

In line with the Records Collection Policy, the Panel agreed that these minutes are not public records and should not be transferred to The National Archives but, as they are worthy of permanent preservation, we will support them in finding an alternative place of deposit.

February User Forum - Questions & Answers

Question	Answer
<p>20/30/100 year rule & release of records: When a department wishes to retain documents in exception of the 20 year rule:</p> <ul style="list-style-type: none">• Please explain the process which is followed leading to this being allowed or not• How can the public ascertain which sets of documents have exemption from the 20 or 30 years rule?	<p>http://www.nationalarchives.gov.uk/information-management/manage-information/selection-and-transfer/sensitivity-reviews-on-selected-records/</p> <p>Under the Public Records Act, records selected for permanent preservation have to be in the appropriate place of deposit not later than 20 years after their creation. Departments can retain beyond 20 years if the Lord Chancellor gives approval. Some records are retained by government departments for reasons of security, for example intelligence files or nuclear technology files. The criteria relating to records of national security were originally published in the 1990s. Records may also be retained when they are in constant administrative use, e.g. Department of Transport motorway maps. Departments conduct a sensitivity review, and make an application to the Advisory Council. The Council has a system of checks and balances to judge such cases. The FCO have a backlog of records for which they asked permission to retain while being worked on. If the Council judges that this work can take priority, the Council makes a recommendation to the Lord Chancellor that the department is allowed to retain the records. Departments need to request permission to retain records, even if they are never intended to be transferred to TNA, for example if they wish to retain files for business use which will ultimately be destroyed. Where a record that will be coming to TNA has been retained by a department it is noted in the Discovery description, and in such a case an FOI request can</p>

	be made to the relevant department. An FOI request can also be made for any closed records held by TNA.
SUPPLEMENTARY Q. Is it correct to surmise that if there is a part-series, then some of the file is missing, and if complete series is returned, it will be a complete PRO file?	There will still be a description on Discovery.
SUPPLEMENTARY Q. This is not the case. Where are the descriptions of service records in that case? How can we get information on sets of records?	If you have a question about records in a government department, you need to direct your question to that department.
SUPPLEMENTARY Q. Does TNA know what records are retained beyond 30 years?	We don't have titles of complete sets. We do know what Lord Chancellor Instruments have been implemented, which are held in PRO 70.
Are there any circumstances in which files can be closed for more than 100 years?	Yes, but these are rare. It depends on the content of the file, as some records relate to endangerment. For example, records relating to informants who have provided help or service to the UK would be retained for 120 years, if their release would endanger the lives of relatives.
SUPPLEMENTARY Q. Discovery states that some of DPP 2 is 'under review'. Would such files, concerning informers, not be eligible for release under the 100 year rule, over time?	The 100 year rule usually applies to living individuals; however the families of individuals in files may still need to be protected. Sometimes such a file has raised concerns because of the possible effect on living individuals of a file being opened.
Are there set dates/periods in the year when government files are released?	In terms of release, all records transferred to the Archives come over as closed and are then released. Records are closed for a set period of time. At the end of that period, the department from which the record originates will decide if it may be released. E.g. Honours system files are closed for 60 years. Law enforcement files can't be closed for more than 100 years. However the release of records is a 365 day a year business.
Does TNA have specialists 'in house', who peruse and catalogue government department released files/papers, before TNA release/open them to interested parties and the public?	Record specialists do help with the preparation for record opening by viewing files in order to identify the records likely to be of most interest to the press. This only covers a small proportion of the total records released each year. The cataloguing is carried out by the departments as part of the transfer process.

<p>What arrangements, if any, are in place whereby those outside the UK become aware of released files/papers?</p> <ul style="list-style-type: none"> • Are archives outside the UK informed about released files/papers, in advance of their release? • Is it possible those outside the UK can request copies of released UK government files/papers? 	<p>There is no difference between UK and worldwide press events. Most of our information is posted on our website via Discovery or our website news stories, and these are accessible worldwide.</p>
<p>Does TNA inform individuals or particular groups in advance of files/papers being released? If so, is it possible such individuals or groups could be informed about proposed releases which resonate only with their particular interests/projects etc.?</p>	<p>No. The only exception is that we contact journalists about forthcoming press events, but we only give details about the release when they attend the press event. You can search files by release date on Discovery.</p>
<p>For how long does TNA hold released files/papers before they release/open them to the public? Does TNA have any role in release date/s of government files/papers? If so-why?</p>	<p>We have 60 working days from the file being delivered to our loading bay, to its description appearing on Discovery. We aim for less than 60 days. Sometime we deal with very large series such as HO 405, and at these times we need to juggle our resources to ensure we achieve all our targets.</p>
<p>SUPPLEMENTARY Q. BR records in AN series came under the 30 year rule, yet they are still closed. Does TNA ask record holders if they can make such files available?</p>	<p>We do get FOI requests about such files and liaise with the Department of Transport. However we can't automatically open files after the 30 year period if there are reasons for keeping them closed.</p>
<p>Referring to release of papers/files etc. from government departments to TNA, who and/or what level of seniority in the different government departments decides/authorises such releases?</p>	<p>The Departmental Records Officer is responsible for the selection and transfer of records to TNA Please see this link: http://www.nationalarchives.gov.uk/information-management/manage-information/planning/departmental-record-officer/role-departmental-record-officer/</p>
<p>SUPPLEMENTARY Q. I raised the issue of various AIR files, including AIR 6, AIR 20, and AIR 81, not being released. I wrote a FOI request to MoD in 2014, and received the answer 'We have a plan'. There is supposed to be a reply within 20 days, yet I have now been waiting for 27 days. Does the Lord Chancellor actually care about these requests?</p>	<p>The Lord Chancellor does care. We present him with the Record Transfer Report. The 30 year rule does not work perfectly, but there are expectations about the process, for example the Guardian newspaper has submitted ministerial complaints regarding FCO.</p>

