



**ADVISORY COUNCIL ON  
NATIONAL RECORDS AND ARCHIVES**

**Date:** 17 July 2023  
**Time:** 11:00-15:30  
**Venue:** The National Archives and Video Link

**Chair:** Sir Geoffrey Vos, Master of the Rolls, Chair

**Members:** Mr David Rossington, Deputy Chair  
Lady Moira Andrews  
Ms Liz Copper  
Dr Nigel Fletcher (via VL)  
Dr Helen Forde  
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 Jonathan Scherbel-Ball  
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  
Head of the FOI Centre  
Strategic Compliance Lead (via VL)  
Ms Helen Farmer, Head of Private Office (via VL)  
Ms Lucy Fletcher, Public Access and Government Services Director  
Mr Jeff James, Chief Executive and Keeper  
FOI Manager (via VL)  
Governance Coordinator

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

**Departmental Attendees:**

Department for Environment, Food & Rural Affairs (DEFRA) (Item 8)  
Natural England (Item 9)

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

- 1.1. The Chair welcomed everyone to the meeting.
- 1.2. Ms Kate Grimley-Evans and Dr Jeannette Strickland submitted apologies for absence.
- 1.3. Mr Jonathan Scherbel-Ball made a declaration of interest in regard to item 7 and noted he would not participate in the discussion for this item.

**2. Minutes and matters arising****Minutes of the meeting held on 5 May 2023**

- 2.1. Subject to amendments proposed by members and the Secretariat, the minutes of the meeting held on 5 May 2023 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 Action Log was noted. The following actions were closed:  
  
Items 9, 10, 11, 12, 13 and 14.

**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 for an update on The National Archives' FOI enquiries. Mr James said The National Archives was receiving a significant number of FOI requests each month and this would result in The National Archives

responding to over 15,000 requests this year. Even discounting FOI requests relating to MoD service personnel records, The National Archives was the government body which received the most FOI requests. He noted that as The National Archives continued to accession records this demand would only grow. Ms Fletcher added that the action plan which had been implemented would leave The National Archives in a better place to deal with the growing number of requests.

- 3.3. Members asked if the digitisation of the MoD records would have any impact on the FOI request demand The National Archives was experiencing. Mr James noted it would eventually, but the scale of these records meant any positive outcomes would not be for a number of years.
- 3.4. Members noted they were pleased that Northern Ireland planned to join the Lawmaker collaboration. They asked how financing the partnership would operate when taking on new members. Mr James noted additional partners to the project were warmly welcomed and any future participants would not be required to contribute retrospectively, but there would be a redivision of contributions for ongoing running costs and any future development work which was required.

#### **4. Advisory Council Records Report**

- 4.1. The Secretariat introduced the paper on the Council's own records. She updated members on the progress made since the previous update and presented the set of records which had been prepared and for which closure was required. She summarised the recommendations made within the report.
- 4.2. Members noted the update and agreed the recommendations in the report.

**DECISION:** Approve the closure of records as agreed by the Governance Working Group.

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

- 5.1. Professor Litvack introduced the paper on the recent work of the Forum. He summarised the work the Forum had undertaken at its previous meeting and highlighted a future visit to the John Rylands Institute in Manchester for its Autumn meeting.
- 5.2. Members asked about the Forum's consideration of the Sales Monitoring Service annual report. Professor Litvack provided further information noting the team worked to monitor sales of privately owned manuscripts and

documents and to alert relevant archives where these were discovered, so that they could form a bid if they wished to do so. In recent times there was a much higher proportion of material transacted through online auction sites, as opposed to traditional auction houses and this had increased the speed at which items were listed and sold. This in turn had an impact on independent archives or other relevant bodies being able to make offers on these items. Mr James offered to share further information of ongoing work on cultural property protection with the Forum.

- 5.3. Members asked about the impact of service cuts to smaller archives. Mr James noted that where the archive was a place of deposit, any chances to service were agreed with The National Archives' Place of Deposit Manager, however this was not the case for independent archives.
- 5.4. Mr James also noted to members that Dr Valerie Johnson, who attended the Forum as a representative for The National Archives, would be retiring in the coming months. The National Archives had taken the opportunity to reorganise her portfolio as a result. Further information relating to this would be circulated to the committee.
- 5.5. Members noted the report.

