

Annex A: Advisory Council on National Records and Archives: 23rd Annual Report 2025-26

Foreword by Sir Geoffrey Vos, Master of the Rolls

**To the Right Honourable Lisa Nandy MP,
Secretary of State for Culture, Media
and Sport**

I am pleased to present the 23rd Annual Report of the Advisory Council on National Records and Archives (the Council).

In May 2025, we welcomed seven new members of the Council to their first meeting. They have spent their first year familiarising themselves with the work of the Council and its priorities. They have been fully involved in the Council meetings and Freedom of Information (FOI) panels. Two of the new members have also joined the Council's sub-committee, the Forum on Historical Manuscripts and Academic Research (the Forum), lending their specific academic experience to its work and helping to develop its priorities for 2026.

In the last year, we also welcomed two new independent members of the Forum, Dr Charlotte Berry and Ms Charlotte Brunskill, who attended their first meeting in October 2025. Both add considerable archive sector knowledge to the Forum. Their contributions will be most valuable.

In the latter half of the reporting year, the Council was pleased to be informed that the Secretary of State had approved four of our existing members, each for a second term of appointment. We are indebted to Dr Nigel Fletcher, Ms Kate Grimley Evans, Sir David Natzler and Mr Jonathan Scherbel-Ball for their work to date and their willingness to continue serving on the Council. I have also reappointed two of our existing members of the Manorial and Tithe Documents Panel (the Panel).

The Council was pleased to welcome Baroness Twycross to our July 2025 Advisory Council meeting. She was able to see the important role that the Council plays and to observe how our advice to ministers comes about. The Council is grateful for her keen interest and support.

The Council has otherwise continued to deliver its functions efficiently throughout the year. It routinely completes FOI panel work within one working day. It provides advice to the Historical Manuscripts Commissioner via the Acceptance in Lieu scheme and works with The National Archives to support the compliance of all government departments with the *Public Records Act 1958* (PRA). The Council has considered specific topics in depth. It has looked carefully at FOI exemptions and sought ways to support the timely transfer of historical records from government departments to The National Archives.

Finally, this year we bade farewell to our two longest-serving Council members, Lady Moira Andrews and Ms Liz Copper, who have been on the Council since 2018. I would like to record my gratitude to them for their dedication and support over the last eight years. Their knowledge and understanding of the work of the Council and their considered and insightful contributions in meetings, on panels, and in the Council's working group will be sorely missed. On behalf of all the Council members, I wish them both well and thank them sincerely for their service.



The Right Honourable Sir Geoffrey Vos
The Master of the Rolls
11 May 2026

Introduction

The Council is an independent advisory body, created under the PRA and exercising statutory functions under that Act. It advises the Secretary of State for Culture, Media and Sport (the Secretary of State) on issues relating to public records that are over 20 years old (historical public records), including public access to them, at the point of transfer to The National Archives. It also advises the Secretary of State in deciding on requests from government departments for historical public records to remain closed under certain *Freedom of Information Act 2000* (FOIA) exemptions and challenges them to provide evidence to justify such requests.

Through its sub-committee, the Forum, the Council advises the Chief Executive of The National Archives in their capacity as Historical Manuscripts Commissioner on matters relating

to independent (non-governmental) archives outside the public records system.

The Panel is a further sub-committee of the Forum, composed of subject-matter experts. It advises the Master of the Rolls and the Historical Manuscripts Commissioner on matters relating to Manorial and Tithe documents.

The Council's, the Forum's, and the Panel's respective remits, as well as their terms of reference, are described in more detail on The National Archives' [website](#).

The Council's work in 2025-26

As detailed in our previous report, the Council members committed in 2025-26 to continuing discussions with relevant stakeholders on the application of section 37 of FOIA, which includes exemptions from FOI disclosure or communications with members of the Royal Family and Household. The Council provided advice to the Minister on the matter, as well as to applicable government departments, and will continue to monitor this going forward.

The Council has heard from several departments in attendance at their quarterly meetings and has offered support and scrutiny of records management plans where appropriate. In particular this year, the Council invited the Foreign, Commonwealth and Development Office (FCDO) to attend its May meeting where they heard from the knowledge and information management team. Following their attendance, the Master of the Rolls wrote as Chair of the Council to the FCDO Permanent Under-Secretary, outlining the Council's concerns for the team and its commitment to supporting them wherever possible. The members were especially concerned at the department's explicit statement that they risked not being able to meet their

statutory obligations for records keeping. The Council received a reply to the letter in September though remains concerned about developments at the FCDO and will continue to liaise with the records management team in the coming year.

