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*Des James*

## **REVIEW OF THE 30 YEAR RULE**

I am responding to Paul Dacre's letter of 28<sup>th</sup> December 2007 asking for DFID's views on the 30-year rule and possible changes to it.

Overall we believe that the main argument for reducing the time at which government records are transferred to The National Archives is to provide citizens with easier access to information in a single location. We assume that government departments would continue to transfer some records that would remain closed, so that there would in principle be no increase in the amount of sensitive information to which the public had a right of access under FOI legislation. There would be some storage cost savings for government departments, but these would be heavily outweighed by the additional costs of reviewing and transporting more files during the transitional period. Any changes would need to be phased in over a number of years to spread the costs, and to allow them to be planned and implemented effectively. Comments on the specific points raised in the letter are set out below.

***Whether, in the Freedom of Information era, 30 years remains the point by which government records should normally be made available to the public***

In the FOI era the 30-year rule is primarily significant as an administrative point at which government bodies review their records, and transfer those worthy of permanent retention to The National Archives. The date of transfer should be set to ensure ease of access to information for citizens, while maximising the efficiency with



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which government manages its records in line with its legal obligations. It is likely that both of these could be improved by reducing the transfer date below 30 years.

In DFID almost all records have been held in electronic format since 2006. There is a strong case for transfer of electronic records to The National Archives at no more than 10 years after creation. This would enable the problem of digital preservation to be addressed through a central electronic storage facility for all government records. With early transfer of electronic records in place, the retention of older paper records by government departments would be anomalous and confusing for the public. The situation would eventually resolve itself under the 30 year rule, but there is a case for an accelerated transfer programme for paper records to remove the anomaly more quickly.

### ***Benefits of a reduction in the date of transfer***

- Easier access to government records for citizens, who would be able to obtain more records from The National Archives, without needing to contact government departments.
- Somewhat fewer FOI requests to DFID for older records. The reduction would be modest because most FOI requests are for records in the last year.
- Long term file storage costs for government departments would be reduced. This would result from earlier destruction of some records, and economies of scale from increased central storage and management of records by The National Archives.

### ***Risks of a reduction in the date of transfer***

- Insufficient resources available to carry out the transition effectively. This would risk inadequate review of files, with records being inappropriately destroyed or transferred without proper consideration.
- A large increase in the number of closed records being referred back to government departments from The National Archives following FOI requests. This would only be a significant issue for DFID if the date was reduced below 10 years.
- Insufficient capacity for The National Archives to provide effective public access to an increased volume of records.

### ***The impact any reduction in the 30-year closure period would have on your department and sponsored agencies and bodies***

Most DFID files are destroyed within 10 years of creation, so reducing the transfer date to a period of 10 years or more would have only a modest impact on the volume of files retained. DFID would still have to handle FOI requests for sensitive information that had been transferred in closed file. The main impact for DFID would be additional costs for extra staff to carry out more file reviews during the transitional phase. The table below gives estimates of the number of additional staff needed, assuming a one year transitional period:

<b>New transfer date</b>	<b>Estimated additional staff needed for one year to implement the change</b>
25 years after creation	1 x EO 1 x AO 2 x AA
20 years after creation	2 x EO 2 x AO 4 x AA
15 years after creation	3 x EO 3 x AO 6 x AA

In addition to staff costs there would be an increase in costs for retrieving and transporting files from outsourced storage for review during the transitional period. We estimate that implementation costs would heavily outweigh any savings in storage costs, with any net savings for DFID only being realised in the very long term.

***Options for planning and implementing a transition to any new arrangements***

A period of up to a year would be needed to plan implementation, liaise with suppliers, and to recruit and train staff to undertake additional file review work. Implementation should then be phased over a number of years, depending on how far the transfer date is reduced. For DFID we estimate that each 5 year reduction in the transfer date would require a 2 year period for file review, as indicated in the following table:

<b>Optimal phasing for DFID of reductions in the file transfer date</b>	
<b>New transfer date</b>	<b>Suggested implementation period (including 1 year planning)</b>
25 years after creation	3 years
20 years after creation	5 years
15 years after creation	7 years
10 years after creation	9 years

I hope you find this information helpful, and I look forward to seeing the outcome of the review.

*Sue Owen*

**SUE OWEN**