

THE RIGHT HONOURABLE THE LORD FALCONER OF THOROTON THE LORD  
CHANCELLOR

I am pleased to issue this revised Executive Agency Framework Agreement for The National Archives.

The National Archives is a non-ministerial government department and an executive agency of the Ministry of Justice. Since this Framework Agreement was revised in 1999, the Public Record Office, the Historical Manuscripts Commission, the Office of Public Sector Information and Her Majesty's Stationery Office have been brought together under The National Archives.

The National Archives is now at the heart of information policy - setting standards and supporting innovation in information and records management across the UK, and providing a practical framework of best practice for opening up and encouraging the re-use of Public Sector Information.

These changes and other developments in government policy have necessitated changes to the Framework Agreement. Following discussions between my officials and those of The National Archives, these revisions have been made and are incorporated in this third edition.

Falconer of Thoroton  
Lord Chancellor  
9 May 2007

## **Introduction**

The Public Record Office became an Executive Agency on 1 April 1992 and merged with the Historical Manuscripts Commission to create The National Archives in 2003. In 2006, the National Archives merged with the Office of Public Sector Information and Her Majesty's Stationery Office. These changes are reflected in this third edition of the Framework Agreement, which became operational on 1 April 2007.

The National Archives operates under the authority primarily of the Public Records Acts 1958 and 1967, the Historical Manuscripts Commission Royal Warrant of 2003, the Re-use of Public Sector Information Regulations 2005, the Statutory Instruments Act 1946 (the "relevant statutory provisions") and through the responsibilities of its officers under Letters Patent. It is a separate government department with its own Accounting Officer.

The Chief Executive of the Agency is the statutory Keeper of Public Records and the Commissioner of Historical Manuscripts. She is referred to in this document as the Chief Executive.

## **Aims and objectives of The National Archives**

The National Archives is the national archive for England, Wales and the United Kingdom. It administers the public record system of the United Kingdom under the Public Records Acts of 1958 and 1967. Its Vision is to:

- 1. Lead and transform information management**
- 2. Guarantee the survival of today's information for tomorrow**
- 3. Bring history to life for everyone**

In delivering this Vision, the Chief Executive will ensure that, consistent with the government's public sector management policies, The National Archives operates economically, efficiently and effectively to deliver the financial and non-financial targets set by the Lord Chancellor.

Annex A lists The National Archives' primary responsibilities and the legislation that governs its activities.

## **Responsibilities, relationships and accountability**

### Lord Chancellor

The Lord Chancellor is the Minister responsible for The National Archives and for public records, wherever located, and he is accountable to Parliament concerning them. He is represented in the House of Commons by the Minister of State for Justice.

The Lord Chancellor appoints and approves the conditions of service of the Chief Executive. He sets the key performance and financial targets for The National Archives, and monitors The National Archives' performance against them. He considers and approved The National Archives' Vision and annual strategic plans and is responsible for securing the provision of financial resources. He also sets fees and approves revisions of the Framework Agreement. The Lord Chancellor will not normally become involved in the day-to-day management of The National Archives.

The Lord Chancellor may delegate certain of the powers conferred upon him by the Public Records Acts to the Chief Executive, who is a statutory office holder with specific powers and duties of her own. Those powers which he has so delegated are listed in Annex B.

### Chief Executive

The Chief Executive is appointed by the Lord Chancellor following fair and open competition. The appointment is usually for a fixed term, which may be renewed subject to a review of performance against The National Archives' targets. Performance against targets is taken into account in determining a proportion of the Chief Executive's pay.

The Chief Executive has the freedom and authority to manage The National Archives in the performance of the duties and responsibilities laid upon her by the Lord Chancellor and the relevant statutory provisions. She is personally charged by the Lord Chancellor with the delivery of high quality services and the achievement of The National Archives' agreed targets.

The Chief Executive is responsible for providing the Lord Chancellor with advice on the operation of the relevant statutory provisions and on other policy matters. With assistance from the Ministry of Justice as necessary, she also provides him with advice for the conduct of parliamentary business concerning The National Archives.

### The Advisory Council on National Records and Archives

In accordance with the Public Records Act 1958 the Advisory Council advises the Lord Chancellor on matters concerning the public records in general and, in particular, on those aspects of the work of The National Archives affecting members of the public who make use of its facilities.

