

Appraisal Methodology Report

Competition and Markets Authority

13 June 2023



© Crown copyright 2023

You may reuse this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence.

To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/ or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gov.uk

Contents

Contents.....	2
Authority	4
Policy feedback contact details	4
Scope	4
About the CMA	4
History of the CMA	5
Responsibilities of the CMA	5
Governance	6
CMA Board and Executive Committees.....	6
CMA Board.....	6
Board Committees	7
Executive Committees	7
The Executive Committee	7
The Case and Policy Committee.....	7
The CMA Panel.....	7
Record keeping at the CMA.....	7
Published content of the CMA.....	8
Records accessioned with TNA	9
Approach to Appraisal and Selection.....	10
Approach to Sensitivity Review	11
Selection of records in the CMA	11
Inherited Legacy Records	11
Board and Committee Records.....	13
Appraisal of board and committee records	13
CMA Committee Structure.....	14
Case files from core/statutory functions.....	17
Cases referenced in the CMA Annual Report	17
Cases not referenced in the CMA Annual Report	18
Duplicated collections.....	18
Core/Statutory Functions	20

Authors

Sara Lemos – Senior Departmental Records Officer
James Powell – Digital Records Manager

Approvals

The National Archives Panel	26 January 2023
CMA Operations Committee	13 June 2023

Review

Next Review	June 2025
-------------	-----------

Authority

The Competition and Markets Authority (CMA) has a statutory duty to comply with the Public Records Act 1958 (PRA).

The PRA requires the CMA to:

- Select records for permanent preservation under the guidance and supervision of the Keeper of Public Records and ensure the safe keeping of those records, until their transfer to a place of deposit
- Transfer selected records to The National Archives (TNA) or another approved place of deposit 20 years from the point of creation, unless they need to be retained further for business or legal reasons, in which case the Secretary of State for Digital, Culture, Media and Sport's approval must be obtained.
- Adhere to TNA guidance which requires them to carry out formal applications for retention and closure of records through the Advisory Council on National Archives and Records
- Dispose of records not selected for permanent preservation, by destruction or presentation to another institution by agreement of the Keeper of Public Records.

The CMA complies with the PRA by appraising and selecting records for permanent preservation, conducting sensitivity reviews of selected records and where possible, transferring records to TNA or another approved place of deposit.

Policy feedback contact details

If you have any comments on this policy, please email:

RecordsManagementTeam@cma.gov.uk

or write to:

Records Management Team
Competition and Markets Authority
The Cabot
25 Cabot Square
London
E14 4QZ

Scope

This Appraisal Methodology Report (AMR) covers all records held by the CMA up to and including 2022. The details of these records in this report are not specified in chronological order, but rather by function and a comprehensive selection criteria model.

This AMR details how the CMA approaches appraisal and selection of its records, incorporating the transition from paper to digital records, to ensure that relevant records of enduring historical interest to the public are captured and permanently preserved.

About the CMA

The CMA was established in 2014 as an independent non-ministerial government department. It is the UK's primary competition and consumer authority. The CMA employs around 875 people. It has offices in London, Edinburgh, Cardiff, Belfast, Manchester and Darlington. The

CMA adopts an integrated approach to its work, selecting tools believed to achieve maximum positive impact for consumers and the UK economy.

The CMA comprises of seven directorates: Corporate Services, Legal Services, Enforcement, Digital Markets Unit, Markets and Mergers (which includes the Office for the Internal Market and Subsidy Advice Unit), Office of the Chief Economist and Strategy, Communication and Advocacy.

History of the CMA

On 15 March 2012, the Department for Business, Innovation and Skills announced its proposals for strengthening the UK competition market by merging the Office of Fair Trading (OFT) and the Competition Commission (CC) to create a single market authority, the Competition and Markets Authority (CMA).

The CMA launched in shadow form on 1 October 2013 and began formally operating on 1 April 2014. The formation of the CMA was enacted by Part 3 of the Enterprise and Regulatory Reform Act 2013, which received royal assent on 25 April 2013.

Responsibilities of the CMA

The CMA works to ensure that consumers get a good deal when buying goods and services, and businesses operate within the law. The CMA do this using statutory powers derived from the Enterprise and Regulatory Reform Act 2013.

The CMA's functions include:

- Investigating mergers that have the potential to lead to a substantial lessening of competition. If a merger stands to reduce competition, the CMA can block it or impose remedies to address such concerns.
- Conducting studies, investigations, or other pieces of work into markets where there are suspected competition and consumer problems. The CMA can act – and recommend action be taken by others – in markets where competition may not be working well.
- Investigating businesses and individuals to determine whether they have breached UK competition law and, if so, to end and deter such breaches.
- To investigate and prosecute individuals for the criminal cartel offence.
- Enforcing a range of consumer protection legislation, tackling issues which suggest a systemic market problem, or affect consumers' ability to make choices.
- Promoting stronger competition in the regulated industries (gas, electricity, water, aviation, rail, communications, and health), working with the sector regulators.
- Conducting regulatory appeals and references in relation to price controls, terms of licences or other regulatory arrangements under sector-specific legislation.
- Giving information or advice in respect of matters relating to any of the CMA's functions to the public, policy makers and to Ministers about how they can design and implement policy in a way that harnesses the benefits of competition and protects and promotes the interests of consumers.

