

Minutes of the Meeting of the Board of Trustees of the Tate Gallery held on Wednesday 21 March 2012 at Tate Modern, McAulay Seminar Room, Level 1, at 9 am

Present:	Lord Browne Tomma Abts Lionel Barber Tom Bloxham David Ekserdjian Mala Gaonkar Maja Hoffmann Patricia Lankester Elisabeth Murdoch Franck Petitgas Monisha Shah Bob & Roberta Smith Gareth Thomas	Chairman
Staff present:	Sir Nicholas Serota Alex Beard Caroline Collier Dr Penelope Curtis Chris Dercon Samuel Jones Alison Kennedy Deirdre Robertson Rebecca Williams Anna Cutler Francesco Manacorda	Director Deputy Director Director, Tate National Director, Tate Britain Director, Tate Modern Secretary to the Board of Trustees Governance and Policy Manager (notes, item 1) Chief Operating Officer Director of Development and Tate Foundation Director, Learning Observer; Artistic Director, Tate Liverpool from 4 April 2012
Report 10 only		
Reports 11-12 only		
Reports 11 – end)		

1. Board Effectiveness

- a. Trustees discussed issues arising from the annual Board Effectiveness review process including Board business, issues facing Tate as an organisation and the balance of skills and expertise on the Board, and agreed actions to move forward.
- b. Trustees assessed that in 2011-12 they had fully discharged their responsibilities under the Corporate Governance Code.

2. Apologies

- a. Apologies were received from Wolfgang Tillmans. It was noted that Anna Cutler and Francesco Manacorda would join the meeting after the break.

3. Confirmation of Minutes

Minutes of the Meeting held on Wednesday 18 January 2012

The Trustees

- a. CONFIRMED the minutes as a true record, and the minutes were signed by the Chairman after the meeting.

4. Matters Arising

- a. There were no matters arising.

5. Conflict of Interest Declarations

- a. With regard to item 10, it was noted that Patricia Lankester and David Ekserdjian are National Gallery trustees. It was agreed that they would not need to absent themselves from discussion of the agenda items relating to the National Gallery.
- b. As in the meeting of 18 January 2012, Lord Browne declared a conflict of interest for himself, Franck Petitgas and Sir Nicholas Serota with regard to Item 19 as Trustees of both the Tate Gallery and the Tate Foundation. It was agreed that they would not participate in the discussion or take part in making the subsequent decision, and that Senior Trustee Patricia Lankester would take the Chair for this agenda item.

6. Director's Report

6.1 Grant in Aid Arrangements

- a. *Information has been exempted under Section 36 of the Freedom of Information Act 2000¹*
- b. *Information has been exempted under Section 36 of the Freedom of Information Act 2000¹*

6.2 People, Pay and Reward

- a. Trustees were updated to the effect that HM Treasury has issued guidance with regard to arrangements for the application of the 1% pay cap on public sector pay over two years from 1 April 2012. It was noted that this response represents no progress on the current situation.

¹ *Section 36 of the Freedom of Information Act provides that: Information is exempt information if its disclosure under this Act would be likely to have any the following effects:*

1. *prejudice collective Cabinet responsibility;*
2. *inhibit the free and frank provision of advice and exchange of views for the purposes of deliberation;*
or
3. *prejudice the effective conduct of public affairs*

- b. It was agreed that Tate will continue to discuss with DCMS how to work around the constraints of pay restrictions.
- c. It was also noted that, from 1 April 2012, most staff were having to contribute more to their pensions, and hence there is a cumulative effect on top of the pay freeze.

6.3 Procurement Update

- a. Trustees were updated on the appointment of a new Head of Procurement *Information has been exempted under Section 40(2) of the Freedom of Information Act 2000*². Trustees were informed about a recent internal audit report on procurement and it was noted that the Executive will report back to the Finance and Operations and Audit Committees on progress towards implementing its recommendations.