<p>SUPPLEMENTARY Q. In the past, departments had ‘weeders’ who would remove what were considered to be extraneous documents from series.</p>	<p>There are no longer any ‘weeders’ in terms of throwing parts of files away. Reviewers look at files within departments, and advise what should be kept. They decide if files may be opened; if files are to remain closed they will still be transferred to TNA, but would remain closed. Sometimes, files will stay in the department, until they are declassified.</p>
<p>Records Decision Panel & RTR: What is the estimated total metrage of pre-digital paper records due to be accessioned in the current programme?</p>	<p>This is not yet established. There are about 500,000 legacy files still to be reviewed, as noted in the Autumn 2014 RTR. We have an idea of what’s out there. The FCO have made a case because of the special collections they are working on.</p>
<p>SUPPLEMENTARY Q. Have you asked Treasury about their progress? In future they will transfer year by year. On 14 October in reply to a question by Alan Beith MP, Treasury said they are one year behind schedule. They are actually four to five years behind. I don’t know if MPs are aware of what’s going on. For 20 years, Treasury have failed to meet the 30 year rule.</p>	<p>We have confidence in Treasury. They set a very high and ambitious target, perhaps too high. Many government departments have a limit on staff levels, so they have had to outsource. TNA has recently become aware that Treasury are to review by series rather than year. Regarding the RTR, we are asking for figures rather than year. There are two issues here: one is that some departments haven’t closed their files so have no closed year. Others find they can’t release by year. Publication of those figures has had an impact on transparency. There are many files to go through, and because of the level of scrutiny, there is a lot of pressure on departments to release.</p>
<p>SUPPLEMENTARY Q. The recent RTR is from Spring 2014.</p>	<p>No, it is from Autumn 2014. It was published in February 2015. We had to wait until Jeff James had the approval of the Lord Chancellor before we could publish.</p>
<p>It was suggested in May 2013, that the RDP should publish an annual table from IMC statistics, giving totals of files retained, accessioned, donated or destroyed. There does not seem to be any means to discover details of termination of record series accrual or destruction of records under S.6 or transfers of records to Places of Deposit under S.4(3) of the Public Records Act. Such an annual survey will be most welcome.</p>	<p>There are no plans to publish such a table</p> <p>The National Archives manages a network of local archive institutions, and will act to liaise with those interested parties in order to agree the transfer. These institutions also list their collections on our wider Archon catalogue on the web, so they will still be searchable through The National Archives site.</p> <p>The number of records is published as an appendix to the annual</p>

	<p>report. http://www.nationalarchives.gov.uk/documents/accessioning-report13-14.pdf</p> <p>Details about transfers to places of deposit are also reported http://www.nationalarchives.gov.uk/documents/exercise-delegated-powers-2013-14.pdf</p>
<p>Record Transfer Reports: The value of the spring 2014 RTR cannot be overstated.</p> <ul style="list-style-type: none"> • Can we be given an overview of the statistics in this May 2014 spreadsheet and compare them with similar data in the as yet unpublished autumn 2014 update? <p>This will enable us to compare the earlier “Still to Process” totals due for transfer in 2015 to the actual numbers achieved. Of particular interest is the “comments submitted by Departments’ section.</p>	<p>Information is publically available and the Autumn 2014 Report has been published on our website: http://www.nationalarchives.gov.uk/about/record-transfer-report.htm</p>
<p>Retention and Disposal:</p> <p>Departments hold on to files without any authority. If you take T448/30 and 31 (held as temporary retentions in January 2013) as examples, I have had to ask Treasury to release the first piece under FOI (and was released) and will approach them about the other piece. However in my view, there is no reason why they could not have been released with the other records in January 2013. This is not the way the system is supposed to work. While TNA staff has been monitoring the issue, in my view Treasury should not be able to hang on to files for more than six months (in some cases 18 years after the LCI elapsed) without making a decision on whether to release or close or S 3(4). Other departments such as the General Register Office and the Home Office do this as well. What is TNA’s response to this?</p>	<p>IMP is running a programme to re-look at the use of temporary retentions. Temporarily retained status may only be used when a file is in the process of being transferred. The application to close or retained information contained within a file has been received for submission to the next available LCAC meeting. Once the application has been agreed with the LCAC; the file is transferred closed and the access status on Discovery is amended or the physical file is retained in department and the access status on Discovery is amended.</p> <p>If there are instances of temporarily retained on Discovery we would be happy to look into this.</p>

