



**THE LORD CHANCELLOR'S ADVISORY COUNCIL ON  
NATIONAL RECORDS AND ARCHIVES**

**Date:** 14 November 2013  
**Time:** 12:00pm - 16.45pm  
**Venue:** Foreign & Commonwealth Office, King Charles St, London SW1A  
**Chair:** The Master of the Rolls  
**Minutes:** Beth Watson - Advisory Council Secretariat

**Members:**

Ms Else Churchill  
Mr John Collins CBE  
Dr Jeevan Deol  
Ms Sarah Fahy  
Dr Clive Field OBE  
Dr Bendor Grosvenor  
Mr Stephen Hawker CB  
Mr Graeme Herd  
Dr Elizabeth Lomas  
Professor Arthur Lucas CBE  
Mr Hamish Macarthur  
Mr John Millen  
Professor Michael Moss  
Mr Ian Soutar

**Non-members:**

Mr Clem Brohier, Acting Chief Executive, The National Archives  
Ms Carol Tullo, Director, Information Policy, The National Archives  
Ms Julie Lennard, Head of the Chief Executive's Office, The National Archives  
Mr Peter Farr, Private Secretary to the Master of the Rolls  
Ms Julia Jones, Head of Information Management and Practice, The National Archives  
Mr Stuart Abraham, FOI Centre Manager, The National Archives  
Ms Helen Potter, FOI Manager, The National Archives  
Ms Trish Humphries, Secretary to the Forum on Historical Manuscripts and Research

## **1. Welcome, apologies and introductions**

Apologies of absence were received from Sir David Durie, Ms Christine Gifford, and Professor Harry Dickinson.

## **2. Minutes of the previous meeting**

The minutes of the Advisory Council meeting on 25 July 2013 were reviewed and approved as a correct record.

## **3. Matters arising from the previous meeting**

### **3.1 *The Crown Prosecution Service (CPS)***

Ms Jones informed members that, since the CPS met the Advisory Council in July, the department had been exploring options for outsourcing the processing of their records. The National Archives had recently met with the Crown Commercial Service to discuss the cross-government approach to outsourcing records management, although the use of outsourcing is a contractual matter for each department.

### **3.2 *Closure and retention applications***

The Advisory Council was updated on queries from the previous meeting in relation to applications for public records designated as closed and retained.

## **4. The Foreign and Commonwealth Office (FCO)**

Representatives from the FCO attended the meeting to update members on the current position regarding their migrated archives and special collections. The Council was pleased to hear that work on the migrated archives was nearing completion and that less than 1% of transferred material had been redacted. The FCO then set out its plans for the selection and transfer of its special collections and legacy files, and requested a 12-month retention on administrative grounds to allow it time to complete its assessment of the records it holds, resolve any resourcing issues and finalise its plans. After seeking assurances that the FCO was certain that 12 months would be sufficient, the Council agreed to recommend that the request be approved. It asked the FCO to attend the Council meeting in May 2014 to present its final plans, which it said should include any other options the department had considered and how it would be able to reassess its priority order for release if the need arose.

## **5. Cabinet Office**

Representatives from the Cabinet Office attended the meeting to discuss their applications for retention of three sets of records. The Council was disappointed in the lack of detail contained in two of the applications and were not convinced by the arguments for lengthy retention as they had been set out. It therefore agreed to recommend only a 12-month retention in the first instance and asked that the department to come back in 6 months time to present its redrafted applications. The third application, for 2-year administrative retention, was approved.

## **6. Forum on Historical Manuscripts and Academic Research**

Dr Field informed Advisory Council members of recent matters considered by the Forum at its last meeting on 31 October. Forum members had been updated on the progress of the Triennial Review. It had considered a paper from Nick Kingsley on *The Strategic Vision for The National Archives' Leadership of the Archives Sector* and been given a presentation on the *Explore Your Archives* project. It had also considered two acceptance in lieu applications.

Following a recent case involving the proposed sale of the archives of General James Wolfe, Forum members had expressed concern about the Export Stop process. They discussed the issue in some

detail. It had raised serious questions about the role of the 'champion' bodies in such cases and about the effective dissemination of information to interested parties. It had been agreed that this issue would be raised with the Chair of the Document Working Party of the Arts Council's Export Licencing Committee.

A Forum member had suggested the possibility of setting up of a national exhibition of manuscripts for the 150<sup>th</sup> anniversary of the Royal Commission on Historical Manuscripts. A similar exhibition was held in 1969 to celebrate the 100<sup>th</sup> anniversary. Members were keen to explore the possibility further.

