



Summary of meeting

Advisory Council on National Records and Archives

21 November 2008

Note of the meeting

The following is a summary of the meeting of the Lord Chancellor's Advisory Council on National Records and Archives held on 21 November 2008 at 2.00pm at The Metropolitan Police Service, Empress State Building, London, SW6 1TR.

Sir Anthony Clarke, Master of the Rolls, in the Chair. Members present were Ms Else Churchill, Viscount De L'Isle, Dr Jeevan Deol, Professor Harry Dickinson, Sir David Durie, Dr Clive Field, Ms Christine Gifford, Dr Jennifer Haynes, Mr Graeme Herd, Professor Arthur Lucas, Professor Michael Moss, Lord Roper, Ms Janet Smith, Mr Ian Soutar, Ms Catherine Maxwell Stuart and Ms Stephanie Williams.

Also present were Ms Natalie Ceeney, Chief Executive, The National Archives, Ms Carol Tullo, Director of Information Services and Policy, The National Archives, Ms Meg Sweet Head of Records Management and Cataloguing, The National Archives, Mr Nick Kingsley, Head of National Advisory Service, The National Archives and Mrs Judy Anckorn, Private Secretary to the Master of the Rolls, and Ms Lâle Ozdemir as Secretary.

Access to public records

The National Archives presented a paper entitled 'Information in the public domain and historical records' to the Council. The Council was informed that although it may initially seem there is no reason to close information that had previously been in the 'public domain', this was potentially a complex issue and that government did not confirm press speculation by disclosing official information. The Council was told that The National Archives had to find a balance between disclosing information that was

already in the 'public domain' in some form and protecting individuals from unwarranted intrusion into their privacy. The Council thanked The National Archives for guidance on the issue and said that the Council would continue to advise on a case-by-case basis.

The Council asked if applications for closure under Freedom of Information Act, 2000 (FOIA) could be batched for the next meeting. The National Archives agreed.

Freedom of Information cases handled by The National Archives and considered by Council Panels

In line with its statutory role under FOIA since July 2008, the Council has convened 9 panels which have advised on the strengths of the public interest test considerations applied by departments when they seek to close historical information held at The National Archives. The panels advise on information which is deemed sensitive under the Freedom of Information Act and requires a public interest test. The Freedom of Information Advisory Panels have advised on a total of 42 cases relating to 48 records in total. The Council said it would be useful for panels to be informed of Information Commissioner/Information Tribunal decision notices that were relevant to the issues the Council advised on. It was agreed that the Secretary would keep the Council updated.

Code of Practice on Records Management (Section 46, FOIA)

The Council had asked The National Archives to provide an update on revision of the records management code of practice issued under FOIA s 46, reporting back on the public consultation which ended in September and identifying major changes that will be made as a consequence of the responses received. The Council welcomed the update.

Advisory Council publication scheme: new model scheme

The Secretary informed the Council that the Information Commissioner's Office had reviewed the effectiveness of publication schemes and that the outcome of the review highlighted the need to develop and improve the proactive dissemination of public sector information. All public authorities including the Advisory Council had a statutory obligation to adopt the new model publication scheme in accordance with s 20, FOIA. The Secretary had begun revising the current scheme and will send a copy of the new scheme to Council members upon completion.

Training for departments: progress update

The Secretary and Access Manager of The National Archives have been leading workshops on the applications process at a number of government departments. The aim of these workshops is three fold: to discuss the feedback of the Council on the quality of applications for closure and retention, to gain an insight into the specific issues each government department may have and to raise the profile of the Council across government.