



ADVISORY COUNCIL ON NATIONAL RECORDS AND ARCHIVES

**To the Right Honourable Kenneth Clarke, Lord Chancellor,
Secretary of State for Justice**

SEVENTH ANNUAL REPORT, 2009-2010

The Advisory Council on National Records and Archives (hereafter the Council) also encompasses the Advisory Council on Public Records and the Advisory Council on Historical Manuscripts. All three councils function as one body to advise you on issues relating to public records that are over 30 years old, including public access to them, to advise you on wider matters relating to the archive sector, and to advise the Chief Executive of The National Archives, as Historical Manuscripts Commissioner, on matters relating to historical archives outside the public records system.

Over the past year, the Council's role has increased, owing to the volume of casework, and the wider responsibilities it has assumed in relation to archival matters. A number of issues stemming from government policy have been discussed by the Council, and the Council has had an opportunity to contribute at an early stage to those impinging on its remit. In the last year, some of the main areas of debate and advice within the Council have been:

30-Year Rule

As a body that specifically advises you on all matters of access relating to historical records under the Freedom of Information Act 2000, the review of the 30-Year Rule was critical to the work of the Council. In its evidence to the Review, the Council was unanimously supportive of a reduction of the 30-year rule to 20 years, subject to appropriate resources being provided for a managed transition. The Council is, therefore, pleased that the Government's response announced in February 2010 reflects its view; and that the necessary amendments to legislation have been set out in the Constitutional Reform and Governance Bill. The Council also welcomes the Government's recommendation that it should continue to advise you on issues concerning the retention of records and the transfer of closed records to The National Archives under the new Rule. It is the Council's intention to assume a key role in supporting the implementation of the review, and its members plan to be fully engaged in this process.

The National Archives' cost savings programme for 2010

The economic downturn in the last year has led to funding restrictions for government departments and the wider public sector. In the summer of 2009, in

response to increasing financial constraints and in order to prioritise its resources to deal with the challenges posed by digital content, The National Archives undertook a comprehensive review of how it could reduce its running costs by 10%. No savings programme of this kind can be implemented without controversy, and the Council, which was brought into the consultation process and kept informed on the developments throughout the savings programme, recognised the challenges of such an exercise, and hence none of the decisions was taken lightly. At the Council's meetings, the proposals were considered and, both within the Council meetings and outside them, members both advised and robustly reviewed The National Archives' proposals and they were especially active in advising The National Archives on its relationships with the academic community. In considering the 'lessons learned' review, the Council concluded that, on balance, the cost savings programme was well managed.

Public records

During the year, the Council has continued its statutory role of deciding whether public records over 30 years old, under the Freedom of Information Act 2000, should be made available. At formal meetings the Council has considered the many and varied applications by government departments for the closure of historical records. In most cases the Council has accepted departments' arguments after it has been provided with more detail but in some instances departments have concluded, in agreement with the Council, that the public interest lay in disclosure. Work has continued, throughout the year, to relay the Council's decisions and reflections to the transferring government departments in order to improve the standard of review and record description. The Council notes the satisfactory resolution of the interface between the Public Records Act and Land Registration rules. The Council also notes work undertaken to streamline the closure applications in straightforward areas such as individuals' case files.

The Council has, over the year, convened 20 panels of members to consider the public interest in the release of closed information held in The National Archives and has considered 116 cases in total. Most of these have involved information in the following areas: information which would cause severe distress to people affected by or who were the victims of crime, information which would damage international relations and national security, and information relating to law enforcement. In the main, the panels concluded that public interest lay in non disclosure, but some departments modified their decisions as a result of the panels' deliberations. The Council is grateful to The National Archives for handling the panels' queries constructively.

In November 2009, the Advisory Council meeting was hosted by the Department of Work and Pensions, where the Permanent Secretary and senior officials provided an excellent insight into the procedures undertaken by the Department for the review of its records. Council members look forward to the Advisory Council meetings hosted by the Ministry of Justice in July and the Cabinet Office in November.

National records and archives

The Government policy *Archives for the 21st Century* was developed over the course of the year, with significant involvement from Council members. The wider archive

sector has critical importance for the UK's national heritage, and a joined-up government approach has been needed for some time. The Council fully supports this new policy which will set out the strategic direction for the future management of the challenges and obstacles faced by the archives sector, especially the issue of managing digital information; and the need for archives to serve their local communities better.

Private Archives and Manuscripts

The public continues to benefit from the provision which enables the owners of manuscripts and collections of papers to offer them to the nation in lieu of tax. The Council has advised the Chief Executive of The National Archives, as Historical Manuscripts Commissioner, on the most appropriate home for several important collections during the year. These have included:

- papers, architectural drawings and instruments of WH Brakspear, a prominent Victorian architect, which have been allocated to the British Architectural Library of the Royal Institute of British Architects (RIBA), housed in the refurbished Henry Cole Wing of the Victoria and Albert Museum
- papers of Sir Thomas Henry Browne relating mainly to Napoleon and the Duke of Wellington now allocated to the British Library
- papers of the Marsham family, Earls of Romney, allocated to Kent Council for retention at the Centre for Kentish Studies.

Where the Historical Manuscripts Commissioner recommends that archives should be allocated to repositories which do not fully meet national standards, he/she sometimes recommends, with the support of the Council, that these allocations should be conditional on improvements within a specified period, and then monitors the achievement of these improvements being made. During the year the Council considered the progress of Liverpool Record Office, the Centre for Kentish Studies and East Sussex Record Office towards securing new premises, as required by the conditions attached to previous allocations. It noted the commitment of all these repositories to securing new accommodation, but noted their varying success in terms of progress.

