



**ADVISORY COUNCIL ON
NATIONAL RECORDS AND ARCHIVES**

Date: 3 May 2024
Time: 11:00 - 15:30
Venue: The National Archives (TNA) 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
Dr Helen Forde
Ms Kate Grimley-Evans
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: Ms Jenna Birley, Governance Manager and Secretary to the Advisory Council (TNA)

Non-members:

TNA: Senior Access Manager
Ms Asha Bagayat, Head of Governance
Freedom of Information (Fol) Manager (observing)
Strategic Compliance Lead (via video link)
Ms Lucy Fletcher, Public Access and Government Services Director
Fol Manager (observing)
Dr Jeff James, Chief Executive Officer (CEO) and Keeper (via video link)
Head of Fol Centre
Mr Sam Whaley, Head of Strategy and CEO's Office

MR's Office: Mr Samuel Allan, Private Secretary to the Master of the Rolls
Ms Crystal Hung, Legal Advisory to the Master of the Rolls

Departmental Attendees: Foreign, Commonwealth and Development Office
(FCDO) Services (Item 6)
Historic England (Item 7)

1. Welcome, introductions, apologies and declarations of interest

1.1. The Chair welcomed everyone to the meeting. Members welcomed Ms Hung to the meeting in her capacity as legal advisor to the Master of the Rolls. Members also welcomed two observers from the National Archives' FOI centre to the meeting.

1.2. Apologies had been received from Mr Peter Gooderham.

1.3. Dr Helen Forde and Mr Martin Howard declared interests in the Postal Museum (item 9.3.1) and MoJ (item 9.1.3) respectively. They agreed to recuse themselves from the meeting for these items.

2. Minutes and matters arising

Minutes of the meeting held on 16 February 2024

2.1. Subject to minor amendments proposed by members, the minutes of the February meeting were **agreed** as a true and accurate record.

Actions Log

2.2. The Action Log was **noted**. The following actions were closed:

Items 34, 35 and 36.

3. The National Archives Update

3.1. CEO's and Keeper's Update

3.1.1. The CEO and Keeper introduced his update paper which was taken as read.

3.1.2. It was noted that this was Dr James' penultimate Advisory Council meeting. It was expected that TNA's new CEO and Keeper, Mr Saul Nassé, would attend the next Council meeting in July.

3.1.3. Members discussed the Cabinet Office's annual FOI bulletin which reported TNA had received 21,366 requests out of a total of 70,475 submitted to all monitored bodies. Members discussed the impact this continued to have on TNA's ability to meet their requirements under the FOI Act (FOIA). TNA were looking at options to alleviate pressure on the team and would discuss proposals with the Advisory Council in due course.

4. FOI Panel Update

4.1. The Head of FOI Centre presented this report and highlighted key metrics to members.

4.2. Advisory Council members were thanked for their continued hard work. They had continued to complete both the maximum allocation of items per panel and the maximum number of panels per month. Members had also completed all their panels in one working day which was greatly appreciated by the FOI Centre.

4.3. Members discussed the use of s. 38 FOIA by Departments and, though there were still some issues to be worked through, generally it was felt that TNA were taking the correct approach and challenging where appropriate. It was suggested that further conversation regarding the application of s.38 be incorporated as part of Advisory Council's training session in September 2024.

5. Administrative Items

5.1. Governance Working Group (GWG) Update

- Royal Household Referrals

5.1.1. Mr Rossington and Mr Hawker introduced the GWG update which included a draft letter the group proposed to send to Departments reminding them of available guidance and protocols on the application of section 37 FOI Act (FOIA). Advisory Council were invited to discuss the approach and the draft letter.

5.1.2. Advisory Council considered whether to address the draft letter to all Departments, or whether to send it to the Department for Digital, Culture, Media and Sport (DCMS) as its sponsoring department. It was also

suggested that the letter should be copied to the Royal Household as a courtesy. Council also discussed the purpose and tone of the letter.

5.1.3. Advisory Council decided on the following course of action: after redrafting based on feedback from members, the letter would be sent to DCMS as part of the Council's remit of providing advice on public records to the Secretary of State, and copied for information to Cabinet Office and as a courtesy, to the Royal Household.

ACTION: Mr Rossington to redraft the letter accordingly.