6.4 Tate Modern Project Update

- a. Trustees were updated on the status of discussions with the trade contractors. It was reported that the matter would be considered at the next Project Board, with an update for trustees at the next Board Meeting.
- b. Trustees were updated on the programme for Tate Modern. *Information has been exempted under Section 22 of the Freedom of Information Act 2000*³ Trustees were informed that the programme for the Tanks is scheduled to be announced on 23 April, that funding is confirmed and that they will open on 18 July. Trustees were informed that the integration of Learning and Curatorial had been a very fruitful experience. It was agreed that the Trustees would visit the Tanks before the opening.
- c. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*⁴

² **Section 40(2)** of the Freedom of Information Act provides that: Information is exempt where either:
1) disclosure would contravene the Data Protection principles, or would be likely to cause damage or distress, or
2) the data subject would not have a right of access/right to know under the Data Protection Act

³ **Section 22** of the Freedom of Information Act provides that:
(1) Information is exempt information if –
(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
(b) the information was already held with a view to such publication at the time when the request for information was made, and
(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).
(2) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) which falls within subsection (1)

⁴ **Section 43 (2)** of the Freedom of Information Act provides that: Information is exempt information if its disclosure under this Act would, or would likely to, prejudice the commercial interests of any person (including the public authority holding it).

6.5 Tate St Ives Phase 2 Project Update

- a. Trustees noted the report and were informed of an encouraging meeting in which the architect, Jamie Fobert, described plans to the project team. Trustees also noted that Cornwall Council was duly committed to the project.

6.6 Taking Tate Forward Update: Staff Briefings

- a. Trustees noted the report on the Staff Briefings of February and March, and that they had been successful. They were informed that the next round of briefings would take place in the autumn and that these will take into account feedback from staff.

6.7 Diversity Goals

- a. Trustees noted the update on diversity goals.

6.8 Internship Policy

- a. Trustees were informed that the Internship Policy will be implemented from 1 April 2012. *Information has been exempted under Section 36 of the Freedom of Information Act 2000*⁵
- b. Trustees asked how opportunities offered would be based on needs, how the process would be run and noted that a formal interview process would take place. Trustees noted that it is likely around thirty internships will be provided.

6.9 Volunteer Policy

- a. Trustees noted that Tate has now adopted a formal Volunteer Policy and that this will take effect from 1 April 2012. Trustees noted the work of the Senior Volunteers Manager in leading Tate's progress in this area.
- b. Trustees noted that volunteers' welfare is supported by a dedicated team, and that systems are in place to thank and appraise volunteers.

6.10 FOI and Trustees' Emails

- a. Trustees noted the guidance of the ICO on the use of private email addresses and that information sent from these accounts that relates to the business of the Tate Gallery is subject to the Freedom of Information Act 2000.

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or
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6.11 Board Visit to St Ives

- a. Trustees were reminded of the Board Visit to Tate St Ives scheduled for 18 May 2012.

6.12 Tate Liverpool Council Membership Update

- a. Trustees noted that Flo Clucas has recently resigned as a local councillor in Liverpool and will therefore step down from Tate Liverpool Council.

6.13 Board Dates 2013

- a. Trustees noted the dates for forthcoming meetings.

6.14 Staff Update

- a. Trustees noted the departure of Sheena Wagstaff from Tate Modern. *Information has been exempted under Section 36 of the Freedom of Information Act 2000⁶*
- b. Trustees were informed of the departure of the Head of Membership Services and noted the significance of his contribution during ten years in this role.
- c. Trustees noted that the curatorial review at Tate Britain continues. Trustees were informed *Information has been exempted under Section 36 of the Freedom of Information Act 2000⁶* that new structure will provide better coverage across the whole of Tate Britain's activities, as well as give a better balance of curators and assistant curators, improving the Gallery's capacity to undertake research and to discharge responsibilities with regard to modern, historic and British art. Trustees noted that the review had rebalanced the team's expertise.
- d. Trustees noted that recruitment for the new posts is progressing. *Information has been exempted under Section 36 of the Freedom of Information Act 2000⁶*
- e. Trustees were updated on the Dignity and Respect training workshops which have been well attended and appreciated by staff. It was noted that feedback from these workshops indicate that the findings of 2010 staff survey have been acted upon.

6.15 Sponsorships and Donations

- a. Trustees noted the report on sponsorships and donations.

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6.16 Tate Programme Schedule 2012

- a. Trustees noted the programme schedule.

6.17 Key Papers for Forthcoming Meetings

- a. Trustees noted the key papers for forthcoming meetings.

