



## **Advisory Council on National Records and Archives**

### **Ninth Annual Report 2011-12**

To the Right Honourable Kenneth Clarke QC MP, Lord Chancellor, Secretary of State for Justice:

The Advisory Council on National Records and Archives (hereafter the Advisory Council) 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, as well as advising the Chief Executive and Keeper, The National Archives, as Historical Manuscripts Commissioner, on matters relating to historical archives outside the public records system.

#### **Public records**

The Advisory Council continued to meet its statutory role of advising the Lord Chancellor on whether public records over 30 years old, under the Freedom of Information Act 2000, should be made publicly available. The Advisory Council considered various applications by government departments for the closure of historical records and in many cases, having been provided with more detail, accepted departments' arguments for closure. The Advisory Council in some instances concluded that the public interest lay in disclosure and therefore the documents were made available at The National Archives.

As part of our statutory role we have continued to engage with government departments on wider matters relating to Public Records. The Advisory Council has, over the last eight months, been actively involved with the Foreign and Commonwealth Office (FCO) and The National Archives regarding the transfer of the Colonial Administration Files to The National Archives. It was valuable

to have the opportunity to hear the views of Professor Tony Badger, the Independent Assessor and, in November, to visit FCO's record management site at Hanslope Park and discuss with officials the processes involved in the transfer. We welcome the commitment for the open files to be made available by November 2013.

In 2011-12 The Advisory Council was also consulted on the renewal of the Lord Chancellor's instrument to retain Public Records under Section 3(4) of the Public Records Act 1958. We also considered the proposals from departments regarding their processes on requesting the closure or retention of sets of records.

### Preparations for the 20-year rule change

The Advisory Council continued to take a keen interest in the plans for the transition period from the current 30-year rule to the new 20-year rule. The Advisory Council was pleased to receive an update from The National Archives at our November meeting on the work being undertaken with departments on preparations for the transition to the 20-year rule. We have begun to consider some of the proposals emerging from this work in relation to how the Advisory Council can assist in the process and we look forward to liaising closely with departments and The National Archives to ensure the right processes are in place to enable a smooth transition.

### Freedom of Information Panels

The Advisory Council has this year also convened 14 panels of members to consider the public interest in the release of closed information held in The National Archives, with 122 cases being considered in total. Most of these have involved information in the following areas: information that if released would endanger the safety or physical or mental health of any individual; information that would damage international relations and national security; and information relating to law enforcement. The cases were carefully scrutinised and debated by the three members on each of the panels, with reports on the panels' conclusions presented and discussed at the subsequent meetings of the Advisory Council. The Advisory Council is grateful to The National Archives for handling the panels' queries constructively, and for providing the Advisory Council with detailed information on issues relating to freedom of information and access.

### Public Bodies Act

In our eighth annual report we noted the proposals, then before Parliament, for the consolidation into a single statutory body of the functions and responsibilities of the Advisory Council, for The

National Archives to obtain statutory status in its own right and for the consolidation into a single statutory office of the current responsibilities of the Chief Executive and Keeper. The Public Bodies Act 2011 provides a five-year window for bringing forward secondary legislation and we are working with The National Archives towards making the proposed changes under a single statutory instrument within this period.

## The Advisory Council's members and meetings

One member retired from the Advisory Council this year: Ms Janet Smith, formerly County Archivist of Hampshire. We are grateful for her contributions to the Council's work. The Advisory Council currently has a membership of 18. Members during the year were:

- Ms Else Churchill, Genealogy Officer of the Society of Genealogists
- Mr John Collins CBE, Formerly Deliverer of the Vote, House of Commons
- 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
- Ms Sarah Fahy, Global Head of Library Services, Know How and Training Department at Allen and Overy LLP
- 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 Culture Policy
- Mr Stephen Hawker CB, independent consultant
- Mr Graeme Herd, Head of ICT at the Hightown, Praetorian and Churches Housing Association
- 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 Michael Moss, Professor of Archival Studies at the University of Glasgow

- Mr Ian Soutar, Formerly British Ambassador to Bulgaria and Ambassador to the Conference on Disarmament, Geneva
- Ms Stephanie Williams, Author, Journalist and user of archives
- Ms Janet Smith, Formerly County Archivist of Hampshire (Retired from council in December 2011)

Mr Paul Edwards was appointed as the Secretary of the Advisory Council in July 2011.