<p>SUPPLEMENTARY Q. Treasury appear to display arrogance. They do what they like and don't seem to feel they have to inform the Lord Chancellor or TNA. In 1993, the Lord Chancellor gave approval to a two year moratorium as Treasury 'didn't have the staff'. The files of this time still haven't been transferred 20 years later!</p>	<p>We have had a meeting with the Lord Chancellor, and Treasury came to present a paper on their plan. Treasury are under scrutiny, and they do have to make themselves accountable, and they also have to be realistic.</p>
<p>Are there files held by the MOD, concerning Northern Ireland, which are held in contravention of the 20 or 30 year rule, without exemption has been authorised?</p>	<p>TNA does not comment on records still held by government department. Only MoD would know about what they hold. They have recently declared a backlog of records related to Northern Ireland. There are on-going investigations relating to Northern Ireland.</p>
<p>SUPPLEMENTARY Q. How do you know?</p>	<p>They made an application to keep them for a court case. We don't have descriptions for what these files are.</p>
<p>Regarding retention and disposal schedules, it appears that TNA has no influence over the schedules drawn up by DROs.</p> <ul style="list-style-type: none"> • Does IMP have a sight of such schedules prior to their implementation? • If not, why not? 	<p>TNA provide advice and guidance to DROs in matters of retention. TNA advice includes model retention schedules which are published on our website. TNA proactively works with individual departments with What to Keep schedules as part of the Digital Transfer Project. All aspects of IM are examined when IMA are conducted of which retention is one aspect.</p> <p>The retention of records should be considered in the light of both business and legislative requirements, taking into account the cost of retention and the use to which the records might be put in the future. The recent review by Alex Allan highlighted a concern last year when a record came through to TNA that the government should have redacted. Alex Allan said the government should publish what they intend to keep, along with their schedules, and make the issues transparent.</p>
<p>In the interest of transparency, might not a system be introduced whereby abstracts from retention and disposal schedules listing files not accessioned by TNA (but scheduled for disposal or destruction), could be published on a suitable website? This may be an opportunity to air objections to their loss and offers to house such material</p>	<p>Any records worthy of historical preservation are offered to other places of deposit. The majority of records not retained are administrative.</p>

<p>might be forthcoming, with benefit to all concerned.</p>	
<p>Lord Chancellor's Security & Intelligence Instrument (re-issued December 2011): Are details of this Instrument classified? If not, where can one see a copy?</p>	<p>Yes, this can be seen on the MoJ website: https://www.gov.uk/government/publications/signed-Instrument-for-the-retention-of-public-records https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/219904/security-intelligence-Instrument.pdf</p>
<p>In 2013 , we were told that the Keep and Destroy selection lists were reviewed by IMCs who had the power to change decisions if they failed to comply with TNA policy</p> <ul style="list-style-type: none"> • Please give an example of a record that TNA removed from a Destruction list • And an example of a record that TNA rejected from the Keep list • Are such lists retained by their originating department, accessioned by TNA or destroyed? • If the latter, might not such information be of value to future historians and steps be taken to ensure their preservation? • Who is the final arbiter when disputes arise between government departments and TNA? • Are such occurrences referred to Records Decision Panel? 	<p>Part of an IMC's role is to ensure that appraisal and selection of the public record is done in a transparent manner following best practice guidance and under the supervision and guidance of the TNA. (Public Records Act and TNA published guidance.) TNA run appraisal and selection courses to departmental record staff regularly throughout the year. All aspects of the appraisal and selection process are reviewed as part of the IMA process. TNA has published the Record Collection Policy too. Appraisal and selection decisions are regularly discussed with all departments and data is published through the RTR. I wonder if the first part of the question relates to the second review. The department makes a macro decision. There is a constant conversation about departments' decisions. Those lists are kept by departments; it is good practice to keep track of what you have destroyed, and we would advise departments to keep track. We advise them to use the Code of Practice under section 46 of the FOI act. Part 1 gives guidance on how to look after records. Part 2 gives guidance on how to select and transfer. The IM assessment program is concerned with how departments select records. TNA is final arbiter. RDP deals with the big selection decisions. We've recently considered HO 382 and HO 481. RDP members did not agree that they should be selected and a decision could not be reached. If we are in any doubt, we take the matter to the Executive Team. They decided that the above series should come in. The</p>