7. Key Points from Minutes of Councils and Committees

- a. Trustees noted the update on Finance and Operations Committee.
- b. Trustees were updated on the Tate Britain Council meeting, noting that particular attention had been paid to the need to develop the public spaces at Tate Britain with a mind to increasing dwell-time and encouraging associated retail.
- c. Trustees noted the report on the Tate St Ives Advisory Council.
- d. Trustees were updated on the meeting of the Tate Liverpool Council, and welcomed the donation of *Information has been exempted under Section 22 of the Freedom of Information Act 2000*⁷ by Sky Arts, in particular as providing an opportunity to contribute to Tate Liverpool's presence in the Albert Dock.
- e. Trustees noted the report on the Ethics Committee. *Information has been exempted under Section 36 of the Freedom of Information Act 2000*⁸
- f. Trustees noted the report on Tate Enterprises Ltd and noted *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*⁹ the success of the Kusama and Picasso exhibitions having led to increased footfall and spending.

⁷ **Section 22** of the Freedom of Information Act provides that:

- (1) *Information is exempt information if –*
 - (a) *the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),*
 - (b) *the information was already held with a view to such publication at the time when the request for information was made, and*
 - (c) *it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).*
- (2) *The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) which falls within subsection (1).*

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⁹ **Section 43 (2)** of the Freedom of Information Act provides that: *Information is exempt information if its disclosure under this Act would, or would likely to, prejudice the commercial interests of any person (including the public authority holding it).*

- g. Trustees noted the report on Tate Modern Council and its discussion of collaboration between Tate Modern and Tate Britain. Trustees also noted the particular concern that the Council expressed with regard to the state of cultural education.
- h. Trustees noted the report of the Collections Committee.
- i. Trustees noted the report of Tate Members Council and in particular that the Council had been enthused by a presentation on Tate Britain *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹⁰ The Chairman asked Trustees to note the continuing generosity of members and agreed to send a letter of thanks.

8. Finance Report

8.1 Report from Chair of Finance and Operations Committee

- a. The Chair of the Finance and Operations Committee drew Trustees' attention to two areas: fundraising for capital projects and digital development.
- b. Trustees noted the general need that arises to bridge funding gaps that arise between donations and project cash flow. It was reported to the Trustees that the Committee discussed project financing at length and was happy to advise Trustees to consider the proposed funding arrangement to be considered at Item 19. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹⁰
- c. *Information has been exempted under Section 36 of the Freedom of Information Act 2000*¹¹ It was also noted that a set of internal KPIs will be developed to measure the success of the new website and be incorporated into the Management Information Pack. *Information has been exempted under Section 36 of the Freedom of Information Act 2000*¹¹ It was noted that a question to be addressed is how Tate's digital work can support other areas, such as curatorial work and the building projects.

8.2 Management Information Pack

- a. Trustees were informed that due to the strong performance of both the Kusama and Richter exhibitions, it is likely that the position will come in ahead of that forecast in the Management Information Pack. *Information has been exempted under Section 43 (2)*¹⁰ *and Section 36*¹¹ *of the Freedom of Information Act 2000.*

¹⁰ *Section 43 (2) of the Freedom of Information Act provides that: Information is exempt information if its disclosure under this Act would, or would likely to, prejudice the commercial interests of any person (including the public authority holding it).*

¹¹ *Section 36 of the Freedom of Information Act provides that: Information is exempt information if its disclosure under this Act would be likely to have any the following effects:*

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- b. It was noted that DCMS's KPIs had for the moment been streamlined. Trustees noted that, in the meantime, it is important that mechanisms are maintained to measure and track all key strategies. This need not necessarily be confined to quantitative measures, and should go significantly beyond financial indicators.

9. Tate Britain Millbank Project

- a. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹² It was reported that progress is going well, on time, on budget and with the level of remaining contingency being ahead of remaining quantified project risk. The project remains on track for the galleries to be handed over to schedule *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹² Trustees were also updated on the schedule for completion, with the galleries and rehang being completed and open to the public in May 2013, and the new visitor facilities and circulation scheduled for completion in October 2013.
- b. *Information has been exempted under Section 43 (2)*¹², *Section 41*¹³ and *Section 22*¹⁴ *of the Freedom of Information Act 2000*

Trustees discussed current and potential prospects. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹²
- c. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹²
- d. TRUSTEES APPROVED proceeding to Phase 1b of the project, subject to the success of a recent funding bid *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹²

¹² **Section 43 (2)** of the Freedom of Information Act provides that: *Information is exempt information if its disclosure under this Act would, or would likely to, prejudice the commercial interests of any person (including the public authority holding it).*