The members of the Advisory Council are appointed by the Lord Chancellor. The Master of the Rolls is, by statute, its chairman.

The Advisory Council has no executive role in relation to the management of The National Archives.

### Ministry of Justice

The Permanent Secretary of the Ministry of Justice has line management responsibility for the Chief Executive of The National Archives.

The Chief Executive will advise the Lord Chancellor and the Permanent Secretary on matters of information management and archival policy.

### Parliamentary accountability

The Lord Chancellor encourages Members of Parliament to write directly to the Chief Executive on matters concerning the day to day operation of The National Archives; and normally asks the Chief Executive to reply to correspondence on such matters that he himself receives from Members of Parliament. The Lord Chancellor or Minister of State will respond to Parliamentary Questions on matters that relate to The National Archives and to correspondence on matters that relate to The National Archives but go beyond the delegations that the Lord Chancellor has made to the

Chief Executive. He will normally ask the Chief Executive to supply relevant information.

The Chief Executive, as Head of Department, is appointed by the Treasury as the Accounting Officer for The National Archives. In this capacity she is responsible for the proper, effective and efficient use of resources and expenditure of money voted to The National Archives by Parliament and for ensuring that the requirements of Government Accounting are met. She will also ensure that The National Archives observes any general guidance issued by HM Treasury and the Cabinet Office and puts into effect any recommendations accepted by the government of the Public Accounts Committee, other parliamentary Select Committees or other parliamentary authority.

The Chief Executive as Accounting Officer is liable to be summoned before the Public Accounts Committee. It is for the Lord Chancellor to decide who should appear at departmental Select Committee hearings. In practice, where a committee's interest is confined to the day-to-day operations of The National Archives, the Lord Chancellor will normally regard the Chief Executive as the person best placed to appear on his behalf.

The National Archives' operations remain subject to review by the Parliamentary Commissioner for Administration (the Ombudsman).

## **Planning, reporting and control**

### Vision

The Chief Executive will at three yearly intervals prepare and submit for the approval of the Lord Chancellor, to a timetable agreed with him, a strategy or "Vision". This will outline the strategic objectives for The National Archives over the next five years. It will identify the resources required and those areas to which priority is to be given. The strategy or Vision will be published as soon as possible after it has been approved by the Lord Chancellor.

### Strategic plan

Each year the Chief Executive will prepare and submit for the approval of the Lord Chancellor, to a timetable agreed with him, a strategic plan for the coming year. The annual strategic plan will be based on the Vision, and will give the proposed objectives and related key performance targets for the year, the order of priorities assigned to the objectives, and the planned level of resources for each. The strategic plan will be published as soon as possible after it has been approved by the Lord Chancellor. If resources, workload or priorities change during the year, the plan and targets may be amended by the Chief Executive with the approval of the Lord Chancellor.

### Key indicators and targets

The overall performance of The National Archives will be measured by performance against key indicators. Targets for each year will be set by the Lord Chancellor, after consultation with the Chief Executive, and will be published in the annual strategic plan. Performance against targets will be published in the Annual Report.

### Reporting and monitoring

The Chief Executive will each year present her Annual Report to the Lord Chancellor in time for him to lay it before both Houses of Parliament by the summer recess. The Report will include the accounts of The National Archives (audited by the Comptroller and the Auditor General) and details of performance against targets for the year. It will also include any report made to the Lord Chancellor by the Advisory Council on Public Records.

The Chief Executive will provide to the Lord Chancellor, at such intervals through each year as he may prescribe, reports on performance and progress in meeting the targets set. These will comment on any problems that might have arisen and will contain proposals for any remedial action required to achieve the targets and the objectives set out in the corporate and business plans.

The Chief Executive has direct access to the Lord Chancellor. She will meet him at regular intervals through the year to discuss The National Archives' performance and any other matters. The Chief Executive will also meet regularly with the Permanent Secretary, or his officials as appropriate, to enable him to advise the Lord Chancellor.

## **Standards of public service**

### Key service areas

The Chief Executive will ensure improvements in public services and will set targets for standards of service, which will be displayed in the public areas of The National Archives and on its web sites. Levels of achievement in meeting those targets will also be displayed.

