, Deputy Chair of the Forum
Sir David Natzler
Ms Helene Pantelli
Dr Jeannette Strickland
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)
Mr Jeff James, Chief Executive and Keeper
FOI Manager (via VL)
Mr Sam Whaley, Head of Strategy and CEO's Office
Governance Coordinator

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

**Departmental
Attendees:**

Food Standards Agency (via VL) (Item 6)

1. Welcome, introductions, apologies and declarations of interest

- 1.1. The Deputy Chair welcomed everyone to the meeting.
- 1.2. The Master of the Rolls, Professor Phillip Johnson and Ms Lucy Fletcher submitted apologies for absence.
- 1.3. There were no declarations of interest.

2. Minutes and matters arising

Minutes of the meeting held on 29 July 2022

- 2.1. Subject to amendments proposed by members, the minutes of the meeting held on 29 July 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 (DCMS). He noted he had been to a meeting with DCMS officials discussing a resolution to S65 and S66 Freedom of Information (FOI) exemptions.
- 2.3. The Action Log was noted. The following actions were closed:

Items 19 20, 22 and 23.

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.

- 3.2. Members asked about the use of FOI requests to gain access to MoD Service Personnel records. Mr James noted that access to the records had been through FOI whilst the records were held by the Ministry of Defence, but that The National Archives was progressing with its digitisation project for these records. In spite of this it was necessary for the requests to come via FOI requests given the significant levels of personal information contained in the records.
- 3.3. Members asked if The National Archives had received any updates about the Civil Service 2025 scheme. Members also queried if this would have any impact on the Retained EU Law Bill. Mr James noted that there had been a statement by the Prime Minister that the way to make efficiencies was not purely through head count. To assist with the changes to legislation affected by the Retained EU Law Bill, The National Archives would be applying to the Treasury with an updated business case.
- 3.4. Members asked about the ending of the New Burdens payments. Mr James noted that the twenty year transition period continued on for an additional two years for local records, but that this programme and funding was coming to an end.
- 3.5. The Council congratulated The National Archives on its recently opened Treason exhibition and noted the report.

4. File Audit Report

- 4.1. Mr Peter Gooderham and Mr David Natzler introduced their report and summarised the recommendations they had made within their report.
- 4.2. Members asked about the naming of the file audits and noted no decision had yet been reached on renaming file audits so they more appropriately reflected the process. They also noted that members of an audit tended to select cases they considered more interesting than others and that this should be reflected in the name.
- 4.3. Members noted that in order to ensure there were sufficient cases for them to consider the number of files selected by members should be increased. Members also suggested that implementing a rolling register of flagged items for file audits would be very useful.

DECISION: The Deputy Chair proposed that the matter of renaming the file audits, and maintaining a rolling register of items should be considered by the Working Group, and the Council agreed.

ACTION: The Working Group to consider the names of file audits and the maintenance of a rolling register of cases for future audits.

5. Advisory Council Records Report

- 5.1. The Secretariat introduced the paper on Council's records, including records which has fallen out of compliance, and the process for dealing with these, and summarised the recommendations made within the report.
- 5.2. Members agreed that it was important that reference be made of this in the annual report as well as the Council minutes.
- 5.3. Members queried roughly what the quantity of records looked like in physical terms. The Secretariat confirmed it was no more than 2 filing cabinet drawers.
- 5.4. Members wished to confirm that FOI requests from members of the public were included in the types of records selected for permanent preservation. The Secretariat confirmed this was the case.

DECISION: To agree the recommendations in the report.

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

- 6.1. Professor Litvack introduced the paper on the recent work of the Forum.
- 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 discussed the application of the personal data exemption and about how this was applied, particularly with regards to redaction as opposed to closure. Ms Browne responded that such matters were a balancing test between what could be redacted and if so much was redacted that there was no sense then it was more appropriate to close the extract. She noted the exemption was applied to identifying information which the public would not expect to be in the public domain, however the full range of circumstances were taken into account.

7.3. Members asked about being informed on cases they had considered which had gone forward to the ICO and about being updated on these so that Council was aware of the most recent ICO thinking. Ms Browne confirmed that she would do this. Members noted it might be useful to reflect on these once a year, perhaps at the September session.

7.4. The Council noted the report.

ACTION: The FOI centre to circulate relevant ICO decisions on cases which the Advisory Council considered.

8. Food Standards Agency (FSA)

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

DECISION: The Council thanked FSA for joining the meeting.

9. Departmental Retention Requests

9.1. 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.

9.2. 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 five years from the following government departments:

- Attorney General's Office (AGO)
- Department for Business, Energy & Industrial Strategy (BEIS)
- DCMS
- Department for Environment, Food & Rural Affairs (DEFRA)
- Department for Education (DfE)
- Department for Transport (DfT)
- Department for International Trade (DIT)
- Department for Levelling Up, Housing and Communities (DLUHC)
- Department for Work and Pensions (DWP)

- Foreign, Commonwealth and Development Office (FCDO)
- HM Treasury (HMT)
- Home Office
- Ministry of Defence (MoD)
- Ministry of Justice (MoJ)
- Northern Ireland Office (NIO)
- Office of the Advocate General for Scotland (OAG)

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

- Centre for Environment, Fisheries and Aquaculture Science (CEFAS)
- Crown Prosecution Service (CPS)
- HM Land Registry (HMLR)
- HM Revenue and Customs (HMRC)
- Historic Royal Palaces (HRP)
- Health and Safety Executive (HSE)
- Insolvency Service
- Independent Office for Police Conduct (IOPC)
- Medicines and Healthcare products Regulatory Agency (MHRA)
- National Highways
- Natural England
- NHS Digital
- The National Institute for Health and Care Excellence (NICE)
- Natural Resources Wales (NRW)
- National Savings & Investments (NS&I)
- Office of Gas and Electricity Markets (Ofgem)
- Office for Standards in Education (Ofsted)
- Water Services Regulation Authority (Ofwat)
- Office for National Statistics (ONS)
- Privy Council Office (PCO)
- Royal Parks
- Serious Fraud Office (SFO)

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

- British Library
- Historic England
- Kew Gardens
- Postal Museum
- Science Museum Group
- Tate

Updates were received from the following departments:

- Cabinet Office

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

- Companies House

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

- Kew Gardens

10. Access to Records

- 10.1. The Council formally approved the acceptance of schedules seen outside the meeting, with the exception of any queries which were brought to the meeting.
- 10.2. 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.
- 10.3. 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.
- 10.4. 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 2022)

Queries on closure and retentions schedules (November 2022)

- 10.5. 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 (November 2022)

- 10.6. The Council noted the comments made.

11. Any Other Business

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

There being no further business, the meeting was closed at 16.03pm.