



**ADVISORY COUNCIL ON
NATIONAL RECORDS AND ARCHIVES**

Date: 19 May 2025

Time: 11:00 – 15:30

Venue: The National Archives (TNA) and Video Link

Chair: Sir Geoffrey Vos, Master of the Rolls, Chair

Members: Mr David Rossington, Deputy Chair
Ms Liz Copper
Dr Nigel Fletcher
Ms Kate Grimley-Evans
Mr Martin Howard
Professor Leon Litvack, Deputy Chair of the Forum (via video link)
Ms Sally McInnes
Ms Helene Pantelli
Mr Jonathan Scherbel-Ball
Professor Sally Sheard
Ms Aruna Verma
Professor Sir Simon Wessely

Minutes: Ms Jenna Birley, Governance Manager and Secretary to the Advisory Council (TNA)

Non-members:

TNA: Senior Access Manager
Head of Government Services (via video link)
Freedom of Information (FOI) Manager (via video link)
Strategic Compliance Lead (via video link)
Ms Lucy Fletcher, Public Access and Government Services Director
Head of FOI Centre
Mr Saul Nassé, Chief Executive Officer (CEO) and Keeper
Governance Coordinator
Mr Sam Whaley, Head of Strategy and CEO's Office

MR's Office: Ms Crystal Hung, Legal Advisory to the Master of the Rolls

Observers: Dr Jim Bamberg, Advisory Council Member (Designate)
Sponsor for the British Library, TNA and The Advisory Council on National Records and Archives, Department for Culture, Media and Sport

1. Welcome, introductions, apologies and declarations of interest

- 1.1. The Chair welcomed everyone to the meeting.
- 1.2. Apologies had been received from Lady Moira Andrews, Ms Alexandra Jones, Sir David Natzler and Mr James Strachan.
- 1.3. The Chair welcomed Ms Sally McInnes, Professor Sally Sheard, Professor Sir Simon Wessely and Ms Aruna Verma to their first Advisory Council meeting as new members.
- 1.4. Dr Jim Bamberg was attending the meeting as an observer.
- 1.5. The Chair welcomed the Sponsor for the British Library, The National Archives (TNA) and The Advisory Council on National Records and Archives from the Department for Culture, Media and Sport (DCMS) who was observing the meeting.
- 1.6. The Chair informed members of the recent passing of the former Master of the Rolls and Advisory Council Chair, The Right Honourable the Lord Etherton GBE KC PC. The Advisory Council held a moment of silence in remembrance of him.

2. Minutes and matters arising

Minutes of the meeting held on 14 February 2025

- 2.1. Subject to minor amendments proposed by members, the minutes of the February meeting were **agreed** as a true and accurate record.

Actions Log

- 2.2. The Secretary recommended the closure of actions 1 and 2 which were now complete.
- 2.3. The Deputy Chair recommended the closure of action 33 from November 2023 which was accepted by the members.
- 2.4. The Action Log was **noted**.

3. The National Archives, CEO and Keeper's Update

- 3.1. The CEO and Keeper, Mr Saul Nassé, introduced his report which was taken as read.

- 3.2. Mr Saul Nassé highlighted the proposal to change TNA's fees order in response to an increase in demand for services, largely because of the accession of the Ministry of Defence (MoD) service records. Ms Lucy Fletcher informed the Council that it was her intention to have this discussed either at the next Working Group meeting in June or at the July Advisory Council.
- 3.3. Members reflected on resourcing challenges within Government Departments, particularly in Knowledge and Information Management (KIM) teams. Ms Lucy Fletcher provided an overview of how TNA continues to support Departments in meeting their statutory obligations under the Public Records Act (1958) (PRA), and suggested she provide a further update as things progress in the CEO's update for the July Advisory Council meeting.

4. Administrative Items

- 4.1. **Working Group Update:** Mr David Rossington introduced Advisory Council Working Group (WG) update which was noted.
- 4.2. Mr Rossington provided an update on the possibility of an Arms-Length Body review. He also informed members there had been no further communication from DCMS following the Council's letter to them of 19 February.
- 4.3. Mr Rossington informed members of a recent Freedom of Information (FOI) request that involved the release of information relating to the Advisory Council. Members were asked for their views, in principle, of the presumption of release for this kind of information. They were in general agreement that there should be a presumption of release, though considered on a case-by-case basis, and that individuals should be mindful that their work in their capacity as public officials is subject to FOI and therefore potentially disclosable.
- 4.4. **Forum Report:** Professor Leon Litvack provided a report on the last Forum on Historical Manuscripts meeting which took place in March. The report was noted by members.
- 4.5. Professor Litvack informed the Advisory Council that there were two vacancies on the Forum that needed to be filled by Council members. Members were invited to express their interest in the roles to the Advisory Council Secretary who would present interested parties to the Master of the Rolls for decision.
- 4.6. **Annual Report:** Mr Rossington advised members that the Annual Report had been presented for their approval and asked that any further comments be provided to the Secretary. It was agreed that, should any additional small changes need to be made, that final sign-off be delegated to the Deputy Chair.

