



ADVISORY COUNCIL ON NATIONAL RECORDS AND ARCHIVES

To the Right Honourable Jack Straw, Lord Chancellor, Secretary of State for Justice.

FIFTH ANNUAL REPORT, 2007-2008

Access and preservation

In accordance with the Freedom of Information Act 2000, the Council continues to act on your behalf in advising government departments on the strengths of the public interest in the release of historical information that attracts a qualified exemption and the public interest in its non-disclosure. We have convened nearly twenty panels of members which have advised on the public interest in the release of closed historical information held at The National Archives and have considered one hundred and ten cases in total. This year has seen a notable increase in the number of cases where disclosure would damage the international relations of the United Kingdom with other countries. Other cases have involved information which if released would be likely to endanger the physical or mental health of individuals who were the victims of, or who were related to the victims of, horrendous crimes and information which, if released, could hinder law enforcement such as information about unsolved serious crimes and police informants.

In the main, panels have readily agreed with departments that the public interest lay in non-disclosure, but in some cases we felt it necessary to seek further information before advising you. By probing for clarity the panels help to ensure decisions to withhold historical information are robust. In most cases we have accepted the departments' arguments after they have given more detail but in others, the departments have themselves concluded that the public interest lay in disclosure.

We are pleased by the decision of the Cabinet Office to release information on ecclesiastical appointments that had previously been closed on the grounds that it was not in the public interest to disclose the information. Throughout lengthy deliberations, the Council had advised you that it was in the public interest for some of the information to be released and is appreciative that the public interest now favours disclosure.

We are also grateful to the Cabinet Office for agreeing to release some information on the Middle East, specifically in relation to Gaza, in response to the queries of a panel. We are particularly reassured by the decision of the Ministry of Defence to release policy information relating to the granting of Her Majesty The Queen's Silver Jubilee Medal, following the advice of a panel in favour of disclosure in the public interest. We are appreciative of the work of The National Archives in taking forward the issues and generic queries that arose out of the Freedom of Information Panels to government departments.

The Council has continued to fulfil its statutory duty under the Public Records Act by advising on the retention of records by departments and has also considered other records management issues that have arisen in the Freedom of Information era. We reported last year on the discovery of asbestos contamination of some Ministry of Defence records. The Council welcomed the final report and noted the progress made and thanked the Ministry of Defence for undertaking the considerable piece of work in reconstituting the records that had been exposed to asbestos contamination. Last year we also discussed the inadvertent release of sensitive Ministry of Defence information relating to Saudi Arabia and we are grateful that you have accepted the advice of the Council to approve the closure of some of the information under the Freedom of Information Act. In another similar case, the Council advised that a small number of extracts of information from the Ministry of Defence should also be closed.

The Council has continued to monitor with interest the progress made by the Home Office since the granting of the moratorium on the review and transfer of records to The National Archives. The Council welcomed the progress reports by the Ministry of Justice submitted to the Council as a result of the machinery of government change that saw the Ministry of Justice inherit some records from the Home Office. The Council also welcomed the work done by the Home Office and was pleased that until recently the Home Office had met its targets in relation to the review of these records. However, the Council is concerned to learn that the Home Office has since fallen short of its target and has outstanding areas of work yet to be completed.

As the remit of your Council is to speak to government on behalf of the public on matters relating to public records, with a particular statutory responsibility to advise on public access to them, we were pleased to be asked to participate in the consultation on the review of the 30-year Rule. The Council agreed that a reduction in the current transfer rule would result in a more effective Freedom of Information Act, resulting in more transparency and openness across government thereby serving the public interest. The Council supports a reduction of the 30-year rule to 20. Its support is however, subject to appropriate resource provision and a managed transition which, if the review were to recommend that the transfer rule be changed to a shorter period, should include a well-planned phased approach to the transfer of records to The National Archives.

The Council awaits with interest the outcome of the review and sees any change in access to public records as key to the role of the Council in advising you on access.

Private papers

During the course of the year we have been consulted about manuscripts and collections of papers that have come into public ownership having been accepted by the government in lieu of tax. In each case we have advised the Chief Executive of The National Archives in her capacity as Historical Manuscripts Commissioner on her draft recommendation to the Museums, Libraries and Archives Council on the most appropriate home for such material in the national interest.

These cases have included:

- the Noyon Sacramentary and an 11th century Greek Gospel lectionary allocated to the British Library.