Mr Oliver Morley as Chief Executive and Keeper, The National Archives attended all our meetings accompanied variously by Ms Carol Tullo, Director of Information Policy and Services; Ms Julia Stocken, Head of Information Management and Practice, Mr Stuart Abraham, Freedom of Information Centre and Accessions Manager; Ms Helen Potter, Freedom of Information Manager; Ms Julie Lennard, Head of the Chief Executive's Office, and Ms Trish Humphries, Business Support and Secretary to the Forum on Historical Manuscripts and Academic Research.

The Advisory Council expresses its gratitude to the Supreme Court and the Department of Energy and Climate Change (DECC) for hosting our meetings on 14 July and 9 March 2012 respectively. We thank officials for their presentation on DECC and its information management processes. The opportunity to meet with departments and to hear about their record management processes is extremely valuable.

#### Forum on Historical Manuscripts and Academic Research:

The Forum on Historical Manuscripts and Academic Research (hereafter the Forum) was established in May 2010. The Forum in its capacity as subcommittee of the Advisory Council provides a means through which the Historical Manuscripts Commissioner can seek advice about activity relating specifically to historical manuscripts (private archives), as well as a place for discussion about academic research issues. I chair the Forum, which has seven members, each with expertise in academic research and/or knowledge and experience of private archives.

The Forum met three times over the last year on 24 June 2011, 6 October 2011 and 19 January 2012. During these meetings the Forum considered the following issues:

- Government consultation on Lifetime Giving
- Allocation of the Charles Sturt papers accepted in lieu of tax
- Update on the launch of the Scottish National Strategy for business archives

- Religious archives update
- Updates on local authority archives activities
- Acceptance in Lieu of Tax

We are also grateful to The National Archives for keeping the Advisory Council and the Forum updated regarding the transfer of archives responsibilities to The National Archives from the Museums, Libraries and Archives Council and the progress made on refreshing the action plan for delivering *Archives for the 21st Century* – the Government’s policy on archives. We welcome The National Archives’ efforts to provide clarity and direction for the archives sector during what are undoubtedly challenging economic times. We very much look forward to receiving further updates on this work during the coming year.

### Forum on Historical Manuscripts and Academic Research Members

The following members of the Council were also members of the Forum on Historical Manuscripts and Academic Research: Dr Bendor Grosvenor, Dr Clive Field OBE, Ms Elizabeth Lomas and Professor Michael Moss. The remaining members of the Forum are:

- Dr Christopher Ridgway, Curator at Castle Howard. Member of the Board for the National Trust for Scotland and Adjunct Professor in the History Department at the National University of Ireland
- Dr Clive Cheesman, Chair of the Friends of The National Archives and Richmond Herald at the College of Arms
- Dr Ian Mortimer, historian and historical biographer, qualified archivist and Fellow of the Royal Historical Society

As an ex-officio member, Mr Oliver Morley attended the June 2011 and January 2012 meetings of the Forum. Mr Nick Kingsley, Head of Archives Sector Development; Dr Norman James, Senior Manager (Private Archives) and Dr Valerie Johnson, Research and Policy Manager accompanied Mr Morley and attended all of the Forum’s meetings in 2011-12. Ms Trish Humphries became Secretary to the Forum from 19 January 2012.

Agendas and summaries for the Advisory Council and the Forum meetings are available at [nationalarchives.gov.uk/advisorycouncil/meetings/summaries.htm](http://nationalarchives.gov.uk/advisorycouncil/meetings/summaries.htm)

On behalf of the members

Lord Neuberger of Abbotsbury

Master of the Rolls

Chairman

22 May 2012