

Date of Meeting: 14/09/2022	Location: MS Teams Meeting	THE
Title: Extraordinary Takedown Panel	Subject or Purpose:	NATIONAL
		ARCHIVES
ATTENDEES		
Lucy Fletcher (Chair)	Section 40 (2)	
APOLOGIES		
Section 40 (2)		

Notes

Item	Case	Action
1	AIR 78	

This meeting was called in order to discuss AIR 78. [REDACTED] circulated a document ahead of the meeting outlining the history of the case and possible solutions.

The panel had a robust discussion over 45 minutes around all the possible avenues we could pursue, and agreed this is not an easy issue to resolve. The main areas of discussion are summarised below:

Applying 100 year rule, and open files

[REDACTED] reiterated that it is impossible to clearly follow the 100-year rule with these records because of the nature of the information, which in most cases is just a service number and name. The ongoing operational burden of locating records of living individuals – given that there are 2.6 million records and there is insufficient information on the slips to indicate who may be alive – and then of un-redacting files as each record reaches the 100-year mark, would create an ongoing operational burden too great to justify.

The vast majority of the records would be open because the dates only go as far as 1974.

The obligation Under King’s Regulations to publish certain information in The Gazette undermines any attempt to restrict access. Name, rank and SP of anyone promoted in military are listed in The Gazette.

Risk of harm to individuals

■ noted that the information is not easily found due to the way it is presented/ indexed. It is unlikely someone will stumble across a record through an internet search. The catalogue lists a range of names, for example Harris, J - Harris, Norman - so any name within that range isn't searchable.

Whilst it might be possible to piece together information on a specific person from scattered details on various platforms, it is unlikely an individual could be identified just from AIR 78.

We have procedures in place to deal with public requests

We can redact specific entries – eg, for the complainant – for anyone who writes to us to request this.

We can make consistent, clear reference to TNA's [Takedown and Reclosure Policy](#) in relation to AIR 78 series, so that anyone who sees their information knows they can make a request to take it down.

Other observations/ comments

If we took the series down from our website, it would theoretically be possible to give this information to a government department for their specific governmental purposes.

■ made a point about precedent with the [Section 36 \(2\)\(b\)](#) inquiry, where the decision was taken not to take down the whole domain from Web Archive, but deal with individual takedown requests, as per accepted policy. The advantage to this was that we kept the information in our control, and can apply redactions if required.

We are not obliged to publish digital surrogates, even if the files are open. We could apply this to AIR 78; and/ or in time, make digital surrogates available only to people on site.

■ confirmed that for digitised images we would be able to edit an image to reflect a reclosure action. We need to be clear what information we can remove and from what source (digital and/ or microfilm). If there is a risk that things won't be redacted in microfilm, then we could decide to only offer the digital record, not microfilm.

Outcome

Having talked through the various options and different scenarios, and not hearing significant operational, legislative or legal reasons why we should close these records, the panel agreed that we will not close AIR 78 and should restore online access to the digital surrogates.

LF summarised that, based on the following facts, it would be disproportionate

not to continue doing what we have been doing. The records are open; surnames are listed in ranges only; we know it's an incredibly useful resource to many including the military; and we have a sound Reclosure policy.

The panel agreed to revert to the records being accessible online.

Actions

1. **Section 40 (2)** to be brought into discussions to decide how we respond to the complainant. LF
2. LF and **█** to work together to loop in the reading rooms staff, Press Office and Your Views team. LF/ █
3. LF to work with **Section 40 (2)** to ensure Jeff's office are kept in the loop. LF
4. The minutes will be circulated with a cover note to the effect of: "if no comments received by (Tuesday 27th September), this course of action is approved". █
5. As above, we will ensure that all relevant bodies have been briefed before the course of action goes ahead.