



ADVISORY COUNCIL ON NATIONAL RECORDS AND ARCHIVES

Date: 13 February 2017
Time: 12:30-17:00
Venue: The National Archives, Kew

Chair: Mr John Collins

Minutes: Beth Watson - Advisory Council Secretariat

Members: Ms Hillary Bauer
Professor Rodney Brazier
Mr John Evans
Ms Sarah Fahy
Dr Helen Forde
Mr Stephen Hawker
Mr John Millen
Dr Bill Peace
Sir John Ramsden
Mr Michael Smyth
Ms Jeannette Strickland
Mr Trevor Woolley

Non-members:

Mr Jeff James, Chief Executive, The National Archives
Ms Carol Tullo, Director, Information Policy and Services, The National Archives
Mr Ian Collins, Head of Government Transfer and Access, The National Archives
Ms Helen Potter, Head of the FOI Centre, The National Archives
Ms Victoria Davis, Access at Transfer Manager, The National Archives
Mr Sam Whaley, Head of the Chief Executive's Office, The National Archives
Ms Trish Humphries, Secretary to the Forum on Historical Manuscripts and Research

1. Welcome, apologies and introductions

1.1 There were apologies from The Master of the Rolls, Lesley Ferguson, Angela Kelly and Elizabeth Lomas.

2. Minutes and matters arising

2.1 The minutes of the meeting of 10 November 2016 were agreed as an accurate record.

2.2 Members were updated on the outstanding action points that were not due to be discussed as part of this meeting's business.

- Recruitment – Given the estimated 12 weeks that it would take from obtaining ministerial agreement to launch a recruitment campaign to the Secretary of State agreeing to individuals'

appointments, the Council agreed that work should begin immediately on planning the next round of recruitment. Any members who wished to be reappointed should notify the secretary.

3. Advisory Council Working Group

3.1 The Council considered the working group's interim report and recommendations. It was agreed that the recommendations that were accepted were to be actioned as soon as possible and that it was not necessary to wait for the final report in July to do so.

3.2 Mr Evans introduced his paper which set out a draft protocol for handling media queries and issues relating to the Council. It was agreed that, subject to any feedback from the MR, a media sub committee should be set up, led by Mr Evans, and that work should start on a set of FAQs. The Council also asked that a link to The National Archives' media team contact be added to the Council's webpage.

4. Forum on Historical Manuscripts and Academic Research

4.1 Members considered the draft terms of reference for the Forum. The working group would be looking at the Forum and the way that the Council interacts with and supervises it in the coming months. It was agreed that working group would examine the draft terms of reference as part of this.

4.2 Members asked if it would be possible for the Council to see the draft Forum minutes, agendas and papers, and if it could be kept informed of any acceptance in lieu cases.

5. Annual Report 2016/17

5.1 Members agreed that the 2016/17 Annual Report should include a clear statement on the Council's remit, continue to include statistics on the number of applications it considered and include any relevant analysis of the increase in applications drawn from The National Archives' paper to this meeting.

6. The Impact of the 30/20 year transition programme

6.1 The Council considered The National Archives' paper on the impact of the 30/20-year transition programme on the number of applications for closure or retention submitted by departments. It was noted that the reasons were complex and various.

7. Ministry of Defence (MOD)

7.1 The Chairman welcomed representatives from the Ministry of Defence to the meeting. They explained the new departmental structure which gave information management policy and strategy, and service delivery, more visibility at board level. They were confident that the changes would improve the quality and consistency of the closure and retention applications that the Council received.

7.2 In response to a question on its digital records they said that MOD brought in its electronic records management system in 2003 and that it would be some time before large volumes of digital material would be due for transfer. The team were working on plans to manage this.

Personnel records

7.3 The Council and MOD then discussed the transfer of service personnel records from the MOD to The National Archives. The Council was keen that the records be made available to the public as they were a valuable resource for family historians in particular. They recognised that it may take some time to find a workable solution given the volume of records and asked for an update in 12 months.

8. Fees Order 2017

8.1. The Council noted the changes to The National Archives Fees Order which would come into effect in April 2017.

9. Department for Business, Energy and Industrial Strategy (BEIS) update

9.1. The Council considered the update from BEIS on the 'Progress with Records Transfer at BIS' paper which the Council had seen in July 2016. Members noted the possible impact of the machinery of government changes but were reassured that its records management team would be able to adapt.

10. FOI Panel Update

10.1 Ms Potter introduced the FOI Panel update. She noted that the number of cases that required a public interest test (PIT) to be carried out had continued to increase and the ICO's renewed emphasis on timeliness. The Council believed that the new IT solution and the introduction of a system of lead panel members would help to ensure that the panels responded as quickly as possible.

10.2 The application of s31 and s38 of the FOIA

The Head of the FOI Centre talked through her guidance notes on the application of s31 and s38 of the FOIA. Members stressed that departments seeking to apply s.31 would need to convince the panel that there was both a real and significant likelihood of future investigation and explain how release would prejudice that investigation.

11. CEO's Update

11.1 Mr James updated the Council on:

- Better Information for Better Government, the Government's response to Sir Alex Allen's report on digital records. The National Archives would be working with the Cabinet Office to take forward the recommendations.
- His meeting with Elizabeth Denham, the new Information Commissioner, who had visited Kew for the first time and discussed a range of issues, including Freedom of Information, Data Protection and records management.
- The Strategic Vision for Archives, the new strategic vision for archives across England which would be launched by Matt Hancock at the end of March.

12 Access to records

12.1 Outstanding queries

The Council considered the outstanding departmental responses to the queries it had raised on the schedules of applications it had considered in 2016. It was content to approve the majority of the applications on the basis of the clarification and/or amendments provided by departments. Those that were not agreed were carried forward.

12.2 Queries raised on FOI Exemption Schedule 83 (closure) and RI127 Schedule (retention)

In January 2017 a schedule of closure applications (FOI Exemption Schedule 83) and a schedule of retention applications (RI 127 Schedule) were sent to members. Members were asked to raise any queries within 10 days.

The Access at Transfer Manager collated the queries and a list of them was circulated with the papers for this meeting, with responses being provided where possible. At this meeting members

were asked if they are content with the responses provided, either in written document or orally by Ms Davis. Where a response has not been provided, or members remained unhappy, the queries were carried forward.

13. AOB

13.1 Members said that it would be helpful if information on recent ICO and Tribunal decisions that were relevant to the Council's work could be circulated.

13.2 Date of Next Meeting

The next meeting of the Advisory Council would be held on 8 May 2017 at The National Archives.

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