Over the course of the 2021/22 reporting year, the CMA acquired the following new powers and responsibilities:

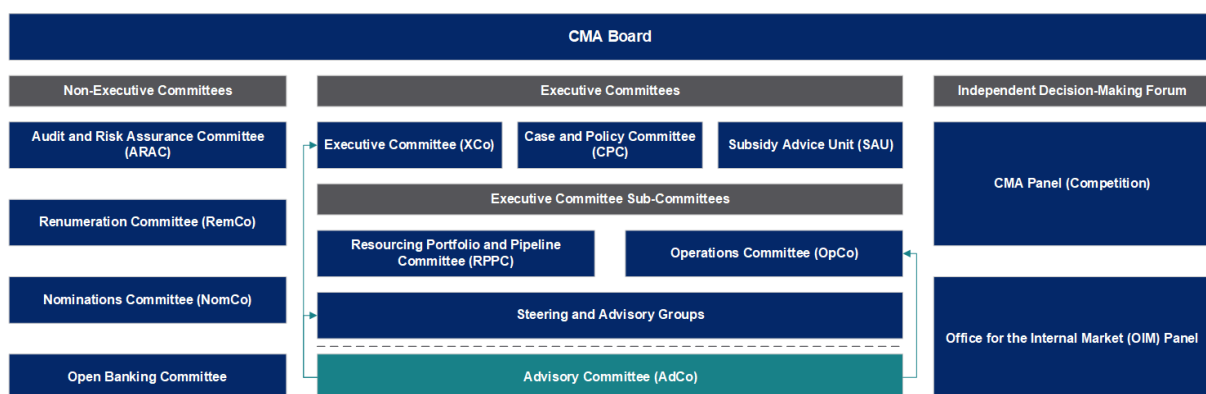
- The Office for the Internal Market (OIM), launched on 21 September 2021, provides technical advice, reporting and monitoring in the relation to the UK internal market. Its functions are set out in the UK Internal Market Act 2020.
- The Digital Markets Unit (DMU) was established in non-statutory form in April 2021. The DMU will oversee a new regulatory regime for the most powerful digital firms, promoting greater competition and innovation in the markets in which these firms operate, and protect consumers and businesses from unfair practices. The CMA is working closely with the UK Government, following the consultation on proposals for the new pro-competition regime. Powers for the DMU and for the new regulatory regime will require legislation.
- In addition, the Subsidy Control Act 2022 established a Subsidy Advice Unit (SAU) within the CMA, which provides advice, reporting and monitoring in relation to the Subsidy Control regime.

Governance

The CMA is funded by the taxpayer through HM Treasury, reporting to the UK Parliament through its Annual Plan and Annual Report. The CMA’s Annual Report was also laid in each of the devolved legislatures for the first time in 2022. The CMA are a partner organisation of the Department for Business & Trade.

We are governed by a Board, comprising the Chair, the Chief Executive, executive and non-executive directors, and two members of the CMA Panel. The Chief Executive, as the CMA’s Principal Accounting Officer, is responsible for the economy and efficiency of its handling of public monies. Some functions of the CMA must be performed by members of the CMA Panel who have clearly defined responsibilities and act as fresh decision-makers between the two phases of market and mergers cases to avoid confirmation bias. The CMA’s governance structure helps it to maintain its reputation for fairness, independence, integrity, rigorous analysis, careful handling of sensitive information, and efficient use of public money.

CMA Board and Executive Committees



CMA Board

The Board consists of the Chair, Non-Executive Directors (two of whom are also members of the CMA Panel) and Executive Directors (including the Chief Executive).

Led by the Chair, the Board establishes the overall strategic direction of the CMA within the policy framework laid down under the Enterprise and Regulatory Reform Act 2013.

The Board ensures that the CMA fulfils its statutory duties and functions, maintains its independence as a non-ministerial government department and that it observes the principles of good corporate governance. The Board will have regard to any opinions and reports of the CMA Principal Accounting Officer and Additional Accounting Officer and ensures that the CMA makes appropriate use of public funds.

Board Committees

The Board has four non-executive committees: the Audit and Risk Assurance Committee, the Remuneration Committee, the Nominations Committee and the Open Banking Committee.

Executive Committees

Through the Board Authorisations, the CMA Chair, acting on behalf of the Board, authorises staff to exercise the CMA's functions. Oversight of these functions is provided by the Board and two executive committees, the Executive Committee (as well as its sub-committees, the Operations Committee and the Resourcing, Portfolio and Pipeline Committee (RPPC)) and the Case and Policy Committee.

