



Advisory Council on National Records and Archives Eighth Annual Report 2010-11

To the Right Honourable Kenneth Clarke QC MP, Lord Chancellor, Secretary of State for Justice:

The Advisory Council on National Records and Archives (hereafter the Council) also encompasses the Advisory Council on Public Records and the Advisory Council on Historical Manuscripts. All three councils function as one body to advise you on issues relating to public records that are over 30 years old, including public access to them, to advise you on wider matters relating to the archive sector, and to advise the Chief Executive and Keeper, The National Archives, as Historical Manuscripts Commissioner, on matters relating to historical archives outside the public records system.

Changes to the 20-year rule and Freedom of Information Act

The Council was pleased to note that the new government determined an implementation date for the 20-year rule: a change supported by the Council at the time of the review of the 30-year rule. The change will have significant implications for the work of The National Archives, with an additional two years' worth of records from each department to be transferred to The National Archives each year over a 10 year period from 2013 onwards. The Council will continue to take a keen interest in the plans for the transition period. The Council also notes the Government's proposals to extend the scope of the Freedom of Information Act to cover a substantially greater number of organisations and to give added protection to information relating to communications with members of the Royal Family.

Public Bodies bill

The Public Bodies bill currently before Parliament proposes to change the status of both the Council and The National Archives, putting both bodies on a clearer statutory footing. While their functions and responsibilities will not change, the three councils mentioned above will become a single statutory body. The National Archives will also obtain statutory status in its own right, with the various current responsibilities of the Chief Executive consolidated into a single statutory office, the Keeper of The National Archives. The Council is fully supportive of these changes.

Creation of the Forum on Historical Manuscripts and Academic Research

I welcome the inauguration of the Forum on Historical Manuscripts and Academic Research (hereafter the Forum) which was established in May 2010 and held its first meeting the following July. Subsequent meetings were held in December 2010 and March 2011. The Forum is a subcommittee of the Council and provides a means through which recommendations can be made to the Advisory Council about activity relating specifically to historical manuscripts (private archives), as well as a place for discussion about academic research issues. I chair the Forum, which has a further seven members, each with expertise in academic research and/or knowledge and experience of private archives. The Chief Executive and Keeper, The National Archives is an ex-officio member, in his capacity as Historical Manuscripts Commissioner.

Public records

The Council continued its statutory role of advising the Lord Chancellor on whether public records over 30 years old, under the Freedom of Information Act 2000, should be made publicly available. The Council considered various applications by government departments for the closure of historical records and in many cases, having been provided with more detail, accepted departments' arguments for closure. However, in some instances departments concluded, in agreement with the Council, that the public interest lay in disclosure. The Council continued to relay its decisions and reflections to the transferring government departments in order to improve the standard of sensitivity review. The Council was pleased to agree policies relating to Double Taxation Agreements and Informant Identities in Historical Records. It welcomes the approach taken by a number of departments in preparing general statements for the Council, setting out the departments' principles for requesting the closure or retention of sets of records and setting out their approaches to specific issues and subjects. These statements are helpful to the Council, reducing the need for further clarification and allowing the Council to more quickly agree its recommendations. This will become increasingly valuable as the implementation of the 20-year rule approaches, and the volume of requests may increase.

The Council has, over the year, convened 17 panels of members to consider the public interest in the release of closed information held in The National Archives and has considered 185 cases in total. Most of these have involved information in the following areas: information that if released would endanger the safety or physical or mental health of any individual; information that would damage international relations and national security; and information relating to law enforcement. In the main, the panels concluded that the public interest lay in non disclosure. The Council is grateful to The National Archives for handling the panels' queries constructively, and for providing the Council with detailed information on issues relating to freedom of information and access.

In July 2010 the Council's meeting was hosted by the Ministry of Justice, where the Council received a progress report on the work of the Hillsborough Independent Panel. The Council's November 2010 meeting was hosted by the Cabinet Office, where the Council was pleased to hear a talk on information management from the Cabinet Secretary, Sir Gus O'Donnell. The Council also heard a talk on the progress of the 'What to Keep' programme. The Council is grateful to the Ministry of Justice and the Cabinet Office for hosting these meetings.

Private archives and manuscripts

During 2010-11, the Forum considered the following issues:

- the draft recommendations of the Historical Manuscripts Commissioner relating to the allocation of the Aberdare, Penrhyn and Lyttelton archives, accepted by the government in lieu of tax
- the operation of the acceptance in lieu process in relation to archives and manuscripts
- the discharge of the functions of the Historical Manuscripts Commission by The National Archives' Archives Sector Development department
- research and academic liaison at The National Archives
- the current robustness of places of deposit for public records and other local authority archives
- initiatives regarding religious archives, including the publication of Religious Archives Survey 2010
- initiatives regarding business archives
- the development of a potential accreditation scheme for archives
- postgraduate fees for archival courses.