## **7. The Refresh of Fees Order/Statutory Pricing**

Mr Brohier presented a brief paper updating the Advisory Council on the outcome of The National Archives' annual review of the fees order and the forthcoming changes to the costs charged by The National Archives. He noted that the proposed approach had been agreed with HM Treasury and explained that the next step would be for The National Archives to make a formal recommendation to the Lord Chancellor. Members agreed that the proposals seemed sensible.

## **8. Victims Reclosure Project**

The Council considered The National Archives' proposal to reclose open archival records relating to the investigation, prosecution and trial of sex offences. Members agreed that it was important to close records where it was known that The National Archives would be in breach of the Data Protection Act. They also noted the public would still have the right under the FOI Act to request the closed records and that information on reclosures was made available on The National Archives website. The Advisory Council agreed that it saw no difficulty with the proposed reclosure of these records.

## **9. Access to Public Records**

### ***9.1 Applications for closure – 14 November 2013***

The Advisory Council considered the applications for the closure of records. Those not subject to queries were approved.

### ***9.4 Access to public records; application for retention – 14 November 2013***

The Advisory Council considered the applications for the retention of records. These were approved.

## **10. Update from the Acting Chief Executive**

### ***10.1 The recruitment of The National Archives' new Chief Executive***

Mr Brohier informed members that the recruitment exercise to appointment a new Chief Executive and Keeper is now underway. It is being run by the Ministry of Justice and should be completed by Christmas, with the successful candidate taking up post in early 2014.

### ***10.2 The Triennial Review***

Stage One of the Triennial Review has been completed and the draft report has been circulated to members. It concluded that the functions carried out by the Advisory Council are still required, and that the current model is the most effective way in which to deliver them. It is expected that the Stage Two report on the Advisory Council's governance arrangements, would be submitted to the Ministry of Justice and the Cabinet Office early in 2014.

### ***10.3 Advisory Council membership***

Mr Brohier explained that the Lord Chancellor had agreed to extend the appointments of the Advisory Council members whose terms were due to come to an end on 31 December 2013 for six months until 30 June 2014. This is to enable the triennial review to be completed and for any recommendations made with regard to the composition of the membership to be reflected in any subsequent recruitment exercise.

Members expressed some concern that the Advisory Council could be faced with losing almost all of its experienced members in the space of six months. They hoped that the need for continuity and for members being permitted to serve long terms would be reflected in the recommendations made in Stage 2 Triennial Review report.

However, it was noted that the Government had made clear its position with regard to appointments to public bodies. As a general principle, it wishes to see a more diverse range of individuals appointed and Ministers do not look favourably on large numbers of reappointments. Therefore, the case for any reappointments to the Advisory Council would have to be strong and clearly made.

#### ***10.4 The Ministry of Defence***

Following recent press coverage concerning 66,000 files that the MOD were reported to be storing in a warehouse on Derbyshire, members were assured that The National Archives were working closely with MOD on selection and transfer. Mr Brohier noted that the highlighting of the existence of these records was an example of transparency in action; the Record Transfer Report (RTR) made the backlog visible and it has been addressed, and MOD itself published an explanation of the backlog on its own website. Members agreed that MOD should be invited to a future meeting, although this was not urgent.

### **11. AOB**

#### ***11.1 The Information Management Liaison Group***

In September Dr Deol had attended a meeting of the Information Management Liaison Group, which brings together information management practitioners from across government to discuss recent developments and best practice. Dr Deol had given a short talk on the Advisory Council's view of FOI. He had also been able to participate in a number of breakout sessions during the day. These discussions had highlighted the resourcing difficulties faced by departmental teams the issues around risk with regard to digital records. However, he was also reassured by the evidence he saw of a very functional relationship between The National Archives and the other departments.

#### ***11.2 The Digital Sensitivity Review Project***

Professor Moss provided a brief update on the digital sensitivity review project being undertaken by Glasgow University and The National Archives. The project had now received bridging funding, and funding from the Welsh and Scottish Governments and the Technical Strategy Board.

He encouraged members to volunteer to assist the project as sensitivity reviewers. As well as helping to build up the number of reviewed records, participation would give members an understanding of the difficulties faced by sensitivity reviewers working with digital records. Members' experiences of the reviewing exercise would also be useful in informing future changes to the Advisory Council's ways of working in the move from paper to digital records took effect. A workshop for members would also be held in the New Year.

#### ***11.3 The FOI Panel Update (Paper AOB 1)***

This paper was circulated at the meeting. Members would raise any issues with the secretariat outside the meeting.

#### ***11.4 Date of Next Meeting***

The next meeting of the Advisory Council will be held on 13 February 2014 at The National Archives, Kew.

There being no further business, the meeting was closed.