The Executive Committee

Under delegated authorities of the Board, the Executive Committee (XCo) is the overall decision-making body for performance and delivery. XCo oversees and makes decisions related to strategy, delivery and performance, portfolio and pipeline, finance and risk, staffing, organisational transformation, regime issues and reputation.

The Case and Policy Committee

The Case and Policy Committee (CPC) guides the development of CMA policy across all delivery tools, and provides oversight of cases and projects, ensuring consistency of approach and offers advice on high level legal, economic or policy issues as they arise.

The CPC is authorised to make decisions in relation to ongoing policies, cases and projects as appropriate under delegated authority of the Board.

The CMA Panel

As set out in the Enterprise and Regulatory Reform Act 2013, decisions on phase 2 merger inquiries, market investigations and regulatory appeals are made by independent groups drawn from the CMA Panel. Each group has at least 3 members and is led by an Inquiry Chair. Panel members may also be appointed to antitrust (Competition Act 1998) case decision groups.

The groups make their decisions independently of the CMA Board. The requirement for the Group to act independently does not prevent the CMA Board from giving appropriate information in its possession to a Group and vice versa. The Board is kept informed about resourcing, efficiency, the application of CMA policy and the staff processes that support the work of the Panel.

Record keeping at the CMA

Since its establishment, the CMA predominantly works with and produces digital records. The CMA inherited approximately 68,000 paper records and 8 million digital records from its predecessor departments, the Office for Fair Trading (OFT) and the Competition Commission.

As a regulatory non-ministerial department, it is essential that the CMA's decisions concerning records are communicated to the appropriate senior management level, by a CMA Director or above. Routine records management decisions are conducted by the Governance, Compliance and Risk Team, with the Senior Departmental Records Officer (DRO) holding overall responsibility.

The Governance, Compliance and Risk Team and the Senior DRO consult with the relevant Director and Executive Committee on matters concerning records destruction and transfer to TNA.

Published content of the CMA

The CMA routinely publishes information and records of its work and of investigations it undertakes as the regulator for markets and competition.

This publication provides the public with real-time insight into its work and promotes how the CMA is monitoring and ensuring that competition and markets in the UK are as fair as possible for UK consumers.

TNA regularly captures online publications of the CMA, including its website and social media channels, in its UK Government Web Archive.

Current websites and social media channels

- [Competition and Markets Authority - GOV.UK](#)
- [Competition and Markets Authority - GOV.UK Blog](#)
- [Competition and Markets Authority - Twitter Archive](#)
- [Competition and Markets Authority - YouTube Archive](#)

Websites of predecessor departments

- [Office of Fair Trading \(OFT\)](#)
- [Office of Fair Trading \(OFT\) - Twitter Archive](#)
- [Office of Fair Trading \(OFT\) - YouTube Archive](#)
- [Competition Commission](#)

Annual Reports and Accounts

The CMA's Annual Reports and Accounts are published online and are preserved through the UK Government Web Archive

Office of Fair Trading:

- [OFT Annual Report and Accounts 2000](#)
- [OFT Annual Report and Accounts 2001](#)
- [OFT Annual Report and Accounts 2002 to 2003](#)
- [OFT Annual Report and Accounts 2003 to 2004](#)
- [OFT Annual Report and Accounts 2004 to 2005](#)
- [OFT Annual Report and Accounts 2005 to 2006](#)
- [OFT Annual Report and Accounts 2006 to 2007](#)
- [OFT Annual Report and Accounts 2007 to 2008](#)
- [OFT Annual Report and Accounts 2008 to 2009](#)
- [OFT Annual Report and Accounts 2009 to 2010](#)
- [OFT Annual Report and Accounts 2010 to 2011](#)

- [OFT Annual Report and Accounts 2011 to 2012](#)
- [OFT Annual Report and Accounts 2012 to 2013](#)
- [OFT Annual Report and Accounts 2013 to 2014](#)

Competition Commission:

- [Competition Commission Annual Review and Accounts 1998 to 1999](#)
- [Competition Commission Annual Review and Accounts 1999 to 2000](#)
- [Competition Commission Annual Review and Accounts 2000 to 2001](#)
- [Competition Commission Annual Review and Accounts 2001 to 2002](#)
- [Competition Commission Annual Review and Accounts 2002 to 2003](#)
- [Competition Commission Annual Review and Accounts 2003 to 2004](#)
- [Competition Commission Annual Report and Accounts 2004 to 2005](#)
- [Competition Commission Annual Report and Accounts 2005 to 2006](#)
- [Competition Commission Annual Report and Accounts 2006 to 2007](#)
- [Competition Commission Annual Report and Accounts 2007 to 2008](#)
- [Competition Commission Annual Report and Accounts 2008 to 2009](#)
- [Competition Commission Annual Report and Accounts 2009 to 2010](#)
- [Competition Commission Annual Report and Accounts 2010 to 2011](#)
- [Competition Commission Annual Report and Accounts 2011 to 2012](#)
- [Competition Commission Annual Report and Accounts 2012 to 2013](#)

Competition and Markets Authority:

- [CMA Annual Report and Accounts 2014 to 2015](#)
- [CMA Annual Report and Accounts 2015 to 2016](#)
- [CMA Annual Report and Accounts 2016 to 2017](#)
- [CMA Annual Report and Accounts 2017 to 2018](#)
- [CMA Annual Report and Accounts 2018 to 2019](#)
- [CMA Annual Report and Accounts 2019 to 2020](#)
- [CMA Annual Report and Accounts 2020 to 2021](#)
- [CMA Annual Report and Accounts 2021 to 2022](#)

Records accessioned with TNA

The following series of records have already been, or are actively being, transferred to and permanently preserved with TNA.