ACTION: The Advisory Council Secretary to send the final letter to DCMS on behalf of the Advisory Council.

5.1.4. Mr Rossington presented the remainder of the GWG report. Members were asked to note the proposal regarding the Metropolitan Police Archives. Following their presentation at the February Advisory Council meeting, the Advisory Council Secretary would write to them on behalf of the Council to thank them for attending and ask for a full progress report and programme plan for the November 2024 Advisory Council. Members agreed with this approach.

ACTION: The Advisory Council Secretary to compose and send the letter as directed.

5.1.5. Mr Rossington raised the issue of upcoming departures from the GWG due to Advisory Council members' terms coming to an end. Members were asked to put themselves forward to become part of the GWG if they were interested.

ACTION: Advisory Council members to contact Mr Rossington or the Advisory Council Secretary if they are interested in becoming a GWG member.

5.2. Forum Report

Professor Litvack introduced the report from the most recent meeting of the Forum for Historical Manuscripts and Academic Research (the Forum), which occurred on 1 March 2024.

5.2.1. Professor Litvack presented the Forum's Terms of Reference for endorsement by Advisory Council. It was noted that these would be re-presented for formal agreement after the new Keeper and CEO had had an opportunity to review them. Members endorsed the Terms of Reference and noted the intention to re-present them at a future meeting.

5.2.2. Professor Litvack informed members of a presentation about developments in Artificial Intelligence the Forum had received and proposed to share the information with the Advisory Council. It was noted that Advisory Council members did not receive Forum papers by default.

ACTION: Advisory Council Secretary to share Forum papers, including the recent AI presentation, with Council members as standard.

5.3. Hanslope Park visit

Mr Rossington gave a verbal update on a recent, useful visit to the FCDO Archive at Hanslope Park, in addition to the visit notes presented, both of which were noted by the Advisory Council.

6. FCDO Update

6.1. Representatives from FCDO Services joined the meeting and presented an update on retained records.

Action: Advisory Council Secretary to draft a letter on behalf of the Council.

6.2. Advisory Council requested a written update on these records in February 2025, and specifically asked that it include a summary of what remains to be transferred. They also asked, if possible, for information from the tracker to be sent to them in advance of this, preferably in time for their November meeting.

7. Historic England Update

7.1. A representative from Historic England joined the meeting and presented an update on retained records which was noted by the Advisory Council.

8. Access to Records

8.1. The Council considered outstanding Departmental queries from September - November 2023 which included clarifications, revised applications and updates; withdrawn applications; applications carried forward; and the record of recusals.

8.2. The Council then considered the same from February 2024.

8.3. The Council then considered the same from May 2024.

8.3.1. 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 to the next meeting, as the relevant department had yet to respond.

8.4. The Council noted comments on applications to close records under draft FOI Schedule 154 and Retention Instrument 157.

9. Departmental Retention Requests

9.1. Departmental applications and updates

The Council considered papers from departments relating to the retention of records and updates on current retention instruments requested by members at previous meetings. Any recommendations for approval were to be advanced to the Secretary of State for ratification.

Updates were received from the following departments:

- Department for Education (DfE), two updates
- Home Office
- Ministry of Justice (MoJ)

9.2. Applications for retentions of one to three years were received from the following Arm's Length Bodies (ALBs):

- Equality and Human Rights Commission (EHRC)
- Information Commissioner's Office (ICO)
- North Sea Transition Authority (NSTA)
- Office of Communications (Ofcom)

Updates were received from the following ALBs:

- Crown Estate
- Health and Safety Executive (HSE)
- National Crime Agency (NCA)
- Office of Communications (Ofcom)
- Office for National Statistics (ONS)

9.3. Applications for retention were received from the following Places of Deposit (PODs):

- Postal Museum

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.

10. Any Other Business

10.1. Ms Birley thanked members for putting themselves forward to conduct the file 'spot check' proposed for 29 May 2024. She would contact three of the ten volunteers to finalise the arrangements.

10.2. Members sought clarity on the length of their appointments. Ms Birley would seek this clarification from the Public Appointments team at DCMS.

ACTION: Advisory Council Secretary to seek clarity on members' terms from DCMS.

The meeting closed at 15.30.