



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

**Date:** 15 May 2014  
**Time:** 13:15 - 17:15  
**Venue:** The Blue Room, The National Archives

**Chair:** The Master of the Rolls

**Minutes:** Beth Watson - Advisory Council Secretariat

**Members:** Mr John Collins  
Dr Jeevan Deol  
Sir David Durie  
Ms Sarah Fahy  
Dr Bendor Grosvenor  
Mr Stephen Hawker CB  
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 and Services, The National Archives  
Ms Julia Jones, Head of Information Management and Practice, The National Archives  
Ms Julie Lennard, Head of the Chief Executive's Office, 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  
Peter Farr, Private Secretary to the Master of the Rolls  
Sir Alex Allan, Prime Minister's Independent Adviser on Ministerial Standards

**1. Welcome, apologies and introductions**

Apologies of absence were received from Ms Else Churchill, Professor Harry Dickinson, Dr Clive Field and Mr Graeme Herd.

The Chairman began by offering his sincere thanks to those members who would be stepping down from the Advisory Council at the end of June for their work over the years. He also read out a letter he had received from Professor Dickinson, who was unable to attend this meeting, thanking the

Master of the Rolls and all members of the Council for the genuine pleasure he had had serving on the Council.

The Chairman then welcomed Sir Alex Allan who had been invited to observe the Council at work following his meeting with the Chairman as part of his review of the transition to the 20-year rule. Sir Alex explained that he had been asked to carry out a review following the release of papers relating to British involvement in the events at Amritsar in 1984. His terms of reference included both an examination of the impact of the 20-year transition and the sensitivity review process.

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

The minutes of the Advisory Council meeting we agreed as an accurate record.

The Secretary informed members that she had recently met The National Archives' Media and Communications Team to discuss the issues raised at the previous meeting. Members agreed that to invite the team to the next meeting.

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

The Advisory Council were 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 set out proposals for the review and transfer of its special collections and annual transfers. They explained that the FCO had also continued to engage with stakeholders and had recently held its second Records Day and an event for journalists.

Members agreed that the FCO's proposals were clearly set out and, after hearing more on the views of stakeholders, they were content with the proposed approach to the prioritisation. To avoid any perceived risk that medium and lower priority records were being pushed to one side, they asked the FCO to provide more detail on its plans for these records at a future meeting.

## **5. Access to Public Records**

### ***5.1 Applications for closure – 15 May 2014***

Following a short discussion in which the Council stressed the need to ensure a consistency of approach to the use of certain exemptions across government, The National Archives agreed to produce draft guidance on the issue. This would be considered at the next meeting.

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

### ***5.2 Access to public records; application for retention – 15 May 2014***

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

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

Dr Lomas updated members on the Forum's recent activities.

Papers on how The National Archives delivers its obligations under the Royal Warrant and setting out its prioritisation on service provision had recently been circulated to Advisory Council members. The Forum would welcome their views as the issues raised had implications for the make up of future

Forum and Advisory Council membership and for the role of the Chief Executive. It was agreed that time would be allocated at the next Advisory Council meeting to discuss these. Dr Lomas would frame a list of questions for members to focus on in their consideration and that the Head of Archives Sector Development at The National Archives would be invited to attend.

Dr Lomas also informed members that at its June meeting the Forum would discuss the forthcoming EU Data Protection Regulations and their impact on private archives.

Dr Grosvenor told members that he and Dr Field had met with Dr Christopher Wright from the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest to discuss the issues raised by the sale of the General Woolf papers to the University of Toronto. It was agreed that communications on such matters should be improved and widened. The Forum has also agreed that the Advisory Council should be informed of such cases as a matter of course when they arose.

## **7. Cabinet Office**

Following their attendance at the Advisory Council's meeting in November 2013, the Cabinet Office presented its revised applications for retention. The Council was content to agree to the department's request in one case and to make its recommendation to the Lord Chancellor accordingly. In the other case, members asked the department to present a more detailed application at the next meeting once it had had time to complete its full review of the records.

## **8. Crown Prosecution Service (CPS)**

Members considered a letter from the CPS deferring their attendance at this meeting. It was agreed that they would be invited to a future meeting.

## **9. Update from the Acting Chief Executive of The National Archives**

Mr Brohier updated members on the following issues:

- **New Chief Executive and Keeper** – The appointment of The National Archives' new Chief Executive had recently been announced. Jeff James, the Deputy Chief Executive at the Chartered Institute for Housing, will take up post on 29 July. Mr James was Director of Operations and Services at TNA until June 2013. Mr Brohier will continue as Acting Chief Executive in the interim.
- **Advisory Council recruitment** – The closing date for applications was 12 May and 44 had been received. Sifting was due to begin shortly.
- **Employment Tribunal Records** – At the last meeting, following a letter that had appeared in *The Times* about the imminent destruction of employment tribunal records, Mr Brohier had informed members that there was a Statutory Instrument in place which stated that such records should be destroyed after 6 years. The Statutory Instrument has now been amended, meaning that the records no longer need to be destroyed and can be appraised for permanent preservation. The Ministry of Justice and The National Archives are working together on this to ensure the right outcome for the records. They are also ensuring that key contacts in the legal, archive and academic sectors are aware of the change.
- **Social Media Archive** – On 8 May, The National Archives began to archive tweets and YouTube videos published by UK central government departments from their official Twitter and YouTube social media platforms. This marks the culmination of a complex technical project, working with the Internet Memory Foundation, to develop the tools to capture social media into the UK Government Web Archive and permanently preserve it as the official public record.

## **10. Any Other Business**

### **10.1 FOI Panel update**

Members were updated on discussions that had recently taken place between the FOI Centre and representatives of the Council on how to improve the clarity of the information panels received.

### **10.2 FCO Records Day**

Dr Deol had attended FCO's Records Day for historians on 8 May where he gave a short presentation on the role of the Advisory Council. There were a number of question and answer sessions during which three broad concerns emerged from amongst the audience:

- a) Was the Public Records Act still fit for purpose?
- b) Would the 20-year rule survive? Given the perceived inability of departments to cope with the demands the transition was placing on them, would the programme be rolled back?
- c) The perceived lack of transparency over the FCO's handling of the special collections. There was very little understanding of the sensitivity review and redaction process, including the role of the Advisory Council. There was a general feeling that the way in which FCO had communicated with the press and stakeholders had been inadequate, and a belief amongst some participants that, due to fluctuations in the published estimated number of files in the special collections, 600,000 files were being hidden.

The Chairman thanked Dr Deol for his report and for attending the event on the Council's behalf. He said that The National Archives would have an important role to play in addressing any misconceptions.

Members recognised that departments were aware that the Council took a tough line and that they had therefore they worked to address the quality of their applications for closure and retention. The Council itself had also continued to encourage departments to redact rather than close records. However, it was recognised that it was difficult to demonstrate to stakeholders that the system was improving and to challenge the distrust that had built up.

The Chairman proposed that a small working group be set up to look at the issues raised in more detail.

**There being no further business, the meeting was closed.**