Office of Fair Trading	
LD 1	LD1 Office of Fair Trading: Annual Reports (1975-1999)
LD 2	Office of Fair Trading (OFT) Website (From 1998)
LD 3	Consumer Credit Register Website (From 2008)
LD 4	Consumer Credit Act Licensing Website (From 2011)
LD 5	Office of Fair Trading: Restrictive Trade Practices Act: Registered Files (P Prefix Series)
Monopolies and Mergers Commission	
JD 1	Monopolies and Mergers Commission: Annual Reviews (1988-1993)
JD2	Monopolies and Restrictive Practices Commission and successors: Registered Files, General (G Series) (1953-1972)
JD 3	Monopolies and Mergers Commission: Publications (1987-1996)

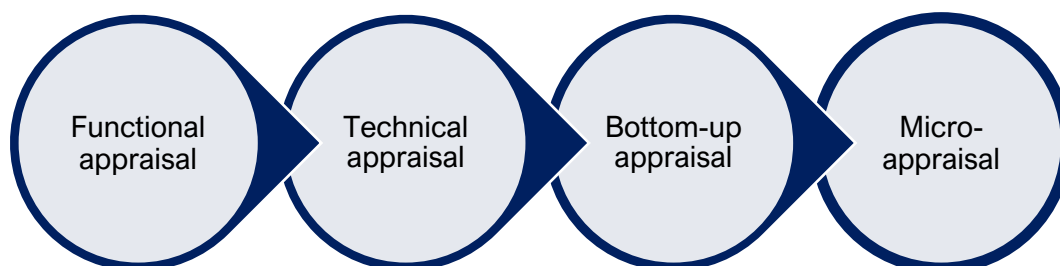
BT 169	Monopolies Commission: Reports (1950-1994)
FH 6	National Bus Company: Corporate Affairs, Planning and Strategic Research: Unregistered Papers (1971-1988)
FV 65	Department of Trade and Industry, Prices and Incomes Division, and Department of Prices and Consumer Protection, Prices and Policy Division and successors: Registered Files (PP Series) (1975-1981)
Competition Commission	
JD 4	Competition Commission Website (From 2000)
ZWEB 6	Regulation of Market-Provided Services: Government Websites (From 1996)

Legacy paper records, up to the formation of the CMA, will continue to be transferred to TNA under the originating department's series to preserve the integrity of the records origin. The CMA will seek to create new TNA series for records it has created, separate from records inherited from its predecessor departments.

Approach to Appraisal and Selection

Appraisal and selection are essential steps of the reviewing process and requires careful consideration. The general principles that the CMA adhere to are based on the Guidance that TNA provides to all government departments.

Throughout their lifecycle, born-digital records within the CMA may undergo multiple reviews. At the final review, record reviewers will undertake a series of appraisal stages to determine their value for permanent preservation. These stages include:



Functional Appraisal

Macro-appraisal of record collections based on the functions and activities of the CMA

Technical Appraisal

Assessment of the technical attributes of the remaining records, to identify unwanted or obsolete file formats and duplicate records that can be destroyed

Bottom-up Appraisal

Spot check of the contents of records within the collections identified in the functional appraisal to ensure confidence in the selection decisions

Micro-appraisal

In-depth review of individual records, for use where the previous stages could not be used

Approach to Sensitivity Review

All records selected for permanent preservation are reviewed for information subject to a FOIA exemption that should not be disclosed to the public. Access conditions and a date for subsequent review will be applied to this information upon transfer to TNA.

The CMA is prohibited from disclosing 'specified information' under Part 9 of the Enterprise Act 2002. 'Specified information' is information that relates to the business of an undertaking or the affairs of an individual, that has come to the CMA in connection with the exercise of its function under Parts 1, 3, 4, 5, 6, 7 or 8 of the Enterprise Act 2002, an enactment of Schedule 14 of the Enterprise Act 2002 or any such subordinate legislation as specified by the Secretary of State. The Part 9 prohibition on disclosure applies for the lifetime of an individual or for as long as the undertaking continues in existence.

Information subject to the Part 9 prohibition will be present in most CMA case files and some Board and committee records. Where this is the case, the CMA has agreed with TNA that it will apply for such records to be closed under s.44 FOIA. Section 44 FOIA provides that information subject to a statutory bar on disclosure is exempt. A 10-year rolling closure will be applied until such time the prohibition on disclosure no longer applies.