Another area of concern for the the Council this year has been about what appear to be inconsistencies between how different departments decide between retaining records for security purposes or transferring them closed under relevant FOIA sections to The National Archives. This has been most apparent in relation to potential damage to UK international relations, where section 27 of FOIA allows an exemption to public disclosure. The Council has discussed this with the two departments most concerned, the Cabinet Office and FCDO, with the aim of encouraging them to iron out this apparent inconsistency.

A key topic of interest for the Council this year has been the correct and consistent application of section 40 of FOIA when examining FOI requests and closed transfer requests. The Council has discussed this at length, with support from The National Archives, as well as how absolute exemptions in the FOIA fall under its general purview of providing advice to the Secretary of State on all matters concerning public records, including access. The Council considered its discussions valuable as a general guiding principle to be borne in mind when conducting its work, particularly FOI panels, going forward.

As a public body itself, the Council is subject to the PRA, so this year three members undertook a review of its own records in advance of their transfer to The National Archives.

Meetings

The Council held four formal meetings in May, July and November 2025 and in February 2026. Members held an additional training session online in September 2025 where they discussed digitisation, the application of artificial intelligence and the new digital appraisal, selection and sensitivity review maturity assessment tool from The National Archives. Members also had an update on non-Council processes at The National Archives, and a presentation from the FOI team on encountering difficult or distressing records.

The Council's meetings were attended by members, as well as by Mr Saul Nassé, The National Archives' Chief Executive, and Ms Lucy Fletcher, The National Archives' Deputy Chief Executive. Other representatives from The National Archives who possess expertise relating to the issues considered by the Council also participated as necessary.

The Council's Working Group met four times in 2025-26 to devote more time to discussion on specific issues. Such topics included the Council's Annual Report, 38 and 41 of FOIA, and The National Archives' review of its fees order.

In addition to the Council meetings, members took part in FOI panels. Though not meetings as such, they represent a significant amount of dedication from members who share the demand equally between them. In 2025-26, members completed 35 panels with 20 cases considered per panel.

Engagement with departments

Under the PRA, government departments, arm's-length bodies and Places of Deposit have a statutory duty to transfer their public records to The National Archives. From time to time, this cannot be completed before the statutory deadline and the relevant body must apply to the Council to retain their records. Typically, public bodies apply for between one and five years of retention, and the Council only grants long periods by exception after significant scrutiny. The Council then makes its recommendation to the Secretary of State, who makes a decision on whether to grant the application based on this advice.

During 2025-26, the Council considered 1,132 applications for retention from public bodies. The Secretary of State accepted the Council's advice on the applications for retention they received.

As part of the Council's work to support departments in transferring records, it will request relevant updates from departments. This can either be through a written update, or an update where the department appears before the Council to discuss their records and processing plans in greater detail. Updates can include information on the support a department has in place, timescales and methods for processing these records, and details on the types of records. Throughout 2025-26, Council received a total of 29 updates from across government departments, arm's-length bodies and Places of Deposit.

Freedom of Information panels

FOI panels are made up of three members of the Council, assigned on rotation. During the financial year 2025-26, 34 panels were convened, with 680 cases being considered. Panels substantively challenged 68 of these, or 10% of the total. This compared to 740 cases

in 2024-25, where 68 cases were substantively challenged (9%).

The most commonly challenged exemption was section 27(1) (International relations) (32 times) while section 38 (1)(a) (Health & safety) was second-most challenged (21 times). These challenges are consistent with those of 2024-25 where section 38(1)(a) was the most challenged and section 27(1) was the second most challenged. A further breakdown of FOI Panel statistics can be seen in Appendix C (see [page 140](#)).

The Forum on Historical Manuscripts and Academic Research

The Forum, chaired by the Master of the Rolls with support from the Deputy Chair of the Forum, Professor Leon Livack, meets formally three times per reporting year, usually in June, October and March. In June 2025, Forum members had received the standing item, the annual Sales Monitoring Report which is prepared by The National Archives' archive sector leadership (ASL) team. The Forum greatly values this report and accompanying discussion led by the ASL team, and it was particularly welcomed by the new Forum members. This was also the first meeting of the new Forum members drawn from the Council, Dr Jim Bamberg and Ms Sally McInnes.