- papers of the Harcourt family, Earls and subsequently Viscounts Harcourt, 13-20th century, allocated to the Bodleian Library, Oxford.
- a collection of correspondence and papers of Sir Richard Burton (1821-1890), explorer and diplomat, and his wife Isabel, Lady Burton (1831-1896) allocated to the British Library. It was recommended that copies be made available for Richmond Local Studies Library by the British Library in due course

Changes at The National Archives

We have noted with interest the progress of the programme of The National Archives to refurbish its reading rooms and to bring all its visitor services together at Kew and, within this, the successful relocation of the Family Records Centre to Kew with the goal of building on the strengths of both centres to ensure a first-class service for all visitors to The National Archives. We have also discussed the progress of the digital preservation programme of The National Archives, which aims to address the challenge of keeping digital records accessible, and the challenges of the changing world of information management to The National Archives.

The Council's members and meetings

Two members of the Council retired at the end of 2007: Dr Dorothy Johnston and Dr Michael Riley. We are most grateful to them for their contributions to the Council's work. You appointed three new members with effect from 1 January, Ms Christine Gifford, Mr Ian Soutar and Lord Temple-Morris. The Council currently has a full complement of twenty members. Members during the year were:

- Sir Rodric Braithwaite GCMG, retired, formerly British Ambassador to Moscow and chairman of the Joint Intelligence Committee
- Ms Else Churchill, Genealogy Officer of the Society of Genealogists
- Dr Jeevan Deol, lecturer in the South Asia Department of the School of Oriental and African Studies, University of London
- Professor Harry Dickinson, Emeritus Professor of British History, University of Edinburgh
- Rt Hon the Viscount De L'Isle MBE DL, owner of the De L'Isle and Sidney family papers
- Sir David Durie KCMG, retired, formerly Governor and Commander in Chief, Gibraltar and a Director General in the Department of Trade and Industry
- Dr Clive Field OBE, Honorary Research Fellow, University of Birmingham, formerly Director of Scholarship and Collections at the British Library
- Ms Christine Gifford, Information Rights expert and founding director of Public Partners and Gifford Owen
- Dr Jennifer Haynes, archivist and records manager at the Royal College of Obstetricians and Gynaecologists
- Mr Graeme Herd, head of Information Technology at Slough Borough Council
- Dr Dorothy Johnston, Keeper of Manuscripts and Special Collections, Hallward Library, University of Nottingham (retired 2007)
- Professor Arthur Lucas CBE, Emeritus Professor of Science Curriculum Studies at, and formerly Principal of, Kings College London
- Professor Heidi Mirza, Professor of Equality Studies in Education, University of London
- Professor Michael Moss, Professor of Archival Studies at the University of Glasgow

- Dr Michael Riley, senior lecturer in history, Bath Spa University College (retired December 2007)
- Rt Hon the Lord Roper, formerly Chief Whip for the Liberal Democrats in the House of Lords
- Mr Keith Simpson MP, Conservative MP for Mid Norfolk
- Ms Janet Smith, County Archivist of Hampshire
- Mr Ian Soutar, formerly British Ambassador to Bulgaria and Ambassador to the Conference on Disarmament, Geneva
- Ms Catherine Maxwell Stuart, owner of the private family and estate archive at Traquair House, Innerleithen, Peeblesshire
- Lord Temple-Morris, Labour peer and former MP for Leominster
- Ms Stephanie Williams, author, journalist and user of archives

The secretary of the Council was Ms Lâle Ozdemir.

Ms Natalie Ceeney, Chief Executive of The National Archives, attended all our meetings, accompanied variously by Dr David Thomas, Director of Collections and Technology, Ms Carol Tullo, Director of Information Policy and Services, Mr Nick Kingsley, Head of National Advisory Services and Ms Meg Sweet, Head of Records Management and Cataloguing. At our meetings in July we welcomed Mr David Wray, Director of Information Exploitation and Mr Simon Marsh, Deputy Director Information-Corporate Memory from the Ministry of Defence and in February, Ms Katie De Bourcier, the new Director of Information Exploitation and Mr Simon Marsh from the Ministry of Defence.

We were most grateful to the Ministry of Defence and Foreign and Commonwealth Office respectively for hosting the Council and we appreciated the opportunity to discuss the sensitivities unique to historical information held by the Foreign and Commonwealth Office with colleagues.

On behalf of the members

Sir Anthony Clarke
 Master of the Rolls
 Chairman