Selection of records in the CMA

The CMA appraises records in accordance with [TNA's Records Collection Policy](#), only selecting those that are of historical value and enduring public interest and that meet the selection criteria belonging to four high-level themes:

1. The principal policies and actions of the UK central government and English and Welsh governments
2. The structures and decision-making processes in government
3. The state's interaction with the lives of its citizens
4. The state's interaction with the physical environment

Inherited Legacy Records

Prior to the establishment of the CMA in 2014, its predecessor departments, the OFT and the CC, selected their records for permanent preservation using TNA's legacy operational selection policies (OSP). A summary of the criteria used by these departments are outlined below:

Restrictive Trade Practices

The Restrictive Trade Practices Act 1956 was an UK act of Parliament that intended to enforce competition and provide a check on restrictive combines and practices. The legalisation required that any agreement between companies that restricted trading be placed on a public register, unless an exemption is granted by the Secretary of State. The register could refer any agreement deemed to not be in the public interest to the Restrictive Practices Court. The court was gradually replaced by a new judicial regime under the Competition Act 1998 and the Enterprise Act 2002. The Restrictive Trade Practices Act was ultimately disestablished on 10 March 2013. Under this legislation, the CMA inherited paper files from the OFT the following file series references.

File Series	Number of Records	Record Types	Selection Decisions
RTP-P (1985-1990)	652	Proceedings case documents	All cases to be permanently preserved
RTP-RS (1976-2001)	469	Service Agreements	Significant cases to be selected for permanent preservation, the remaining will be destroyed

Competition Case Files

These records are those formerly from the Competition Commission that focused on investigation or reporting on mergers, monopolies, anti-competitive practices and records of the Competition Appeal Tribunal that focused on actions and reviewing decisions.

Mergers

File Series	Number of records	Record Types	Selection Decisions
ME (1978-2015)	5215	General Mergers files	Select significant cases which resulted in a reference to the CC
Comp-JV (1989-2002)	11	Joint Ventures	Select significant cases which resulted in a Phase 2 formal investigation
Comp-M (1999-2004)	1522		Select significant cases which resulted in a Phase 2 formal investigation

Competition

File Series	Number of Records	Record Types	Selection Decisions
CP (2000-2002)	3006		Select significant cases which resulted in a reference to the CC
ECJ (1979-1992)	36	Competition cases brought before the European Court of Justice	Permanently Preserve
ECMR (1986-1998)	194	European Commission Merger Regulations	
MON (1973-2001)	1344	Market Investigations leading to reference to the MMC	Select significant cases which resulted in a reference to the CC
MPI (2000-2015)	893	Super Complaints, Undertakings, and Investigations	Select all super complaint cases (as defined by section 11(1) Enterprise Act 2002)

Following its establishment, the CMA will continue to select similar records from its predecessors to ensure continuity in the information preserved for the public.

The CMA has developed new criteria and processes for the selection of records for permanent preservation to allow for the new functions of the CMA and to simplify and improve the longevity of the selection process.

Board and Committee Records

Across government there are various forms of boards and committees ranging from the most senior and strategically focused levels, through to other boards and committees that are created for purely local and short-term issues or because of a change in legislation.

As the CMA is a non-ministerial department, all decisions are made via its various boards and committees as detailed in the above governance section.

Formal records of boards and committees are generally homogeneous in format, comprising of agendas, circulated papers, reports and minutes of meetings. Secretariats will also have records relating to the board and committee: on the appointment of members; payments to members, financial and administrative matters; arrangements for meetings; briefing documents; and drafting of documents for circulation.

These records will be consistent from the paper records through into digital.

Appraisal of board and committee records

Appraisal of committee-style records must consider: the gradations of committee-style work; related records created at higher levels; and the certainty or likelihood that records of committee work at more senior levels will have been selected for preservation, at TNA or in other archives such as the Parliamentary Archives or if published in the British Library.

The CMA will only select board and committee records at the highest level, primarily the Board and Executive Committees. Significant recommendations, conclusions and key outcomes of boards and committees working at levels below this are likely to be adequately reflected within records created at more senior levels and therefore will be appraised robustly.

Board and committee records that are solely for administrative, financial or other housekeeping purposes will not be selected for permanent preservation and will be destroyed once any business need to retain them ends.

