

Title: Reclosure Panel		THE
Date: Thursday 30 January 2025	Time: 15.00-16.00	NATIONAL
	Location: Meeting Room 21C	ARCHIVES
Attendees		
Lucy Fletcher (LF)		
	Linda Stewart (LS)	
Apologies		

Minutes

1. Actions from previous meeting (held on 16 December 2024)

1.1 BN 139/79

At the Panel meeting held in December 2024 the Panel had queried the closure of phone numbers within the file. Were these numbers for members of the public or for officials? If the public, were they still sensitive after 20 years? ■ consulted the case handler and provided a scan of some of the numbers for the Panel to see.

The Panel agreed that, based on the context of the record, we could assume that these are not private contact numbers and are likely official numbers. Additionally, as no names were included they could be released, therefore reversing the original decision to redact the file.

Panel agreed to open the record in full

1.2 J 261/28

At the Panel meeting held in December 2024 full closure had been proposed but as the file subject was recently charged with similar offences the Panel recommended that MoJ be informed and their advice sought on whether TNA could proceed with closure under FOIA. ■ to contact MoJ and report back

MOJ advised TNA to proceed with closure because any information on other offences committed by the file subject being in the public domain would be more likely to prejudice the current case than not.

Panel agreed that the original decision to close for 85 years could be processed under Sections 38(1)(a) & 40(2)

1.3 PREM 19/2546

The Panel asked if the transferring department had been consulted about this closure and also queried the sensitivities referred to in the file. ■■■ to consult case handler and request that they consult the transferring department.

Update as of 27 January: consultation ongoing

Case on hold. Carry over to next Panel

2. Cases

2.1. ASSI 36/119 - recommendation full close under Section 40(2) for 100 years until 2052

Panel agreed the closure but recommended the application of Section 38(1)(a) in addition to Section 40(2).

Recommendation agreed

2.2. ASSI 36/629 - recommendation full close under Sections 38(1)(a) & 40(2) for 99 years until 2068

Panel agreed the closure but asked why the closure period of a related record (DPP 2/4550) is different to that proposed for this record? ■■■ to check related record and update the Panel at the next meeting.

Recommendation agreed

2.3. ASSI 52/2005 - recommendation full close under Sections 38(1)(a) & 40(2) for 100 years until 2071

Panel agreed the closure but asked why the closure period of a related record (DPP 2/4826) is different to that proposed for this record? ■■■ to check related record and update the Panel at the next meeting.

Recommendation agreed

2.4. BN 143/373 - recommendation redacted opening under Section 40(2) for 80 years until 2075

Recommendation agreed

2.5. BN 143/446 - recommendation redacted opening under Section 40(2) for 33 years until 2028

Recommendation agreed

2.6. BN 143/59 - recommendation redacted opening under Section 40(2) for 75 years until 2060

Recommendation agreed

2.7. COAL 77/1063 - recommendation full close under Section 40(2) for 83 years until 2066

■ suggested that the presentational issues of closure of this record should be considered given the political sensitivity of the subject. LF asked whether a redacted release was possible? Panel discussed the challenge of redacting the record and the possibility of doing so if there is scarcity in non-exempt information, alongside the potential jigsaw effect

The Panel asked whether Section 41 (information provided in confidence) should apply and how long the record has been open for?

Recommendation not agreed and queried. Case handler to recheck the file to determine whether a redacted release is possible and if S41 also applies

2.8. CRIM 1/3031 - recommendation full close under Sections 38(1)(a) & 40(2) for 87 years until 2046

Panel agreed the closure but asked why the closure period of a related record (DPP 2/2846) is different to that proposed for this record? ■ to check related record and update Panel at the next meeting.

Recommendation agreed

2.9. DEFE 13/3204: recommendation redacted opening under Sections 40(2) & 41(1) for 50 years until 2049

A member of the public had alerted TNA staff to the presence of potentially sensitive material within this file. The Panel discussed the case, including the most appropriate exemptions and it was suggested that further consultation with the relevant stakeholders would be helpful to enable the Panel to make a decision.

With regard to the Reclosure report, LS pointed out that Section 40 had been applied for two individuals but asked whether this should be extended to cover all three?

Recommendation not agreed and queried. ■ to consult with stakeholders.

2.10. DEFE 69/1226, 1227 & 1228 - recommendation full close under Sections 40(2) & 41(1) for 82 years until 2064

■ clarified that these three records contain witness statements only and had been open until they were made access under review whereas a fourth record (DEFE 69/1215), which also only contains witness statements, is closed. For consistency and to comply with data protection

legislation it was recommended that all four should be closed. LS agreed, adding that witnesses have an expectation of confidentiality, which may also be taken in to account here.