During the course of the year the members of the Advisory Council also welcomed the publication of a National Strategy for Business Archives, to which the Council contributed during drafting in 2008-09. The Strategy and an accompanying advocacy document entitled *Corporate Memory* were launched in July 2009 at an event in the Palace of Westminster. As part of the implementation plan for the strategy, The National Archives has created a new post to advise businesses on matters relating to their archives, and during 2009 The National Archives had a strong emphasis on securing the future of the archives of businesses in administration. In particular, the Council heard reports on the Minton and Woolworths archives during the year. The Council received regular updates on these developments, and has welcomed the strong focus placed on securing the nation's archival heritage.

The Council's members and meetings

Four members have left the Council this year: Sir Rodric Braithwaite GCMG, Rt Hon the Viscount De L'Isle MBE DL, Dr Jennifer Haynes, and Ms Catherine Maxwell Stuart. We are grateful for their contributions to the Council's work. You appointed five new members with effect from 1 January 2010: Mr John Collins CBE, Dr Bendor Grosvenor, Ms Elizabeth Lomas, Mr Hamish Macarthur and Mr John Millen. The Council currently has a membership of nineteen. Members during the year were:

- **Sir Rodric Braithwaite GCMG**, retired, formerly British Ambassador to Moscow and chairman of the Joint Intelligence Committee (retired in 2009)
- **Ms Else Churchill**, Genealogy Officer of the Society of Genealogists
- **Mr John Collins CBE**, formerly Deliverer of the Vote, House of Commons
- **Rt Hon the Viscount De L'Isle MBE DL**, owner of the De L'Isle and Sidney family papers (retired in 2009)
- **Dr Jeevan Deol**, Affiliated Research Associate, Faculty of Asian and Middle Eastern Studies, University of Cambridge
- **Professor Harry Dickinson**, Emeritus Professor of British History, University of Edinburgh
- **Sir David Durie KCMG**, retired, formerly Governor and Commander in Chief of Gibraltar
- **Dr Clive Field OBE**, Honorary Research Fellow at the University of Birmingham, formerly Director of Scholarship and Collections at the British Library
- **Ms Christine Gifford**, Information Rights expert and Founding Director of Public Partners and Gifford Owen
- **Dr Bendor Grosvenor**, Art historian and adviser on Cultural Policy
- **Dr Jennifer Haynes**, Archives and Manuscripts Manager, Wellcome Library, London (retired in 2009)
- **Mr Graeme Herd**, Head of Information Technology at Slough Borough Council
- **Ms Elizabeth Lomas**, Researcher and Tutor at Northumbria University, formerly Head of Records Management Services for the Royal Household
- **Professor Arthur Lucas CBE**, Emeritus Professor of Science Curriculum Studies at, and was formerly Principal of, Kings College London
- **Mr Hamish Macarthur**, Information Management Specialist, CEO and Founder, Macarthur Stroud International
- **Mr John Millen**, formerly Policy Director, Ministry of Defence
- **Professor Heidi Mirza**, Professor of Equalities Studies in Education at the Institute of Education, University of London
- **Professor Michael Moss**, Professor of Archival Studies at the University of Glasgow

- **Rt Hon the Lord Roper**, formerly Chief Whip for the Liberal Democrats in the House of Lords
- **Ms Janet Smith**, County Archivist of Hampshire
- **Mr Ian Soutar**, formerly British Ambassador to Bulgaria and Ambassador to the Conference on Disarmament, Geneva
- **Ms Catherine Maxwell Stuart**, owner of the private family and estate archive at Traquair House, Innerleithen, Peeblesshire (retired in 2009)
- **Ms Stephanie Williams**, author, journalist and user of archives

The Secretary of the Council was Ms Lale Ozdemir (until February 2010) who was succeeded by Dr Grazia Zaffuto.

The Council is grateful to the Department of Work and Pensions for hosting our meeting in November.

During the course of the year we have seen Sir Anthony Clarke leave as Master of the Rolls and Ms Natalie Ceeney CBE, Chief Executive of The National Archives and Ms Lale Ozdemir move to new posts. Ms Ceeney left The National Archives to join the UK's Financial Ombudsman Service as Chief Ombudsman and Chief Executive; and Ms Ozdemir has been seconded to the 7 July Inquest team. The Council wishes them well for the future and thanks them for their contributions. We are pleased to welcome Mr Oliver Morley, Acting Chief Executive of The National Archives and Dr Grazia Zaffuto, to our future meetings.

Ms Natalie Ceeney CBE, Chief Executive of The National Archives, attended all our meetings accompanied variously by Mr Oliver Morley, Director of Customer and Business Development, Ms Carol Tullo, Director of Information Policy and Services, Dr David Thomas, Director of Technology, Mr Nick Kingsley, Head of Archives Sector Development, Ms Julia Stocken, Head of Information Management and Practice, Dr Norman James, Principal, Private Archives Team, and Mr Stuart Abraham, Freedom of Information Centre and Accessions Manager.

Meeting summaries and some papers are available at:
nationalarchives.gov.uk/advisorycouncil/meetings/summaries.htm

On behalf of the members

Lord Neuberger of Abbotsbury
 Master of the Rolls
 Chairman

6 April 2010