



**ADVISORY COUNCIL ON  
NATIONAL RECORDS AND ARCHIVES**

**Date:** 22 September 2023

**Time:** 13:00-16:00

**Venue:** Video Link

**Chair:** Mr David Rossington, Deputy Chair

**Members:** Lady Moira Andrews  
Ms Liz Copper  
Dr Nigel Fletcher  
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  
Head of Governance  
Strategic Compliance Lead  
Ms Lucy Fletcher, Public Access and Government Services Director  
Mr Jeff James, Chief Executive and Keeper  
FOI Manager  
Governance Coordinator

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

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

- 1.1. The Chair welcomed everyone to the meeting.
- 1.2. The Master of the Rolls and Dr Jeannette Strickland submitted apologies for absence.
- 1.3. There were no declarations of interest.

## 2. **Minutes and matters arising**

### **Minutes of the meeting held on 17 July 2023**

- 2.1. Subject to amendments proposed by members, the minutes of the meeting held on 17 July 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 15, 17, 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 for more details on court decisions being made available by The National Archives. Mr James said that The National Archives could only publish judgments as they were received and as a result there would always be some level of delay between a judgment being issued and it being available.
- 3.3. Members asked about the impacts on storage of the Parliamentary Archives partnership. Mr James noted The National Archives would need to make available 15 linear kilometres at the site in Kew. As a result, some low-use items would be transferred to Deepstore. This was in line with The National Archives' policy to limit the quantity of records in Deepstore. The necessary works to do this would be completed by Christmas.

- 3.4. Members asked about 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.
- 3.5. Members asked The National Archives about the new guidance for police records. Mr James noted this was a pragmatic solution and would assist the police in implementing good practice for record keeping. Ms Fletcher noted The National Archives would continue to provide advice as appropriate.

#### **4. Governance Working Group Update**

- 4.1. 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. This summary included current relationships with the Department for Culture, Media and Sport (DCMS), a proposed Memorandum of Understanding between the Council, The National Archives and DCMS, the process for S66 Freedom of Information (FOI) panel cases, the draft memorandums with the Ministry of Defence for key topics, guidance on S37 of the FOIA, and referrals to the royal household.
- 4.2. Members discussed the S66 process. Members agreed with Ms Fletcher to have a proposed way forward for feedback from FOI cases. This would be particularly important for new members joining the Council. Members also noted that occasionally departments were slow in responding to queries generated by FOI panel cases. In these instances, it might be useful for the Council to write formally to those departments.

**DECISION:** The Council agreed the draft S66 process with a review of this at the November meeting.

**ACTION:** Ms Fletcher to draft proposals for a new reporting system to the Council for the November meeting.

**DECISION:** The Council agreed to delegate the drafting and revisions of the proposed Memorandum of Understanding to the Working Group, with a final version to be presented to the Council for approval.

**DECISION:** The Council agreed to delegate the revising of the proposed Memorandum by the Ministry of Defence to the Working Group, with final versions to be presented to the Council for approval.

**DECISION:** The Council agreed to send a letter to senior figures at the Cabinet Office regarding delays to the S37 guidance.

**ACTION:** The Secretariat to draft a letter for the Deputy Chair to amend, and send to senior Cabinet Office officials.

**DECISION:** The Council to contact the Cabinet Office and the Foreign, Commonwealth and Development Office to let them know the most useful format when submitting records to the royal household for referral.

**ACTION:** The Secretariat to draft letters to the Cabinet Office and FCDO for the Deputy Chair's approval and to send these letters once approved.

## **5. Public Interest Test Template for FOI Panels**

- 5.1. The FOI Manager introduced a revised template for FOI panels and asked members for their approval of the new template.
- 5.2. Members provided feedback on the section which departments would use to outline redactions. Mr Murphy agreed to amend this.

**DECISION:** Members agreed the new template.

## **6. Revised FOI Process Guidance**

- 6.1. The Secretariat asked members to agree to a revision of the FOI process guidance currently available to members. She highlighted this would be comprehensive guidance taking into account all the changes to the guidance since it was last approved.

**DECISION:** Members agreed to a revision of the guidance and agreed a delegation to the Working Group to consider the draft guidance before a final version was presented to the February Council meeting for approval.

## **7. Publication of Retention Information**

- 7.1. Members received a presentation from the Strategic Compliance Lead on what information about departmental retentions was published.

7.2. Members noted the presentation.

## **8. Introduction to the Council's Remit**

8.1. Members received a presentation from the Secretariat on the legal basis for the Council, its remit and the current balance of its focus.

8.2. Members discussed the balance of the Council's work and raised a number of points relating to this. Members expressed an appetite to increase the breadth, but there were a number of other factors, such as the Council's current capacity and impact to be considered.

**DECISION:** The Secretariat to write up the Council's thoughts for consideration by the Working Group.

**ACTION:** The Secretariat to organise a meeting of the Working Group to discuss how the Council could most effectively broaden its work.

## **9. Advisory Council Public Body Response Report**

9.1. Members received a presentation from the Senior Access Manager on the current response rate to Council queries and the number of outstanding queries where departments had not provided a response. legal basis for the Council, its remit and the current balance of its focus.

9.2. The Council noted the update.

**DECISION:** The Council agreed that outstanding queries which were awaiting updated guidance on S37 of the FOIA should apply for a retention in the meantime to ensure appropriate legal grounds for holding the records.

## **10. S24 & S26 Closure, Criteria 6 Retention and Retention Under the Blanket Security Exemption**

10.1. Members received an update from the Senior Access Manager on the discussions The National Archives was having with relevant departments on when they were applying for closure or retention under these exemptions and criteria. She noted a formal paper would come to Council at a future meeting.

10.2. The Council noted the update.

## **11. Mosaicking**

- 11.1. Members received a presentation from Ms Fletcher on the implications of mosaicking for archives. Members noted the update and the live nature of this topic.

## **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 16.00pm.**