



Advisory Council on National Records and Archives Tenth Annual Report 2012-13

To the Right Honourable Chris Grayling MP, Lord Chancellor, Secretary of State for Justice:

The Advisory Council on National Records and Archives (hereafter the Advisory Council) 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 more than 30 years old, including public access to them, to advise you on wider matters relating to the archive sector, as well as advising the Chief Executive and Keeper, The National Archives, in his capacity as Historical Manuscripts Commissioner, on matters relating to historical archives outside the public records system.

Transition to the 20-year rule

In January 2013, central government began its decade-long transition from the 30-year rule to the new 20-year rule. The plans for this transition were discussed at several of our meetings during the year. We welcome The National Archives' publication in January of its report on departments' current record holdings and plans for processing them, in particular the information this provided on departments' progress in identifying and tackling any records already overdue for appraisal, selection and transfer. We are working pragmatically with departments and some are making real efforts to deal with their backlogs while also planning for the processing

of doubled volumes of records each year during the transition period, but we have observed that other departments are struggling. Our work depends on departments putting in place adequate resources to deal with these increased volumes and we hope to see more departments making greater progress in the coming year.

The migrated archive and special collections

In 2011-12 we continued to take a close interest in the work of the Foreign and Commonwealth Office (FCO) and The National Archives regarding the transfer of the Colonial Administration Files – also known as the ‘Migrated Archive’ – to The National Archives. We continued this engagement throughout 2012-13 and we were pleased to note during the year the successful release into the public domain of the first four tranches of these records. We are grateful to Professor Tony Badger, the Independent Assessor, and officials from the FCO for their willingness to attend our meetings and keep us apprised of their progress. Given the extensive scrutiny provided by the Advisory Council over the last two years, we are pleased that this issue is in the process of being resolved and that robust plans are in place to complete the transfer of the entire collection.

We also note the work underway by the FCO to inventory and audit its ‘special collections’ – an accumulation of records in its archive that are outside the FCO departmental file series. These records cover a wide range of dates and subject matter and some date back to the 19th century. The FCO’s current estimate is that the special collections include around 250,000 files. We welcome the FCO’s publication of its initial inventory, and we expect further updates during the coming year on the FCO’s plans for the transfer and release of these records.

Hillsborough Independent Panel

The Advisory Council notes the completion and publication in 2012 of the report of the Hillsborough Independent Panel. Mrs Christine Gifford was the Advisory Council’s representative on the Panel from its establishment in 2010. We are grateful to Mrs Gifford for her regular updates to the Advisory Council on the work of the Panel, which were timely and informative but always respectful of, and appropriately within, the bounds of confidentiality established by the Panel for its work.

Public records

The Advisory Council is responsible for advising the Lord Chancellor on the application of the Freedom of Information Act 2000 to historical public records. Additionally, the Council reviews applications from departments to the Lord Chancellor for the retention of public records under the Public Records Act 1958.

The Advisory Council has this year convened 13 panels of members to consider the public interest in the release of closed information held in The National Archives, with 108 cases being considered 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 information relating to law enforcement. The cases were carefully scrutinised and debated by the three members on each of the panels, with reports on the panels' conclusions presented and discussed at the subsequent meeting of the full Advisory Council. In many cases, having been provided with more detail, the Advisory Council accepted departments' arguments for closure. The Advisory Council in some instances – around 4% of the cases considered - concluded that the public interest lay in disclosure and therefore the documents were made available at The National Archives. The Advisory Council is grateful to departments and The National Archives for handling the panels' queries constructively, and for providing the Advisory Council with detailed information on issues relating to freedom of information and access.

The Advisory Council's members and meetings

One member retired from the Advisory Council this year: Ms Stephanie Williams. We are grateful for her contribution to the Advisory Council's work.

The Advisory Council currently has a membership of 17. 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, Change Manager, North Ayrshire Council
- 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, King's College London
- Mr Hamish Macarthur, Information Management Specialist, CEO and Founder, Macarthur Stroud International
- Mr John Millen, formerly Policy Director, Ministry of Defence
- Professor Michael Moss, Professor of Archival Studies at the University of Glasgow
- 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 (retired in 2012).

During 2012 Lord Neuberger of Abbotsbury stood down as Master of the Rolls to take up his new role as President of the Supreme Court of the United Kingdom. The Advisory Council particularly wishes to thank Lord Neuberger for the keen interest he took in its work, despite the other most pressing claims on his time, and for his consummate chairmanship during his time in office.

The Secretary of the Advisory Council, until December 2012, was Mr Paul Edwards. The Advisory Council would like to thank Mr Edwards for his hard work and conscientious professionalism throughout his time as Secretary and wishes him every success for the future.

