



**ADVISORY COUNCIL ON
NATIONAL RECORDS AND ARCHIVES**

Date: 6 November 2023
Time: 11:00-16:30
Venue: The National Archives and Video Link

Chair: Sir Geoffrey Vos, Master of the Rolls, Chair (chaired items 1 to 6)

Members: Mr David Rossington, Deputy Chair (chaired from item 7 onwards)
Lady Moira Andrews
Ms Liz Copper
Dr Nigel Fletcher
Dr Helen Forde
Mr Peter Gooderham
Ms Kate Grimley-Evans
Mr Stephen Hawker
Mr Martin Howard
Professor Phillip Johnson (via VL)
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
Ms Helen Farmer, Head of CEO's Office
Ms Lucy Fletcher, Public Access and Government Services Director
Dr Jeff James, Chief Executive and Keeper
FOI Manager (via VL)
Governance Coordinator

Observers: Strategic Compliance Adviser (via VL)

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

Departmental Attendees:

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

1. Welcome, introductions, apologies and declarations of interest

- 1.1. The Chair welcomed everyone to the meeting. The Chair noted that this was the current Secretariat's last meeting and she would be leaving The National Archives. He thanked her for her excellent support to the Council over the last three years and wished her well for the future. The Council formally noted their thanks.
- 1.2. Dr Jeannette Strickland submitted apologies for absence.
- 1.3. No declarations of interest were made.

2. Minutes and matters arising

Minutes of the meeting held on 20 September 2023

- 2.1. Subject to amendments proposed by members the minutes of the meeting held on 20 September 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 16, 18, 21, 24 and 25.

ACTION: The Secretariat to update the Actions Log with the items reported at the meeting.

- 2.3. Members asked for the notes of the meeting with the FCDO and the MoD regarding Defence Intelligence material to go to the next Governance Working Group meeting.

ACTION: The Secretariat to bring the notes of this meeting to the next Working Group 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 government's use of AI and the kinds of conversations which were occurring around this. Ms Fletcher noted that the conversations which The National Archives was involved in focused on software which could be used to see where records sat within departments and programmes to learn about sensitivities. This would help departments in being able to have a more uniform approach to records handling. The National Archives would continue to monitor and be engaged in this space and would report back to Council as appropriate.
- 3.3. Members asked about the burdens of processing FOI requests for MoD Service Personnel records. Mr James confirmed that this was a significant pressure on The National Archives resources and that in the future a realistic possibility would be that 10% of staff at The National Archives would be dedicated to this work.
- 3.4. Members asked what support and guidance was provided to public inquiries in complying with the Public Records Act. Mr James noted The National Archives already provided support to each public inquiry as it was established. Secretaries to the inquiry are reminded of how the Public Records Act applies to them, additionally The National Archives produces guidance for inquiries to use.
- 3.5. Members asked about the non-corporate communications guidance. Mr James noted that when drafting this guidance The National Archives had made particular efforts to keep the guidance medium neutral so that it could be applied to any non-corporate communication mediums, which existed currently or would become available in future years. The guidance also covered where devices were used for both personal and professional reasons and also covered disappearing message functions

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. She noted that subject to approval, the Council's records would be transferred and from 2024 the focus would only need to be on transferring in year records.

- 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.

DECISION: The Secretariat to transfer the Council's legacy records to The National Archives.

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 which had been held at the John Rylands Research Institute and Library in Manchester.
- 5.2. He noted the highlighted of the visit and the discussions which had taken place at the meeting. He also noted there had been useful discussion around highlighting the relevant responsibilities of each body and individual which had some level of remit from independent archives and records and manuscripts which were outside of the Public Records Act. Council members agreed that this would be useful.
- 5.3. Members noted the report.

ACTION: The Secretariat and Head of Governance to create a diagram covering the relevant responsibility of each body and individual with responsibility for independent archives and records and manuscripts which are outside the scope of the Public Records Act.

6. Freedom of Information (FOI) Panel Update

- 6.1. The Council received a paper providing an overview of the issues and work undertaken by Panels, which included the most recent statistics. Ms Fletcher noted this was a new format of the paper following on from discussions with DCMS regarding the new process for FOI panels. The Deputy Chair noted the new process seemed to be working well, and it was hoped the relevant individual in DCMS who has dealt with these cases would attend the February meeting.
- 6.2. Members asked how the process was working for The National Archives. The Head of the FOI Centre noted that there had been a slight delay in receiving completed panels at the end of the process but these were now moving more smoothly. She also provided feedback to members on

decisions by the FOI team which had been subject to a review and agreed to provide these figures for the Council's annual report each year. Members praised The National Archives for its work in this area and noted the high level of engagement that The National Archives gave to this task.

- 6.3. The Council noted the update.

ACTION: The Secretariat to invite the DCMS Deputy Director to the February Council.

7. Access to Records

- 7.1. The Council formally approved the acceptance of schedules seen outside the meeting, with the exception of any queries which were brought to the meeting.
- 7.2. 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.
- 7.3. 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.
- 7.4. 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.
- 7.5. 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.

Outstanding Queries

Queries on closure and retentions schedules (September 2023)

Queries on closure and retentions schedules (November 2023)

- 7.6. 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 (September & November 2023)

7.7. The Council noted the comments made.

8. DEFRA & Natural England

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

DECISION: The Council thanked DEFRA for joining the meeting.

9. FCDO

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

DECISION: The Council thanked FCDO 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 ten years from the following government departments:

- Department for Culture, Media and Sport (DCMS)
- Department for Education (DfE)
- Department for Environment, Food & Rural Affairs (DEFRA)
- Foreign Commonwealth and Development Office (FCDO)
- Home Office
- Ministry of Justice
- Northern Ireland Office

- Department for Levelling Up, Housing and Communities (DLUHC)
- Department for Transport (DfT)
- HM Treasury (HMT)
- Department for Work and Pensions (DWP)

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

- The Crown Prosecution Service (CPS)
- Health and Safety Executive (HSE)
- HM Revenue and Customs (HMRC)
- Independent Office for Police Conduct (IOPC)
- Information Commissioner's Office (ICO)
- The Insolvency Service
- Metropolitan Police Service
- National Highways
- Natural England
- Natural Resource Wales
- NHS England
- Office for National Statistics (ONS)
- Royal Parks

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

- Environment Agency

Updates were received from the following places of deposit:

- British Library

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

- Historic England
- Kew Gardens

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 16.15pm.