

**Summary of meeting between the Rt Hon Jack Straw MP, Lord Chancellor and Secretary of Justice, and the 30-Year Rule Review Committee, 20 February 2008 at the Houses of Parliament.**

Committee members present:

Paul Dacre (PD, chair)  
Professor David Cannadine (DC)  
Sir Joseph Pilling (JP)

**The Chair began by asking Jack Straw (JS) whether the Freedom of Information (Fol) Act had made the 30-year rule out of date.**

JS said that the 30-year rule looked out of date, but that this had not made a limit out of date. For the sake of good government there ought to be a minimum period after which the default is disclosure unless strong exemptions apply. He favoured a reduction to 15 or 20 years. As administrations rarely last more than four terms, a reduction to 20 years would ensure that documents would almost never be disclosed while a party was still in office. Material from his career as a special adviser in the 1970s was now coming out and, although it might occasionally be embarrassing, it was not damaging.

He questioned how information would be released if there was no rule, given that files are not as well organised as they used to be. The existence of The National Archives helped to persuade departments into better record-keeping, which in itself was not a result of Fol. However, evidence from the US suggests that if Fol is taken too far it can cause government business to be conducted much more informally.

**JP asked how much difference a reduction to 10 years would make in a world where information was often disclosed early through (for example) the Hutton Inquiry, ministerial memoirs and Fol itself.**

JS said there were cases in which he and colleagues had been involved 10 years ago where disclosure now in the 'goldfish bowl' of British politics might endanger collective responsibility in future. A backstop was required and 20 years was probably the right period. It would not make for good or fair government if Ministers and the Opposition were the subject of disclosures dating back 10 or 15 years.

**PD asked whether there were not opportunities to learn from the mistakes of the past.**

JS said that Fol had led to a higher quality of decision-making because of the expectation of early scrutiny, and that the political climate had changed. For example, Parliamentary Questions had increased tenfold over the last 30 years, and it was now inconceivable that decisions on nuclear weapons would not be taken to the Cabinet. He had no regrets about the principles enshrined in the Act, but did feel that protections for Cabinet and official advice could and should have been stronger.

He felt that memoirs were an issue – it was reasonable for Ministers to give an account of their time, but officials and special advisers should not do so. Writing a memoir was different from disclosing documents.

**JP observed that there was confusion about whether special advisers' papers were exempt under Fol.**

JS said they were subject to Fol Act in the normal way. There was no case for making specific exemptions in respect of these papers, other than papers that were clearly political.

**DC asked where the additional resources required to fund any reduction might be found.**

JS said that changes should be phased in, but that money had to be found – it would not be a huge amount and it was important to preserve the memory of government for people to examine. A proper memory was of profound importance for a department, and his experience of different departments was that their ability to do this varied widely, partly as a result of mistaken efficiency savings. Officials moved on much quicker these days and were younger – the average age in the Treasury was 33. He urged the review team to include a recommendation about the importance of record-keeping and a coherent cross-government strategy, for which money was needed because it was for good government.

**PD asked whether Fol had increased trust in government, and whether it was 'democracy in action' at local level.**

JS said that it had initially decreased trust because many negative stories had come out. The compact of silence with the public had gone. For example, recent exposures about MPs' expenses had meant that, while in reality there was more accountability, the public felt there was less. However, while it was inconvenient for Ministers, it did prompt people to be more forthcoming at an earlier stage.

**PD asked whether earlier disclosure would constrain civil servants from offering frank advice.**

JS said yes, it would. Civil servants had to be able to offer robust advice to successive governments, and the advice would be different for Conservative or Labour Ministers. They should give their best judgment, and a lot would be lost if that were not the case. If a civil servant's robust advice were released quite quickly, while it might not damage formal reputation, it could corrode relations with future Ministers and therefore his or her career.

The Chair thanked JS and the meeting closed.