

Minutes of The National Archives' Board		THE	
		NATIONAL	
Held on 5 December 2023 at 10:00 at The National Archives, Kew and via Video Conference (VC)		ARCHIVES	

**Present:**

Andrew Wathey (AW - Chair) Chair of The National Archives' Board  
Sonia Cargan (SC) Non-executive Board Member (from the end of item 2 onwards)  
Rommel Pereira (RP) Non-executive Board Member  
Mark Richards (MR) Non-executive Board Member  
Ros Scott (RS) Non-executive Board Member (Items 1-7 via VC)  
Emmajane Avery (EJA) Director of Public Engagement and Sector Leadership  
Neil Curtis (NC) Chief Operating Officer  
Lucy Fletcher (LF) Director for Public Records Access and Government Services  
Jeff James (JJ) Chief Executive and Keeper  
Gemma Maclagan Ram (GMR) Research and Commercial Development Director  
Andrea Metcalf (AM) Director of People, Inclusion and Change

**Also present:**

Asha Bagayat (AB) Head of Governance (Minutes)  
Helen Potter (HP) Head of Information Rights Strategy (Item 2)  
Marie Twomey-McLeod (MTM) Head of Finance (Item 5)  
Sam Whaley (SW) Head of Strategy (Items 2 onwards via VC)

**1.0 Apologies and Declarations of Interest**

- 1.1 Apologies for absence were received from John Sheridan (JS) Digital Director. Apologies for lateness were received from SC. There were no further apologies for absence.
- 1.2 RP declared that he had been reappointed for a further two years as non-executive director of the London Ambulance Service NHS Trust Board. There were no further declarations of interest.

**2.0 Freedom of Information (FOI) Demand for Service Personnel Records**

- 2.1 The Board received a report providing an update on the scale of the FOI demand relating to the Ministry of Defence (MoD) Service Personnel Records Transfer project, including risks and mitigations and possible wider impacts on the organisation.
- 2.2 LF introduced the report and set out the challenges around our compliance with the Freedom of Information Act (FOIA) and provided an update on the FOI Action Plan, as agreed with the Information Commission's Office (ICO) to support us in improving our FOI performance. She also set out the multifaceted approach going forwards, which included:
  - preparing a business case to submit to HM Treasury for scaling up the FOI team to meet demand;

- driving discussions at official and ministerial level to surface the issue with the Cabinet Office, who are the policy lead for the FOIA;
- reviewing the Fees Order for the potential of introducing a new charging model;
- delivering catalogue improvements to make open records available through record copying or the reading room, therefore reducing the reliance of the FOI regime to access the records.

- 2.3 There was a wider discussion around our appetite to outsource the FOI function. There was also a discussion around the drivers for access demand, which was noted to be largely from those interested in family history. Ancestry, the family history community more generally and the MoD themselves have been activity promoting the records, which has fed demand. The Board suggested looking at ways of managing FOI demand, including reviewing communications, whilst maintaining transparency and acting with integrity. LF provided assurance that a communications strategy was in place.
- 2.4 Noting the scale of the issue and the resources required to meet the current and predicted access demand for the records, the Board expressed concern over significantly expanding the size of the organisation to deliver FOI responsibilities, which would have an impact on our strategy *Archives for Everyone* and potentially change the nature of the organisation.
- 2.5 Access demand for Parliamentary Archives records and the risk of the project having an adverse impact on our FOI performance were also discussed. The Board received assurance that the Parliamentary Archives Project Steering Group were looking at this.
- 2.6 Overall, the Board was supportive of the multifaceted approach and the options presented. The Board noted that the ICO and ministers in general were sympathetic to our burden, but there were risks associated with non-compliance with the FOIA.
- 2.7 The Board
- (i) Welcomed and noted the update, specifically the current challenges posed by rising demand and progress made in addressing these challenges to date;
  - (ii) Supported the multifaceted approach set out in the paper to mitigate risk;
  - (iii) Endorsed having clear governance and assurance and asked to be kept updated; and
  - (iv) Suggested, from a lessons-learned perspective, taking a risk-based approach and assessing impact upon business priorities when making decisions on future projects.
- 2.8 At this point, SC joined the meeting.

### 3.0 **Gazette Procurement**

- 3.1 With the current contract ending on 31 December 2024, the Board received a paper setting out the rationale, aims and proposed approach for awarding a new concessionary contract for *The Gazette* – the official journal and newspaper of records for the UK. The paper also set out the main risks and mitigations for discussion and the proposed governance of the procurement.

