



Cabinet Office

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Guidance: Management of Private Office information and records

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Introduction

1. It is an important part of our duty as civil servants to keep accurate records. Recorded information of a department's official business, wherever held and whether created by ministers or officials, is a public record belonging to the Crown. Accurate record keeping is particularly important in private offices, where the most important decisions are made. For officials in private offices record keeping is core business.
2. This guidance is intended for civil servants in ministers' private offices. It sets out how records should be managed and what records they should keep. How they should be kept will depend on how the minister works and how the private office operates. If the minister works on paper, the hard copy should be preserved. If the minister works digitally, the digital version is the record. Private offices should agree how to keep records with their Departmental Records Officer (DRO).
3. This guidance replaces earlier guidance issued in 2009. It does not apply retrospectively. It applies to information in any medium created by, held in, or passing through private offices which relates to the business activities of the department. It does not cover records that may be maintained elsewhere in the department. It does not apply to records of ministers' constituency, party-political activities or personal interests, which should be kept separate from official records. See Annex C for guidance on record-keeping relating to ministers' interests.
4. This guidance is intended to be read alongside other policies on record-keeping. In particular ministers and officials should use government systems for government business. Refer to the guidance on non-corporate communications channels or consult the DRO if using non-corporate communications channels for government business.

Legal and Institutional Framework

5. Private offices must keep accurate records because ministers are accountable to Parliament and to the public. The Civil Service Code issued under s.5 of the *Constitutional Reform and Governance Act 2010* requires civil servants to keep accurate official records.
6. The *Public Records Act 1958* requires government departments to preserve records of historical value and transfer them to The National Archives after no longer than 20 years (s.3(1)). Private office records are more likely to have historical value, so private offices have an important role in complying with this statutory duty. Departments must follow the guidance and supervision of the Keeper of Public Records (s.3(2)).
7. The *Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000*, provides a framework for authorities to manage information and maintain a record of their activities. The Code also sets out disposal options.
8. The *Freedom of Information Act 2000* allows anyone the right to ask for information. Being clear about what records to keep means private offices can deal with requests accurately and in a timely manner.
9. Some types of information must be kept by law for a set period, for example financial information must be kept for seven years.
10. Private offices are bound by the government's commitment to keep records of meetings with outside interest groups. Private offices should refer to the Transparency Team in the Cabinet

Office if they require guidance.

11. The *Data Protection Act 2018* governs the use of personal information.
12. The *Inquiries Act 2005* provides an Inquiry with powers to compel evidence. In most cases, this will relate to how and when decisions were made.

What records should private offices keep?

13. Officials should exercise judgement but should aim for an intelligible record of their ministers' time in office. DROs should advise on how the obligations detailed above apply, on departmental selection policies and on technical aspects of managing records including how long to keep records.

Record type	What records to keep
Official diaries	Ministers' official diaries are public records. Keep the final version showing what actually took place (rather than what was planned) and pass this to the DRO for safekeeping at intervals to be agreed with the DRO.
Submissions	Keep submissions with ministers' comments. If ministers write on a hard copy, <u>keep the hard copy, do not scan it</u> . Keep correspondence reporting ministers' responses along with background provided to ministers in the medium in which they were created.
Meetings	Keep a record of ministers' meetings on substantive issues whatever the medium (not party-political meetings). Record the date, time, location or format (in person, online, via non-corporate channels), who took part, and decisions or undertakings.
Formal correspondence	Ensure systems for recording incoming correspondence and replies are adequate, including where correspondence is managed centrally.
Other communications	Record decisions arising from telephone or online meetings or via non-corporate communication channels, such as WhatsApp.
Ministers' notebooks and aides-memoire	Ministers' notebooks are public records. Tell ministers that they may be transferred to The National Archives after 20 years. Keep ministers' aides-memoire and notes, whether handwritten or digital.
Registered and policy files	Keep a record of policy development if the private office is in the lead, otherwise the relevant policy unit should keep the record.
Commissions	Keep records of ministers' requests for policy development.

The following should not be kept once information in the categories above has been placed in the official record and they are no longer needed for business purposes.

- Routine administrative meetings of the private office team
- Meetings or conversations, in any medium, that are not substantive discussions of departmental or government policy or operations
- Initial notes of meetings or discussions after an official record of the meeting or discussion has been created
- Notes of meetings, conversations or communications in any medium, of a party-political nature
- Meetings or conversations that lead to immediate action for example a press statement;
- Cabinet and Cabinet Committee papers should be destroyed unless the minister has annotated them; records of the Cabinet are kept by the Cabinet Office.
- Requests from ministers to policy units for routine briefings, replies to ministerial correspondence etc.

Records normally go to departmental archives when a minister leaves office but other arrangements may be agreed with the DRO. The DRO can advise how long to keep each type of record, informed by The National Archives' Record Collection Policy, and whether digital or hard copy needs to be retained. Not all of these records will transfer to The National Archives. Where appropriate the DRO can also advise and authorise the destruction of records. DROs (and every person responsible for public records) act under the supervision and guidance of the Keeper of Public Record.

Annex A - Records of Permanent Secretaries' Offices

The requirements for Permanent Secretaries' private office records are similar but more limited.

Record type	What records to keep
Submissions	Keep originals with the Permanent Secretary's comments and any correspondence conveying the response as well as background information provided.
Meetings	Keep records of internal and external meetings, including meetings with ministers or their special advisers, other officials, meetings with other departments, external interest groups and lobbyists and MPs. Record the basic facts of the meeting, date, time, venue, attendees, as well as any decisions or undertakings.
Formal correspondence	Private offices should be satisfied that systems for recording incoming correspondence and replies are adequate, including where correspondence is managed centrally.
Other communications	Transfer to the official record decisions arising from communications via telephone or any other medium, including non-corporate channels, such as WhatsApp.

Annex B - [Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000](#)

The Code of Practice says that public authorities should “know what information they hold, why they hold it, how sensitive it is, and how it should be managed. They should keep information for as long as they need it and dispose of it when they no longer have a reason to keep it. Authorities can dispose of information by destroying it, ... or by transferring it to an archive.” (1.2.3). The Code also sets out that “Authorities subject to the PRA have a statutory duty to select records of historic value for permanent preservation in TNA or a Place of Deposit.” (3.1.1.)

The Code of Practice sets out three principles that explain why it is important that accurate records are kept. They are:

Value. Well-managed information supports ministerial decision making. Additionally, many private office records will be of historical value and should be kept for permanent transfer to The National Archives as part of preserving the legacy of a minister’s time in office.

Integrity. Private offices should ensure that the record of the activities of their minister can be relied upon and trusted. It is not unusual for the decisions of ministers to be challenged in court or made subject to inquiries.

Accountability. Managing records well will enable a private office to provide a clear and accurate account of its activity in accordance with its legal and other obligations.

Annex C - Note on Ministers' private interests

Private offices provide the Cabinet Office Propriety and Ethics Directorate with information about ministers' private interests. These are confidential and should not be retained as part of the historic record. The Cabinet Office destroys its copy one year after the end of the government in which the minister served. Private offices should handle this information in strict confidence and dispose of it when the minister leaves office.

