

SUMMARY
THE NATIONAL ARCHIVES'
RECORDS DECISION PANEL, 28 AUGUST 2013

HM Treasury annual cycle of bilateral discussion records between the Treasury and the spending departments

A paper was presented concerning the disposal of an estimated 167 bilateral file prefixes created by HM Treasury Expenditure Divisions, dating from 1982 to 1997. This paper submits that the National Archives has, in the past, mainly through necessity, over-selected HM Treasury bilateral '*Expenditure Division*' prefix records for permanent preservation; that it now needs to rationalise the approach to records disposal that has been used for a number of years by adopting a macro appraisal approach to their disposal for all Treasury bilateral records dating from 1982. Bilateral records (also known as 'Supply Cycle' records) concern the annual negotiations and agreements with government departments (led by Treasury) on the planned expenditure for short / medium term by those government departments. It proposes that the National Archives selects more records of the '*ministerial bilateral discussions*' and all supporting records and significantly less of the Treasury Expenditure Division bilateral material.

It was the view of the Records Decision Panel that no change to the approach for the appraisal and selection of these files could be considered until the proposed model for appraisal is validated through testing by Treasury Records Review Team. HMT will need to report back at a later meeting.

Records of the Office of Fair Trading and the Competition Commission

The decision for discussion primarily concerned the records considered for selection under OSP 34 and OSP 43, currently held by Office of Fair Trading and Competitions Commission. These records are considered to have historical value, however issues have arisen about how access is provided under UK legislation. Currently certain information in these records falls under the Enterprise Act 2002, which contains provision to prohibit the disclosure of such information. The application of this 'statute bar', which would affect information following a transfer to The National Archives, would likely result in 'perpetual closure' in terms of access. There would be little prospect of opening dates being identifiable at the point of transfer, or beyond.

The chair of the Records Decision Panel reported that the Executive Team of The National Archives had reviewed the issue and confirmed the policy that The National Archives does not collect public records to which there is no defined timeframe for public access. Those records deemed worthy of permanent preservation should be retained by the responsible organisation with the agreement of the Lord Chancellor if required until such time as a transfer can occur. This would be facilitated by the addition of a sunset clause by the legislative owners, and it is the responsibility of those retaining such records to initiate this contact with the support of The National Archives.

Date of next meeting:

The next meeting is to be held **on 22 October 2013 at 2pm**