Recommendation agreed

2.11. DEFE 69/1229 - recommendation redacted opening under Section 40(2) for 65 years until 2048

Recommendation agreed

2.12. HO 416/61 - recommendation redacted opening under Section 40(2) for 84 years until 2078

Recommendation agreed

2.13. OS 1/1625 - recommendation full close under Sections 23(1), 24(1) & 26(1)(a)(b) for 60 years until 2040

Recommendation agreed

2.14. T 524/36 - recommendation redacted opening under Sections 40(2) & 41(1) for 79 years until 2064

Recommendation agreed

2.15. T 555/198 - recommendation redacted opening under Section 40(2) for 60 years until 2050

Recommendation agreed

2.16. T 640/1097 - recommendation redacted opening under Section 40(2) for 61 years until 2051

The Panel suggested that the relevant stakeholder be consulted as the subject matter experts.

Recommendation not agreed and queried. Case handler to consult with the relevant stakeholders

2.17. T 640/378 - recommendation full close under Section 27(1)(a)(c)(d) for 60 years until 2048

LF asked whether the draft Green Paper referred to in the Reclosure report was ever in the public domain, which may mean we might consider re-releasing it? LS sent a link to the Panel confirming that it had become a White Paper in 1988. The Panel suggested that further consultation with the relevant stakeholders would be helpful to enable the Panel to make a decision.

Recommendation not agreed and queried. Case handler to consult with the relevant stakeholders

2.18. T 640/656 - recommendation redacted opening under Section 40(2) for 45 years until 2034

Recommendation agreed

2.19. T 694/110 - recommendation redacted opening under Section 40(2) for 31 years until 2033

Recommendation agreed

2.20. T 694/189 - recommendation redacted opening under Section 40(2) for 46 years until 2050

Recommendation agreed

2.21. T 694/45 - recommendation redacted opening under Section 40(2) for 43 years until 2043

Recommendation agreed

2.22. WO 204/11488 - recommendation full close under Sections 38(1)(a) & 40(2) for 94 years until 2040

■ asked whether Recital 158 EU GDPR overrode Sections 38 and 40 of the FOI Act? LS stated that Recitals are advisory only. LF said that the Panel should acknowledge the Recital, but not be bound by it. Panel agreed.

Recommendation agreed

N.B. Closure periods are reviewed as part of the review of the information within the records and will vary depending on the exemptions engaged. More information on how closure periods are calculated can be found at the following link:
<https://cdn.nationalarchives.gov.uk/documents/information-management/closure-periods.pdf>

The [Guide to Archiving Personal Data 2018](#) (page 31) provides guidance on how personal information should be treated if it is not known whether individuals are deceased.

3. Virtual Reclosures

The Panel noted that the seven records on the Virtual Schedule that had previously been 'Access under Review' were now closed following FOI requests, having been through the complete FOI process.

- 3.1 ASSI 36/94
- 3.2 BN 148/5

- 3.3 CRIM 1/3808
- 3.4 DPP 2/2246
- 3.5 FO 371/168496/1
- 3.6 FO 371/168497/1
- 3.7 J 293/35

4. AUR records to return to open access

A schedule of 23 records that have been reviewed by the FOI Team and are to revert to open status was presented to the Panel for their information.

- 4.1 BN 140/634
- 4.2 BN 143/85
- 4.3 BN 143/89
- 4.4 CAB 174/5
- 4.5 PCOM 9/705
- 4.6 PREM 19/3641
- 4.7 T 227/5196
- 4.8 T 432/377
- 4.9 T 447/1782
- 4.10 T 450/433
- 4.11 T 464/292
- 4.12 T 464/293
- 4.13 T 479/342
- 4.14 T 492/339
- 4.15 T 520/185
- 4.16 T 520/228
- 4.17 T 534/4
- 4.18 T 544/23
- 4.19 T 575/3
- 4.20 T 586/17
- 4.21 T 624/114
- 4.22 T 624/166
- 4.23 T 640/82

5. Any other business

5.1 ■ informed the Panel that the FOI Team have a new member of the team joining on 3 February who would be attending future Reclosure Panel meetings to take minutes.

5.2. LF asked that the Panel have a dedicated agenda item for Access under Review records and proposed that the Panel's role should be to provide an oversight and scrutiny of AUR records. ■ to add recurring agenda item going forward.

LF also requested data on the status of reclosure review work.

6. Date of next meeting: 27 March 2025