

Sensitivity Review

Quick reference Guide

OGL

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Why Sensitivity review?¹

Government departments preparing records for transfer to The National Archives should review the access requirements of those records. The purpose of this review is to identify material that:

- should be retained, as the records are too sensitive for transfer to The National Archives
- should be transferred to The National Archives as closed, as Freedom of Information (FOI) exemptions apply
- can be transferred to The National Archives as open, as no FOI exemptions apply

This ensures that material is held correctly according to its security classification and records are made available to the public as soon as possible in accordance with the [Freedom of Information Act 2000](#).

Retention²

Provision for retention of historical records in departments is made under section 3(4) of the [Public Records Act](#), which allows the retention of records for 'any other special reason'. This provision is most commonly used for national security and defence records which keep a classification, but retention can also apply to records still required for administrative purposes. The retention criteria are detailed [on our Access page](#). In some instances approval has been given for the retention of large categories of records of a similar character, known as blanket retentions. Retained records are still subject to Freedom of Information Act provisions although requests to access the documents need to be made to the relevant department holding the records and not The National Archives.

Closure³

When identifying which records require closure on transfer, departments should identify which FOI exemptions apply, explain why the information contained in the records falls under these

¹ Section 18 Determining the access status of public records before transfer, Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000

² Retention of Public Records by departments, Access Manual

³ General access principles, Access Manual

exemptions and determine how long it should be closed for. Closure periods should be finite as sensitivity reduces over time. Where it is not possible to identify a specific time at which records can be opened, a date should be set when the record should be re-reviewed by the department to decide if continued closure is required. Common closure periods are 'lifetime' for those relating to individuals, or rolling periods of ten years for re-review. Closure should be consistent with the FOI Act and other relevant legislation. Information that a department would provide if it received an FOI request should not be closed on transfer. Access conditions should also be consistent with similar information in other transferred records or created by different departments.

Before this closure period expires, records will be re-reviewed to assess their sensitivity, and whether they can be made available to the public. If there are multiple reasons for closure then all should be identified. Large numbers of records should not be closed if only a few actually contain sensitive information.

As part of the sensitivity review process departments should ensure they have considered:

1) Consultation⁴

Those undertaking the review should ensure that adequate consultation takes place, both within the department and with other departments that might be affected by the sensitivity review decision – for example, the departments that originally supplied the information, or who are the subject matter experts.

2) Redaction⁵

Departments should consider whether parts of records might be released if the sensitive information was redacted (rendered invisible or blanked out). Time spent on redaction should be proportionate to a record's historical value and the resources available. Guidance on physical redaction is available in the [Redaction toolkit](#).

Applications for consideration by the [Advisory Council](#) on National Records and Archives⁶

⁴ 18.2 – Code of Practice

⁵ 18.5 – Code of Practice; Annex B, Access Manual

Applications for the closure and retention of historical public records are considered by the Advisory Council. Only on their agreement can records be transferred as closed or go forward to the Secretary of State for approval to be retained.

Applications should be submitted to The National Archives for review and advice prior to transfer, and a schedule of all departments' applications will be considered by the Advisory Council on National Records and Archives. The Advisory Council may respond as follows:

- accepting that the information may be withheld and earmarking the records for release or re-review at the date identified
- accepting that the information may be withheld but asking the department to reconsider the date designated for release or re-review, or the exemptions
- questioning the basis on which it is considered that the information may be withheld and asking the department to reconsider

If the Advisory Council accepts that the information should be withheld, the records can be transferred as closed (in whole or in part as appropriate) and the relevant closure period applied. The National Archives will circulate finalised schedules.

After transfer⁷

Access at transfer does not affect statutory rights of access. Requests for closed information in public records transferred to The National Archives will be dealt with on a case by case basis in accordance with the provisions of the FOI Act, including consultation with the transferring department.

When exemptions have ceased to apply, records will become available to the public at the date specified in the finalised schedule. If the department concerned wishes to extend the period during which the information is to be withheld, it should submit a further application before the expiry.

⁶ 18.6 and 7 – Code of Practice

⁷ 20.1, 2 and 3 – Code of Practice

References

[Freedom of Information Act 2000](#)

[Public Records Act 1958](#)

[The National Archives' Access page](#)

[Redaction toolkit](#)

[Advisory Council on National Records and Archives](#)