5. Redrafted Reclosure Policy

- 5.1. Ms Lucy Fletcher introduced the redrafted reclosure policy for members' consideration. She informed members that the draft policy had been considered by the Advisory Council Working Group and their feedback had been incorporated.
- 5.2. Members noted the reclosure policy is presented in advance of a redraft of the takedown policy. Members queried whether the takedown policy would also come to Council for consideration. Ms Lucy Fletcher confirmed it would be presented to members in due course.
- 5.3. Members queried whether the Advisory Council could and should have information about 'absolute'-only reclosure cases and discussed the possibility of a summary being provided for their meetings. Ms Fletcher noted the comment and would discuss further with her team.
- 5.4. Council members endorsed the draft reclosure policy and were advised it would be brought back to their June Working Group meeting for final review.

6. Foreign, Commonwealth and Development Office (FCDO) Checklist 2025

- 6.1. The Senior Access Manager presented an updated version of the FCDO checklist for agreement.
- 6.2. Members queried the application of s. 40(2) of the Freedom of Information Act (FOIA) to a checklist entry and requested it be removed.
- 6.3. Subject to the amendment noted above being made, the Advisory Council were content to agree the updated checklist.

7. FOI Panel Update

- 7.1. The Head of FOI Centre presented this report, highlighting key metrics to members and thanking them for continuing to complete panel work within one working day.
- 7.2. Members discussed some cases Panels had dealt with that concerned the application of s. 38 FOIA. They felt it could be helpful to discuss TNA's approach to the application of s. 38 in a Working Group meeting, perhaps in conjunction with the MoD.

ACTION: The Advisory Council Secretary to consult with TNA on the timing and presentation of this issue for discussion.

8. FCDO Update

8.1. Representatives from FCDO Services joined the meeting and presented one retention application and one update on retained records.

8.2. The Council discussed both papers and reflected on FCDO's inability to meet its statutory duties under the PRA.

Action: Mr Martin Howard to draft a letter on behalf of the MR, as Chair of the Advisory Council, to send to the Permanent Under-Secretary at the FCDO.

9. Natural Resources Wales (NRW) Update

9.1. Representatives from NRW joined the meeting and presented an update on retained records.

10. Departmental Retention Requests

10.1. Departmental applications: The Council considered papers from departments relating to the retention of records. Any recommendations for approval were to be advanced to the Secretary of State for ratification.

Applications for retentions of one to five years were received from the following Departments:

- Department for Culture Media and Sport (DCMS)
- Department for Environment and Rural Affairs (Defra)
- Department for Energy Security and Net Zero (DESNZ)
- Department for Science, Innovation and Technology (DSIT)
- MoD

10.2. Applications for retentions of one to five years were received from the following Arm's Length Bodies (ALBs):

- Civil Aviation Authority (CAA)
- Charity Commission
- Historic England
- His Majesty's Revenue and Customs
- Office for Students
- Office for Standards in Education (Ofsted)
- UK Debt Management Office (UKDMO)

10.3. Applications for retentions of one to three years were received from the following Places of Deposit (POD):

- British Museum
- Postal Museum
- Tate

ACTION: The Advisory Council Secretary will write to departments to notify them of the Council's recommendations, including any which will go forward to the Secretary of State with regard to their retention requests.

11. Access to Records

11.1. The Advisory Council considered outstanding Departmental queries from November 2023 - November 2024 which included clarifications, revised applications and updates; withdrawn applications; applications carried forward; and the record of recusals.

11.2. The Council then considered the same from February 2025.

11.3. The Council then considered the same from May 2025. The Council was content to approve the applications on the basis of the clarification or additional information provided by the departments, subject to certain exceptions, which were either queried, withdrawn or carried over to the next meeting, as the relevant department had yet to respond.

11.4. The Council noted comments on applications to close records under draft FOI Schedules 172 and 173 and Retention Instrument 161.

11.5. The Council wished to consider the general issues in greater detail at a future Working Group meeting.

ACTION: The Advisory Council Secretary to look at scheduling for a Working Group meeting.

12. Any Other Business

12.1. Members were asked to note the Secretary would be asking for volunteers to conduct the Advisory Council records sensitivity review.

12.2. Members were asked to note the Secretary would be asking for volunteers to conduct an Autumn records spot check.

The meeting closed at 15:15.