### Complaints procedure

The Chief Executive will ensure that the procedures for handling complaints from members of the public are followed; that notices outlining the procedures are displayed in the public areas of The National Archives and on its web site; and that copies are available.

### Public consultation

The Chief Executive will ensure that those who have an interest in the services provided by The National Archives, such as researchers and government departments, are consulted as appropriate to discover their needs and their views about The National Archives. She will use the results of such discussions and surveys to assist in setting standards and further tailoring services to meet the needs of customers.

## **Finance**

### Source of finance

The National Archives is run by its own parliamentary Vote, which covers both capital and running costs expenditure and is subject to a cash-limit and gross running costs control. The National Archives also receives an income from fees for services provided by its staff, sales of copies of public records, sales of publications and other goods, and VAT recoveries, which is appropriated in aid of the Vote. The Chief Executive, subject to Treasury agreement and the Lord Chancellor's approval, will continue to develop revenue raising activities, linked to The National Archives' Vision, in order to use a proportion of the income to enhance The National Archives' services

to the public within existing resources. Details are published in The National Archives' Annual Report and accounts.

The National Archives has the normal access to end-year flexibility to carry forward underspends of its capital expenditure and running costs subheads subject to the Treasury Scheme.

#### Financial delegations

The financial delegations detailed in Annex C are made to the Chief Executive and are subject to periodic review by the Treasury.

#### Form of accounts

The Chief Executive will ensure that proper accounts are kept and will prepare and submit to the Lord Chancellor each year a statement of the audited accounts, prepared on an accrual basis, in such a form as the Treasury may direct. A copy of the accounts will appear in The National Archives' Annual Report.

#### Audit

The National Archives remains subject to external audit by the Comptroller and Auditor General, who also has the right to conduct value for money audits into the activities of The National Archives.

#### Internal Audit

The Chief Executive, in her capacity as Accounting Officer, is responsible for making arrangements for internal audit in The National Archives, in accordance with the Government Internal Audit Manual and the Government Information Systems Audit Manual. She will ensure that arrangements are made as appropriate for quality assurance, including any necessary validation of reports on performance, which are acceptable to the Lord Chancellor.

#### Purchasing and supply

The Chief Executive will seek to obtain best value for money through implementation of the principles embodied in the government's Comprehensive Spending Review, and ensure compliance with relevant public procurement policies, including EC/GATT.

#### **Human resources**

##### Status and conditions of service

The staff of The National Archives are civil servants and are subject to civil service terms and conditions of employment.

The Chief Executive may seek to make adjustments to those terms and conditions of employment (including modifications to the current flexibilities) that she considers beneficial to The National Archives, subject to the agreement of the Lord Chancellor, the Treasury and the Cabinet Office as necessary. In practice, annual pay agreements would require full sign-off.

The Chief Executive will ensure that pay and management flexibilities available within treasury guidelines are used as required to meet recruitment, retention and specialist training needs, to motivate staff and to reward performance.

The Chief Executive will ensure that staff and their representatives are consulted as appropriate.

### Staffing

The Chief Executive will determine, within the financial resources available to her, the numbers and grades of staff required to deliver services efficiently and effectively.

The Chief Executive may vary the numbers and grades of staff and recruit, promote and appoint staff at all levels up to and including SCS Band 1a, in accordance with Treasury and Cabinet Office rules and procedures and in consultation with the Civil Service Commissioners as appropriate.

### Personnel management policy

Policies will be reviewed and updated regularly in accordance with statutory requirements and best practice.

### Staff relations

The Chief Executive is responsible for ensuring good staff relations within The National Archives and consults with staff and their representatives on appropriate matters. She recognises the right of all members of staff to belong to a trade union if they so wish. The Chief Executive will ensure that staff are kept informed on matters that affect their terms and conditions of employment.

## **Framework Document**

### Amendments

The Lord Chancellor and the Chief Executive may agree at any time to amend the Framework Document, after consultation as necessary.

### Publication

Copies of this Framework Document and any subsequent amendments and editions will be placed in the libraries of both Houses of Parliament. Additional copies may be obtained from the Chief Executive's Office, The National Archives, Kew, Surrey TW9 4DU.