- 3.2 GMR introduced the report and provided clarification on the procurement falling under the government's spend control process, the market players likely to bid for the contract and the commercial value of the contract and income forecast for The National Archives.
- 3.3 The Board:
- (i) Received and reviewed the report;
  - (ii) Suggested looking at other areas of the business where income could be generated; and
  - (iii) Agreed that oversight and assurance for the procurement should be delegated to the newly formed Finance and Performance Committee, which should receive regular updates and that risks are reported to the Audit and Risk Committee as part of an update on the procurement, by exception, if the need arises.

*Action by: GMR/NC*

#### **4.0 Corporate Risk Register**

- 4.1 The Board received the Corporate Risk Register (CRR) for review, which had also been discussed by the Audit and Risk Committee (ARC) at their meeting the previous day. There were nine red risks and three new risks.
- 4.2 Reporting back from the ARC, RP noted that the Committee had recommended undertaking a review of risk appetite and refresh of the risk register once a new CEO and Keeper was in post.
- 4.3 The Board discussed the potential impact upon recruitment and retention and delivery of the Keeper's statutory responsibilities, following the government's recent announcement for Civil Servants to spend 60% time working face-to-face.
- 4.4 The Board:
- (i) Received and endorsed the Corporate Risk Register.

#### **5.0 Finance Update**

- 5.1 The Board received the September and October Management Accounts which projected an overspend. The Board also received the 6+6 Financial Forecast, which showed that the previous position had rebalanced by the offsetting of income and was now in line with our total HMT budget.
- 5.2 MTM highlighted the pressures to the budget, including IFR15 (which had not been reflected in the October Management Accounts). She also provided a verbal update on conversations with HM Treasury on our FOI burden (see item 3 above) and reported they were sympathetic to us putting forward a business case. In response to a question, she clarified that the accounting of vacancy provision will be reviewed as part of the budget planning process for 2024-25.
- 5.3 The Board:
- (i) Received and endorsed the 6 + 6 Forecast and the September and October Management Accounts;

- (ii) Noted the key areas of risks to the budget;
- (ii) Looked forward to receiving the 2023-24 budget at its 29 February 2024 meeting for agreement.

*Action by: NC/MTM*

## **6.0 Audit and Risk Committee Chair's Update**

6.1 RS provided a verbal update on the 4 December Audit and Risk Committee meeting and particularly noted insights from the Thought Leadership session led by the National Audit Office (NAO) on Civil Service Workforce. The Committee also received papers on employee related risks and Risk Management Review and discussed the year-end Audit timetable with NAO.

6.2 The Board:

- (i) Received and noted the verbal update.

## **7.0 Executive Team Updates**

7.1 The Board received a report on Executive Team activities, including the surfacing of live issues. The risks and mitigations around cyber and collection security, following the ransomware attack on the British Library and thefts from the British Museum, were discussed. The Board was provided with assurance that management were monitoring the risks and also noted that the newly-appointed Senior Security Advisor, specialising in insider risk, would be looking at these with the aim of identifying any weaknesses.

7.2 AW, on behalf of the Board, congratulated the team on the success of securing an amendment to the Data Protection and Digital Information Bill which would protect the Archives sector from any adverse burdens.

7.3 The Board:

- (i) Noted the updates; and
- (ii) Agreed that the Audit and Risk Committee should retain governance and oversight of cyber and collection security risks.

*Action by: NC*

7.4 At this point, RS dropped out of the meeting owing to connectivity issues.

## **8.0 Non-executive Board Member Verbal Updates**

8.1 Non-executive Board Members (NEBMs) each provided a verbal update on their recent activity, including insights from other organisations.

8.2 RP noted attending the Public Chair's Forum ARC meeting which received an update from the British Museum on risks and lessons learned following their recent ransomware attack. There was also a discussion around Artificial Intelligence and cyber risks and bringing bodies together to share their experiences on these.

8.3 MR noted attending the Women in Intelligence Talk run by The National Archives.

8.4 AW shared the outline timetable for the CEO and Keeper recruitment.

8.5 The Board noted the updates.

## **9.0 Minutes, Matters Arising and Action Log**

9.1 The minutes of the meeting held on 17 October 2023 were approved as a correct record.

9.2 The Board reviewed the Actions Log and agreed to close item 5, following a verbal update from EJA on the Clore Board meeting.

## **10.0 12-Month Board Forward Programme**

10.1 The Board reviewed and agreed the 12month Forward Work Programme for Board meetings.

## **11.0 Any Other Business**

### Reflections from the meeting

11.1 The Board agreed the paper on FOI demand for service records supported a good risk based discussion.

### Items for information

11.2 The Board received and noted two items for information: *Gazette* Outline Business Case and Introduction to the *Gazette*.

**There being no further business, the meeting closed at 12.38**