The Forum visited the Churchill Archives in Cambridge in October 2025 which provided an opportunity for the members to gain insight into the workings of another archive business model, and to hear about its future development plans. The staff provided a tour of the collections which Forum members greatly appreciated, as well as facilitating the Forum business meeting. At this meeting the Forum discussed its priorities for 2026-27 which were agreed out of committee in December, and the first two were addressed at its March 2026

meeting. The agreed priorities were as follows: archives at the heart of society, inclusive archives, accessible archives, sustainability through The National Archives' action plan, The National Archives' research strategy. The usual standing item, the Sales Monitoring Report, to be discussed in June.

This year, Forum members were delighted to welcome two new independent members, Dr Charlotte Berry and Ms Charlotte Brunskill, who have already taken a keen interest in developing the Forum's priorities and the work for the year ahead.

The Panel, a sub-committee of the Forum, has continued its work to develop a checklist to assist archivists in England and Wales to determine whether documents in their holdings are manorial and/or tithe documents. 2026 marks 100 years of the Manorial Document Rules, which gave legal protection to manorial and tithe documents. To celebrate this anniversary, members of the Panel have been working on a series of articles to be published in the journal of the British Records Association. The anniversary edition of the journal will be edited by Christopher Whittick, a member of the Panel.

Administration and governance

Membership

The Council is chaired by the Master of the Rolls, Sir Geoffrey Vos, and Mr David Rossington CB is the Deputy Chair. Members generally serve two four-year terms on the Council and are appointed through the public appointments process. The total membership of the Council is currently 18, including the Chair. Biographies can be found for the members on our pages on The National Archives' [website](#).

The Forum is also chaired by the Master of the Rolls, Sir Geoffrey Vos, and Professor Leon Litvack is the Deputy Chair. The Forum must contain at least four ordinary Council members, as well as three independent members. All members of the Forum, appointed via the Advisory Council by the Master of the Rolls, or by the Secretary of State, are done so in line with the guidance issued by the Commissioner for Public Appointments.

All members are required to keep the Council Secretariat advised of any declarations of interest. If applicable, members that have a declared interest in items on the Council meeting agendas are required to recuse themselves from taking part in the discussion. A list of members' declarations can be found on The National Archives' [website](#).

Remuneration

Remuneration for the Council members, excluding the Master of the Rolls, was approved and introduced on 1 April 2019 and is provided by the Department for Culture, Media and Sport. Members are remunerated at a rate of £386 per day to a maximum of £9,264 per year. The Council remuneration for 2025-26 totalled £106,397.

Freedom of Information requests

As a public body, the Council is subject to the FOIA itself. In 2025-26, the Council received nine FOI requests, all of which were responded to within the statutory timeframe or allowed extensions as required by the FOIA.

The Council also received three requests for internal review, all of which were completed in under 40 working days, the longest taking 36.

Two of these internal reviews formed two complaints to the Information Commissioner.

The Information Commissioner has yet to issue a decision on these complaints.

Environmental sustainability

The Council as a body is reliant on larger bodies to provide its support services but seeks to increase its sustainability wherever possible. The Council continues to operate with a paperless system for its work and deals with all information digitally. Hybrid meetings also have sustainability implications as it facilitates easier attendance from government departments.

Looking ahead

The year 2026-27 looks likely to produce a steadying number, possibly even a slight drop, in the number of FOI panels the Council must undertake as the Ministry of Defence's transfer of service personnel records nears completion and colleagues at The National Archives continue to make progress on casework. We do however expect that the number of 'born-digital' records being transferred to The National Archives will continue to present challenges for departments, as we noted last year.

Members of the Forum will apply themselves to their priorities across their 2026-27 meetings and will engage directly with the sector on their visit to an external archive in the autumn. Across both the Council and the Forum, I look forward to seeing our newer members continue to develop into their roles and seeing how they shape our discussions.

In 2027, we shall again lose a number of Advisory Council members whose second terms will be coming to an end. A priority focus for the Council this year will therefore be succession planning and beginning a new recruitment exercise to ensure we are able to

carry out our functions to the same standard of excellence as we do currently.

In January 2026, I announced my retirement from the office of Master of the Rolls which means that my term as Chair of the Advisory Council will come to an end in the autumn of 2026. I would like to note my gratitude to all Council, Forum, and Manorial and Tithe members past and present, as well as to The National Archives, without which the Council could not complete its statutory function. I am confident that the new Master of the Rolls as Chair will have as warm and productive a relationship with members and National Archives colleagues as I have had over the past five years.



