



ADVISORY COUNCIL ON NATIONAL RECORDS AND ARCHIVES

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

FOURTH ANNUAL REPORT, 2006-2007

Access and preservation

The Council has continued to be actively involved in the process of deciding whether public records should be made available to the public, both in our formal meetings and through panels of members. We have queried numerous applications by government departments for the closure of historical records (those over thirty years old) under the Freedom of Information Act. In most cases we have accepted the departments' arguments after they have given more detail but in some the departments have themselves concluded that the public interest lay in disclosure.

We were particularly grateful to the Foreign and Commonwealth Office for accepting our view that records relating to the Suez crisis should no longer be considered to be sensitive. We were very pleased that this resulted in the release of the bulk of the remaining files in government departments on this episode.

We have previously expressed the view that the 100-year closure of the census should not apply to future censuses but that a duty of confidence applied to the records of past censuses. Although we had no part in the decision that most of the information in the 1911 census should be available to applicants immediately, we approved the decision of the Information Commissioner that some information should be confidential for the full term. We were impressed by the preparations made by The National Archives to deal with applications.

We have convened nearly thirty panels of members to consider the public interest in the release of closed information held in The National Archives. Most of these have involved information relating to individuals who were the victims of or who were related to the victims of crime, information the release of which would damage international relations and information relating to law enforcement (such as unsolved serious crimes and the identity of police informers).

In the main, panels have readily agreed with departments that the public interest lay in non-disclosure, but in a few cases they felt it necessary to gather more information before agreeing. We were glad to learn that the Information Commissioner has himself said that, in appropriate circumstances, information which it is not in the public interest to release generally should nevertheless be made available to individuals, such as the victims of crime, outside the terms of the Freedom of Information Act.

We have considered several significant problems in relation to the retention of records by departments. We reported last year on the discovery of asbestos contamination of some Ministry of Defence records. It has become clear that the only safe course is to digitise the files, for transfer to The National Archives electronically or as paper copies. We are grateful

to the Ministry of Defence for tackling this problem so vigorously. We also discussed the inadvertent release of sensitive Ministry of Defence papers relating to Saudi Arabia.

Unconnected with its problems outside the records field it has become clear that the Home Office is in some difficulty in coping with the quantity of records for which it is responsible, in numerous agencies. We therefore approved a request for a short moratorium on the reviewing of records for transfer so that records staff could be given training and could gain knowledge and control of the records. We shall be closely watching progress against the timetable.

Private papers

During the course of the year we have been impressed by the number of collections of papers, which have come into public ownership having been accepted by the State in lieu of tax. In each case we have advised the Chief Executive of The National Archives in her capacity as Commissioner of Historical Manuscripts on her draft advice on the proper place for the preservation of such collections. They have included:

- the papers of the Stuart Wortley Mackenzie family, Earls of Wharnccliffe, conditionally allocated to Dundee City Archives on condition that storage conditions there are improved;
- Battle Abbey estate papers, conditionally allocated to the East Sussex Record Office on condition that conditions of storage are improved;
- the private papers of Helen Anrep and Roger Fry, who were members of the Bloomsbury Group, allocated to the Tate Gallery;
- the papers of the North family, Earls of Guilford, the family and estate material being allocated to Kent Libraries and Archives Service and the papers of the 5th Earl on Greek affairs being allocated to the British Library;
- the papers of the Coventry family, Earls of Coventry, allocated in their entirety to the Worcestershire Record Office with copies of local material made available to the Somerset and Warwickshire Record Offices and Birmingham City Archives;
- two copies of the Scottish National Covenant, allocated to the National Library of Scotland; and
- Peter of Poitier's Book and the Kerdeston hunting manuscripts, allocated to the British Library.

We reported last year on the development by The National Archives of a scheme for self-assessment by local authorities of their archive services. We received a report on the pilot of this scheme which, once it has been fully introduced in all local authorities in England and Wales will allow better targeting of inspections and the comparing of the services provided by different authorities. Already, it seems, lessons can be learned from the pilot data. We look forward to seeing this information used in the assessment by auditors of local authority services generally.

Several other developments were of interest. The National Archives has been working on a strategy for the preservation of business records, often seriously at risk when companies are taken over, move or go into liquidation, and will also be preparing strategies for other categories of records including those of charities. We were also pleased to learn of an initiative by the Foreign and Commonwealth Office which has led to the release in the Swiss Federal Archives of the 'British Archive' of papers relating to Switzerland's activities as Protecting Power during the Second World War, looking after the interests in enemy territory of British people.