The Council's members and meetings

Two members have retired from the Council this year: Professor Heidi Mirza and Rt Hon the Lord Roper. We are grateful for their contributions to the Council's work. You appointed two new members with effect from March 2011: Ms Sarah Fahy and Mr Stephen Hawker CB. The Council currently has a membership of 19. Members during the year were:

- Ms Else Churchill, Genealogy Officer of the Society of Genealogists
- Mr John Collins CBE, Formerly Deliverer of the Vote, House of Commons
- Dr Jeevan Deol, Affiliated Research Associate, Faculty of Asian and Middle Eastern Studies, University of Cambridge
- Professor Harry Dickinson, Emeritus Professor of British History, University of Edinburgh
- Sir David Durie KCMG, Retired, formerly Governor and Commander in Chief of Gibraltar
- Ms Sarah Fahy, Global Head of Library Services, Know How and Training Department at Allen and Overy LLP
- Dr Clive Field OBE, Honorary Research Fellow at the 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 Bendor Grosvenor, Art historian and adviser on Culture Policy
- Mr Stephen Hawker CB, independent consultant
- Mr Graeme Herd, Head of ICT at the Hightown, Praetorian and Churches Housing Association
- Ms Elizabeth Lomas, Researcher and Tutor at Northumbria University, formerly Head of Records Management Services for the Royal Household
- Professor Arthur Lucas CBE, Emeritus Professor of Science Curriculum Studies at, and was formerly Principal of, Kings College London
- Mr Hamish Macarthur, Information Management Specialist, CEO and Founder, Macarthur Stroud International
- Mr John Millen, Formerly Policy Director, Ministry of Defence
- Professor Heidi Mirza, Professor of Equalities Studies in Education at the Institute of Education, University of London (retired in 2010)
- Professor Michael Moss, Professor of Archival Studies at the University of Glasgow
- Rt Hon the Lord Roper, formerly Chief Whip for the Liberal Democrats in the House of Lords (retired in 2010)
- Ms Janet Smith, Formerly County Archivist of Hampshire
- Mr Ian Soutar, Formerly British Ambassador to Bulgaria and Ambassador to the Conference on Disarmament, Geneva
- Ms Stephanie Williams, Author, Journalist and user of archives

The Secretary of the Council, until December 2010, was Dr Grazia Zaffuto. The Council wishes Dr Zaffuto well for the future, and thanks her for her contribution. At the time of the publication of this report, the position was vacant.

The following members of the Council were also members of the Forum on Historical Manuscripts and Academic Research: Dr Bendor Grosvenor, Dr Clive Field OBE, Ms Elizabeth Lomas and Professor Michael Moss. In March 2011 you appointed three further members to the Forum:

- Dr Christopher Ridgway, Curator at Castle Howard. Member of the Board for the National Trust for Scotland and Adjunct Professor in the History Department at the National University of Ireland

- Dr Clive Cheesman, Chair of the Friends of The National Archives and Richmond Herald at the College of Arms
- Dr Ian Mortimer, historian and historical biographer, qualified archivist and Fellow of the Royal Historical Society

The Council is grateful to the Society of Antiquaries for hosting the July meeting of the Forum on Historical Manuscripts and Academic Research and to the Royal Courts of Justice and The National Archives for hosting the Forum's meeting in December and March respectively.

The Council was pleased to note the permanent appointment from February 2011 of Mr Oliver Morley as Chief Executive and Keeper, The National Archives.

Mr Oliver Morley attended all our meetings accompanied variously by Ms Carol Tullo, Director of Information Policy and Services; Mr Nick Kingsley, Head of Archives Sector Development; Mr Stuart Abraham, Freedom of Information Centre and Accessions Manager; Ms Polina Eaton, Business Office Manager; Mr Peter Hills-Jones, Head of the Chief Executive's Office; Ms Julia Stocken, Head of Information Management and Practice; Mr Mark Merifield, Information Management Specialist; Mr Andrew Dyer, Information Management Consultant, Ms Trish Humphries, Business Support, Ms Julie Lennard, Head of the Chief Executive's Office and Mr Robert Johnson, Freedom of Information Assessor.

Mr Oliver Morley attended all meetings of the Forum, the last as an ex-officio member following his permanent appointment as Chief Executive and Keeper, accompanied on each occasion by Mr Nick Kingsley; Dr Norman James, Senior Manager (Private Archives) and Dr Valerie Johnson, Research and Policy Manager.

Agendas and summaries of Council and Forum meetings are available at nationalarchives.gov.uk/advisorycouncil/meetings/summaries.htm

On behalf of the members

Lord Neuberger of Abbotsbury
Master of the Rolls
Chairman

12 May 2011