The Right Honourable Sir Geoffrey Vos
Master of the Rolls
11 May 2026

Appendix A – The Remit of the Council, the Forum and the Panel

The Council

Background

The Council was established by the PRA and is a non-departmental public body. It is chaired by the Master of the Rolls, The Right Honourable Sir Geoffrey Vos, who was appointed with effect from 11 January 2020.

The role of the Council

The Council is to consider and advise on matters including:

- applications from departments for the retention within those departments of public records beyond the age of 20 years, when those selected for permanent preservation are normally transferred to The National Archives
- the balance of the public interest in relation to applications from departments for the extended closure of historical public records and other “matters relating to the application of the FOIA to information contained in public records that are historical records within the meaning of Part VI of that Act”
- the balance of the public interest in the release or non-disclosure of historical records, an application for the disclosure of which has been made under the FOIA
- the preservation of public records in Places of Deposit and facilities for public access to them.

Requests under FOIA in accordance with the third bullet point are dealt with through the FOI panel process.

In addition, the Council may be required to advise on:

- major objectives, programmes and policy changes for The National Archives
- proposed legislation affecting The National Archives
- the implications for records and public services of any proposed change to the status of The National Archives, and/or
- any subject brought to its attention by the Secretary of State.

As its name suggests, the Council’s role is advisory. Accordingly, the Council does **not** make the final decision on:

- whether records are transferred to The National Archives closed (i.e. not available for public access)
- when a closed record is reviewed after transfer, it should remain closed as these decisions lie with the department whose records they are
- whether a record can be retained by a department. This decision is made by the Secretary of State for Culture, Media and Sport.

Additionally, the Council does **not**:

- advise on departments' retention of records under the Security and Retention Instrument 2011
- review departments' decisions on the selection of their records for permanent preservation as this falls under the remit of the Keeper of Public Records.

The Forum

The Council's responsibility relating to historical manuscripts (private archives) is discharged through the work of its sub-committee, the Forum. The Forum advises the Keeper of Public Records in his capacity as Historical Manuscripts Commissioner. The Forum considers and provides advice to the Secretary of State through the Council on matters relating to manuscripts, records and archives, other than public records, and particularly:

- the location, collection, care, custody, preservation, acquisition, sale, and use in all formats of such documents
- the compilation and dissemination of information about them
- any questions affecting such documents as may be referred for its consideration, including issues relating to the statutory duties of the Master of the Rolls in respect of manorial and tithe documents, and the making of recommendations to Arts Council England on the allocation of archives and manuscripts accepted for the nation in lieu of tax, and
- other issues that would formerly have come within the terms of reference of the Royal Commission on Historical Manuscripts.

In addition, on behalf of the Council, the Forum is to:

- act as a vehicle for the development of constructive and collaborative engagement between The National Archives and its academic stakeholders, sharing knowledge and developing trust and understanding
- provide an open, independent and authoritative advisory voice to The National Archives, to support its research and academic liaison.

The Panel

Since 2003, when the Public Record Office and the Historical Manuscripts Commission came together to form The National Archives, the Council has also had a remit to advise the Historical Manuscripts Commissioner (as appointed under the terms of the 2003 revision of a Royal Warrant of 1869, which first established the Historical Manuscript Commission) on all matters relating to records and archives outside the public records system. The sub-committee fulfilling this remit is the Forum on Historical Manuscripts and Academic Research.

The Master of the Rolls, Chair of the Forum, has responsibilities for manorial and tithe documents and to advise the Historical Manuscripts Commissioner on matters relevant to these records. The Master of the Rolls is advised in this capacity by the Panel, which sits as a sub-committee of the Forum.

Appendix B – Freedom of Information panels and processes

The Council acts on behalf of the Secretary of State to consider the balance of the public interest in the release or non-disclosure of information contained in transferred historical records that engage qualified exemptions (only), when an application has been made to The National Archives under section 66 of FOIA for the disclosure of information held by it. The Council exercises this responsibility through the convening of panels of three members to consider up to 20 requests at a time.

Records retained by departments and those closed at transfer to The National Archives remain subject to the FOIA and individuals can make a request under FOIA (an 'FOI request') to have access to them.

