



Department for
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From the Permanent Secretary

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See Paul,

REVIEW OF THE "30 YEAR RULE" FOR GOVERNMENT RECORDS

Your letter of 28 December invited my Department to comment on the operation of the 30 year rule. I am grateful for the opportunity and have consulted colleagues within the Central Department and from each of our Executive Agencies.

The context for DfT is that only around 2% of our files – some 15,000 a year – are marked for possible transfer to the National Archives. The vast majority cover matters too mundane for inclusion in the public record and thus more than 90% are marked for destruction at 25 years and some even earlier.

You asked whether 30 years should remain the point at which Government records are normally made available to the public. Our view is that there is not a strong case for such a long period in respect of DfT records.

The significance of the 30 year rule has, for DfT, diminished considerably in the era of statutory access rights such as Freedom of Information and our practice of publishing more and more information proactively.

There are perhaps two key risks from our perspective, always assuming that security issues continue to be dealt with separately.

The first risk reflects the long term nature of some of our business. It is not unusual to find projects which take several decades from first consideration to opening for business: for example, the new high speed rail service for St Pancras has been actively in development since 1996, and the concession

for operating and maintaining the tracks might well exceed for many decades. As a Department, we would not want a reduction in the 30 year limit without appropriate and viable restrictions on commercial details of contracts still in operation.

Second, but here we will be in the same position as other Departments, we would expect any changes to the 30 year rule to accommodate the need to support Ministers with free and frank advice. FOI handles this through exemptions under public interest tests.

In both cases, it would be important to assess how the 30 year rules (or any replacement) differ from the FOI rules; and to ensure that, if a shorter rule is proposed, we are clear how the two regimes inter-relate.

It is the retrospective effect that is likely to cause most impact in practical terms if a shorter period brought into play significant volumes of material that had been created in expectation of either destruction or disclosure after 30 years. Records with a destruction date of 25 years could instead be caught for disclosure and add a significant burden for our records managers to reconsider this material. That said, I do not envisage any significant impact on DfT and its Agencies provided that any change is introduced in a way that avoids creating a sudden surge in the workload of records managers. Our preference would be for implementation to be staged so as to smooth the short-term additional resource effort.

I see less impact from the prospective element of implementation since disclosure can be taken into account when initiating documentation.

Overall, from our perspective, a new lower period of perhaps 15-20 years for the normal release of records to the public would be appropriate.

In terms of the practicalities of introducing a change we would ask that clear communication plans are established with stakeholder groups, including the National Archive, and the public.

I trust this is helpful and am content for you to publish these comments in your report if you so wish.

Yours sincerely
Robert Devereux

ROBERT DEVEREUX