



## ADVISORY COUNCIL ON NATIONAL RECORDS AND ARCHIVES

**Date:** 10 November 2016  
**Time:** 12:30-17:00  
**Venue:** The National Archives, Kew

**Chair:** The Master of the Rolls  
Mr John Collins (Item 4)

**Minutes:** Beth Watson - Advisory Council Secretariat

**Members:** Ms Hillary Bauer  
Mr John Collins  
Mr John Evans  
Ms Sarah Fahy  
Ms Lesley Ferguson  
Dr Helen Forde  
Mr Stephen Hawker  
Dr Elizabeth Lomas  
Ms Angela Kelly  
Mr John Millen  
Dr Bill Peace  
Sir John Ramsden  
Mr Michael Smyth  
Mr Trevor Woolley

**Non-members:**

Mr Jeff James, Chief Executive, The National Archives  
Ms Carol Tullo, Director, Information Policy and Services, The National Archives  
Mr Ian Cross, Head of Government Transfer and Access, The National Archives  
Ms Helen Potter, Head of the FOI Centre, The National Archives  
Ms Victoria Davis, Access at Transfer Manager, The National Archives  
Mr Sam Whaley, Head of the Chief Executive's Office, The National Archives  
Ms Trish Humphries, Secretary to the Forum on Historical Manuscripts and Research

---

### 1. Welcome, apologies and introductions

- 1.1 The Chairman introduced himself to the other members.
- 1.2 There were apologies from Jeannette Strickland and Rodney Brazier.

### 2. Minutes and matters arising

2.1 The minutes of the meeting of 21 July 2016 were agreed as an accurate record subject to two amendments:

- that the legal advice be included as an annex to the minutes.

- that it be noted that the Forum meeting had been cancelled as it would not have been quorate.

2.2 Members were updated on the outstanding action points that were not due to be discussed as part of this meeting's business.

- **FOI Panels** – The Council asked for the report on the FOI Panel process be circulated to members.

### 3. Access to records – retention applications

3.1 The Access at Transfer Manager explained that a new template had been introduced for departments to use when submitting retention applications. The Council asked that departments be asked to present their figures with greater clarity; ideally in a tabulated format so that is possible to assess progress made. Members also asked for sight of the guidance provided to departments when making their retention and closure applications.

3.2 The Council then considered retention applications from the following departments:

- Cabinet Office

The Council was content to recommend that the Cabinet Office be permitted to retain the records for the periods requested.

- Department for Culture, Media and Sport (DCMS)

The Council was content to recommend that DCMS be permitted to retain the records for a further 12 months.

- Department of Health

The Council was content to recommend that the Department of Health should be permitted to retain the records for a further 2 years to address the backlog but asked that it report back on progress in 12 months.

- Foreign and Commonwealth Office

The Council was content to recommend that the FCO should be permitted to retain the records for the periods requested but asked that it report back on progress in 12 months.

- Home Office

The Council agreed that it would recommend that the Home Office be given only a one-year retention for its legacy material at this point. While the Council was content to agree a two-year retention for other papers, it asked that the Home Office report back at the end of the first year.

- Northern Ireland Office (NIO)

The Advisory Council were content to recommend that the NIO be given permission to retain the records until the end of 2017, by which time the department would have completed their review and transfer to TNA.

## **4 Access to records**

### **4.1 Outstanding queries**

The Council considered the outstanding departmental responses to the queries it had raised on the schedules of applications it had considered in May, July and September 2016. It was content to approve the majority of the applications on the basis the clarification and/or amendments provided by departments. Those that were not agreed were carried forward.

### **4.2 Queries raised on FOI Exemption schedule 81 (closure) and RI 126 Schedule (retention)**

In October 2016 a schedule of closure applications (FOI Exemption Schedule 81) and a schedule of retention applications (RI 126 Schedule) were sent to members. Members were asked to raise any queries within 10 days.

The Access at Transfer Manager collated the queries and a list of them was circulated with the papers for this meeting, with responses being provided where possible. At this meeting, members were asked if they are content with the responses provided, either in written document or orally by Ms Davis. Where a response had not been provided, or members remained unhappy, the queries were carried forward.