	Home Office has a retention Instrument for three years, they'll probably come in closed for 100 years.
SUPPLEMENTARY Q. It's up to you to say they should be kept?	Ultimately, yes, and we also sometimes decide they should not be selected.
IMCs and Resources: <ul style="list-style-type: none"> Does TNA / IMP, at any given time, have plans to map resources against expected transfers of documents? If so, are these plans formed in the light of the numbers of records in each of the record sets expected to be transferred? 	We allocate IMCs to departments. We re-allocate from time to time, not on the basis of the number of records but with regard to the complexity of records within the department, and how far advanced they are with planning their transfers, disposals, etc. Some departments may have issues with legacy or digitised records. We have to work with them, and reallocate our time and resources depending on the needs of the department.
SUPPLEMENTARY Q. Are you saying your plan is to expect, for example 'within nine months' to have these records?	We have plans. But they can change.
Further to the Extraordinary User forum in May 2013: <ul style="list-style-type: none"> How long does the formal induction of IMCs take? How many IMCs are currently employed? Is this the budgeted strength? Does a lead IMC still monitor the supervision and support of 2 other IMCs? Over the past 12 months, how many visits has each IMC made to government departments and to which ones? 	There is a formal induction programme in place for all new joiners to IMP. IMCs will have a mixture of educated to degree level, IM/RM qualifications or experience of RM/IM. There are eleven IMCs in post. Lead IMC has five IMCs to manage. The majority of IMC work covers visiting government departments as well as macro appraisal work based primarily at Kew.
Roughly, what percentage of records transferred are born digital as opposed to paper legacy files currently being received?	We don't have a figure for that; it is impossible to calculate.
Records Description: IMP seems reluctant to accept changes to recently accessioned records. It is often the case that the department has just copied the file cover, contrary to TNA guidelines (according to Head of IMP). Using the Treasury	From individual record entries on Discovery there is online pro-forma which the user completes and submits the suggested change; e.g.: http://discovery.nationalarchives.gov.uk/details/r/C12269323 (Lower right-hand side of screen).

<p>files as an example, having the word 'General' in the descriptions in very unhelpful and unnecessary. Can you elaborate?</p>	<p>That then automatically goes through to the Discovery helpdesk, who decide which department/team to send it to (e.g. they could be for Digital Downloads etc.) and if it is for us then that comes through to the internal Catalogue Amendments mailbox for investigation and amendment as appropriate.</p> <p>TNA annual report 2013- 2014: "We added 1.2 million new or improved catalogue descriptions to Discovery, our catalogue, and with help from our User Advisory Group, identified and implemented further improvements to Discovery. We also tested the addition to Discovery of more than 10 million descriptions of records held in other archives. This is an important step towards making Discovery the national resource for researchers looking for information about archival collections held throughout the country".</p>
<p>Supplementary Q. There is a reluctance to change the descriptions though. I found three files with the description of 'Child Benefit Action Group'. There is no such thing. The Child Poverty Action Group does exist.</p>	<p>We advise you to fill in a form and request this amendment.</p>
<p>The standard of cataloguing seems to be slipping as there are sometimes some obvious errors. What is TNA doing about this?</p>	<p>All departments are subject to the PRA Act, and follow TNA best practice guidance in relation to cataloguing and preparation.</p>
<p>What are the rulings on cases like: MEPO 26/241: 1974-1975 (closed until 2060): Name withheld]: victim of murder at Hungerford Bridge, London on 14 May 1974 by a gang that attacked and robbed homosexuals. [Name withheld]: convicted of murder. [Name withheld]: convicted of manslaughter. Orderable at item level. With plans and photographs. Articles naming victims and some of the defendants are in http://news.bbc.co.uk/1/hi/uk/755081.stm and http://www.theguardian.com/theobserver/2000/jun/04/life1.lif</p>	<p>We are checking detail with Met Police. Data processing for TNA to publish names on Discovery to the world at large indefinitely is different to naming in court case. Very much exception to rule but context specific.</p>

<p>emagazine8, http://news.bbc.co.uk/1/hi/uk/1975102.stm (which names them all and BBC programme), juveniles were allowed to be named after High Court decision in July 2000 http://www.independent.co.uk/news/uk/crime/teenage-killers-named-after-court-plea-fails-ruling-706727.html.</p> <ul style="list-style-type: none"> • Why does this file not have full descriptions? • And since when has it been TNA policy to redact names of people who have been murdered? 	
<p>May 2014 European Court of Justice ruling:</p> <ul style="list-style-type: none"> • Is Discovery classed as a search engine? • If so, does it come within the European Court's ruling that a search engine should, on request, remove unwanted information from its index, even if it is accurate, lawful and publicly available elsewhere? • Has this matter been reviewed by the Head of Legislation services and how might it affect TNA? 	<p>The ruling has been discussed with the Information Commissioner and we have taken note of guidance on the ruling issued by the EU Article 29 Working Party. The judgement is not aimed at archives such as ourselves giving access to records where we are the data controller. The main thrust was that Google @ Spain's assertions that it was not a data controller was not in accordance with EU law: to that principal extent Discovery is not affected. It has no effect on statutory registers nor archives in EU member states.</p>
<p>Takedown & Re-closure: There appears to be still no resolution of the problem of identifying specific pieces subject to re-closure and withdrawal from the public by means of browsing Discovery file titles. Has the subject of re-closure been raised with the Advisory Council?</p>	<p>LCAC are consulted about re-closure instances before formal closure takes place.</p>
<p>Supplementary Q. Can you see this on Discovery?</p>	<p>No. We would not want to highlight information about re-closure of specific records. Some people specifically try to track down those files which have been re-closed. It is still possible, however, to submit an FOI request for closed files.</p>
<p>There have been five Lord Chancellors Advisory Council</p>	<p>The LCAC is a separate public authority to TNA but we will pass on</p>