**ACTION:** JJ to circulate details of the new Archive Sector Leadership portfolio to members.

## **6. Governance Working Group Update**

- 6.1. The Deputy Chair provided an oral update on recent working group matters and highlighted that a copy of the notes from this meeting would go to a future meeting.
- 6.2. He highlighted the meetings an update from the Metropolitan Police regarding S31 of the Freedom of Information Act (FOIA). He also noted changes implemented by the Ministry of Defence (MoD) following their recent discussions with the Working Group. Members had also considered the three-year retention period sought where a department was required to consult the Royal Household and noted this may be an area of future focus.
- 6.3. The principal consideration of the Working Group meeting however, had been the letter the Council had received from DCMS. The Deputy Chair also updated members on DCMS' response to the Council queries which had been received shortly before the meeting. He noted the response dealt with the points the Council had raised regarding S23 and S24, and S65 and S66 of the Freedom of Information Act (FOIA). The Working Group's principal concern with the letter was the lack of further detail regarding the

change to the S66 process. He highlighted the lack of an outlined process and the implications of this for the way the Council conducted its work. As a result, the Working Group was urgently recommending a meeting between DCMS and the Deputy Chair to discuss these matters in further detail and planned to request this in a formal letter of response to DCMS' letter.

- 6.4. Members agreed with the actions planned with the Working Group and shared the concerns set out by the Group. They agreed that the formalisation of a process with input from the Council was vital and that pursuing this at official level was the appropriate next step.
- 6.5. Ms Fletcher noted how grateful The National Archives was to the Council for its work on FOI panels and the speed with which the panels worked. She noted The National Archives was committed to working with Council on any new processes.

**DECISION:** The Council agreed to write back to officials within DCMS with their concerns regarding the S66 process and to formally request a meeting to discuss these matters further.

**ACTION:** The Deputy Chair to write to the Deputy Directors at DCMS outlining the Council's concerns.

**ACTION:** The Secretariat to organise a meeting between the Deputy Directors, the Deputy Chair and relevant officials from The National Archives.

**ACTION:** The Secretariat to write back to the Metropolitan Police with further queries regarding the application of S31.

## **7. Ministry of Defence (MoD) Explanatory Memoranda**

- 7.1. The Secretariat introduced the paper requesting the approval of the Council for new explanatory memoranda with the MoD.
- 7.2. Members agreed in principle to the proposed memoranda but had a number of comments regarding wording, content and formatting which required resolving before the new memoranda could be formally agreed.

**ACTION:** The Senior Access Manager to liaise with the MoD on the Council's comments.

## **8. DEFRA**

- 8.1. Representatives from DEFRA, joined the meeting to provide an update on the ongoing work at DEFRA since its last report to the Council.

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

## 9. Natural England

- 9.1. Representatives from Natural England, joined the meeting to provide an update on the ongoing work at Natural England since its last report to the Council.

**DECISION:** The Council thanked Natural England for joining the meeting.

## 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 have 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 four years from the following government departments:

- Foreign Commonwealth and Development Office (FCDO)

Updates were received from the following departments:

- Department for Education (DfE)
- Department for Housing, Levelling Up and Communities (DHLUC)
- HM Treasury (HMT)

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

- Centre for Environment, Fisheries and Aquaculture Science (CEFAS)
- Crown Prosecution Service (CPS)
- Food Standards Agency (FSA)
- Independent Office for Police Conduct (IOPC)

- The National Institute for Health and Care Excellence (NICE)
- Office of Gas and Electricity Markets (Ofgem)

Updates were received from the following places of deposit:

- British Library
- Historic Royal Palaces (HRP)
- Royal Parks

## **11. Access to Records**

- 11.1. The Council formally approved the acceptance of schedules seen outside the meeting, with the exception of any queries which were brought to the meeting.
- 11.2. 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.
- 11.3. 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.
- 11.4. 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.
- 11.5. Council was grateful that a significant proportion of old requests for further information from departments had now been answered, although a number still remained to be resolved. Council welcomed the new method of presentation of schedules by The National Archives which highlighted outstanding cases, and the efforts made by Charlene Amarte and her team to resolve these old requests. It asked the Working Group to consider further how to expedite these cases, on the basis of advice from The National Archives.

### **Outstanding Queries**

#### **Queries on closure and retentions schedules (May 2023)**

#### **Queries on closure and retentions schedules (July 2023)**

- 11.6. 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 2023)**

11.7. The Council noted the comments made.

### **12. Any Other Business**

12.1. Members discussed potential topics for the September training session and also discussed the Council's understanding of its terms of reference. The Master of the Rolls confirmed a future meeting, either November or February, should start early to accommodate a paper on the legislation which governs the role of the Council, with an introductory session on this topic at the September training session.

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

**There being no further business, the meeting was closed at 15.30pm.**