CMA Committee Structure

Name of Committee	Terms of Reference	Select for TNA	Reason for selection or non-selection
CMA Board	The CMA's main decision-making body. It provides strategic direction and ensures that statutory duties and functions are fulfilled. The Board decides whether to launch market studies and initiate market investigations.	Yes	High-level governance records (for example, agendas, minutes and papers of key committees) (Selection criteria 2.1)
Executive Committee (XCo)	Focuses on the development of organisational strategy, performance and delivery of key Annual Plan objectives.	Yes	High-level governance records (for example, agendas, minutes and papers of key committees) (Selection criteria 2.1)
Case and Policy Committee (CPC)	Oversees cases and projects, ensures consistency of approach and offering advice on high level legal, economic or policy issues as they arise.	Yes	High-level governance records (for example, agendas, minutes and papers of key committees) (Selection criteria 2.1)
Resourcing, Portfolio and Pipeline Committee (RPPC)	Reviews and provides strategic direction in relation to the CMA's use of its resources and capability in its ongoing and prospective work, and to the balance and priority of the CMA's ongoing portfolio of work. It also considers and makes decisions or recommendations on the CMA's pipeline of prospective work, including specific proposals for initiating projects.	No	Any significant records or decisions of note will be referred to and included in papers of the Board/XCo or included in the Annual Report.
Pipeline Steering Group (PSG) (closed)	Considers proposals for initiating investigations under the CMA's antitrust, cartel and consumer protection law enforcement powers. Also recommends to the Board the initiation of market studies or preliminary work to such market studies, and the initiation of projects using the CMA's advocacy functions.	No	Any significant records or decisions of note will be referred to and included in papers of the Board/XCo or included in the Annual Report.

Operations Committee (OpCo)	Oversees corporate services, including IT and outcomes and impacts of information security, business support services, risk and business continuity.	No	Committee only concerns operational matters. Any significant records or decisions of note will be referred to and included in papers of the Board/XCo or included in the Annual Report. (Selection criteria – 6.3)
Advisory Committee (AdCo)	A staff advisory body that contributes insights from under-represented groups to improve diversity at senior levels of the CMA. AdCo advises the main Executive Committees (XCo, PSG and OpCo) on key strategic and operational matters and the selection of cases and projects.	No	Any significant records or decisions of note will be referred to and included in papers of the Board/XCo or included in the Annual Report.
Audit and Risk Assurance Committee (ARAC)	Advises the Board and Chief Executive on internal control, audit, and risk assurance processes.	No	Any significant records or decisions of note will be referred to and included in papers of the Board/XCo or included in the Annual Report.
Remuneration Committee (RemCo)	Reviews SCS performance and awards pay and bonuses. Also advises the Board on non-SCS staff remuneration issues.	No	Committee only concerns operational matters. Any significant records or decisions of note will be referred to and included in papers of the Board/XCo or included in the Annual Report. (Selection criteria – 6.3)
Nomination Committee (NomCo)	Advises the Board and Chief Executive on succession planning for executive and non-executive members of the Board.	No	Any significant records or decisions of note will be referred to and included in

			papers of the Board or included in the Annual Report.
Open Banking Committee	Provides guidance and takes decisions regarding the investigation into allegations of misconduct at the Open Banking Implementation Entity and the transition to a future entity	No	Any significant records or decisions of note will be referred to and included in papers of the Board or included in the Annual Report.
European Union Exit Committee (EUEC) (closed)	The European Union Exit Committee (EUEC) is the decision-making body on matters relating to the CMA's EU Exit policy and operational readiness (including the CMA's new State aid function). It is a sub-committee of the CMA's Executive Committee (XCo).	Yes	High-level governance records (for example, agendas, minutes and papers of key committees) (Selection criteria 1.1 and 2.1)
Steering and Advisory Groups		Yes – significant groups only	High-level governance records (for example, agendas, minutes and papers of key committees) (Selection criteria 2.1)

Case files from core/statutory functions

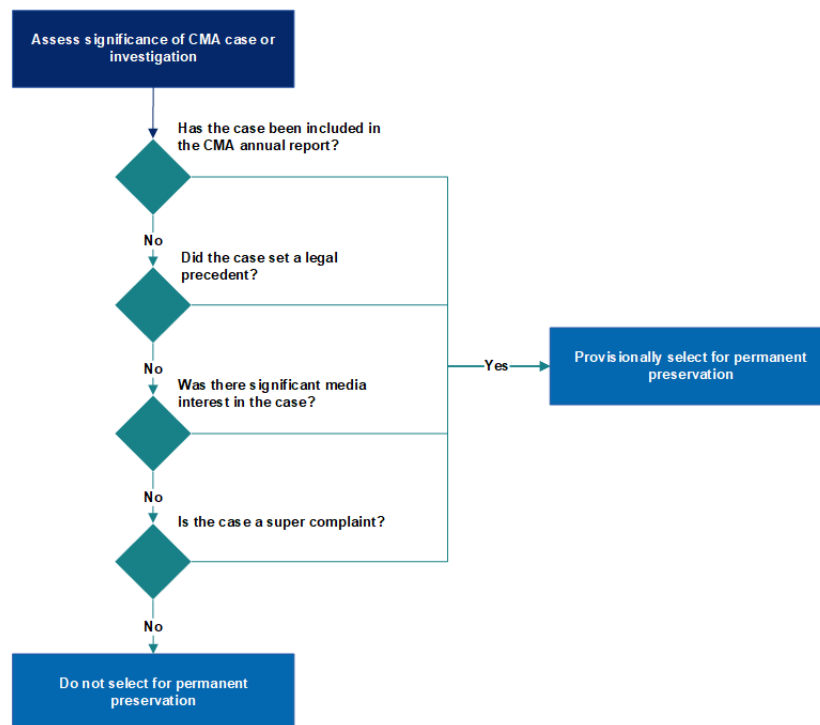
Case files are record series whose component files contain similar information, generated in response to the same piece of legislation or regulation, about a particular group of persons, organisations, places, or transactions.