<p>meetings since May 2013. Four of whose summaries have been published, with a marked improvement in content, and with a number of topics worth pursuing further. The summary of the 15th May 2014 meeting is not yet available. Can you advise?</p>	<p>feedback.</p>
<p>Although records which have not yet been accessioned into the National Archives Catalogue may or may not exist and/or be made available when the due date arrives, subsequent to their creation, thereby tracking their existence could well prove an impossible task, for records which <i>have already</i> been made available and may well have been used and referenced for publication (or otherwise), should these records subsequently be closed again then will a full and proper record be maintained, in the appropriate place in the National Archives Catalogue?</p> <p>By this I mean a record using the existing accession number, retaining the full catalogue description of the item, its accession number, date when the record was first opened and any subsequent date(s) when it has been closed (and opened again, if relevant). In other words, once records have been put into the public domain, will a proper record be kept to show when such records are removed from public access, along with a general 'category' entry, showing from what quarter the re-closure has been requested/effectuated?</p>	<p>It is not appropriate to display re-closure on Discovery as it generally relates to personal privacy or national security issues.</p>
<p>The Take Down and Re-closure policy was approved by TNA's Executive team in July 2011, yet a Re-closure Panel was in place as early as November 2009.</p> <ul style="list-style-type: none"> • When did this Re-closure Panel first meet and what were its terms of reference? 	<p>This is an evolving area. The Re-closure panel was in place in 2009, however TNA had previously had some re-closure issues to handle. Access to records containing persona data, which could be in breach of DPA has been an issue since 2006. In 2009 there were found to be a number of cases including BT 372, where multiple types personal data existed, for example National Insurance</p>

	<p>numbers, had to be withdrawn from public access. We have tried to be as transparent as possible about the issue, given the nature of the work, hence we published our policy in 2011. Members of the public asked ‘how many’ and if we could provide more information on the matter. So we published annual reports on how many files are re-closed.</p>
<p>In February 2006, in answering an FOI request from the USA on reclassification of public records, TNA stated “The Public Records Act prior to 2005 and the FOI Act thereafter govern access to closed records at The National Archives. ...Rather than seek to close records previously open to the public, UK government departments and TNA have been reviewing closed records at Kew to see which can be opened”</p> <ul style="list-style-type: none"> • What specific event post 2006 overturned this ruling and some six years later after FOI 2000 took effect led to TNA’s current policy? 	<p>The FOI Act was implemented in 2005. The same principles still apply – we prefer to open records than reclose them, but it is sometimes necessary. 50,000 files were pro-actively opened in 2005, for the start of FOI.</p>
<p>Are matters relating to Takedown (born digital records) and re-closure (paper files) treated as a single entity, or dealt with by separate panels? Are minutes kept of such meetings? If so; is the Advisory council LCAC notified of decisions taken?</p>	<p>They are separate bodies at present; one for archived records and another for websites. However this position is under review. TNA is looking at clearer working processes across the boards. It is possible that the two bodies will be brought together. LCAC agreement is sought for re-closure instances. Sometimes departments put information online and ask us to take it down from the web archive. Sometimes this is due to copyright – TNA hasn’t got intellectual property rights in these instances.</p>
<p>Supplementary Q. If you have an idea of what they have to do?</p>	<p>There are checks and balances to be made on the re-closure of documents, for example experts on matters of law are consulted. Members of the public can inform us if it is distressing to their family for records to be open. There is no differentiation under FOI between access to closed or re-closed records. However there is no indication where a record is a re-closure.</p>
<p>Supplementary Q. Surely even labelling a record as</p>	<p>In some cases we have to say this.</p>

<p>'Closed' creates a veil of secrecy?</p>	
<p>Supplementary Q. If the records are in the public domain, why should those records be re-closed?</p>	<p>We have to abide by the law. It could be argued that if something was heard in open court, it is surely then in the public domain. This is not necessarily the case, and researchers and academics have to be aware of this.</p>
<p>FOI Team: In June 2013, some six months after the meeting between a member of the UAG, a user and the FOI Centre manager on the subject of Take Down and Disclosure, a paper on the subject of publishing figures on re-closed documents was prepared. This document was later presented to the Executive Team. Could a summary of the points raised be made available?</p>	<p>Annual re-closure statistics by series being published in response to suggestion made at meeting.</p>
<p>Please explain the term "Statute Bars".</p> <ul style="list-style-type: none"> • How are such bars implemented by TNA? • Can you give an example of such a bar in practice? • Are specific pieces so identified in Discovery? 	<p>http://webarchive.nationalarchives.gov.uk/+http://www.dca.gov.uk/StatutoryBarsReport2005.pdf</p> <p>Statutory bars to disclosure - Provisions contained in legislation (Acts, rules, regulations, orders etc.) that prohibit the disclosure of information.</p> <p>Appraisal and selection of any public record subject of a statute bar can take place but the statute bar would prohibit transfer and access to the data which is subject to a statute bar.</p> <p>The Census Records, for example, are subject to a statute bar.</p>
<p>My current research focuses on the history of Britain's chemical weapons programmes in the twentieth century. For this and other topics related to the military or to armaments research and production</p> <ul style="list-style-type: none"> • What steps might one take to learn about the existence of records which survive but remain classified or otherwise not catalogued publicly? • What advice can you provide about how to file a successful FOIA request? 	<p>TNA does not comment on records that may or may not be held by government departments.</p> <p>ICO is the lead on FOI advice and guidance - see https://ico.org.uk/for-the-public/official-information/</p>