## Annex A

### Key legislation/warrants determining The National Archives' objectives

#### FOI/Data Protection/PC Act

<b>Statutory Obligation</b>	<b>Source</b>
<ul style="list-style-type: none"><li>• Freedom of Information Act 2000 and Environmental Information Regulations 2004:<ul style="list-style-type: none"><li>○ Respond to requests for information</li><li>○ Provide advice and guidance to those who have made or might make a request for information</li><li>○ Consult other government departments about access to closed records (PRO only)</li><li>○ Maintain a Publication Scheme</li></ul></li></ul>	<i>FOIA, EIR</i>
<ul style="list-style-type: none"><li>• Data Protection Act 1998:<ul style="list-style-type: none"><li>○ Respond to requests for personal data (including data in transferred records)</li><li>○ Comply with 8 Data Protection Principles</li></ul></li></ul>	<i>DPA</i>
<ul style="list-style-type: none"><li>• Respond to enquiries and assist the Parliamentary Commissioner for Administration in relation to complaints against any part of TNA</li></ul>	<i>Parliamentary Commissioner Act 1967</i>

## 2 PUBLIC RECORDS OBLIGATIONS

<b>Statutory Obligations</b>	<b>Source</b>
<ul style="list-style-type: none"><li>• Management of TNA<ul style="list-style-type: none"><li>○ Manage the office and the records in its custody, doing whatever is necessary to maintain the office's utility<sup>1</sup></li></ul></li></ul>	<i>PRA s 2(1)</i>
<ul style="list-style-type: none"><li>• Advise ministers and others on public records policy and issues</li></ul>	<i>PRA</i>

---

<sup>1</sup> The Keeper of Public Records is appointed to take charge of the office – managing the office is therefore a duty. There is then a power at s 2(4) to do whatever is necessary to maintain the office's utility which covers much of what we actually do – preparing and making catalogues available, preparing publications (not necessarily issuing them), regulating the conditions under which researchers use records and our facilities, providing certified copies, accepting deposit of non-public records, and lending records. We are allowed, but not obliged, to charge for services (s 2(5)). We could argue that because there is a duty to 'take charge', there is an implied duty to use some of these powers because they are required for utility to be maintained.



Statutory Obligations	Source
<ul style="list-style-type: none"> <li>• Records management in central government <ul style="list-style-type: none"> <li>○ Guide, supervise and co-ordinate</li> <li>○ Provide leadership on records management issues</li> <li>○ Assess conformance to the records management code under FOIA s 46</li> </ul> </li> </ul>	<i>PRA s 3(2), Efficiency Scrutiny 1997 Memorandum of Understanding with Information Commissioner under FOIA s 47 and s 48<sup>2</sup></i>
<ul style="list-style-type: none"> <li>• Arrange transfer of selected public records, before they are 30 years old, to TNA or another place of deposit</li> </ul>	<i>PRA s 3(4)</i>
<ul style="list-style-type: none"> <li>• Safeguard transferred records</li> </ul>	<i>PRA s 2(3)</i>
<ul style="list-style-type: none"> <li>• Provide facilities for inspecting records disclosed under FOI<sup>3</sup></li> </ul>	<i>PRA s 5(3)</i>
<ul style="list-style-type: none"> <li>• Provide a record copying service, including provision of certified copies on request</li> </ul>	<i>PRA s 5(3), s 9</i>
<ul style="list-style-type: none"> <li>• Administer Crown Copyright in public records</li> </ul>	<i>Copyright and Designs Act 1986 – delegated power from Controller HMSO</i>
<ul style="list-style-type: none"> <li>• Temporarily return records on request to the government department that transferred them</li> </ul>	<i>PRA s 4(6)</i>
<ul style="list-style-type: none"> <li>• Approve disposal of transferred records that are no longer required</li> </ul>	<i>PRA s 6 – delegated power from Lord Chancellor</i>
<ul style="list-style-type: none"> <li>• Approve presentation to other archives offices of public records not selected for transfer</li> </ul>	<i>PRA s 3(6) – delegated power from Lord Chancellor</i>
<ul style="list-style-type: none"> <li>• Places of deposit for public records: <ul style="list-style-type: none"> <li>○ Appoint places of deposit</li> <li>○ Approve movement of records between places of deposit or disposal of records no longer required</li> <li>○ monitor preservation and access facilities at places of deposit</li> <li>○ Advise places of deposit about the application of FOI, EIR and DPA to deposited public records</li> </ul> </li> </ul>	<i>PRA s 4(1), s 4(3,) s 5(5) and s 6 - delegated powers from Lord Chancellor</i>