Case files of consumer enforcement and competition investigations account for the majority of the CMA's records holdings. Some case files relating to the CMA's core functions may be considered worthy of permanent preservation due to their historical interest or because of any enduring public interest in them. However, not all cases should be selected for permanent preservation, nor should case files be selected just to provide specimens of work that the CMA does.

The CMA will use the defined procedures and specific criteria, as laid out below, to ensure as far as possible, that decisions are fully informed as to the uniqueness of the information in the set of records and are rigorous and consensual.

The workflow below shows the decision process for determining if a case file will be selected for permanent preservation. If a case meets one or more of the criteria outlined it will be selected, all other cases should be destroyed, in line with the relevant retention schedule.

Permanent Preservation Decision Process



Cases referenced in the CMA Annual Report

CMA cases that are significant, have a wide public interest or sets a precedence are routinely referenced in the CMA's Annual Report. Therefore, any case studies or key cases highlighted in the Annual Report will be selected for permanent preservation.

Cases not referenced in the CMA Annual Report

Records of cases that are not referenced in the CMA Annual Report will not be selected for permanent preservation unless they meet any of the following criteria

Cases that set a legal precedent

Case files and associated records in matters that set legal precedent will be selected for permanent preservation unless they have already been captured and permanently preserved elsewhere (as outlined under the Duplicated collections section below). If a record, or part of a record, has been permanently preserved elsewhere, the CMA's record may be worthy of permanent preservation if its contents add significantly to what is already known.

Cases with a significant media interest

Cases that attracted considerable national press interest throughout their lifespan and after its conclusion should be selected for permanent preservation.

This includes

- Cases that are continuously reported by various national news associations throughout their lifespan, including outset, court cases, outcome and subsequent follow-up pieces

This does not include

- Cases only reported by trade press associations or specialist competition or market outlets
- Cases covered solely by local news outlets, for example, reporting only because it relates to a local company

Cases raised by a super-complaint

A super-complaint is a complaint 'that any feature, or combination of features, of a market in the United Kingdom for goods or services is or appears to be significantly harming the interests of consumers' (section 11(1) Enterprise Act 2002).

Super-complaints give rise to significant contemporary interest or controversy and have a high level of public interest, therefore any records from super-complaint cases will be selected for permanent preservation.

Duplicated collections

As the CMA routinely publishes information and records of its work and of investigations it undertakes as the regulator for markets and competition, records may already be permanently preserved and in the public domain.

As set out in the TNA Records Collection Policy, TNA do not seek to acquire duplicated collections. Therefore, the CMA will not select records that have been collected or duplicated elsewhere or may otherwise have already been captured by TNA.

This includes:

Records that have already been accessioned by The National Archives (or other place of deposit) by CMA or other public body

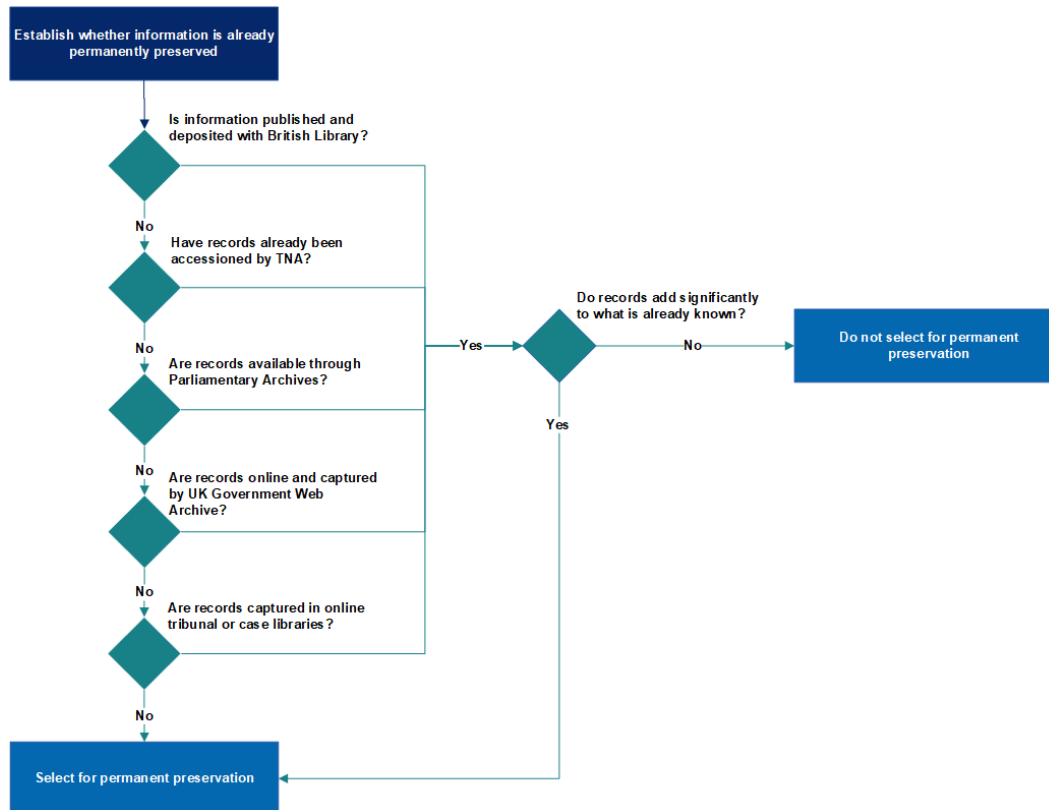
Records that have been published on the CMA website (or other government website) and have been captured in the UK Government Web Archive