<p>When one submits FOI requests,</p> <ul style="list-style-type: none"> • Can you give detailed guidance which would enable successful outcomes re detailed/required answers to FOI request questions? • What should and/or should not be included in such requests? • What do those receiving FOI requests look for in such requests which would enable them to refuse answers? • When a FOI request is received from an enquirer, are there any established criteria/rules which suggests/indicates the FOI request to be denied answer/s? 	<p>The ICO is the lead on FOI advice and guidance – see https://ico.org.uk/for-the-public/official-information/ for tips on how to do make a request. TNA is actually an exception to the FOI rule, as most FOI requests concern requests for information about CEOs expenses, or companies requesting information about government department IT or business contracts. TNA makes it fairly straightforward to make an FOI request to us, as there is a 'Make an FOI' request button within the description of closed records on Discovery.</p>
<p>Can TNA give advice about the construction of a FOI request that would, or be more likely, to receive a positive response?</p>	<p>ICO is the lead on FOI advice and guidance - see https://ico.org.uk/for-the-public/official-information/</p>
<p>Ministry of Defence (MoD) The Head of IMP in February 2014 gave an update on TNA's negotiations with MOD concerning a draft appraisal report that will form the basis for the terms of an Operational Selection Policy (OSP). Could we be given more details of what the OSP is expected to contain and when it will be published?</p>	<p>The Appraisal Report has already been published and is available at: http://www.nationalarchives.gov.uk/documents/information-management/ministry-defence-appraisal-report.pdf</p>
<p>Could we be given information on the MOD's commercial storage supplier:</p> <ul style="list-style-type: none"> • Where are the sites? • What quantity of records do they contain? • At what stage does an IMP representative have a sight of the contents? 	<p>The question is best directed to MOD FOI for information regarding MOD's storage of records not yet transferred to TNA. We may view records as part of selection, but we see all files before transfer to check preparation.</p>
<p>It appears the Defence Business Services deals with</p>	<p>It is a long established practice</p>

<p>retention, selection and transfer of MOD records using in house retention and disposal schedules.</p> <p>Does TNA or The Advisory Council have any influence on this procedure, or is this a long established practice unaffected by the move from the 30 year to a 20 year rule?</p>	
<p>AWE, DGC and UKHO are outside the MOD's records registry system, being responsible for their own record management. As noted in the RDP summary of 30/4/2014, the Defence Geographical Centre has offered TNA a sizeable collection of historic material.</p> <ul style="list-style-type: none"> • How did this transpire? • Did TNA have to liaise with MOD before accepting this collection? 	<p>UKHO does not have MOD DRO delegated responsibility for its own records. AWE and DGC do. The DGC deposit is a continuation of previous series transferred to TNA. MOD has been informed but is not involved in the decision process.</p>
<p>Miscellaneous:</p> <p>Joint Intelligence Committee 2 Volume official History:</p> <p>A number of historic documents were declassified for possible use by the author. Will these become available to the public at Kew and into which class will they be accessioned?</p>	<p>This information will be held by the departments concerned, and you will have to ask them.</p>
<p>Copyright: Can TNA can give advice about copyright in general, but in particular if there are any established set levels of fees/penalties that can be levied by publishers/copyright holder/s for use of, still within copyright, publications.</p>	<p>We publish information about copyright but we are not an advisory service on the subject. We can advise on readers' general obligations (including pointing to Guidance published by the Intellectual Property Office) and the copyright status - where known - of records we hold, as well as the operation of the Open Government Licence for material created by Crown employees. We are not able to advise on the risks they incur in breaching the copyright of others.</p> <p>We have a page on our website about this: http://www.nationalarchives.gov.uk/legal/copyright.htm</p>
<p>Also, if a date in a published work indicates 'copyright, published date'</p>	<p>See the copyright advice on our web-page: http://www.nationalarchives.gov.uk/legal/copyright.htm</p> <p>This is not something which is a responsibility of TNA.</p>