<sup>2</sup> The Memorandum of Understanding is not specifically required by FOIA s 47(5) and s 48(3) but was produced because of them. It sets out the relationship to apply because of the Information Commissioner's statutory duty to consult the Keeper of Public Records on public records management matters

<sup>3</sup> The facilities reflect the powers in PRA s 2(4)– catalogues, reading room, expert staff

<b>Statutory Obligations</b>	<b>Source</b>
<ul style="list-style-type: none"> <li>• Act as National Archives for Wales pending establishment of separate provision by the National Assembly for Wales</li> </ul>	<i>Government of Wales Act 1998 and Memorandum of Understanding with the National Assembly for Wales</i>

### **3 HMC OBLIGATIONS**

<b>Statutory Obligations</b>	<b>Source</b>
<ul style="list-style-type: none"> <li>• Provide advice and guidance <ul style="list-style-type: none"> <li>○ Advise ministers, grant-giving bodies and others on records and archives policy and issues, including the allocation of archives and manuscripts accepted in lieu of tax</li> <li>○ Advise owners, custodians and users of private archives</li> </ul> </li> </ul>	<i>HMC Warrant</i>  <i>HMC Warrant</i>
<ul style="list-style-type: none"> <li>• Records management in the wider public sector <ul style="list-style-type: none"> <li>○ Provide advice and guidance to local government and other bodies and to the Information Commissioner</li> <li>○ Assess conformance to the records management code under FOIA s 46</li> </ul> </li> </ul>	<i>HMC Warrant</i>  <i>Memorandum of Understanding with Information Commissioner under FOIA s 47 and s 48</i>
<ul style="list-style-type: none"> <li>• Enquire into existence and location of non-public records and keep details of them in a national register</li> </ul>	<i>HMC Warrant</i>
<ul style="list-style-type: none"> <li>• Promote and assist preservation of non-public records</li> </ul>	<i>HMC Warrant</i>
<ul style="list-style-type: none"> <li>• Promote and assist research use of non-public records</li> </ul>	<i>HMC Warrant</i>
<ul style="list-style-type: none"> <li>• Promote co-ordinated action by bodies concerned with the preservation and use of non-public records</li> </ul>	<i>HMC Warrant</i>

<b>Statutory Obligations</b>	<b>Source</b>
<ul style="list-style-type: none"> <li>• Manorial documents: <ul style="list-style-type: none"> <li>○ Monitor ownership and location of manorial documents (and maintain a register of them)</li> <li>○ Monitor preservation of manorial documents and issue directions to owners if necessary</li> </ul> </li> </ul>	<i>Manorial Documents Rules - made under Law of Real Property Act 1922 etc – delegated powers from Master of the Rolls, Secretary of HMC specified</i>
<ul style="list-style-type: none"> <li>• Tithe documents <ul style="list-style-type: none"> <li>○ Appoint places of deposit for tithe documents</li> <li>○ Monitor location, preservation and access to tithe documents</li> </ul> </li> </ul>	<i>Tithe (Copies of Instruments of Apportionment) Rules under Tithe Acts – delegated powers from Master of the Rolls, Secretary of HMC specified</i>

#### 4 OPSI<sup>4</sup> OBLIGATIONS

<b>Statutory Obligations</b>	<b>Source</b>
<ul style="list-style-type: none"> <li>• The Queen's Printer to hold and exercise all rights and privileges in connection with Crown copyright and Crown database rights</li> </ul>	<i>Letters Patent</i>
<ul style="list-style-type: none"> <li>• Office of Public Sector Information to investigate complaints in relation to the re-use of public sector information and to give its recommendations in writing</li> </ul>	<i>Re-use of Public Sector Information Regulations 2005</i>
<ul style="list-style-type: none"> <li>• The Queen's Printer to print all Acts of Parliament (including Measures of the National Assembly of Wales)</li> </ul>	<i>Letters Patent</i>
<ul style="list-style-type: none"> <li>• The Queen's Printer to produce an Annual Volume of Acts of Parliament containing tables of effect of legislation on previous legislation.</li> </ul>	<i>Instruction from Statute Law Committee</i>
<ul style="list-style-type: none"> <li>• Statutory Instruments: <ul style="list-style-type: none"> <li>○ All Statutory Instruments to be registered and numbered by the Queen's Printer</li> <li>○ All Statutory Instruments shall as soon as possible be printed and sold by or under the authority of the Queen's Printer</li> </ul> </li> </ul>	<i>Statutory Instruments Act 1946 as amended by the Statutory Instruments (Production and Sale) Act 1996</i>