Mr Oliver Morley, as Chief Executive and Keeper, The National Archives, attended all our meetings accompanied variously by Ms Carol Tullo, Director of Information Policy and Services; Ms Julia Stocken, Head of Information Management and Practice; Mr Stuart Abraham, Freedom of Information Centre and Accessions Manager; Ms Helen Potter, Freedom of Information Manager; and Ms Julie Lennard, Head of the Chief Executive's Office.

The Advisory Council expresses its gratitude to the Supreme Court for hosting our meeting on 22 May 2012.

Forum on Historical Manuscripts and Academic Research:

The Forum on Historical Manuscripts and Academic Research (hereafter the Forum) was established in May 2010. The Forum in its capacity as subcommittee of the Advisory Council provides a means through which the Historical Manuscripts Commissioner can seek advice about activity relating specifically to historical manuscripts (private archives), as well as a place for discussion about academic research issues. As Master of the Rolls I am the chair of this Forum, which has seven members, each with expertise in academic research and/or knowledge and experience of private archives.

The Forum met three times over the last year on 27 April 2012, 11 October 2012 and 7 March 2013. The Forum is grateful to Senate House, University of London, for hosting its meeting on 11 October. During these meetings the Forum considered the following issues:

- The Government's consultation on lifetime giving
- The Cabinet Office's Red Tape Challenge
- The 20-year rule
- Acceptance in lieu of tax
- The National Archives' Digital Record Infrastructure Project

- The National Archives' refresh of its action plan *Archives for the 21st Century in Action*
- The National Archives and Business Archives Council's survey of archives in the architecture, building and construction sector
- Progress with implementation of the Religious Archives Support Plan
- The British Records Association's Records at Risk report
- The National Archives' 'Finding Archives' project to upgrade online resource discovery databases.

The Forum was consulted on draft recommendations by the Historical Manuscripts Commissioner for the allocation of the papers of the Story-Maskelyne (Arnold-Forster) and Wyndham of Orchard Wyndham families and those of the Lumley-Savile family, Barons Savile of Rufford, previously accepted in lieu of tax. These deliberations were reported to the Advisory Council for any further comment. Other previous recommendations on the temporary allocation of the papers of the Earls of Wharnccliffe and Viscounts Cobham have also been confirmed after similar consultation so that decisions on their permanent allocation can be made.

On 11 December 2012, The National Archives' Archives Sector Development department, jointly with the Historical Houses Association, held a consultative meeting with owners of private archives. The event, which was extremely well attended, was generously hosted at Syon House by His Grace the Duke of Northumberland. It offered an opportunity to look at practical ways to preserve privately owned archives and realise their potential, and also aimed to identify issues of concern to those responsible for family and estate collections. The event, attended by several members of the Forum, included sessions on keeping and using private archives (from the different perspectives of owners, custodians and users); the practical use of archives in managing a historic house and attracting visitors; the Government's Conditional Exemption and Acceptance in Lieu schemes and the support and advice available from The National Archives' dedicated Private Archives team.

The Forum maintains an overview of the welfare of the wider archives sector and throughout 2012-13 members of the Forum have noted with concern the general

impact made on the sector by cuts to funding and the reports of difficulties that these cuts have caused for some organisations. However, the Forum has also noted some excellent examples of archives services responding positively to the current challenging financial climate and it welcomes The National Archives' work to highlight and disseminate examples of best practice across the sector.

Forum on Historical Manuscripts and Academic Research Members

The following members of the Council were also members of the Forum on Historical Manuscripts and Academic Research: Dr Clive Field OBE, Dr Bendor Grosvenor, Ms Elizabeth Lomas and Professor Michael Moss. The remaining members of the Forum are:

- Dr Clive Cheesman, Richmond Herald at the College of Arms
- Dr Ian Mortimer, historian and historical biographer, qualified archivist and Fellow of the Royal Historical Society
- Dr Christopher Ridgway, Curator at Castle Howard and Adjunct Professor in the History Department at the National University of Ireland.

As an ex-officio member, Mr Oliver Morley attended our meetings in April 2012 and March 2013, accompanied on both occasions by Mr Nick Kingsley, Head of Archives Sector Development; Dr Norman James, Senior Manager (Private Archives) and Dr Valerie Johnson, Head of Research. Mr Kingsley, Dr James and Dr Johnson attended all our meetings. The Secretary to the Forum was Ms Trish Humphries.

Summary minutes for the Advisory Council and the Forum meetings are available at nationalarchives.gov.uk/advisorycouncil/meetings/summaries.htm

On behalf of the members

Lord Dyson

Master of the Rolls

Chairman

3 May 2013