<ul style="list-style-type: none"> • How can one determine if such a copyright has been extended? • If an extended copyright is breached what are the possibilities/criteria for 'penalties', if any? • Are such 'penalties' subject to limitations? • If so, who sets such limitations, and can they vary with different copyright holders/publishers? 	
<p>Storage: How much additional storage does the salt mine provide?</p>	<p>TNA presently store circa 35 linear km of accessioned records with our offsite storage providers. The metreage increases by 1km per year to counter our accessioning and digitisation work programmes.</p>
<p>Supplementary Q. I have heard that pallets are used at Deepstore to store documents. Is this a money saving exercise?</p>	<p>We constantly evaluate our storage methods to make efficient use of storage space.</p>
<p>Land Registry: Earlier in the year details were published of proposals to de-nationalise the Land Registry. Currently it holds land titles possibly dating back to 1863.</p> <ul style="list-style-type: none"> • Are Land titles and other land Registry material classed as Public Records? • If not, would TNA make efforts to prevent historic papers from being sold or destroyed in the event of the privatisation taking place? 	<p>Land Registry is a public record body which is part of BIS. In the event of any privatisation, records created prior to privatisation remain public records after privatisation. These records must be safeguarded according to obligations under the legislation (PRA and FOIA). We publish guidance on our web page: http://www.nationalarchives.gov.uk/documents/information-management/privatisation-of-public-bodies.pdf</p>
<p>HM Courts and Tribunal: 230,000 Wills are stored by Iron Mountain are being commercially exploited in joint partnership. What is the legal basis for this?</p>	<p>Wills post-1858 are preserved by the Probate Registry, in line with the Senior Courts Act 1981 (<u>para 124</u>). For information on the Probate Registry's arrangements with Iron Mountain, please contact HMCTS.</p>
<p>Pre-Privatisation of Royal Mail Records: Currently, there is a dispute over ownership of the postcode address file dataset, but most historical oriented files should</p>	<p>These are not public records, so this is not something we are handling. We have an OSP on our website for earlier records 1989 to 2006</p>

<p>be saved for posterity</p> <ul style="list-style-type: none"> • What is the position regarding such material? • How is TNA handling the matter? 	<p>http://www.nationalarchives.gov.uk/documents/information-management/osp51.pdf</p>
<p>Shredding of 1993 ‘Operation Othona’ Metropolitan Police Files: This matter was raised by the House of Commons Home Affairs Select Committee in March. It concerned a ‘lorry load’ of files destroyed in 2003. In response to a question concerning Selection, Retention and Closed Records, it was stated that TNA does not spot check first reviews. Theoretically, this material should have been retained for TNA review and with a proportion being eventually placed in a MEPO class.</p> <ul style="list-style-type: none"> • Is there any administrative procedure that could be adopted which might have prevented this occurrence? • What lessons have been learnt from the Migrated files saga? 	<p>This question should be directed to the Metropolitan Police.</p>
<p>Prince Charles ‘Black Spider’ Letters: Following the Appeal Court’s ruling in March that letters the Prince of Wales had written to seven government departments should be made public. What is TNA’s position in the matter?</p>	<p>The Supreme court has just considered the matter and we await their verdict. HMG’s position is that such material is exempt under FOI Act s37.</p>
<p>Supplementary Q. Are these letters less than 20 years old?</p>	<p>Yes. The requests for these letters are made using FOI.</p>
<p>Supplementary Q. The BBC is funded by the licence fee. Is this covered by a different act?</p>	<p>It is partially covered by FOI. We don’t have any input as it is not a Public Records body.</p>
<p>Commercialisation of Records: Are any paper records of potential commercial value being withheld from public access due to the need to first offer them to a possible business partner to enable digitisation?</p>	<p>The only reason that records would be out of circulation is during the physical scanning process, and this is as fast as possible while ensuring that paper records are not damaged. No commercial licensee is ever given preferential access to paper records.</p>
<p>Specific MOD related queries</p>	

<p>ADM 358 - Admiralty Casualty Records. Can you give details of range of accruing accessions?</p>	<p>The question is best directed to MoD.</p>
<p>Royal Navy Medal Cards. We are constantly told they are in use. Is there any realistic prospect that these cards will be released?</p> <p>I have a Naval General Service Medal 1915-62 named to a Sub-Lieutenant in the R.N.V.R., with clasp 'Minesweeping 1945-51.' When will I be able to research fully this medal in the National Archives at Kew?</p>	<p>The question is best directed to MoD.</p> <p>The question is best directed to MoD.</p>
<p>AIR 79 records of RAF WW1 servicemen enlisting between 1911 and 1929. Digitisation complete. Can you please elaborate on the position regarding redactions?</p> <p>And Re RAF records Digitisation update. License awarded to Brightsolid imaging now complete. Which record Class is this?</p>	<p>There is no redaction in these records. AIR 79 has been online since June 2014, on Findmypast.</p>
<p>Further to the detailed minutes/appendix of the previous Extraordinary User Forum regarding RAF Casualty pack-AIR 81, mention was made of "our transfer adviser for MOD" working with these files:</p> <ul style="list-style-type: none"> • Is a dedicated IMP staff member still working on this task? • To which manager does he/she report to? • What is the current state of progress? • Please supply the last publicly available piece number, total number of files still to be processed and the approximate date when the entire class will be available • Class numbers AIR 81/1-1488 was quoted, is this the entire series or only the tranche being worked on in 	<ul style="list-style-type: none"> • The Transfer Adviser is a member of IMP staff • Last available piece number on Discovery is currently 1488. • First batch of pieces 1-316 and second batch 317-1488 are available on Discovery. Third batch 1489-1986 are awaiting closure application and approval. These will be checked by TNA once approved. • The expected number of pieces currently stands at 3329 • Batch four, pieces 1987-2986 will be processed after batch three. These have not yet been scheduled by MoD/TNA.