When The National Archives receives an FOI request for access to closed information held by it, it follows the procedure set out in Part VI of FOIA. Under these provisions, before a request can be refused on the grounds of a qualified exemption, the Secretary of State must be consulted. The Council will assess the public interest test, which is necessary before such an exemption can be applied. This test is applied to determine, whether, in all the circumstances of the case, the public interest in disclosure is outweighed by the public interest in refusing access to the information in the record.

For this purpose, panels of three members of the Council are convened to consider the public interest in the release or non-disclosure of the requested information. (The Council has no advisory role when a request is to be refused citing only absolute exemptions.)

In most cases, the FOI request concerns information closed at transfer on the grounds that it was information that:

- if released, would endanger the safety or physical or mental health of an individual
- if released, would damage international relations
- relates to law enforcement.

Cases are carefully scrutinised and debated by panels on the basis of a fresh assessment by the department of the arguments for and against disclosure, taking account of any change in circumstances since the access status of the record was last considered.

If they consider it necessary, panel members will request further detail or clarification from the relevant department or The National Archives. Even where they are in agreement that the public interest in closure outweighs the public interest in applying the exemption, members of the panel may also raise concerns about departmental practices and draw attention to inconsistencies between departments in their handling of FOI requests.

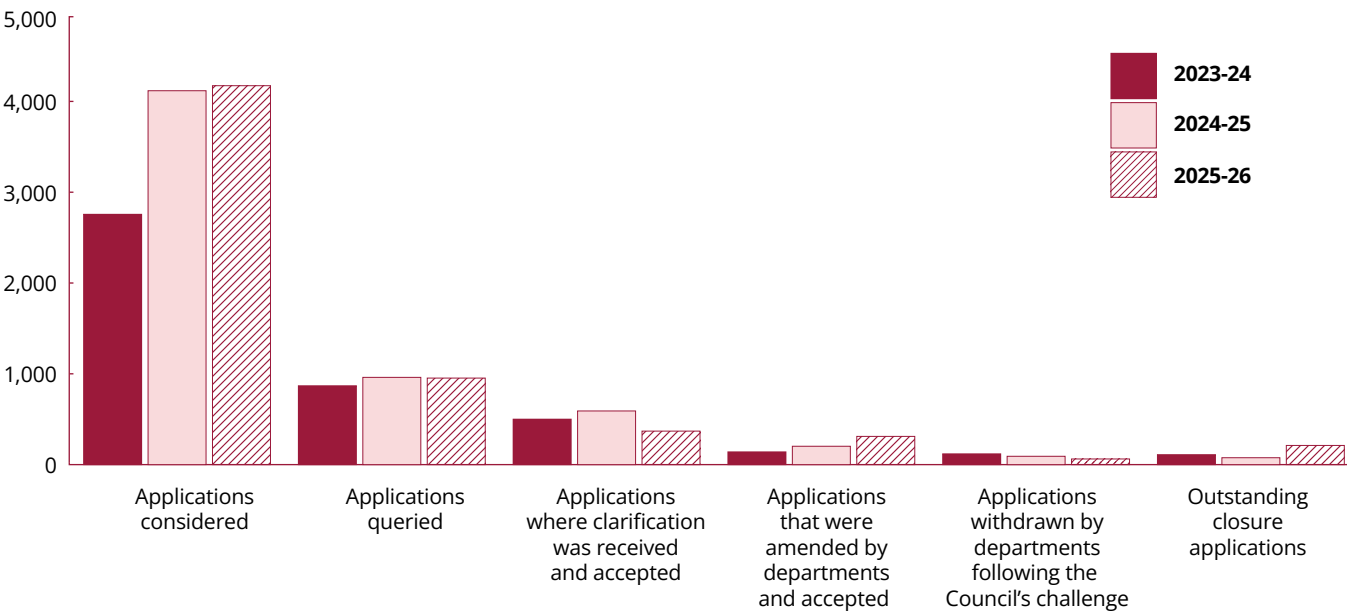
Appendix C – Metrics

Closure and retention

When departments intend to transfer their public records to The National Archives under condition that some sections and/or the whole record are redacted or withheld from public access, this comes to the Council’s consideration by way of a Qualified Closure Application. Further information on these is provided in the table below.

