

# **Memorandum of Understanding between the Public Record Office and the National Assembly for Wales**

## **Introduction**

1. This Memorandum sets out the understanding between the Public Record Office (PRO) and the Assembly Administration (defined as the staff of the National Assembly and hereinafter referred to as the Assembly). This Memorandum is a statement of intent, and should not be interpreted as a binding agreement or contract. It does not create legal rights, obligations or restrictions between the parties. It is intended to be binding in honour only. It does not create any rights to be consulted or to prevent consultation beyond that required by statute.
2. This Memorandum is intended to promote constructive co-operation and communication. It sets out a working framework within which officials will continue to develop relationships between the two parties. The primary aim is to ensure that if either is planning action impinging on the responsibilities of the other, it gives adequate forewarning.
3. The principal channel of communication on all matters relating to Welsh public records will be between the PRO Client Manager (CM) with responsibility for the Assembly and the Assembly Departmental Record Officer (DRO). Formal consultation should normally be in writing, but should be supplemented by regular informal contact wherever possible. In all cases relating to Welsh public records where other channels of communication are used, the CM and the DRO should be kept fully informed as a matter of course.

## **Legal Framework**

4. The Government of Wales Act 1998:
  - identifies a new category of public records to be known as Welsh public records. Records falling into this category are listed in section 118 of the Government of Wales Act, and include the records of the Assembly and records previously transferred to the Public Record Office;
  - enables the National Assembly for Wales, if it so wishes, to make suitable arrangements for the selection and long-term storage of, and public access to, Welsh public records. These arrangements will be assessed by officials from the PRO in accordance with the standards that apply to UK records. Once the Lord Chancellor has approved these arrangements, he will make an Order transferring full responsibility for Welsh public records to the National Assembly for Wales.
  - requires the Keeper of Public Records, on behalf of the Lord Chancellor, to supervise the current arrangements for Welsh public records until such time as such an Order is made.
5. This Memorandum will remain in force while the current arrangements for dealing with Welsh public records are in existence. In the case of any change, this Memorandum will lapse and a new one will be brought into force.

## **Interface Between PRO and Assembly Responsibilities**

6. Good communication is considered to be important, therefore both parties will:
  - seek to involve each other, as and when appropriate, in policy formulation;
  - keep each other informed about developments affecting all areas of records management;
  - give appropriate consideration to the views of the other and where possible allow a reasonable timescale for proper consideration of comments, representations and information;

- inform each other of any relevant information which may require action or have resource implications for the other party;
- give advance notification at the earliest practicable stage of substantive new policy announcements;
- share information, analysis and research, where such arrangements would be of mutual benefit.

7. The Public Record Office will:

- provide guidance and agreed standards covering the following broad areas:
  - management of active records;
  - record storage;
  - appraisal of records;
  - preparation of selected records for transfer to the Public Record Office or other place of deposit for public records approved under section 4(1) of the 1958 Public Records Act;
  - all aspects of electronic record and document management;
  - public access to Welsh public records.
- Provision of guidance and support will be done through:
  - regular visits from the Client Manager and other staff as required;
  - provision of specific advice in written, telephonic or electronic format;
  - production of published guidance and standards;
  - endorsement of a programme of training seminars, leading to an approved qualification;
  - provision of a records management consultancy service for which charges will be levied;
  - provision of an annual conference and other seminars and meetings as required.

8. The Assembly will:

- carry out the functions listed below to the standards produced by the Public Record Office:
  - consult with the Public Record Office as necessary, but particularly in the areas of the management of all current records including electronic records;
  - appraise, prepare and transfer selected records to the PRO in a regular and timely manner;
  - ensure that all staff working in the records environment are trained to an appropriate standard;
  - create, organise and store all records in a way that will ensure their survival and retrieval;
  - arrange that a record set of the proceedings of the National Assembly, including its committees, is maintained for future transfer to the PRO or a repository designated by the Lord Chancellor.

**Relationship with the Office of the Secretary of State for Wales**

9. Special arrangements have been put in place with regard to the treatment of records belonging to the Office of the Secretary of State for Wales (OSSW) under the terms of a Service Level Agreement (SLA) drawn up between OSSW and the Assembly. These arrangements cover areas such as storage, access, retrieval, review, destruction, preservation, alteration, disclosure, and advice and guidance.

**Welsh Public Record Bodies** (see list at Appendix A)

10. The current arrangement is that Welsh public record bodies including OSSW have appointed their own DRO and deal directly with the PRO. This should continue.

11. The Assembly has funding responsibility for most of these bodies. The Assembly's DRO, in liaison with the PRO, should keep a watching brief on these bodies. If any problems should become known to the Assembly, it will use its best endeavours, again in liaison with the PRO, to get the body in question to carry out remedial activity.

12. The Assembly should ensure that due consideration is given when any new sponsored body is set up, to ensure that the records of such bodies have Welsh public record status.
13. The Assembly should also consider whether the record status of any existing sponsored bodies whose records are currently not Welsh public records, should be changed, and if so advise PRO accordingly.

### **A National Record Office for Wales**

14. Section 117 of the Government of Wales Act gives the Lord Chancellor the power to set out under an Order how the Assembly should deal with Welsh public records, including the creation of a Public Records Office for Wales (PROW). Any request from the Assembly for such an Order to be made will need to satisfy the Lord Chancellor that the Assembly is able to meet the standards which apply to UK public records. Should the National Assembly for Wales decide to develop options for a PROW then the Assembly will notify the PRO Head of Archive Inspection at the earliest convenient stage.
15. In these circumstances, the PRO will:

- provide timely advice on the likelihood of a particular proposal meeting the standards for preservation and access, which apply to public records covered by the Public Records Act 1958 and 1967;
- notify the Assembly in advance of any major changes to these standards.

### **Addresses and Signatories**

16. All correspondence relating to the terms and conditions of this Memorandum will be made in writing to the following addresses:

National Assembly for Wales  
New Crown Buildings  
Cathays Park  
Cardiff  
CF1 3NQ  
Public Record Office  
Kew  
Richmond  
Surrey  
TW9 4DU

Signed on behalf of the National Assembly for Wales

*Brian Mitchell*..... Date... *24th August 2000*.....

Signed on behalf of the Public Record Office

*Sarah Tyacke*..... Date... *30th August 2000*.....

### **Appendix A**

#### **Sponsored bodies whose records are deemed to be Welsh public records as covered under section 118 of the Government of Wales Act 1998**

- a. Countryside Council for Wales
- b. Family Practitioner Committees for Localities in Wales
- c. Estyn
- d. Further Education Funding Council for Wales
- e. General Teaching Council for Wales
- f. Health service hospitals, within the meaning of the National Health Service Act 1977, in Wales
- g. Higher Education Funding Council for Wales
- h. Local Government Boundary Commission for Wales

- i. National Health Service Authorities for districts or localities in Wales, or for areas in or consisting of Wales, including National Health Service trusts whose hospitals, establishments and facilities are all situated in Wales
- j. Qualifications, Curriculum and Assessment Authority for Wales; and its predecessors
- k. Royal Commission on the Ancient and Historical Monuments of Wales
- l. Welsh Board of Health
- m. Auditor General for Wales

This list is complete as of 1st September 2000.