



**ADVISORY COUNCIL ON  
NATIONAL RECORDS AND ARCHIVES**

**Date:** 17 July 2017  
**Time:** 11:00-16:00  
**Venue:** Ministry of Justice, 102 Petty France, London

**Chair:** Sir Terence Etherton, Master of the Rolls

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

**Members:** Ms Hillary Bauer  
Mr John Collins  
Mr John Evans  
Ms Lesley Ferguson  
Dr Helen Forde  
Ms Angela Kelly  
Mr John Millen  
Sir John Ramsden  
Mr Michael Smyth  
Ms Jeannette Strickland  
Mr Trevor Woolley

**Non-members:** Mr Jeff James, Chief Executive, The National Archives  
Mr Ian Cross, Head of Government Transfer and Access, The National Archives  
Ms Helen Potter, Head of the FOI Centre, The National Archives  
Ms Louisa Green, FOI Manager, 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  
Mr Peter Farr, Private Secretary to the Master of the Rolls

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**1. Welcome, apologies and introductions**

1.1 There were apologies from Rodney Brazier, and Hillary Bauer who would be arriving late.

**2. Minutes and matters arising**

2.1 The minutes of the meeting of 8 May 2017 were agreed as an accurate record.

2.2. It was noted that since the last meeting Trevor Woolley had been appointed as Deputy Chairman of the Advisory Council and that Elizabeth Lomas had been appointed as Deputy Chairman of the Forum.

### **3. Advisory Council Working Group**

3.1 The Council considered the working group's final report and recommendations. Members agreed the following:

- a) A submission be sent to the Secretary of State for Culture, Media and Sport, seeking her agreement to the preparation of a revised edition of the s46 Code of Practice, with the aim of publication next year.
- b) The guidance documents prepared by TNA for departments on access to public records be amended where necessary, and in particular to reflect legal advice and agreed recommendations from this working group, and the amended versions circulated for information to the Council before its November meeting.

3.2 Mr Woolley said that apart from the final drafting of some guidance documents, the working group had covered all of the issues it had been asked to examine. The Master of the Rolls requested that the working group stay in place for the time being to liaise with TNA on the implementation of the recommendations. It was also agreed that Mr Collins and Mr Millen remain as members of the working group until they had completed their assigned tasks.

3.3 Dr Lomas asked that the role of the Deputy Chairman of the Forum, and the mechanism by which they were appointed, be set out in the relevant guidance documents to ensure transparency.

### **4. Media Sub-Committee**

4.1 Mr Evans introduced his draft FAQs and media lines to take. He explained that the latter were not to be considered unchangeable and that they could be amended to meet the particular circumstances. Members were asked to send any comments they had to Mr Evans who would then send an amended version to The National Archives' media team for their views. The final version of the FAQs could then be published on the Council's webpages.

4.2 Members agreed that it would be helpful to have an update on any media coverage about the Council at each meeting.

4.3 The Master of the Rolls noted that this was Mr Evans' last meeting and the Council would lose its media expertise when he stepped down. It was hoped that it would be possible to find suitable replacements during the current recruitment exercise. Meanwhile, the Deputy Chairman would lead the media sub-committee.

4.4 Ms Ferguson requested that, when the webpages are restructured, the Forum be given greater prominence.

### **5. Forum on Historical Manuscripts and Academic Research**

5.1 Dr Lomas introduced a paper which set out the Forum's activities and achievements since it was established in 2010. Members agreed that it would be useful for the Council to receive similar written reports in future.

5.2 Dr Lomas updated the Council on the Forum's June meeting, where there had been a presentation by The National Archives' new Head of Research. A number of other issues had also been considered. Forum members were keen to ensure that the Forum had greater visibility both within and outside the organisation.

5.3 There was currently a vacancy on the Forum for a Council member. It was agreed that the Head of the Master of the Rolls' Office would write round to members asking for formal expressions of interest.

## 6. Departmental Updates

The Council considered an update from FCO regarding guidance provided in relation to specific issues.