Publications or other grey literature that have been deposited with the British Library or other legal deposit library

Papers (such as Command Papers) that have been laid before Parliament or that are available via the Parliamentary Archives

Records that have been captured in online tribunal or case libraries, such as the Competition Appeals Tribunal case library which will be permanently preserved

Duplicated Information Decision Process



The CMA may hold records that are not already permanently preserved or in the public domain but that relate to records that are. In these instances, an assessment will be undertaken to determine whether there is value in permanently preserving these additional records. The CMA's starting position is that there will be little value in selecting records that do not significantly add to the understanding or context of records already permanently preserved.

Core/Statutory Functions

Directorate	Function	Select for TNA	Reason for selection or non-selection
Enforcement	Investigators and Intelligence	Yes – significant cases only	Cases that meet the criteria specified. All other records will be destroyed.
	Antitrust	Yes – significant cases only	Cases that meet the criteria specified. All other records will be destroyed.
	Cartels	Yes – significant cases only	Cases that meet the criteria specified. All other records will be destroyed.
	Consumer Enforcement	Yes – significant cases only	Cases that meet the criteria specified. All other records will be destroyed.
Digital Markets Unit	Digital Markets	Yes – significant cases only	Cases that meet the criteria specified. All other records will be destroyed.
Markets and Mergers	Markets	Yes – significant cases only	Cases that meet the criteria specified. All other records will be destroyed.
	Mergers	Yes – significant cases only	Cases that meet the criteria specified. All other records will be destroyed.
	Remedies, Business and Financial Analysis (RBFA)	Yes – significant cases only	Cases that meet the criteria specified. All other records will be destroyed.
	Office of the Internal Market (OIM)	Yes – significant cases only	Cases that meet the criteria specified. All other records will be destroyed.
	Subsidy Advice Unit	Yes – significant cases only	Cases that meet the criteria specified. All other records will be destroyed.

Office of the Chief Economist	Microeconomics Unit	No	Records of significance are captured within case team files.
	DaTA	No	Records of significance are captured within case team files.
	Econometrics	No	Records of significance are captured within case team files.
	Statistics	No	Records of significance are captured within case team files.
Strategy, Communications and Advocacy	UK Nations and Scotland	No	Records of significance are captured within case team files.
	Strategy	No	Operational or administrative records and Records that need to be retained by law but aren't considered to be of historical value (Selection criteria 6.3 and 6.9) Significant records are captured within Committee records.
	Advocacy and External Relations	No	Records of significance are captured within case team files.
	Digital and Campaigns	No	Public correspondence, press and information published on departmental website (Selection criteria 6.5, 6.11 and 6.12)
	Media Relations	No	Public correspondence, press and information published on departmental website (Selection criteria 6.5, 6.11 and 6.12)
	Corporate Services	Finance	No
	Property and Facilities Management	No	Operational or administrative records and Records that need to be retained by law but aren't considered to be of historical value (Selection criteria 6.3 and 6.9)

	Technology and Business Services	No	Operational or administrative records and Records that need to be retained by law but aren't considered to be of historical value (Selection criteria 6.3 and 6.9)
	Commercial	No	Operational or administrative records and Records that need to be retained by law but aren't considered to be of historical value (Selection criteria 6.3 and 6.9)
	Exec Office, Security and Performance	No	Operational or administrative records and Records that need to be retained by law but aren't considered to be of historical value (Selection criteria 6.3 and 6.9) Exec Office covered by Committees above.
	People, Capability and Culture	No	Operational or administrative records and Records that need to be retained by law but aren't considered to be of historical value (Selection criteria 6.3 and 6.9)
Legal Services	Legal Advisory	No	Records of significance are captured within case team files.
	Litigation	Yes – significant cases only	Cases that meet the criteria specified. All other records will be destroyed.
	Policy and International	Yes – significant cases only	Cases that meet the criteria specified. All other records will be destroyed.
	Governance and Compliance	No	Operational or administrative records and Records that need to be retained by law but aren't considered to be of historical value (Selection criteria 6.3 and 6.9)
	Know-How	No	Relevant information is duplicated from original case files.