¹³ **Section 41** of the Freedom of Information Act provides that:

- (1) *Information is exempt information if—*
 - (a) *it was obtained by the public authority from any other person (including another public authority), and*
 - (b) *the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.*
- (2) *The duty to confirm or deny does not arise if, or to the extent that, the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) constitute an actionable breach of confidence.*

¹⁴ **Section 22** of the Freedom of Information Act provides that:

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 - (b) *the information was already held with a view to such publication at the time when the request for information was made, and*
 - (c) *it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).*
- (2) *The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) which falls within subsection (1).*

10. British Art at the National Gallery and Tate Britain

10.1 British Art at the National Gallery and Tate Britain

Information has been exempted under Section 36 of the Freedom of Information Act 2000¹⁵

Chris Dercon left the meeting.

The meeting adjourned for a break.

Anna Cutler and Franceso Manacorda joined the meeting.

11. Learning Strategy

- a. The Director, Learning presented the report as an update on the Learning strategy. It was noted that the strategy has been underpinned by the desire to reach a wider, more diverse range of people with highest quality experience possible.

Information has been exempted under Section 36 of the Freedom of Information Act 2000¹⁵

- e. Trustees were informed of changed patterns in the take up of learning opportunities. It was noted that there has been increased sign up to early years programmes since November and an improvement in the quality of experience offered. *Information has been exempted under Section 36 of the Freedom of Information Act 2000²⁵* The Learning team has also begun to work much more closely with artists. Steps have also been take to develop learning opportunities for teachers, with knowledge shared on the Teachers' Console and a summer institute for schools and teachers. It was noted that the principle underlying developments in the Learning programme has been to engage young people by motivating them to lead their own learning rather than having their experience directed.
- f. The Director, Learning presented the cross-cutting and collaborative work undertaken by Tate's Learning team. *A is for Britain* at Tate Britain is an A-Z of different activities based on different works in the collection, designed to engage people critically in how they look at the art; it has been picked up by both families and older visitors. Using the opportunity of 'Late at Tate', the team has worked with the English National Ballet to put learners at the heart of the programme, and with Tate Media, has developed wider reach through YouTube.

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- g. Trustees were informed of steps that have been taken in interpretation, in particular with a view to seeding conversations with and between visitors, as well developing hand-held media. *Information has been exempted under Section 22 of the Freedom of Information Act 2000*¹⁶ Trustees also noted the success of the ‘Obliteration Room’ that accompanied the Kusama exhibition and its potential as a model for engagement around further exhibitions.
- h. The Director, Learning outlined the practice of research in the team, noting the skill required to provide learning experience and at the same time document work. Trustees were also introduced to a model used by the team in evaluating their work, the aim of which is to move beyond asserting value to accounting for exactly what it is that generates value.
- i. Trustees were informed of two pinchpoints- online working, and public programmes which will continue to place a burden on the team, especially after the opening of the Tanks.
- j. The Director, Learning also introduced the broader educational landscape, noting that very positive reports (such as the Henley Review) must be seen in the context of reports on the ground that there is a smaller amount of teacher training places, a drop in applications for cultural and arts teacher training and a 40% decrease in artistic and cultural activities in schools because of the introduction of Ebac. *Information has been exempted under Section 36 of the Freedom of Information Act 2000*¹⁷
- k. Trustees discussed the cultural learning environment. *Information has been exempted under Section 36 of the Freedom of Information Act 2000*¹⁷ The highest priority was identified as being to include arts in Ebac, and it was considered that as the success of the learning programme gains momentum, thought should be given as to how to share it more widely, for example through the Plus Tate network. It was noted that this process has already begun and that, before promoting Tate as a centre of excellence, time should be given to allow success to grow, and to test the programmes in place.

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- l. Trustees were reminded of the Worlds Together Conference to be convened in the Tanks in association with the Royal Opera House and the Royal Shakespeare Company.
- m. Trustees discussed how a wider campaign for cultural learning might take inspiration from the success of the campaign for music. Trustees also discussed a potential focus on the practical activity of making. *Information has been exempted under Section 36 of the Freedom of Information Act 2000*¹⁸ Trustees were also updated on conversations with Ofsted's national advisor on art.
- n. Trustees recommended that *Information has been exempted under Section 36 of the Freedom of Information Act 2000*¹⁸. Tate should develop its own set of clear KPIs in relation to learning, and use Trustees in an ambassadorial role. To reinforce this, it was recommended that progress against the KPIs should be reported at each Board meeting. *Information has been exempted under Section 36 of the Freedom of Information Act 2000*¹⁸
- o. Trustees noted the potentially negative impact on developing new audiences if art were no longer to be taught in the majority of schools. Concern was expressed that this would have serious impact on Tate's vision and mission. *Information has been exempted under Section 36 of the Freedom of Information Act 2000*¹⁸