Qualified Closure Applications

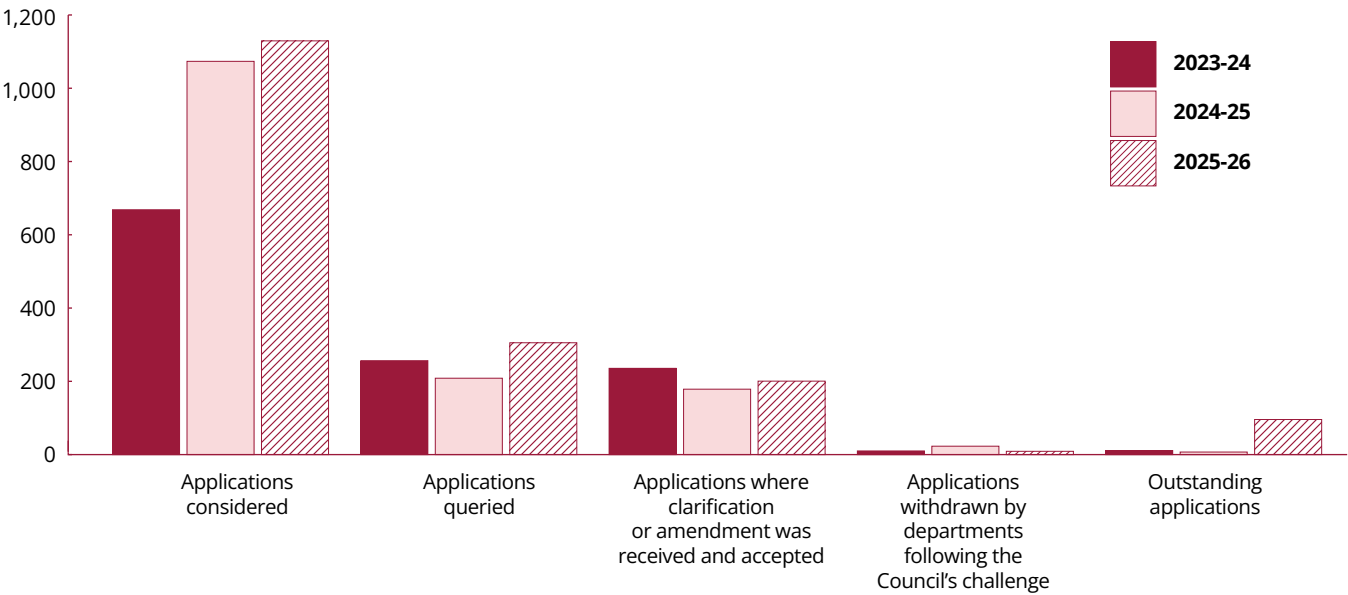
Year	Applications considered	Applications queried	Applications where clarification was received and accepted	Applications that were amended by departments and accepted	Applications withdrawn by departments following the Council's challenge	Outstanding closure applications
2023-24	2,794	880	507	142	120	111
2024-25	4,174	974	599	205	93	77
2025-26	4,230	966	374	315	63	214



When departments apply to retain historical public records (records over 20 years old), this comes to the Council’s consideration by way of a Retention Application. Further information on those considered is provided in the table below.

Retention Applications

Year	Applications considered	Applications queried	Applications where clarification or amendment was received and accepted	Applications withdrawn by departments following the Council's challenge	Outstanding applications
2023-24	670	257	236	10	11
2024-25	1,076	209	179	23	7
2025-26	1,132	306	201	9	96



Freedom of Information panels

Total number of cases considered: 680 cases across 34 panels.

These were broken down as follows:

- panels 1-3: 60 cases over 3 panels
- panels 4-10: 140 cases over 7 panels
- panels 11-21: 220 cases over 11 panels
- panels 22-29: 160 cases over 8 panels
- panels 30-34: 100 cases over 5 panels.

Total number of substantive challenges to applications of the FOIA: 68 challenges.

These challenges resulted in six cases being opened in full and 13 being opened in part. The most commonly challenged exemption

was section 27(1) International relations (32 times) while section 38 (1)(a) (Health & safety) was second-most challenged (21 times). The challenges engaged the sections of the FOIA as follows²⁶:

S26: 3
S27 (1): 32
S27 (2): 7
S31 (1): 13
S37 (1)(ac): 1
S37 (1)(b): 1
S38 (1)(a): 21
S38 (1)(b): 7
S40 (2): 4
EIR 12 (5)(e): 1
EIR 12 (5)(f): 1

Discovering Collections, Discovering Communities 2025 conference



²⁶ The numbers listed differ from those noted in the paragraph above as some queries specifically challenged redaction rather than the engagement of an exemption and some queries challenged more than one exemption.