Role of the Council

During the last few years, the Council has received many appeals for access to records in response to an invitation issued over ten years ago to historians and others. Latterly the majority of these appeals have concerned retained records of the Security Service. It became clear to us that the Council's role was unclear following the coming into force of the Freedom of Information Act, so we asked you for guidance.

We now understand that we have no role in considering:

- the public interest in the release of information which is exempt under ss23 and 24 of the Freedom of Information Act, since another government body is responsible;
- appeals for access to records which are retained on grounds other than security and intelligence, since the proper course is to appeal to the Information Commissioner; and
- appeals for access to security and intelligence records retained under a blanket retention instrument, since such material is excluded from the scope of the Freedom of Information Act and the Council has no knowledge as to its very existence.

We continue to have a role in considering:

- appeals for access to material in files only partly retained under a blanket retention instrument; and
- the retention of documents under a standard retention instrument, and appeals for access to such documents thereafter.

Changes at The National Archives

We had several opportunities to discuss with the Chief Executive the new Vision for The National Archives, which is to guide its activities during the next few years. We have also been interested to learn about plans for the closure of the Family Records Centre and the transfer of its services to Kew, and for the merger of The National Archives with the Office of Public Sector Information, which occurred during the year.

The Council's members and meetings

Five members of the Council retired at the end of 2006: Sir Charles Chadwyck-Healey, Mr Peter Fox, Lord Rowlands, Dr Elizabeth Shepherd and Mr Andreas Whittam Smith. We are most grateful to all of them for their contributions to the Council's work. You appointed four new members with effect from 1 January, Dr Clive Field, Dr Jennifer Haynes, Mr Graeme Herd and Professor Michael Moss. The Council currently has no representative of the Labour Party. Members during the year were:

- Sir Rodric Braithwaite GCMG, retired, formerly British Ambassador to Moscow and chairman of the Joint Intelligence Committee
- Sir Charles Chadwyck-Healey Bt DL, retired, formerly academic publisher (*retired December 2006*)
- 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, Richard Lodge 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, Honorary Research Fellow, University of Birmingham, formerly Director of Scholarship and Collections at the British Library (*appointed January 2007*)
- Mr Peter Fox, Librarian, Cambridge University Library (*retired December 2006*)
- Dr Jennifer Haynes, archivist and records manager at the Royal College of Obstetricians and Gynaecologists (*appointed January 2007*)
- Mr Graeme Herd, head of Information Technology at Slough Borough Council (*appointed January 2007*)
- Dr Dorothy Johnston, Keeper of Manuscripts and Special Collections, Hallward Library, University of Nottingham
- 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 (*appointed January 2007*)
- Dr Michael Riley, senior lecturer in history, Bath Spa University College
- Rt Hon the Lord Roper, formerly Chief Whip for the Liberal Democrats in the House of Lords
- Lord Rowlands CBE, formerly Labour MP for Merthyr Tydfil (*retired December 2006*)
- Dr Elizabeth Shepherd, senior lecturer in archives and records management, University College London (*retired December 2006*)
- Mr Keith Simpson MP, Conservative MP for Mid Norfolk
- Mr Andreas Whittam Smith CBE, journalist, First Church Estates Commissioner (*retired December 2006*)
- Ms Janet Smith, County Archivist of Hampshire
- Ms Catherine Maxwell Stuart, owner of the private family and estate archive at Traquair House, Innerleithen, Peeblesshire
- Ms Stephanie Williams, author, journalist and user of archives

The secretary of the Council was Mr Tim Padfield.

Ms Natalie Ceeney, Chief Executive of The National Archives, attended all our meetings, accompanied variously by Dr David Thomas, Director of Collections and Technology, Mr Nick Kingsley, Head of National Advisory Services, Ms Meg Sweet, Head of Records Management and Cataloguing and Dr Norman James, Director of Advisory Services. At our meeting in February we welcomed Mr Richard Thompson and Mr David Wray, the Departmental Records Officers of the Home Office and Ministry of Defence respectively.

We were most grateful to Mr Wray for inviting us to visit the Ministry of Defence for our meeting in July. We took the opportunity to discuss with him and with his colleagues from the Home Office and the Foreign and Commonwealth Office their procedures for the review of records and our approaches to the public interest test for the release of information under the Freedom of Information Act.

On behalf of the members

Sir Anthony Clarke
Master of the Rolls, Chairman