12. Social/Cultural Value

- a. The origin of the paper was introduced as being to address the role of the production and history of art in wider contexts. It was noted in particular that the social unrest that spread across cities in the UK in the summer of 2011 raised awareness of the need to articulate Tate's social contribution more concisely, incorporating it into the broader mission statement. It was noted that Tate therefore invited the Change Project Manager to interview staff and produce a paper as provocation. It was noted that the Head of the Director's Office has taken this forward in preparation for the Directors and Programme group Away Day, the Board Away Day and discussions over the summer and as a preparation for reviewing mission statement. Trustees were asked to consider whether this amounts to sufficient preparation or if there is anything missing.
- b. The Head of the Director's Office introduced the concept of social and cultural value, emphasising that it encompasses communicating Tate's work in different ways more than undertaking new activities. Trustees were informed that the concept of social or cultural value is important in relation to how Tate is perceived by different groups or audiences and that it impacts upon how it behaves and develops as an organisation.

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- c. It was noted that the report is a preparatory paper relating to a question that has recurred and asked whether this was enough for the time being, and what issues are to be considered. Trustees agreed that the paper was useful in setting out what needs to be thought about and as a basis for future discussion. *Information has been exempted under Section 36 of the Freedom of Information Act 2000*¹⁹
- d. Trustees noted the tension between value as a measurable commodity and social or cultural value as something that is more flexible and less quantifiable. *Information has been exempted under Section 36 of the Freedom of Information Act 2000*¹⁹
- e. The Chairman noted the importance of recognising that the recommendations of the paper relate to matters covered in other discussions, and that this therefore points to the need to examine the contribution of various areas of activity to social/cultural value. It was also seen as a useful counterpoint to a 'rights-based' view of cultural and artistic provision, and that well-being is more difficult debate to frame. Trustees also noted two different aspects of the debate – the first relating to advocacy, the second dealing with what Tate should be doing as an organisation.
- f. Trustees agreed on the topic's importance and agreed to revisit and expand upon it at the Board Away Day in May.

13. Acquisitions Financial Statement

- a. Trustees NOTED the Acquisitions Financial Statement

14. Acquisitions for Decision

- a. Trustees considered for acquisition three works that exceed the delegated purchase authority limit of Collection Committee. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*²⁰ Trustees noted the strong recommendation of Collection Committee that Tate should acquire these works.
- b. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*²⁰

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15. Acquisitions for Noting

- a. Trustees NOTED the acquisitions as outlined in the report.

Information has been exempted under Section 22 of the Freedom of Information Act 2000²¹

16. Acquisitions Priorities 2012-13

- a. Trustees NOTED the report, noting that the Acquisitions Priorities had been discussed in detail at Collection Committee.

17. Implications of Woolf Report

- a. Trustees NOTED the report, noting that the Woolf Report had been discussed in detail by the Ethics Committee.

18. Donor Agreement

- a. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000²²*

19. Tate Modern Project Funding

Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000²²

20. Tate Modern Project: Leasing and Authorities

- a. Trustees APPROVED the grant of a Lease on the terms outlined in the report.

- b. Trustees delegated authority to let the brickwork package to the Tate Modern Project Board in April 2012 within the anticipated cost.
Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000²²

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21. Tate Modern Apartmental Rental

- a. It was noted that the proposed arrangement is tenancy and not rental; Trustees APPROVED the signing of the tenancy agreement as described in the report.

22. Authorised Loan Signatories

- a. Trustees APPROVED the revised system for the signing of loan forms as outlined in the report.

23. Appointments to Councils and Committees

- a. Trustees APPROVED all appointments to Councils and Committees.

24. Minutes from Councils and Committees

- a. Trustees NOTED the minutes from the meetings of the Councils and Committees.

25. Any Other Business

- a. There was no other business.

26. Date of Next Meeting

- a. Wednesday 16 May, Away Day, Tate Modern, Level 7 East, 9 am – 4 pm