<sup>4</sup> OPSI is used as shorthand for the Office of Public Sector Information, Her Majesty's Stationery Office, the Queen's Printer/Government Printer and the Advisory Panel on Public Sector Information. Note that Her Majesty's Stationery Office (HMSO) is a separate legal entity operating from within OPSI, while APPSI is a NDPB serviced by OPSI. Responsibilities of the Queen's Printer for Scotland are not included in this document as they will fall outside TNA's remit.

<b>Statutory Obligations</b>	<b>Source</b>
<ul style="list-style-type: none"> <li>○ HMSO to produce lists showing the date upon which every statutory instrument printed and sold was first issued by HMSO</li> <li>○ Advice to ministers<sup>5</sup> in respect of his responsibilities in relation to the making of regulations under the Statutory Instruments Act</li> <li>○ Production of an Annual Edition of Statutory Instruments with an Annual Numerical and Issue List, a classified list and tables showing the effects of legislation on previous instruments (on behalf of the Secretary of State)<sup>6</sup></li> <li>○ Annual Edition of SIs to be printed by the Queen's Printer and published by HMSO.</li> </ul>	<p><i>Statutory Instruments Regulations 1948</i></p>
<ul style="list-style-type: none"> <li>● Obligation of the Government Printer for Northern Ireland, the officer appointed to print Acts of the NI Assembly, for publication of Statutory Rules by Her Majesty's Stationery Office</li> </ul>	<p><i>Statutory Rules (N.I.) Order 1979</i></p>
<ul style="list-style-type: none"> <li>● Copies of legislation, the Official Gazettes (i.e. the London, Belfast and Edinburgh Gazettes) and other documents (e.g. copies of Treaties, Command Papers etc) admitted into evidence if printed by or under the authority of the Queen's printer or Government Printer</li> </ul>	<p><i>Documentary Evidence Acts 1868 and 1882</i></p>
<ul style="list-style-type: none"> <li>● Advisory Panel on Public Sector Information: APPSI is an independent NDPB. Its remit is to investigate complaints in relation to OPSI, HMSO and QPS and to review OPSI's recommendations in relation to re-use of public sector information and to give its recommendations in writing</li> </ul>	<p><i>Re-use of Public Sector Information Regulations 2005</i></p>

---

<sup>5</sup> The functions remain with the Minister for the Civil Service until 31 October 2006

<sup>6</sup> The responsibility remains with the Minister for the Civil Service until 31 October 2006

## **Annex B**

### **Powers delegated by the Lord Chancellor**

The Lord Chancellor has delegated the following powers, conferred on him by the Public Records Acts 1958 and 1967, to the Chief Executive and to those of her staff who are designated by her as of appropriate seniority to exercise the power in question.

1. The giving of approval for the disposal of records not required for permanent preservation (s.3(6)).
2. The appointment of places of deposit of public records (s.4(1)).
3. The giving of approval for the transfer of records, between The National Archives and places of deposit, in either direction, or between places of deposit (s.4(3)).

Annex C

**FINANCIAL DELEGATIONS AGREED WITH HM TREASURY**

The Chief Executive may exercise the following financial delegations:

Commit expenditure, including all contractual commitments.....	unlimited
Certify expenditure.....	unlimited
Authorise payment .....	unlimited
Accept receipts.....	unlimited
Write-offs/Losses.....	unlimited
Bridging Loan write-offs.....	unlimited
Claims/ex-gratia payments.....	unlimited
Contractor's claims (extra contractual payments).....	unlimited
Compensation payments for personal injury in respect of The National Archives' own employees.....	unlimited
Capital building – per project (including VAT) .....	£12,000,000

IS:

Equipment – per project (including VAT).....	£5,000,000
Systems software – per project (including VAT).....	£2,000,000
IS consultancy – per project (including VAT).....	£500,000
Management consultancy – per project (including VAT).....	£300,000