2013?	
WW1 representative Medical records of servicemen 1912-1921. Can you provide details? Are there any dates of birth or redaction issues?	Discovery gives a detailed description of these records: pieces 1-2078 are hospital registers of admission and discharge, pieces 2079-2385 are sample medical sheets. They are a representative sample of WWI medical records only. There are no digitisation plans for MH 106, all records remain open (with no redaction) after consideration by the Re-closure Panel. Forces War Records are not licensed by TNA, but took photos of registers in the reading room and have published transcribed information online.
Release of Service records with birth dates till 1904. What is the current position?	The question is best directed to MoD.
Home Guard service records WW2. This subject has been under review for at least six years. The emphasis on WW1 should not let this important group of records be kicked into the grass. Especially now that the 1939 registers is being digitised.	The pilot project of digitising the HG records for Durham demonstrated a much higher proportion of young men serving than was expected. This means a much higher proportion are less than 100 years old, and so still subject to DPA, meaning that digitisation and phased release is not yet viable. We are not able to separate those sections which it would be possible to release from those we need to keep closed.
Interwar army service records. We understand that the Director of Information Policy and Services has visited the MOD Central Records to see the records. Can we have some feedback?	The Director of IPS has not visited MoD records and has not seen them.
WO 416 – British and Commonwealth Prisoner of War cards. Will users have access to the original cards or are they being digitised?	The cards are currently under review within TNA after concerns were raised on account of both the content potentially breaching data protection [100 years from the date of record] and their physical makeup leading to possible loss. Access options are being considered that include [but not restricted to] invigilated access to the original, digitisation, and the provision of redacted surrogates.
RDP – Specific series queries: Please provide an update on the following collections that were discussed at the Panel meetings listed below. Of particular interest will be details of	

class numbers allocated, size of collection (metreage, number of boxes, total number of pieces etc), stage of review or accession, and specific reasons for refusal when records prove unacceptable and are transferred elsewhere:

- HO 382 – Alien Personal files. How does this series relate to HO 405?
- FCO 950- FCO Special Collections: Nazi Persecution files
- HO 481- Operation 'Post Report' files. Previous decision by RDP to refuse collection was overturned by Executive team decision on 5/2/14
- Fulbright Commission Board Level Minutes 1948-2013. RDP refusal.
- WW2 Anti-Aircraft Control Room Operations Map found on wall in disused Brompton Road underground station. Needs cutting from wall. How is it to be preserved and presented?

HO 382: Selection decision confirmed. Home Office have successfully applied for an LCI for 3 years for HO 382. This series contains a selection of 'Aliens personal files' which illustrate the operation of the Home Office procedures or relate to famous individuals. Other 'Aliens personal files' can be found in HO 405. Home Office advise there are 2,960 pieces.

FCO 950: Further information can be obtained through FCO website (<https://www.gov.uk/fco-special-collections>)

HO 481: Selection decision confirmed. Home Office have successfully applied for an LCI for 3 years. Home Office advise there are 1,197 pieces (each containing multiple single page reports).

No further information

Operations Map: This is not owned by MoD but by the Territorial Army. Our Head of Collection Care visited and advised that it cannot be taken off the wall. We have asked the MoD for a digitised copy. Asbestos has unfortunately been found at the site, so currently no one is allowed down there.

The DGC deposit is a continuation of previous series transferred to TNA.

<ul style="list-style-type: none"> • Defence Geographic Centre(DGC), Historic Maps, Plans and Surveys 1842-1980 • FCO Special Collections: Burgess and Maclean Papers 1949 -1964 • FCO special Collections: Departmental Day Books 1919 -1943 • MOD Mixed Service Registration Cards, 1946-1964 • MOD Personal Effects Files (Polish forces) RDP refusal. The Sikorski Institute, South Kensington might take these records • Companies House-Dissolved Company Records 1976-1990. Possible RDP refusal if an OSP 25 selection criterion is modified. 	<p>No further information</p> <p>The Burgess and Maclean papers will be accessioned into FCO 158 and are still held by FCO.</p> <p>Departmental Day Books will accrue as part of FO 1103 (existing series) and are still held by FCO.</p> <p>No further information</p> <p>These have not been selected for TNA.</p> <p>The RDP agreed a change in selection criteria for OSP 25 and this will be updated.</p>
<p>Supplementary Q. MoD Personal Effects Question: You should be able to tell us this. It's been through the Records Decision panel. I am interested in the scale of transfers.</p>	<p>Often we don't know. The numbering of files takes place at a late stage.</p>
<p>Further supplementary questions.</p>	
<p>It is all very well saying you know records exist, but you should be chiselling away at the MoD that they should be releasing these records.</p>	<p>There are a very large amount of MoD records, and we are very proactive about working with MoD to have them released.</p>
<p>There are quite a few PCOM files which are over 100 years old. There is a file from 1887 which is closed until 2040. The Home Office should have the most sensitive – but PCOMs have the most redactions!</p>	<p>You will need to submit an FOI request.</p>