## 7. Departmental Retention Requests

The Council considered applications to retain material because of a review backlog (ground 4) from the following departments:

- **HM Treasury** –The Council agreed to recommend that HM Treasury be permitted to retain its records for the periods requested, but asked that the department provide a progress report in July 2018.
- **Foreign and Commonwealth Office** –The Council agreed to recommend that the FCO be permitted to retain their records for the periods until 2025
- **Ofqual** - The Council agreed to recommend that Ofqual be permitted to retain their records for 2 years in the first instance and asked that they be invited to a future meeting to discuss their plans and the progress they were making.
- **Serious Fraud Office** – The Council agreed to recommend that the SFO be permitted to retain the records for one year.
- **Office for National Statistics** –The Council agreed to recommend that the ONS be permitted to retain their pre-1992 digital records for one year.
- **Department for Education** –The Council agreed to recommend that the department be permitted to retain their digital records from 1979 - 1992 for one year.

## 8. Department for Culture, Media and Sport (DCMS)

8.1 The Chairman welcomed representatives from the Department for Culture, Media and Sport (DCMS) to the meeting.

8.2 Members were advised that DCMS was making good progress against its plans and that senior management was now apprised of the importance of good records management. The department had had constructive discussions with The National Archives and the team had been worked hard to ensure that targets were being met. The department's operational selection policy had been drawn up after studying the relevant legislation, and examining departmental annual reports and interviewing the key staff who had worked in major policy areas and projects.

8.3 The Council congratulated DCMS on its progress.

## 9. Access to records

### 9.1 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 and early 2017. 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.

### 9.2 Queries raised on FOI Exemption Schedule 85 (closure) and RI128 Schedule (retention)

In October 2017 a schedule of closure applications (FOI Exemption Schedule 85) and a schedule of retention applications (RI 128 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 were content with the responses provided, either in written document or orally by The Access at Transfer Manager. Where a response has not been provided, or members remained unhappy, the queries were carried forward.

## 10. FOI Panels Update

10.1 The Head of the FOI Centre explained the new format of the panel update and briefly discussed some of the cases.

## 11. CEO's Update

11.1 Mr James updated the Advisory Council on the following:

- **Ministerial visit** - Karen Bradley, Secretary of State for Digital, Culture, Media and Sport visited The National Archives on 6 July. On the same day the new Minister (Arts, Heritage and Tourism) John Glen MP also visited for the first time.
- **Hillsborough Inquiry Records and Public Inquiry Records in general** – Mr James advised that the Hillsborough Inquiry records 1989-1990 are held by TNA and currently on loan to the IPCC. TNA is engaged with departments holding other records in relation to the inquiries, inquests and investigations to prevent any disclosure that could prejudice these charges; none of the records will be transferred until business use of the records has completed.
- **Transfer of titles** - Following the departure of Carol Tullo, who was both The Queen's Printer and Controller of HM Stationery Office, Mr James had now taken over these responsibilities. The Queen's Printer is responsible for publishing all UK legislation, and the official newspapers of record, the Gazette. The office of Controller dates back over 200 years. HMSO was founded in 1786, and has been the holder of Crown copyright, and the official printer of all Acts of Parliament since 1889. HMSO has been part of TNA since 2006 but for the first time the role of Controller is now formally a part of the Keeper's responsibilities.
- **European Union (Withdrawal) Bill** - The European Union (Withdrawal) Bill had been published on 13 July. The UK government's aim is to achieve certainty about what the law will be in March 2019. TNA manages legislation.gov.uk on behalf of HMG. Staff in Legislation Services, Web Continuity and the Chief Executive's Office are already working with partners across Whitehall to prepare for the impact of exit.
- **Non-Advisory Council schedules** - With Carol Tullo's departure, TNA's Operations Director Paul Davies has taken on the responsibility for considering applications for the closure of non-historical records transferred to TNA. Mr Davis is TNA's SIRO and Chair of the Departmental Security Committee, and has overall leadership responsibility for the management of TNA's information assurance and security risks. Mr Millen noted that the Council is occasionally asked to consider applications for records less than 20 years old and asked what the rationale was for deciding what it does and does not see. Ms Davis explained that the Council will usually be asked to take a view on the transfer of high profile non-historical material, such as the records of the Hutton Inquiry, and in other cases where TNA would value independent input.

## 12. AOB

12.1 The Master of the Rolls suggested that it may be helpful in improving DCMS's understanding of how the Council operates if a junior minister were to be invited to a future meeting. Alternatively he would be happy to meet the Secretary of State.

12.2 The Master of the Rolls thanked Mr Collins, Mr Millen, Mr Evans and Professor Brazier for their contributions to the work of the Council.

### 12.3 Date of Next Meeting

The next meeting of the Advisory Council would be held on 13 November 2017 at The National Archives.

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

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