## **5. Handling Personal Information**

5.1 The Council discussed its current processes for considering applications to keep information closed under s40(2) of the FOIA. It was agreed that it would be helpful to have revised guidance on this, including a document codifying conventions on the ages of those whose information was being protected. It was noted that the EU General Data Protection Regulation comes into force in 2018, with which HM Government will need to comply, and that the Council's advice and any guidance produced should reflected the regulation's requirements.

## **6. Cabinet Office update on the Cabinet Secretary's Papers (CAB301)**

6.1. The Advisory Council noted the Cabinet Office's update and was pleased that the department remained on track.

## **7. FOI Panels**

7.1 The Head of the FOI Centre introduced the new FOI Managers who had been invited to sit in on the FOI Panel discussion to gain a better understanding of the Council's approach.

7.2 She informed members that this quarter had seen the number of cases considered double. Panels were currently being convened once a week and were considering more cases. The frequency of panels would be kept under review. There had also been a rise in the number of queries and comments received from the panels. Her new staff were being trained and their focus would continue to be on quality-checking the public interest test arguments submitted by departments.

## **8. Recruitment**

8.1. Members agreed that discussions on any forthcoming recruitment exercise should be postponed until the working group had had the opportunity to consider the Council's remit and procedures.

## **9. Operational and Presentation Issues**

9.1 The Council discussed its increasing workload and the implications of the growing public and media interest in the management of government records. A majority of Council members had met informally before the meeting proper and had identified a range of issues to be addressed including public presentation, the Council's working practices and interaction with departments, and related operational matters.

9.2 Members proposed that a working group be set up to examine in more detail the issues raised and to report back to the full Council in the first half of 2017.

9.3 The Master of the Rolls agreed with members' proposals for the working group. He also asked that it consider the how the Advisory Council's relationship with DCMS and the Secretary of State for Culture, Media and Sport should be developed and managed. This was of particular importance as the Master of the Rolls did not have a direct link to the Secretary of State as he had done with the Lord Chancellor. It should also look at the merits of the Council appointing a Vice Chairman, although he agreed with members that the links between Council members and him as Master of the Rolls must remain strong.

9.5 Mr Evans to prepare a draft protocol on responding to media enquiries to be discussed at the next meeting.

## 10. Chief Executive's Update

10.1 Mr James updated the Advisory Council on the following issues:

- **An Article in *The Times* on 4 November** - On 4 November *The Times* ran an article claiming that the FCO had withdrawn files from TNA in order to hide details of British military support to the Indian Government in the crushing of Sikh dissent in the 1980s. The National Archives would monitor any developments on the story and keep the Council informed.
- **New Vision for Archives** - On 13 October The National Archives announced a consultation period to co-create a new strategic vision with the archive sector. During the summer The National Archives engaged with archivists, users and partners from across the wider culture and heritage sector to help shape the new vision. The consultation period was running from October to January and will result in an action plan to support the vision. The aim for the sector is to put the needs of the user – both current and future – at its core. The Minister for Culture and Digital, Matt Hancock MP, has also made his and the government's commitment to the archive sector clear, in a message to the attendees at the 'Discovering Collections Discovering Communities' Conference where the consultation was launched.
- **Resource Realignment** - Following the publication of *Archives Inspire*, which sets out The National Archives' strategic priorities to meet the needs of different audiences, The National Archives has begun work on a programme to realign its resources to meet its goals.

## 11. Forum on Historical Manuscripts and Research

11.1 There had been no Forum meeting since the last Advisory Council meeting in July. Dr Lomas said that work was continuing on proposals for a national exhibition to showcase archives. She noted that Dr Grosvenor's resignation had left a gap on the forum and that the three non-Council members' second terms would come to an end in June. Discussions on the Advisory Council's recruitment strategy would need to cover recruitment to the Forum and any proposals for seeking the reappointment of members.

## 12. AOB

### 12.1 Date of Next Meeting

The next meeting of the Advisory Council would be held on 13 February 2017 at The National Archives.

12.2 There being no further business, the meeting was closed.