

## **RETENTION OF PUBLIC RECORDS UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958**

1. In this instrument:

“the Act” means the Public Records Act 1958;

“listed person” means a person responsible for public records who is listed in Schedule 1 to this instrument;

“the proviso” means the proviso contained in the second paragraph of section 3(4) of the Act;

“the records” means public records that fall within a description contained in Schedule 2 to this instrument.

2. The Lord Chancellor makes this instrument in exercise of the power conferred on him by the proviso.

3. This instrument takes effect on 1<sup>st</sup> January 2012 and expires on 31<sup>st</sup> December 2021.

4. In the opinion of each listed person, the records for which the responsible person is responsible ought to be retained after the period referred to in section 3(4) of the Act for a special reason.

5. The special reason is that transfer of the records after that period to the Public Record Office or a place of deposit appointed by the Lord Chancellor under the Act will create a real risk of prejudice to national security.

6. Accordingly, the Lord Chancellor has been informed of the facts and gives his approval to the retention of the records.

7. The Lord Chancellor is also of the opinion that the records for which he is responsible ought to be retained for the special reason set out in paragraph 5.

8. Instrument No. 66, made by the Lord Chancellor on 3<sup>rd</sup> September 2002, is revoked.

The Lord Chancellor  
The 19th day of December 2011.

## SCHEDULE 1

### THE LISTED PERSONS

<b>Title of person responsible for public records</b>	<b>Department or organisation for whose public records they are responsible</b>
Advocate General for Northern Ireland	Advocate General for Northern Ireland's Office
Attorney General	Attorney General's Office
Chancellor of the Exchequer	Her Majesty's Treasury
Chief Operating Officer	Crown Prosecution Service
The Commander, Counter-Terrorism Command	Office of Commissioner of Police of the Metropolis
Company Secretary to BT Group plc	BT Group plc
Company Secretary to Royal Mail Group Limited	Royal Mail Group Limited
Comptroller and Auditor General	National Audit Office
Permanent Secretary for Tax, being a Commissioner for Her Majesty's Revenue and Customs	Her Majesty's Revenue and Customs
First Secretary of State and Secretary of State for Foreign and Commonwealth Affairs	Foreign and Commonwealth Office
Minister for the Cabinet Office and Paymaster General	Cabinet Office  Prime Minister's Office
Prime Minister of the United Kingdom of Great Britain and Northern Ireland	Government Communications Headquarters  Secret Intelligence Service  Security Service
Secretary of State for Business, Innovation and Skills	Department for Business, Innovation and Skills
Secretary of State for Communities and Local Government	Department for Communities and Local Government
Minister for Defence Personnel, Welfare and Veterans	Ministry of Defence
Secretary of State for Education	Department for Education
Secretary of State for the Home Department	Home Office
Secretary of State for Northern Ireland	Northern Ireland Office
Parliamentary Under-Secretary of State for Transport	Department for Transport

## SCHEDULE 2

### THE RECORDS

1. Records that relate to the performance of the functions of:
  - a) the Secret Intelligence Service under section 1 of the Intelligence Services Act 1994;
  - b) the Government Communications Headquarters under section 3 of the Intelligence Services Act 1994; and
  - c) the Security Service under section 1 of the Security Service Act 1989.
  
2. To the extent that they are not records within paragraph 1, records that relate to:
  - a) the selection and recruitment by any of the bodies referred to in paragraph 1 (“the security and intelligence agencies”) of members of staff, contractors and others (including potential members of staff or contractors);
  - b) the administration of human resources in relation to members of staff, including former members of staff, of the security and intelligence agencies;
  - c) vetting of candidates, staff, contractors, and others in accordance with the government’s vetting policy by the security and intelligence agencies;
  - d) mutual assistance given by any of the security and intelligence agencies in relation to the recruitment and vetting of candidates, staff, contractors, and others by the security and intelligence agencies;
  - e) operational techniques, methods and capabilities of the security and intelligence agencies, including the use of computer and communications systems;
  - f) operations or investigations undertaken by the security and intelligence agencies;
  - g) the location and accommodation of the security and intelligence agencies and of any of their members of staff, contractors or agents;
  - h) the budget and expenditure of the security and intelligence agencies.
  
3. To the extent that they are not records within paragraphs 1 or 2, records that relate to:

- a) assistance or information provided in confidence for the purpose of safeguarding national security, including (but not limited to) information received from a foreign government or foreign security or intelligence agency; and
- b) the means by which such information is conveyed or received.